



A BAC RESOLUTION DECLARING TWO-FAILED BIDDINGS AND RECOMMENDING FOR NEGOTIATED PROCUREMENT

RESOLUTION NO. 431, S. 2017 (CIVIL WORKS)

WHEREAS, in compliance with the provisions of RA 9184, the Kalinga State University (KSU) published in the Manila Bulletin on July 14, 2017 the **Invitation to Bid (IB)** for the conduct of public bidding for **Construction of Performing Arts Theater in Bulanao Campus (Package Contract)** (Ref. Nos. **KSU-RAF-IB2016-05 & 264004080300006**) with an Approved Budget for the Contract (ABC) amounting to **Sixteen Million, Four Hundred Fifty-five Thousand, Two Hundred Thirty-three Philippine Pesos and Seventy-two Centavos (Php 16,455,233.72)** and posted the same at PhilGEPS website (<https://www.philgeps.gov.ph>), KSU website (<http://ksu.edu.ph>), and conspicuous place at the premises of the University continuously for seven days;

WHEREAS, in response to the said advertisements, five (5) bidders browsed/read the opportunity at the PhilGEPS website namely: Fulcrum Engineering, Az General Merchandizing, GNF General Merchandise, CNG Construction and First Reliable Builders while only bidder's representative of CNG Construction has attended the **Pre-bid Conference** on July 12, 2017 whereupon **Supplemental Bid/Bulletin No. 01 dated July 14, 2017** was issued regarding amendments and clarifications on the different sections of bid documents;

WHEREAS, during the **Receipt and Opening of Bids** on July 24, 2017 at 10 a.m., neither bidder has purchased nor submitted its bid document, wherein the BAC declared a failure of bidding pursuant to Section 35.1(a) of the IRR of RA 9184, and directed the Technical Working Group for Infrastructure Projects to review and make necessary adjustment as to budgetary requirement, scope of works or other parts of the bidding documents to attract prospective bidders;

WHEREAS, similar **IB** was published at the Manila Bulletin on July 28, 2017 and posted the same at required sites (PhilGEPS and KSU websites, and University Campuses Bulletin Boards) from July 26, 2017 to August 3, 2017 with a new ABC of **Php 16,457,668.90**;

WHEREAS, in response to the said advertisements, **two bidder's representatives** namely: Teckon Construction and Joint Venture of LAB General Engineering/I.P. Lacwasan Construction & Development Corporation attended the **Pre-bid Conference** on August 4, 2017, whereupon **Supplemental Bid/Bulletin No. 01 dated August 7, 2017** was issued regarding amendments and clarifications on the bid documents;

WHEREAS, four bidders namely: **JV of LAB General Engineering/I.P. Lacwasan Construction & Development Corporation, Syndtite Construction Corporation, Roma Construction & Development Corporation, and St. Gerrard Construction Corporation** have purchased the bid documents on August 4, 9, 11 & 16, 2017 respectively but only the first and last bidders dropped their proposals on **August 16, 2017** **Receipt and Opening of Bids** where both bidders were declared "eligible" as to technical documents and "complying" as to their financial documents, subject for post qualification;

WHEREAS, the BAC TWG-Infra and members conducted a **post qualification evaluation to the first lowest calculated bidder, St. Gerrard Construction Corporation** on August 23, 2017 at Pasig City and found out that the subject contractor is "**non-responsive**" as to its declared Single Largest Completed Contract which is the "Proposed Construction of Five (5) Storey Building (100 Classrooms) at Ilugin Elementary School, Brgy. Pinagbuhatan, Pasig City, and the BAC, upon recommendation of the TWG-Infra, **issued a Notice of Post Disqualification** on August 25-26, 2017;

WHEREAS, in accordance with Post Qualification Process, Rule X, Section 34.6 of the 2016 IRR of RA 9184, the BAC scheduled a **post qualification process to the second lowest calculated bidder, JV of LAB General Engineering/I.P. Lacwasan Construction & Development Corporation** for the period **August 30 to September 2, 2017** at Benguet and Mountain Province and upon checking the bidder's performance in its ongoing and completed government and private contracts, the TWG-Infra found out that **only two government**

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Republic of the Philippines
KALINGA STATE UNIVERSITY
PROCUREMENT SERVICE UNIT
BIDS AND AWARDS COMMITTEE
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completed contracts namely: Construction/Completion of Charity Ward (B-4) Bontoc General Hospital, and Construction of an Open Shade at the Provincial Plaza, both in Bontoc, Mountain Province were declared, whereupon the TWG-Infra made a recommendation for further deliberation by the BAC of the declared inadequate/patently insufficient statements;

WHEREAS, upon careful study, interview, and investigation of the contracting capacity and performance of the concerned bidder, and in consideration of the advantageous terms to the government, the BAC resolved on September 21, 2017 to post disqualify JV of LAB General Engineering/I.P. Lacwasan Construction & Development Corporation due to its "non-responsive" statement of ongoing and completed government and private contracts;

WHEREAS, after having mandatorily reviewed the results of aforementioned post-disqualification process through series of BAC meetings, the body resolved to bar or disallow both post-disqualified bidders to participate again for this project once re-publish;

NOW, THEREFORE, We the members of the Bids and Awards Committee, exercising prudence, good faith and transparency, hereby **RESOLVE AS IT IS HEREBY RESOLVED**:

to declare a second failure of bidding for the Construction of Performing Arts Theater in Bulanao Campus (Package Contract) considering that both bids of St. Gerrard Construction Corporation and JV of LAB General Engineering/I.P. Lacwasan Construction & Development Corporation failed post-qualification pursuant to Section 35.1(c) of the Revised IRR of RA 9184;

to recommend a Negotiated Procurement under Two-Failed Biddings as provided by Section 53.1 of the 2016 IRR of RA 9184 considering that "time is of the essence" in addressing possible low rating on Budget Utilization Rate (BUR) of the University for its Capital Outlay Projects;

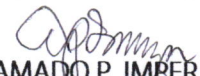
to recommend for exclusion of St. Gerrard Construction Corporation and JV of LAB General Engineering/I.P. Lacwasan Construction & Development Corporation should they participate for the Negotiated Procurement of this specific project for valid reason;

to recommend for approval by the President of Kalinga State University of the foregoing findings and recommendations.

RESOLVED FINALLY, to post this Resolution at the KSU Website and conspicuous place at the premises of the University including the BAC Bulletin Board.

Done this 22nd day of September 2017, Conference Hall, Admin. Bldg., KSU Main Campus, Purok 6, Bulanao, Tabuk City, Kalinga.

THE BIDS AND AWARDS COMMITTEE:


AMADO P. IMPER
Chairman, BAC


ARSENIA M. BAYONGAN
Member, BAC


PERFELIA R. BUEN
Member, BAC

JOHN JOHN C. VENUS
Member, BAC


ROMUALDO U. WACAS
Member, BAC

APPROVED BY:


EDUARDO T. BAGTANG, CPA, DBM
Head of the Procuring Entity

Date approved: _____