



Republic of the Philippines
Department of Agriculture
Bureau of Fisheries and Aquatic Resources
BIDS AND AWARDS COMMITTEE OFFICE

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RESOLUTION NO.: 2021-04-A.1
Series of 2021

BAC RESOLUTION DECLARING SECOND FAILURE OF BIDDING AND TO PROCEED WITH NEGOTIATED PROCUREMENT FOR LOT NO. 2 WITH BID REFERENCE NO. 2021-04-A (RE-BIDDING) ENTITLED "SUPPLY AND DELIVERY OF ICT COMPUTER HARDWARE FOR BFAR OFFICE PRODUCTIVITY PROJECT".

WHEREAS, on 30 July 2021, Bureau of Fisheries and Aquatic Resources - Bids and Awards Committee (BFAR-BAC) issued Resolution No.: 2021-04.2 series of 2021 Declaring First Failure of bidding and to conduct of Re-bidding for the above-mentioned procurement project.

WHEREAS, then after, the BFAR-BAC advertised the Invitation to Bid for the procurement project entitled **"SUPPLY AND DELIVERY OF ICT COMPUTER HARDWARE FOR BFAR OFFICE PRODUCTIVITY PROJECT"** (herein referred to as "Procurement Project") consisting of two (2) lots through posting in the Philippine Government Electronic Procurement Service (PhilGEPS), in the Bureau's website (www.bfar.da.gov.ph) and in conspicuous places within the Bureau's premises for seven (7) days;

WHEREAS, on 30 July 2021 (Friday) at 2:30 pm the Pre-Procurement Conference for the Procurement Project was held at the BFAR-BAC Office, 3rd Floor PCA Building, Elliptical Road, Diliman, Quezon City and through video conference call using **"Zoom"** application;

WHEREAS, the Pre-bid Conference was conducted on 31 August 2021 (Tuesday), 10:00 AM at the BFAR-BAC Office, 2nd Floor, BFAR Building, Bureau of Plant Industry Compound, Visayas Avenue, Diliman, Quezon City and through video conference call using **"Zoom"** application and was participated by Five (5) bidders namely;

1. **UNISON COMPUTER SYSTEMS, INC.;**
2. **MASANGKAY COMPUTER CENTER;**
3. **MAXCOR INTER-VENTURES, CO.;**
4. **STUDIO84, INC.; and**
5. **JONECO TECH. MARKETING CORP.**

WHEREAS, on 15 September 2021 (Wednesday) at 10:00 am, the opening of bids for the Procurement Project was held at the BFAR-BAC Office, 2nd Floor, BFAR Building, Bureau of Plant Industry Compound, Visayas Avenue, Diliman, Quezon City and through video conference call using “Zoom” application;

WHEREAS, in the said Bid Opening, Three (3) bidders submitted their bid envelopes namely:

1. **JONECO TECH. MARKETING CORP. (Lot No. 2);**
2. **MACROLOGIC DIVERSIFIED TECHNOLOGIES INC. (Lot No. 2); and**
3. **IT AVENUE GENERAL MERCHANDISE (Lot No. 1 & 2);**

WHEREAS, during the preliminary evaluation using a non-discretionary pass or fail criteria, the Eligibility and Technical envelopes submitted by **MACROLOGIC DIVERSIFIED TECHNOLOGIES, INC.** and **IT AVENUE GENERAL MERCHANDISE** were “PASSED” and declared eligible for the opening of the financial bid envelopes except for **JONECO TECH. MARKETING CORP.**, who was declared as an outright disqualified bidder for **Lot No. 2** due to the submitted Tax Clearance already been lapsed dated 04 September 2021;

WHEREAS, it is a clear manifestation of non-compliance to pursuant to Section 30.1 of the 2016 Revised IRR of R.A. 9184 states that:

Preliminary Examination of Bids

*30.1. The BAC shall open the first bid envelopes in public to determine each bidder's compliance with the documents required to be submitted for eligibility and for the technical requirements, as prescribed in this IRR. For this purpose, the BAC shall check the submitted documents of each bidder against a checklist of required documents to ascertain if they are all present, using a non-discretionary “pass/fail” criterion, as stated in the Instructions to Bidders. If a bidder submits the required document, it shall be rated “passed” for that particular requirement. In this regard, **bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as “failed”**. Otherwise, the BAC shall rate the said first bid envelope as “passed.”;*

WHEREAS, the BAC in resolving the issue stated that one of the purposes of Bid Opening involves the non-discretionary pass or fail criteria based on the existence or non-existence of certain documents, hence, the declaration as to the non-compliance/disqualification of the bidders/suppliers is proper;

WHEREAS, the BAC informed the disqualified bidder/supplier has a right to file a Motion for Reconsideration within three (3) calendar days from receipt of the verbal/notice of disqualification. Subsequently, their Bid Documents were ordered to be re-sealed and will be opened only if the BAC finds meritorious grounds in their Motion for Reconsideration, if any;

WHEREAS, the BAC proceeded with opening of financial bid envelopes of the bidders who "PASSED" and declared eligible. During the opening of the financial bid envelopes submitted, their bids were read and tabulated as follows:

Financial Proposal (Php) Lot No. 1	Financial Proposal (Php) Lot No. 2
IT AVENUE GENERAL MERCHANDISE 20,504,350.00	MACROLOGIC DIVERSIFIED TECHNOLOGIES, INC. 6,323,483.54
	IT AVENUE GENERAL MERCHANDISE 7,106,011.44

WHEREAS, after reading and determining the amount of bids as proposed by the qualified bidders, the BAC declared the offer of **IT AVENUE GENERAL MERCHANDISE** as the single lowest bid as read for **Lot No. 1** and **MACROLOGIC DIVERSIFIED TECHNOLOGIES, INC.** as the lowest bid as read and **IT AVENUE GENERAL MERCHANDISE** as the second lowest bid as read for **Lot No. 2**, the said procurement project will be subjected to post bidding evaluation and post qualification process to be conducted by the TWG;

WHEREAS, on the same day of opening of bids, the copies of the Eligibility, Technical and Financial envelopes of the bidders were transmitted to the Technical Working Group (TWG) for post-evaluation and post-qualification process;

WHEREAS, within the three (3) days given to file a request for reconsideration, the BAC did not receive any from **JONECO TECH. MARKETING CORP.;**

WHEREAS, on September 22, 2021, the Bid Evaluation Report was received by the BAC.

WHEREAS, the TWG submitted the bid evaluation report stating *inter alia* their recommendation to disqualify **MACROLOGIC DIVERSIFIED TECHNOLOGIES, INC.** and **IT AVENUE GENERAL MERCHANDISE** for failure to comply with the minimum technical requirements as stated in the bidding documents;

WHEREAS, on September 23, 2021, the BAC together with the TWG conducted a deliberation meeting on the submitted Bid Evaluation Report;

WHEREAS, the BAC, after due consideration on the report of the TWG, resolved to adopt the same and recommend the post bid evaluation disqualification for **Lot No. 2 of MACROLOGIC DIVERSIFIED TECHNOLOGIES, INC. and IT AVENUE GENERAL MERCHANDISE;**

WHEREAS, on September 24, 2021, a Notice of Disqualification for **Lot No. 2 to MACROLOGIC DIVERSIFIED TECHNOLOGIES, INC. and IT AVENUE GENERAL MERCHANDISE** was sent thru email;

WHEREAS, on 21 October 2021, BAC issued Resolution No. 2021-04-A series of 2021 on the denial of Motion for Reconsideration for **Lot No. 2** and sent to **MACROLOGIC DIVERSIFIED TECHNOLOGIES, INC.** which was duly received the same day and given three (3) calendar days to file a request for a reconsideration;

WHEREAS, the BAC did not receive any Motion for Reconsideration from **MACROLOGIC DIVERSIFIED TECHNOLOGIES, INC.** within three (3) days from acknowledgement;

WHEREAS, this failure by **MACROLOGIC DIVERSIFIED TECHNOLOGIES, INC. and IT AVENUE GENERAL MERCHANDISE** for **Lot No. 2** caused a failure of public bidding for the second time; and

WHEREAS, the BAC declared the Second Bidding for the Project as **"FAILED"** and recommending for the approval of the Head of the Procuring Entity (HoPE) to proceed with the Negotiated Procurement as per Section 53.1 of the 2016 Revised Implementing Rules and Regulations of RA 9184.

NOW, THEREFORE, we, the members of the BAC hereby **RESOLVED**, as it is hereby **RESOLVED:**

1. To declare the **Second Failure of Bidding** for the Project; and
2. To recommend to the HoPE the approval of declaring **2nd FAILURE OF BIDDING** for Project herein described and approval to proceed with the Negotiated Procurement as per Section 53.1 of the 2016 Revised IRR of RA 9184.


RESOLVED on this 16th day of October 2021.


BIDS AND AWARDS COMMITTEE:


ATTY. DEMOSTHENES R. ESCOTO
Chairman


ATTY. BENJAMIN F.S. TABIOS, JR.
Vice Chairman


MARC LAWRENCE J. ROMERO
Member


MARY JOY A. MALVAS
Member


REXIAN D. BERJA
Provisional Member/End-User

APPROVED:

Commodore EDUARDO B. GONGONA, PCG (Ret)
Head of Procuring Entity
BFAR Director