



Bureau of Fisheries and Aquatic Resources
BIDS AND AWARDS COMMITTEE OFFICE
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RESOLUTION NO.:2022-02

Series of 2022

A RESOLUTION RECOMMENDING AWARD OF CONTRACT TO THERMAX POWER & ENERGY SUPPLIES AND EQUIPMENT, INC. ; UNDERBID REFERENCE NO. 2022-02 "SUPPLY AND DELIVERY OF DIGITAL OIL PRECISION TESTER FOR 14 UNITS OF MCS PATROL VESSELS, 2 UNITS OF MMOV, TAMBAKOL AND DYCA"

WHEREAS, the BFAR Bids and Awards Committee (BFAR-BAC) advertised the Invitation to Bid for the procurement project entitled **"SUPPLY AND DELIVERY OF DIGITAL OIL PRECISION TESTER FOR 14 UNITS OF MCS PATROL VESSELS, 2 UNITS OF MMOV, TAMBAKOL AND DYCA"** (herein referred to as "Procurement Project") consisting of one (1) lot 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 23 December 2021 at 9:00 am the Pre-Procurement Conference for the Procurement Project was held at the BFAR BAC Office, 2 /F Fisheries Building Complex, Bureau of Plant Industry Compound, Visayas Ave., Quezon City;

WHEREAS, on 24 January 2022 at 9:00 am the Pre-Bid Conference for the Procurement Project was held at the BFAR BAC Office 2 /F Fisheries Building Complex, Bureau of Plant Industry Compound, Visayas Ave., Quezon City;

WHEREAS, on 07 February 1:00 pm, the opening of bids for the Procurement Project was held at the BFAR BFAR BAC Office, 2 /F Fisheries Building Complex, Bureau of Plant Industry Compound, Visayas Ave., Quezon City through video conferencing application 'zoom'.

WHEREAS, in the said Bid Opening, two (2) bidders submitted their bid proposal for different lots namely:

- 1. DALAZ ENTERPRISES**
- 2. THERMAX POWER & ENERGY SUPPLIES AND EQUIPMENT, INC. ;**

3. **WHEREAS**, in the preliminary evaluation using a non-discretionary pass or fail criteria, during the opening of the Legal and Technical envelopes submitted by the bidders/suppliers **DALAZ ENTERPRISES** And **THERMAX POWER & ENERGY SUPPLIES AND EQUIPMENT, INC.** ; were "PASSED" and declared eligible for the opening of the financial bid envelopes. ;

WHEREAS, during the opening of the financial bid envelopes submitted by the bidders its bids were read and tabulated as follows:

<i>Lot No.</i>	<i>Description</i>	DALAZ ENTERPRISES	THERMAX POWER & ENERGY SUPPLIES AND EQUIPMENT, INC.
1	"SUPPLY AND DELIVERY OF DIGITAL OIL PRECISION TESTER FOR 14 UNITS OF MCS PATROL VESSELS, 2 UNITS OF MMOV, TAMBAKOL AND DYCA"	Php 12,000,000.00	Php 16,057,500.00

WHEREAS, after reading and determining the amount of bids as proposed by the qualified bidder/s, the BAC declared the offer of DALAZ ENTERPRISES AS THE LOWEST BID OFFER;

WHEREAS, during the BID EVALUATION, DALAZ ENTERPRISES was declared as an outright disqualified due to the following grounds:

DALAZ ENTERPRISES

1. *The bidder submitted a Philgeps Certificate and in List of Eligibility Documents Tax Clearance and Mayor's permit are already expired. However, the bidder failed to attached supporting Documents Like Official Receipt (OR) or any proof of filing.*

WHEREAS, it is a clear manifestation of non-compliance because 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, Section 8.5.2 of the 2016 revised IRR of RA No. 9184 mandates all prospective bidders to upload in the Philippine Government Electronic Procurement System (PhilGEPS) and maintain current and updated the following Class “A” Eligibility Documents under Section 23.1(a) and 24.1(a) of the same IRR

1. Registration Certificate;
2. Mayor’s/ Business Permit or its Equivalent Document;
3. Tax Clearance;
4. Philippine Contractors Accreditation Board (PCAB) license and registration; and
5. Audited Financial Statements;

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 declared that the disqualified bidders/suppliers have a right to file a Motion for Reconsideration within three (3) calendar days from receipt of the verbal/notice of disqualification, 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, on 15 February 2022, a Notice of Disqualification was sent to **DALAZ ENTERPRISES** thru electronic mail;

WHEREAS, on 17 February 2022, **DALAZ ENTERPRISES** submitted a motion for reconsideration articulating the following:
DALAZ ENTERPRISES

“We sincerely regret the oversight we have committed and pray that the Committee will reconsider its decision on the basis of our eligibility and the potential cost savings that the esteemed Bureau is set to gain given the competitive pricing we have submitted without compromising the quality as the product we are offering to supply is an original equipment manufactured by Geserco.”

WHEREAS, after due deliberation, the members of the Bids and Awards Committee unanimously agreed and recommends for the denial of the motion for

Reconsideration filed by **DALAZ ENTERPRISES** due to failure to comply with the above-mentioned requirements;

WHEREAS, the BAC ordered that the copies of the Eligibility, Technical and Financial envelopes of the bidder be forwarded to the TWG for post-evaluation and post-qualification process;

WHEREAS, the Technical Working Group (TWG) submitted the bid evaluation report stating *inter alia* their recommendation for the conduct of the post-qualification process on the offer of **THERMAX POWER & ENERGY SUPPLIES AND EQUIPMENT, INC.**

WHEREAS, the post qualification documents submitted by the second lowest calculated and responsive bidder were transmitted to the TWG;

WHEREAS, the TWG recommended in the post qualification report that the award for the Procurement Project be given to **THERMAX POWER & ENERGY SUPPLIES AND EQUIPMENT, INC.** for *being the Second Lowest Calculated and Responsive Bidder and Compliant with the Technical Specifications;*

WHEREAS, the BAC, after due consideration on the report of the TWG, resolved to adopt the same and recommend the awarding of contract to **THERMAX POWER & ENERGY SUPPLIES AND EQUIPMENT, INC.;**

NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, that the procurement of the project "**SUPPLY AND DELIVERY OF DIGITAL OIL PRECISION TESTER FOR 14 UNITS OF MCS PATROL VESSELS, 2 UNITS OF MMOV, TAMBAKOL AND DYCA**" being the bidder who offered the Second Lowest Calculated and Responsive Bid in the total amount SIXTEEN MILLION FIFTY-SEVEN THOUSAND AND FIVE HUNDRED PESOS ONLY Php 16,057,500.00

RESOLVED FINALLY that the Notice of Award be issued to **THERMAX POWER & ENERGY SUPPLIES AND EQUIPMENT, INC.;** for the preparation of the contract agreement, Notice to Proceed and commencement of the delivery of the Goods.

Done this 11TH day of March 2022 in Quezon City.

BID AND AWARDS COMMITTEE:


ATTY. DEMOSTHENES R. ESCOTO
Chairman


MR. NAPOLEON SALVADOR J. LAMARCA
Vice-Chairman


MR. MARC LAWRENCE S. ROMERO
Member


MS. MARYGRACE QUINTERO
Member


ENGR. DON GEORGE R. TANA
End-User

APPROVED:


COMMODORE EDUARDO B. GONGONA
Head of the Procuring Entity (HOPE)
DA-BFAR Director