



**UNIVERSITY OF THE PHILIPPINES BAGUIO**  
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**RESOLUTION No. 2023-022**

**BAC RESOLUTION DECLARING SECOND FAILURE OF BIDDING AND RECOMMENDING  
NEGOTIATED PROCUREMENT AS MODE OF PROCUREMENT FOR THE PROJECT:  
REHABILITATION OF PARKING LOT, ENTRANCE & EXIT ROADS  
with Bid Reference No. UPB-BID-2023-01A**

**WHEREAS**, the Bids and Awards Committee (BAC) was created to ensure transparency in the procurement process and in the implementation of procurement contracts, with the end view of guaranteeing that contracts are awarded pursuant to the provisions of Republic Act 9184 and its Implementing Rules and Regulations, and that all procurement are conducted strictly according to specifications;

**WHEREAS**, on 25 April 2023, the BAC issued BAC Resolution No. 2023-09, declaring the First (1<sup>st</sup>) Bidding for the procurement of the project: Rehabilitation of Parking Lot, Entrance & Exit Roads with Bid Reference No. UPB-BID-2023-01 a failure since no prospective supplier submitted a bid;

**WHEREAS**, the University of the Philippines Baguio advertised the rebidding of the same procurement on 03 May 2023;

**WHEREAS**, the University of the Philippines Baguio continuously advertised the Invitation to Bid for the Procurement Project: **Rehabilitation of Parking Lot, Entrance & Exit Roads, Bid Reference Number UPB-BID-2023-01A**, with an Approved Budget for the Contract (ABC) in the amount of **FOUR MILLION FIVE HUNDRED THOUSAND PESOS ONLY (PhP 4,500,000.00)**, at the University of the Philippines Baguio website, the PhilGEPS, and in conspicuous places at the premises of the University of the Philippines Baguio from 03 May 2023 to 24 May 2023;

**WHEREAS**, in response to the said advertisement, two (2) bidders, namely LEO HEIRS CONSTRUCTION, and JEROS CONSTRUCTION AND SUPPLY purchased bid documents;

**WHEREAS**, on 24 May 2023, the scheduled submission and opening of bids, both suppliers, LEO HEIRS CONSTRUCTION and JEROS CONSTRUCTION AND SUPPLY submitted their bids;

**WHEREAS**, after opening the technical and financial component envelopes, the BAC declared the following:

<b>BIDDER</b>	<b>Eligibility Documents</b>	<b>BID AMOUNT PRICE</b>	<b>BID DISCOUNT</b>	<b>BID AMOUNT (as Read)</b>
LEO HEIRS CONSTRUCTION	Eligible/ Compliant	Php 4,459,072.51	312,135.08	Php 4,146,937.43
JEROS CONSTRUCTION AND SUPPLY	Eligible/ Compliant	Php 4,412,365.65		Php 4,412,365.65

**WHEREAS**, LEO HEIRS CONSTRUCTION is declared to be the bidder with the **Lowest Calculated Bid**, with a bid in the amount of **FOUR MILLION ONE HUNDRED FORTY-SIX THOUSAND NINE HUNDRED THIRTY-SEVEN PESOS AND 43/100 ONLY (PhP 4,146,937.43)**.

**WHEREAS**, after the bidding, the documents were referred to the Technical Working Group (TWG) of the Bids and Awards Committee for evaluation and post-qualification;

**WHEREAS**, during the post qualification period from 26 May 2023 to 6 June 2023, the Technical Working Group (TWG), after thorough evaluation, validation and verification of the eligibility and technical requirements reported that LEO HEIRS CONSTRUCTION failed to pass the post qualification due to the following result:

1. Section III: Item 10.3 – Verification of the required PCAB License (Small-B General Engineering) shows that submitted PCAB License Number 37185 (General Engineering) is

inconsistent with the Principal Classification (Specialty-Electrical Work) found under the PCAB-Regular License Online Verification.

2. Section III: Item 10.5- Verification of the ownership or availability of equipment shows that all equipment included in the submitted Affidavit of Ownership have proof of purchase except for the Cutting Outfit and other Minor Tools. Review of the Agreement to enter to Lease for the Pneumatic Roller shows that the agreement is between Mr. Jesus Dy and Emmanuel S. Leo, however, the owner of the equipment per attached Absolute Deed of Sale of Equipment is Mr. William Dy, hence, the agreement is not valid.

3. Section III: Item 20-The contractor failed to submit the Business Tax Return/Value Added Tax Return for the period ending 31 December 2022 within the non-extendable period of 5 days. The requirement is Business Tax Return filed within the last six months preceding the date of bid submission.

**WHEREAS**, on 9 June 2023, a letter of post- disqualification had been sent by SPMO to Leo Heirs Construction through email and was acknowledged receipt by Leo Heirs Construction on 14 June 2023.

**WHEREAS**, the BAC TWG conducted detailed bid evaluation, due diligence and post qualification to the 2<sup>nd</sup> bidder and indicated in the report that:

*The bid offer of **Jeros Construction and Supply**, the 2<sup>nd</sup> lowest calculated bid, was found to be non-responsive due to non-inclusion of all the required items in the Bidding Documents as per Section 32.2.1.a of the 2016 revised IRR of RA 9184 which states " a. Completeness of the bid. Unless the Instruction to Bidders specifically allow partial bids, bids not addressing or providing all of the required items in the Bidding Documents including, where applicable, bill of quantities, shall be considered **non-responsive and, thus automatically disqualified**".*

**WHEREAS**, on 19 June, a letter of post-disqualification had been sent by SPMO to Jeros Construction and Supply through email and was acknowledged receipt by Jeros Construction and Supply on 20 June 2023.

**WHEREAS**, pursuant to Section 35.1 (c), Rule X of the 2016 Revised IRR of RA No. 9184 provides that the BAC shall declare a failure of bidding when, *to wit*:

*Section 35. Failure of Bidder:*

*35.1 The BAC shall declare the bidding a failure when:*

*(a) No bids are received;*

*(b) All prospective bidders are declared ineligible;*

*(c) All bidders fail to comply with all the bid requirements or fail post-qualification, or, in the case of Consulting Services, there is no successful negotiation; or*

*(d) The bidder with the LCRB, HRRB, SCRB or SCRRB refuses, without justifiable cause, to accept the award of contract, and no award is made in accordance with Section 40 of the Act and this IRR.*

**NOW, THEREFORE**, We, the Members of the Bids & Awards Committee, hereby RESOLVE as it is hereby RESOLVED:

- (a) To declare the 2<sup>nd</sup> failure of bidding for the Procurement Project, Rehabilitation of Parking Lot, Entrance & Exit Roads, with an Approved Budget for the Contract (ABC) of Four Million Five Hundred Thousand Pesos Only (PhP 4,500,000.00);
- (b) To recommend for the approval by the Head of the Procuring Entity, the Chancellor on the change in the method of procurement for the Rehabilitation of Parking Lot, Entrance & Exit Roads to Negotiated Procurement in view of two (2) consecutive failed competitive biddings;

**RESOLVED**, at the Chancellor's Board Room, University of the Philippines Baguio this 26th day of June 2023.

  
JOEL M. ADDAWE  
Chairman, Bids & Awards Committee

  
GLORIA Q. RODRIGUERA  
Vice Chair

  
GIOVANNI R. RUALO  
Member

GRAZIELLE K. MICKLAY  
Member

  
ARIS A. REGINALDO  
Member

Action of the Head of the Procuring Entity: APPROVED

  
Prof. CORAZON L. ABANSI, PhD.  
Chancellor