

**BIDS AND AWARDS COMMITTEE
RESOLUTION NO. 10
Series of 2022**

CIAP-BAC SEC
CERTIFIED TRUE COPY



BAC Resolution Declaring Second Failure of Bidding for the Procurement for Partial Renovation of the Administrative Building at the CMDF TC Cavite

WHEREAS, BAC Resolution No. 05, series of 2022 was issued declaring a failure of bidding for the **Partial Renovation of the Administrative Building at the CMDF-TC Cavite**. The BAC Resolution was approved on 29 March 2022;

WHEREAS, the Construction Industry Authority of the Philippines – Bids and Awards Committee (CIAP-BAC) re-advertised the Invitation to Bid for the abovementioned project with an Approved Budget for the Contract of **Two Million Five Hundred Seventy-Four Thousand Two Hundred Eighteen Pesos and 90/100 (₱2,574,218.90)** in the Philippine Government E-Procurement System (PhilGEPS), CIAP website, and conspicuous places within CIAP premises from 21 April to 26 May 2022;

WHEREAS, one (1) bidder, Masulot Construction, purchased bid documents on 25 May 2022;

WHEREAS, during the scheduled submission and opening of bids on 26 May 2022, no bidder submitted their bids;

WHEREAS, Section 35, Rule X of the 2016 RIRR provides for the authority of the BAC to declare a failure of bidding when:

Section 35. Failure of Bidding

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 bids fail to comply with all the bid requirements or post-qualification, or x x x x (emphasis supplied)

WHEREAS, Section 35.2 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act No. 9184, provides the condition on the declaration of failure of bidding which states that:

35.2 In order to determine the reason for the failed bidding, the BAC shall conduct a mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents, including its cost estimates.

WHEREAS, Section 35.5 of the RIRR of R.A. No. 9184 provides the condition on the declaration of failure of bidding which states that:

35.5 Should there occur a second failure of bidding, the Procuring Entity may resort to negotiated procurement, as provided for in Section 53.1 of this IRR.



WHEREAS, Section 53.1 of the 2016 RIRR of R.A. No. 9184, the Procuring Entity can directly negotiate a contract with a technically, legally, and financially capable supplier, contractor or consultant in cases where there has been failure of Competitive Bidding or Limited Source Bidding for the second time as provided in Section 35 of the above Act and same IRR;

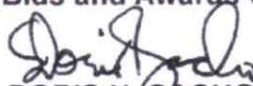
NOW, THEREFORE, for and in consideration of the foregoing, We, the members of the CIAP-BAC, hereby **RESOLVE** as it is hereby **RESOLVED** to:

1. declare failure of bidding for the Procurement for Partial Renovation of the Administrative Building at the CMDF TC Cavite for the second time since no prospective bidder submitted bids for the project;
2. recommend a mandatory review pursuant to Section 35.2 of the RIRR of R.A. No. 9184; and
3. recommend the alternative method, Negotiated Procurement – Two Failed Biddings, pursuant to Section 53 and provisions of Section V(D)(1) Specific Guidelines for Negotiated Procurement through Two Failed Biddings of the 2016 RIRR of R.A. No. 9184

Recommending Approval:

JUN 03 2022
Makati City

The CIAP Bids and Awards Committee



DORIS U. GACHO
BAC Chairperson



(ON LEAVE)
ATTY. HERBERT D.G. MATIENZO
Vice Chairman


ENGR. RENE E. FAJARDO
Member


OFELIA R. USIGAN
Member


ENGR. EJAY CRAIG D. DELEON
Provisional Member

APPROVED / DISAPPROVED:


Usec. IRENEO V. VIZMONTE
Head of Procuring Entity

