



**BIDS AND AWARDS COMMITTEE
RESOLUTION NO. 16
Series of 2022**

CIAP-BAC SEC
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BAC Resolution on the Cancellation of the Negotiated Procurement under Two Failed Biddings for the Partial Renovation of the Administrative Building at the CMDF TC Cavite Invoking the Reservation Clause under Section 41 of the Revised IRR of R.A. No. 9184

WHEREAS, the Construction Industry Authority of the Philippines (CIAP) advertised the Invitation for Negotiated Procurement (INP) under Two Failed Biddings for the Partial Renovation of the Administrative Building at the CMDF Cavite on 01 July 2022 at the PhilGEPS website, CIAP's website, and conspicuous place located at the 5th Floor of Executive Building Center, Jupiter corner Makati Ave., Makati City;

WHEREAS, after the conduct of mandatory review of technical specifications resulting from the second failure of bidding prior to the advertisement of the INP, the Technical Working Group reconsidered the terms, conditions, specifications and the adjustments of the Approved Budget of the ABC;

WHEREAS, the adjusted ABC is now **Three Million Twenty-Six Thousand Pesos (P3,026,000.00)**, within the allowable twenty percent (20%) increase from the ABC of the last failed bidding;

WHEREAS, after due deliberation of the adjustment in the Scope of Work and ABC of the partial renovation project, the CIAP-BAC deemed it necessary to refer the matter to the Head of Procuring Entity (HoPE) to cancel the on-going Negotiated Procurement under Two-Failed Biddings and conduct the procurement through Public Bidding;

WHEREAS, Section 35.6 of the Revised IRR of RA 9184 states the authority of the BAC:

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"Without prejudice to Sec. 35.1 hereof, the BAC is authorized, upon consultation with the end-user unit, to cancel or terminate the conduct of procurement activities, for any justifiable reason ..."

xxx

Furthermore, Section 41. Reservation Clause of the 2016 Revised IRR of RA 9184 provides for the following powers to the HoPE. Pertinent provision states that:



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The HoPE reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract in the following situations:

- a) *If there is prima facie evidence of collusion between appropriate public officers or employees of the Procuring Entity, or between the BAC and any of the bidder, or if the collusion is between or among the bidders themselves, or between a bidder and a third party, including any act which restricts, suppresses or nullifies or tends to restrict, suppress or nullify competition;*
- b) *If the BAC is found to have failed in following the prescribed bidding procedures; or*
- c) *For any justifiable and reasonable ground where the award of the contract will not redound to the benefit of the GoP, as follows: (i) if the physical and economic conditions have significantly changed so as to render the project no longer economically, financially, or technically feasible, as determined by the HoPE; (ii) if the project is no longer necessary as determined by the HoPE; (iii) if the source of funds for the project has been withheld or reduced through no fault of the Procuring Entity.*

XXX

WHEREAS, to further extend the equal opportunity and enable private contractors to join the Procurement of the Partial Renovation of the Administrative Building at the CMDFTC Cavite and for the Procuring Entity to properly check the eligibility and qualification of the prospective bidders through the conduct of Public Bidding, the BAC recommends the cancellation of Negotiated Procurement under Two Failed Biddings and resort to Competitive Bidding such being the general rule.

NOW, THEREFORE, in light of the foregoing considerations, We, the members of the Construction Industry Authority of the Philippines – Bids and Awards Committee (CIAP-BAC) hereby **RESOLVE** as it is hereby **RESOLVED**:

- a) to cancel the **Procurement of the Partial Renovation of the Administrative Building at the CMDF Cavite** under Negotiated Procurement under Two Failed Biddings; and
- b) to recommend the use of Competitive Bidding subject to the approval of the HoPE invoking Section 41. Reservation Clause of the 2016 Revised IRR of RA 9184.



Recommending Approval:

JUL 18 2022
Makati City

The CIAP Bids and Awards Committee



DORIS U. GACHO
BAC Chairperson




ATTY. HERBERT D.G. MATIENZO
Vice Chairman



ENGR. RENE E. FAJARDO
Member



OFELIA R. USIGAN
Member



EJAY CRAIG D. DELEON
Provisional Member

APPROVED / DISAPPROVED:



IRENEO V. VIZMONTE
DTI Undersecretary &
Head of Procuring Entity

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