



BAC RESOLUTION No. 083
Series of 2019

BIDS AND AWARDS COMMITTEE (BAC) RESOLUTION DECLARING SECOND FAILURE OF BIDDING AND TO RESORT THROUGH NEGOTIATED PROCUREMENT UNDER 53.1 TWO FAILED BIDDINGS THE PROCUREMENT OF ONE (1) LOT - SEVEN (7) MONTHS LEASE OF TOWER LOT FROM JUNE TO DECEMBER 2019 FOR DWFR - RADYO PILIPINAS 1 – BONTOC AND RECOMMENDING TO THE APPROVING AUTHORITY THE APPROVAL THEREOF

WHEREAS, there is an approved **Job Order (J.O.) No. 2019-02-0008** with an Approved Budget for the Contract (ABC) of One Hundred Forty Five Thousand Eighty Nine Pesos (PhP 145,089.00) for the procurement of the following listed below;

Unit/s	Item Description	Approved Budget for the Contract (ABC)
One (1) Lot	Seven (7) months Lease of Tower Lot from June to December 2019 for DWFR - Radyo Pilipinas 1 – Bontoc 1) The lot area is about one hectare 2) With access road 3) With existing electrical supply 4) With available water supply 5) Spacious area for parking of office vehicle and technician's motorcycles	One Hundred Forty Five Thousand Eighty Nine Pesos (PhP 145,089.00)

WHEREAS, the Bids and Awards Committee (BAC) was created in accordance with BBS Memorandum Order No. 006 series of 2018;

WHEREAS, the said *Job Order* is included in the Annual Procurement Plan of the Philippine Broadcasting Service-Bureau Services (PBS-BBS) for 2019;

WHEREAS, the Bids and Awards Committee (BAC) was authorized to resort to Public Bidding in accordance with the provision of Rule IV, Section 10, Competitive Bidding of the 2016 Revised IRR of R.A. 9184, otherwise known as the Government Procurement Reform Act which states that all procurement shall be done through competitive bidding, except as provided in Rule XVI of the Revised IRR of R.A. 9184;

WHEREAS, in BAC Resolution No. 018 dated 04 February 2019, the BAC recommend for the approval of the Director of the Bureau of Broadcast Services the procurement of Bid No. 002-19 - One (1) Lot - Nine (9) months Lease of Tower Lot from April to December 2019 for DWFR - Radyo Pilipinas 1 – Bontoc through Competitive Bidding;

WHEREAS, on 04 March 2019 one (1) prospective bidder purchased the bidding document, namely: MR. DOMINIC LEFONG;

WHEREAS, on 06 March 2019, the BAC conducted the first scheduled Opening of Bids for the procurement of Bid No. 002-19, no bidder participated on the scheduled Opening of Bids;

WHEREAS, in BAC Resolution No. 033 dated 06 March 2019, the BAC recommend for the approval of the Director of the Bureau of Broadcast Services the declaration of failure of bidding

for Bid No. 002-19 - One (1) Lot - Nine (9) months Lease of Tower Lot from April to December 2019 for DWFR - Radyo Pilipinas 1 – Bontoc;

WHEREAS, in BAC Resolution No. 055 dated 02 May 2019, the BAC recommend for the approval of the Director the conduct of re-bidding for Bid No. 005-19 - One (1) Lot - Seven (7) months Lease of Tower Lot from June to December 2019 for DWFR - Radyo Pilipinas 1 – Bontoc;

WHEREAS, on 03 May 2019 the BAC conducted a Pre-Procurement Conference for Bid No. 005-19;

WHEREAS, on 07 May 2019 the BAC advertised/posted the Invitation to Bid and the complete set of Bidding Documents in the Philippine Government Electronic Procurement System (PHILGEPS) Website;

WHEREAS, for the purposes of transparency and good governance and pursuant to Section 13 of the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184, the Bids and Awards Committee (BAC) invited three (3) observers to witness the pre-bid conference on 23 October 2018 and the opening of bids on 06 November 2018 namely; MR. CRISANTO FRIANEZA, Secretary General of Philippine Chamber of Commerce and Industry, MR. AMADOR ASTUDILLO, President of Procurement Watch and MS. ANNABELLE F. DE VERA, State Auditor III/Audit Team Leader in BBS of Commission on Audit;

WHEREAS, the BAC scheduled the Pre-Bid Conference on 15 May 2019 at 10:00AM in order that the BAC may clarify issues which the prospective bidders might raise, nevertheless, no bidder attended the Pre-Bid Conference;

WHEREAS, on 28 May 2019, the BAC scheduled the Opening of Bids at 10:00AM, no bidders purchased the bidding documents and participated on the scheduled Opening of Bids;

WHEREAS, Section 35.1 (a) of the 2016 Revised Implementing Rules and Regulations of R.A. 9184, provides that the BAC shall declare the bidding a failure when no bids are received;

WHEREAS, Section 35.5 provides that should there occur a second failure of bidding, the Procuring Entity may resort to negotiated procurement, as provided for in Section 53.1 of the Revised IRR;

WHEREAS, Section 53 of the 2016 Revised IRR of R.A. 9184, allows an agency to resort to Negotiated Procurement, a method of procurement of Goods, Infrastructure Projects and Consulting Services whereby the Procuring Entity directly negotiates a contract with a technically, legally and financially capable supplier, contractor or consultant;

WHEREAS, Section 53.1 of the Revised IRR of RA 9184 allows an agency to resort to **SECTION 53.1 TWO FAILED BIDDINGS** where there has been failure of competitive bidding or limited source bidding for the second time as provided in Section 35 of the Act and the Revised IRR;

NOW, THEREFORE, foregoing premises considered. we the members of the Bids and Awards Committee (BAC), hereby **RESOLVE**, as it is hereby **RESOLVED**, to **RECOMMEND** for the approval of the Director of the Bureau of Broadcast Services (BBS) the Declaration of second failure of bidding and to resort through Negotiated Procurement under **53.1 TWO FAILED BIDDINGS** the procurement of Bid No. 005-19 - One (1) Lot - Seven (7) months Lease of Tower Lot from June to December 2019 for DWFR - Radyo Pilipinas 1 – Bontoc; in the amount of One Hundred Forty Five Thousand Eighty Nine Pesos (PhP 145,089.00);

Let copies of this Resolution be posted at the PBS website, and at conspicuous place at the PBS-BBS premises.

RESOLVED, at the PBS-BBS BAC Office, this 28th day of May 2019 at PBS-BBS 4th Floor PIA Media Center Building, Visayas Avenue, Quezon City.

TECHNICAL WORKING GROUP


ANDRECITO A. POBLETE
Chairman


HAZEL D. USITA
Member


JULIUS S. UNGAB
Member


MA. EILEEN V. ELIGADO
Member


EMMANUEL CEDRIC M. ONTONG
Member


VENER B. LAINEZ
Member

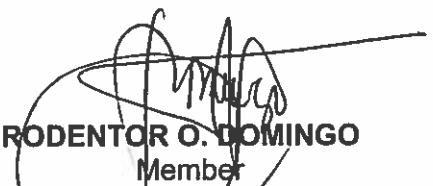

JESSIE D. FRANCISCO
Member

BIDS AND AWARDS COMMITTEE


ALAN L. ALLANIGUE
Chairman


ELIZABETH B. RAYMUNDO
Vice-Chairman


JUN P. ROMANA
Member


RODENTOR O. DOMINGO
Member


SALLY G. CUEVA
Member


NOEL V. GARCIA
BBSEO Representative


GEORGINA B. SEMINIANO
End-User

APPROVED / DISAPPROVED:


RIZAL GIOVANNI P. APORTADERA, JR.
Director IV

Attested by:

BENJAMIN REUEL R. ORTIGUERO, JR.
Head, Secretariat