



National Power Corporation

BAC RESOLUTION NO. 2023- 060

CANCELLATION OF PROCUREMENT ACTIVITY FOR RENOVATION OF SAN ROQUE FFWSO STAFFHOUSE UNDER PR. NO. HO-FFW23-013

WHEREAS, the subject PR No. HO-FFW23-013 has the following procurement details, to wit:

BID SUBMISSION/ OPENING	ITEM DESCRIPTION	ABC	CONTRACT DURATION	MODE OF PROCUREMENT
25 July 2023	Renovation of San Roque FFWSO Staffhouse	Php 5,483,000.00	90 calendar days	Public Bidding

WHEREAS, three (3) bidders participated in the Bid Submission/Opening on 25 July 2023:

BIDDERS	RATING	RANKING
1. Right Anchor Construction	Failed	Non-submission Contract/PO to support the submitted Single Largest Completed Contract (SLCC)
2. Mariaean Builders, Inc.	Passed	Lowest Calculated Bid (LCB)
3. BDA Jr. Construction	Passed	2 nd Lowest Calculated Bid (2 nd LCB)

WHEREAS, the BAC in its meeting on **27 July 2023** declared the bid of Mariaean Builders, Inc. as failed because it has no Single Largest Completed Contract (SLCC) required under NPC's Terms of Reference (TOR) for the project. However, no decision has been made to conduct post-qualification to the 2nd LCB BDA Jr. Construction.

WHEREAS, on **28 July 2023**, Right Anchor Construction filed a Motion for Reconsideration (MR) dated 27 July 2023 appealing to consider their bid submission since it only lacks an attachment to the SLCC while the other bidder without any declaration of SLCC has been rated passed during the bid submission/opening;

WHEREAS, the BAC in its meeting on **02 August 2023** the TWG presented Bid Evaluation/Opening Report with the same recommendation of the TWG to conduct post-qualification but the same was deferred by the BAC (new members

who assumed on 01 August 2023) to study the issues and circumstances of the case;

WHEREAS, on **08 August 2023**, BDA Jr. Construction sought clarification on the bid of Mariaean Builders, Inc. which was rated passed during the bid opening and also making follow-up on the status of the project;

WHEREAS, on **14 August 2023**, a Notice of Disqualification was issued to Mariaean Builders, Inc. due to non-declaration of the required SLCC to implement the earlier ruling of the previous BAC in its 27 July 2023 meeting;

WHEREAS, Mariaean Builders, Inc. filed a Motion for Reconsideration (MR) dated 15 August 2023 invoking Section 23.4.2.4 of the revised IRR of R.A. 9184 which provides that contractors under Small A and Small B categories without similar experience on the contract to be bid may be allowed to bid if the cost of such contract is not more than the Allowable Range of Contract Cost (ARCC) of their registration based on the guidelines as prescribed by the PCAB;

WHEREAS, upon thorough review of the documents the provisions of the IRR cited by Mariaean Builders, Inc. on its submitted MR were found to be not explicitly mentioned in the TOR of the subject project;

WHEREAS, on **29 August 2023**, the TWG in its Post Qualification report recommended to exercise the provision under Section 41 (b) of the revised IRR of R.A. 9184 due to **NPC's failure to follow the prescribed bidding procedures**, specifically, in the adoption/explanation of Section 23.4.2.4 during the Pre-bid Conference and Bid Opening, which resulted in confusion to the bidders which joined the subject procurement activity;

WHEREAS, Section 41 (b) of the 2016 Revised IRR of R.A. No. 9184, to provides:

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)XXXXX....

(b) If the BAC is found to have failed in following the prescribed bidding procedures; or

(c)XXXX....

***** intentionally left blank *****

NOW, THEREFORE, We, the Members of the Bids and Awards Committee, resolve, as it hereby resolved and recommended, the cancellation of procurement for the Renovation of San Roque FFWSD Staffhouse under PR. NO. HO-FFW23-013 pursuant to **Section 41 (b)** of the 2016 Revised IRR of Republic Act 9184,

RESOLVED this 18th day of September 2023.

THE BIDS AND AWARDS COMMITTEE


ATTY. MELCHOR P. RIDULME
Chairman


ATTY. MANUEL LUIS B. PLOFINO
Vice-Chairman

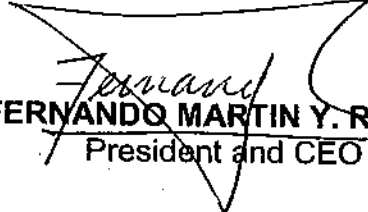

HOMER S. GALANG
Member


JENALYN AUREA S. TINONAS
Member


ATTY. DELFIN L. BUENAFE II
Member


ROMMEL U. MAMAÑGON
Member

APPROVED AS RECOMMENDED:


FERNANDO MARTIN Y. ROXAS
President and CEO