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Tacloban City



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BIDS AND AWARDS COMMITTEE

RESOLUTION NO. 04 D Series of 2021

BAC-RESOLUTION RECOMMENDING AWARD OF CONTRACT AND ISSUANCE OF NOTICE OF AWARD TO MIGHTY A'S CONSTRUCTION AND HARDWARE SUPPLY FOR THE COMPLETION OF OLD DORMITORY CONVERSION TO CLASSROOMS IN THE AMOUNT OF SEVENTY-FIVE MILLION NINE HUNDRED SEVENTY-EIGHT THOUSAND SEVEN HUNDRED EIGHTY-FOUR PESOS AND FORTY-FOUR CENTAVOS (Php 75,978,784.44)

PROJECT DETAILS	
Project title	Completion of Dormitory Conversion To Classrooms
Project Budget (ABC)	PHP 79, 297, 007. 98
Contract Duration	270 Calendar Days
BAC Reference Number	20-12-007-IN (EPA)

WHEREAS, the Bids and Awards Committee (BAC) as mandated by RA No. 9184, otherwise known as the Government Procuring Reform Act, is the body tasked to post invitations to bid, conduct pre-bid conferences, to determine eligibility of prospective bidders, to receive and open bids, to conduct the evaluation of the bids, to conduct post-qualification, and to recommend award of the contracts of the Head of the Procuring entity;

WHEREAS, RA 9184 requires that all the bids that were determined to contain all the bid requirements for both technical and financial components and rated "passed" shall immediately be considered for evaluation and comparison;

WHEREAS, Sec. 32.2 of the IRR of RA 9814 states that for the procurement of Goods and Infrastructure Projects, the BAC shall evaluate all bids on equal footing to ensure fair and competitive bid comparison;

WHEREAS, Sec. 23.6 of the IRR of RA 9814 states that "Notwithstanding the eligibility of a bidder, the Procuring Entity concerned reserves the right to review the qualifications of the bidder at any stage of the procurement process if the Procuring Entity has reasonable grounds to believe that a misrepresentation has been made by the said bidder, or that there has been a change in the bidder's capability to undertake the project from the time it submitted its eligibility requirements. Should such review uncover any misrepresentation made in the eligibility requirements, statements or documents, or any changes in the situation of the bidder which will affect the capability of the bidder to undertake the project so The 2016 Revised Implementing Rules and Regulations 38 that it fails the eligibility criteria, the Procuring Entity shall consider the said bidder as ineligible and shall disqualify it from obtaining an award or contract, in accordance with Rules XXI, XXII, and XXIII of this IRR.";

WHEREAS, on December 28, 2020 the BAC, thru its secretariat, posted the invitation to bid;



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WHEREAS, the deadline for the submission of bids was on January 26, 2021 at 9:00 AM while the bid opening was scheduled at 09:00 AM of the same date;

WHEREAS, on January 12, 2021, the BAC conducted the pre-bid conference at 10:00 AM held at the LNU House Conference Room which was attended by six (6) bidders;

WHEREAS, the BAC conducted the opening of bids on January 26, 2021 at 10:00 AM;

WHEREAS, during the opening of bids, the three (3) bidders who bought the bidding docs submitted their bids to the BAC Office before the deadline with the following details:

Bidder	Date and Time of Submission	Amount	Remarks	Rank
1. 5GG Construction	January 26, 2021 8:26 AM		INELIGIBLE (Did not provide a Professional Electrical Engineer)	
2. Mighty A's Construction and Hardware Supply	January 26, 2021 8:28 AM	Php 75, 978, 946.73	Not compliant with the bidding requirement and in violation of RA 9184 Section 30.1 N/A	2
3. CFV ARAR Contractors Phils., Inc.	January 26, 2021 8:29 AM	Php 75, 187, 139. 59	ELIGIBLE AND COMPLYING ELIGIBLE AND COMPLYING	1

WHEREAS, during the bid opening, the BAC declared CFV ARAR Contractors Phils., Inc. as the winning bid as read;

WHEREAS, on January 29, 2021, The BAC received a Motion for Reconsideration (MR) from 5GG Construction;

WHEREAS, the BAC convened to discuss the MR during its meeting on February 2, 2021;

WHEREAS, the BAC decided to deny the MR of 5GG Construction and notified the latter of the response through Philipost registered mail on February 4, 2021. The reply was received personally by the authorized representative on February 11, 2021;

WHEREAS, the Bid Evaluation was conducted on February 2, 2021 where the documents (legal, technical, and financial) of all bidders were evaluated;

WHEREAS, two bidders were subjected for bid evaluation --- CFV ARAR Contractors Phils., Inc. and Mighty A's Construction and Hardware Supply;

WHEREAS, the result of the bid evaluation is as follows:

Bidder	Amount as Calculated	Remarks
1. Mighty A's Construction and Hardware Supply	Php 75,978,784.44	LCB



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2. CFV ARAR Contractors Phils., Inc.	Non-responsive (Provided a blank entry in its Detailed Estimates) In violation of RA 9184 Sec. 32.2.1
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WHEREAS, BAC Resolution No. 02 declares the bid submitted by Mighty A's Construction and Hardware Supply as the Lowest Calculated Bid (LCB) and to proceed with the post-qualification process;

WHEREAS, the BAC through the BAC Secretariat informed CFV ARAR Contractors Phils., Inc. in writing of its disqualification. The bidder received the letter on February 5, 2021 and no motion for reconsideration was filed by CFV ARAR Contractors Phils. Inc.;

WHEREAS, one of the functions of the Bids and Awards Committee (BAC) as stated in the RA 9184 Section 34.1 is to undertake post-qualification proceedings;

WHEREAS, RA 9184, in its section 34.1 states that Lowest Calculated Bid shall undergo post-qualification in order to determine whether the bidder concerned complies with and is responsive to all the requirements and conditions as specified in the Bidding Documents;

WHEREAS, on February 2, 2021, the BAC issued a letter to Mighty A's Construction and Hardware Supply for the submission of the Post-qualification requirements which they received on February 5, 2021;

WHEREAS, Mighty A's Construction and Hardware Supply submitted the post-qualification documents on February 10, 2021;

WHEREAS, on February 15, 2021 the BAC received a letter from 5GG Construction requesting documents from the BAC;

WHEREAS, the BAC made a reply letter to 5GG Construction on the same day. The BAC through the BAC Secretariat sent the letter through JRS and Philpost registered mailed on February 17, 2021 since the bidder's representative did not appear personally to get the letter;

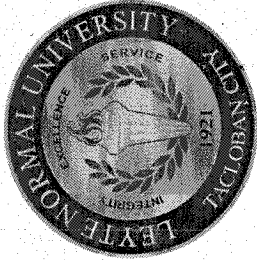
WHEREAS, the BAC Secretariat traced the letter online and the data revealed that the letter was received on February 19, 2021 per JRS Waybill No. 125722163;

WHEREAS, on the consideration of the procedures set forth in the 2016 IRR of RA 9184, the exhaustion of the Protest Mechanism available to 5GG Construction has already lapsed;

WHEREAS, the post-qualification for A's Construction and Hardware Supply was done on February 16, 2021 (Tuesday);

WHEREAS, Mighty A's Construction and Hardware Supply is compliant with all the legal, technical, and financial requirement as required in Section 34 of Rule X (Post Qualification) of the Revised Implementing Rules and Regulations of Republic Act No. 9184;

WHEREAS, BAC Resolution No. 03 declares the post-qualification of Mighty A's Construction and Hardware Supply;



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WHEREAS, BAC Resolution No. 03 A declares Mighty A's Construction and Hardware Supply as the Lowest Calculated and Responsive Bid;

NOW WHEREFORE:

BE IT RESOLVED AS IT IS HEREBY RESOLVED, the LNU – Bids and Awards Committee recommends the award of contract and issuance of Notice of Award to MIGHTY A'S CONSTRUCTION AND HARDWARE SUPPLY for the COMPLETION OF OLD DORMITORY CONVERSION TO CLASSROOMS in the amount of SEVENTY-FIVE MILLION NINE HUNDRED SEVENTY-EIGHT THOUSAND SEVEN HUNDRED EIGHTY-FOUR PESOS AND FORTY-FOUR CENTAVOS (Php 75,978,784.44).

RESOLVED this 19th day of February, 2021.

SIGNATORIES

MRS. JO DANIELLE BAJARIAS

Planning Officer
 BAC Member

ATTY. ALMA SONIA SANCHEZ-DANDAY

Faculty, Professional Education Unit
 BAC Member

MR. ORESTE ORTEGA, JR.

Faculty, Math Unit
 BAC Member

DR. REYNALDO B. GARNACE

CAO – Administration
 BAC Member

DR. NELSON BERNARDO

Faculty, Mathematics Unit
 BAC Member

DR. EVELYN B. AGUIRRE

Vice –President, Admin and Finance
 BAC Member

MRS. JOSIA C. CONCHADA

Chair, Bids and Awards Committee