

ERC BAC RESOLUTION NO. 18, Series of 2011

WHEREAS, the ERC-Bids and Awards Committee (BAC) issued BAC Resolution No. 09, Series of 2011, declaring a failure of the bidding for the **Procurement of CT/PT Tester with Accessories (Lot No. 2011-02)**, conducted on June 23, 2011, pursuant to Section 35.1 of the Revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 (RA 9184);

WHEREAS, the said BAC Resolution was approved by ERC Chairperson Zenaida G. Cruz-Ducut on September 5, 2011;

WHEREAS, the BAC conducted a mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents, including its cost estimates;

WHEREAS, the BAC resolved to retain the terms, conditions and specifications for the said procurement;

WHEREAS, the ERC published the 2nd Invitation to Bid on September 16, 2011 for the **Procurement of CT/PT Tester with Accessories** at the Daily Tribune newspaper and posted continuously at the ERC website, the Philippine Government Electronic Procurement System (PhilGEPS) and bulletin boards in the premises of the ERC;

WHEREAS, clarifications were made by parties concerned during the Pre-bid conference on September 23, 2011 at two o'clock in the afternoon (2:00 P. M.);

WHEREAS, during the scheduled Opening of Bids at two o'clock in the afternoon (2:00 P.M.) on October 5, 2011, bidder AGP Trading, Inc. (AGP) submitted their bid;

WHEREAS, AGP submitted the Lowest Calculated Bid of **One Million One Hundred Fifty Thousand Pesos (PhP1,150,000.00) VAT inclusive**;

WHEREAS, after the post qualification conducted by the BAC Technical Working Group (TWG), it was found that AGP has not complied with Section III (Bid Data Sheet), ITB Clause No. 5.4 thereof which provides that the bidder must have completed, within the period specified in the Invitation to Bid and ITB Clause 12.1 (a)(iii), a single contract that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC;

WHEREAS, the BAC-TWG recommended in its Memorandum dated October 6, 2011, that AGP be disqualified on the above ground;

WHEREAS, the BAC issued a Notice of Post-disqualification to AGP on 10 October 2011 informing it of the above post-disqualification;

WHEREAS, on 13 October 2011, AGP after receiving the said BAC's notice submitted a letter of even date accepting its (BAC) Decision but AGP hoped the BAC to reconsider the same on the grounds cited in its (AGP) letter. Nonetheless, in its (AGP) letter, AGP expressly manifested its interest in participating in the BAC's next course of action;

WHEREAS, the BAC issued a reply letter dated 14 October 2011, stating that the BAC resolved to DENY AGP's request for reconsideration of its post-disqualification and reiterated its (ERC-BAC) ground for its (AGP) post-disqualification as stated in BAC's letter dated 10 October 2011, particularly non-compliance with Section III (Bid Data Sheet), ITB Clause 5.4 of the Bid Documents but welcomes AGP to participate in its next course of action;

WHEREAS, Section 35.1 of the Revised Implementing Rules and Regulations (IRR) of Republic Act 9184 (RA 9184), also known as the Government Procurement Reform Act, provides that:

“Section 35. Failure of Bidding

35.1. The BAC shall declare the bidding failure when:

x x x

c) All bids fail to comply with all the bid requirements or fail post-disqualification, or, in the case of consulting services, there is no successful negotiation; or

x x x”

NOW, THEREFORE, We, the Members of the Bids and Awards Committee, hereby **RESOLVE**, as it is hereby **RESOLVED**, to declare a **2nd failure of bidding for the Procurement of CT/PT Tester with Accessories (Lot 2011-02)**.

RESOLVED at the ERC Main Office, Pasig City, this 19th day of October 2011.


ATTY. MARIA CORAZON C. GINES
Chairman

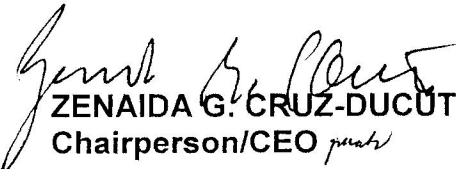

MR. NIMROD M. PAÑARES
Vice Chairman


ENGR. EDWIN O. OCENAR
Member

ENGR. LEGARIO L. GALANG, JR.
Member


MS. DELIA B. CASTA
Member

Approved By:


ZENAIDA G. CRUZ-DUCÚT
Chairperson/CEO *peracto*

Approved on: **OCT 25 2011**