

BIDS AND AWARDS COMMITTEE FOR GOODS

PROCUREMENT FOR THE REPAIR, MAINTENANCE AND REPLACEMENT OF SPARE PARTS FOR CRITICAL AND VARIOUS CAAP-OPERATED EQUIPMENT FOR AIR NAVIGATION SERVICES (ANS) AT CLARK INTERNATIONAL AIRPORT (CIA)

(BACG Resolution No. BGCAAP2022-001)

WHEREAS, on 21 August 2021, the Bases Conversion and Development Authority (BCDA) and the North Luzon Airport Consortium (NLAC), subsequently incorporated as the Luzon International Premier Airport Development (LIPAD) Corporation, signed and executed a Concession Agreement (CA) for the Operations and Maintenance (O&M) of the Clark International Airport (CIA). Under the CA, particularly Annex 4, Section 1.1 (a) (BCDA O&M Services), BCDA is obligated to provide, manage, operate, and maintain Air Traffic Control (ATC) and Air Navigation Services (ANS) and Equipment at the CIA, as follows:

- “1.1 The BCDA O&M Service to be provided or cause to be provided at Clark International Airport shall include:*
- (a) Provision, management, maintenance, and operation of Air Traffic Control and Air Traffic Control and Air Navigation Services and equipment at Clark International Airport, in accordance with the relevant CAAP standards and ICAO standards and recommended practices.”;*

WHEREAS, in the 02 August 2022 BCDA Board Resolution No. 2022-07-106, the Board approved the following:

- a. Approval of the supplemental budget in the amount of **Nine Million Nine Hundred Twenty-Four Thousand Four Hundred Seventy Pesos & 8/100 (Php 9,924,470.08)** to cover the repair and replacement of spare parts for various Civil Aviation Authority of the Philippines (CAAP) equipment for the operation of Air Traffic Control (ATC) and Air Navigation Services (ANS) equipment at Clark International Airport (CIA);
- b. Approval of the **authority to directly negotiate and/or conduct emergency procurement** activities by the Strategic Project Management Department (SPMD) (End-User) pursuant to Republic Act No. 9184 (RA 9184) and its 2016 Revised Implementing Rules and Regulations (RIRR) and GPPB Circular No. 03-2020; and
- c. Approval of the **inclusion** of the Procurement for the Repair, Maintenance, and Replacement of Spare Parts for Critical and Various CAAP-Operated Equipment for the Air Navigation Services (ANS) at Clark International Airport (CIA) in the **2022 BCDA Annual Procurement Plan**.

WHEREAS, Section III (14) of the Revised BCDA Manual of Approval provides that “procurement of goods, shall be governed by RA 9184 and the 2016 RIRR”;

WHEREAS, as a general rule, all procurements shall be subject to competitive bidding. However, whenever justified by the conditions provided in the 2016 RIRR of RA No. 9184, the Procuring Entity may, in order to promote economy and efficiency, **resort to any of the alternative methods of procurement** provided in Rule XVI of the RIRR;

WHEREAS, under Item V(D)(2)(a)(III)(b) of Annex "H" of the 2016 RIRR of RA 9184 Negotiated Procurement - Emergency cases shall be allowed only in the following instances:

"In case of imminent danger to life or property during a state of calamity, or when time is of the essence arising from natural or man-made calamities or other causes where immediate action is necessary to prevent damage to or loss of life or property to restore vital public services, infrastructure facilities and other public utilities".

WHEREAS, upon recommendation of the Bids and Awards Committee for Goods (BACG), the SPMD in its 08 August 2022 memo provided additional justification for the emergency procurement required to repair and replace critical ATC and ANS equipment for the continued operation of the CIA; (**Annex "A"**)

WHEREAS, in a number of communications, the CAAP requested for the immediate purchase, repair and maintenance of equipment parts to restore unserviceable Communications, Navigations and Surveillance (CNS) equipment necessary and critical for the continued and safe operations of the CIA such as a letter to BCDA dated 13 May 2022, by the CAAP-ANS reiterating their request for immediate purchase of equipment parts to restore the unserviceable Communication, Navigation, and Surveillance (CNS) equipment. As emphasized in its letter, *"if the CNS facilities were not restored immediately the airport operation might be affected from daytime operation leading to the worst case scenario which is **airport closure**."*;

WHEREAS, under Emergency cases due to the urgent nature of the attendant circumstances, the Head of the Procuring Entity (HoPE), through an issuance for the purpose, may delegate to either the BAC or the End-user unit or any other appropriate bureau, committee, support or procuring unit the authority to directly negotiate with a legally, technically, and financially capable supplier, contractor, or consultant. The conduct of Negotiated Procurement under Emergency Cases, may be delegated to the End-user duly authorized by the BAC through a resolution approved by the head of the procuring entity;

NOW, THEREFORE, foregoing premises considered, We, the members of the BAC for Goods (**BAC-G**) hereby **RESOLVE**, as it is hereby resolved, to recommend the following:

1. For the Strategic Projects Management Department (SPMD) to proceed with the conduct of Procurement for the Repair, Maintenance and Replacement of Spare Parts for Critical and Various CAAP-Operated Equipment for Air Navigation Services (ANS) at Clark International Airport (CIA) with the approved budget of **Nine Million Nine Hundred Twenty Four Thousand Four Hundred Seventy Pesos & 8/100 (Php 9,924,470.08)** under

Alternative Method of Procurement - Sec. 53.2 Negotiated Procurement - Emergency cases pursuant to the 2016 RIRR of RA No. 9184; and

2. To direct the SPMD, being the end-user, to furnish the **BAC-G** copies of the **duly confirmed Notice of Award and Notice to Proceed**, and the duly executed agreement/contract for this project within the prescribed time.

RESOLVED, at the BCDA Corporate Center Office, this 16th of August 2022.

BIDS AND AWARDS COMMITTEE (BAC) FOR GOODS.


JOSHUA M. BINGCAN
Chairperson


JOCELYN L. CANIONES
Vice Chairperson


ATTY. MARICEL C. SANTOS
Member


SAMUEL JOHN L. VIDALLON
Member


ATTY. CHRISTIAN T. DULDULAO
Member

Approved by:


AILEEN ANUNCIACION R. ZOSA
President and Chief Executive Officer