

BIDS AND AWARDS COMMITTEE FOR INFRASTRUCTURE PROJECTS (BAC-I)

**REBIDDING OF FIT-OUT PROJECT FOR THE
605.31 SQ.M. BCDA OFFICE SPACE**

**RESOLUTION NO. 2025-010
DECLARATION OF FAILURE OF BIDDING**

The BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA), through the 2025 BCDA Corporate Funds, has put on bid the **FIT-OUT PROJECT FOR THE 605.31 SQ.M. BCDA OFFICE SPACE** with an Approved Budget for the Contract (ABC) in the sum of **Pesos: Five Million Two Hundred Thousand Pesos (Php 5,200,000.00)**, inclusive of all applicable taxes and fees.

WHEREAS, the BAC-I, through its Secretariat, advertised the Invitation to Bid including the Bidding Documents, on 29 March 2025 in the following platforms:

- a. DBM Philippine Government Electronic Procurement System (PhilGEPS);
- b. BCDA Website; and
- c. In a conspicuous place reserved for such purpose in the premises of BCDA.

WHEREAS, in response to the said advertisements, three (3) interested bidders submitted their bids prior to the set deadline of submission of bids for the project on 24 April 2025 at 9:00 AM:

1. C'EST LA VIE EVENT MANAGEMENT INC;
2. A.M. BROTHERS CONSTRUCTION, INC; and
3. JMLR CONSTRUCTION AND SUPPLY

WHEREAS, on 24 April 2025, the first envelopes, which contained the Eligibility and Technical Requirements of the three (3) proponents were opened and subjected to a preliminary evaluation by determining the presence or absence of the required documents using the "pass/fail" criterion;

WHEREAS, during said preliminary evaluation and after checking the sufficiency of the required documents as regards their presence or absence, the BAC-I declared the bids of the JMLR Construction and Supply as "passed" after satisfying the Eligibility requirements.

WHEREAS, the bids of the two (2) following were declared by the BAC as “failed” for failure to meet Eligibility requirements due to lacking document/s, to wit:

1. C’EST LA VIE EVENT MANAGEMENT INC; and
2. A.M. BROTHERS CONSTRUCTION, INC

WHEREAS, the second envelope, which contained the financial proposal of the proponent, who “passed” the preliminary examination of the eligibility/technical requirements, was opened and was likewise subjected to a preliminary evaluation of the financial proposal. After checking the sufficiency of the required documents as regards their presence or absence, the BAC declared the bid of the proponent “passed” and was considered for the detailed evaluation of the financial bid. The table below shows the bid amount of the proponent (as read):

BIDDERS	BID AMOUNT (AS READ)	RANKING
JMLR CONSTRUCTION AND SUPPLY	₱ 4,788,000.00	1

WHEREAS, Section 32.2 of the RIRR of R.A. 9184 provides that, “*For the procurement of Goods and Infrastructure Projects, the BAC shall evaluate the financial component of the bids to determine the Lowest Calculated Bid. xxx.*”

WHEREAS, on 25-30 April 2025, in accordance with Section 32.2 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (R.A.) No. 9184, also known as the Government Procurement Reform Act, the BAC Technical Working Group (TWG) conducted the detailed evaluation of the Financial Component of the bid of the aforementioned proponent. During the detailed evaluation of its bid, the bid was calculated, evaluated, and/or corrected for computational errors. The table below shows the bid amount of the bidder (as calculated)":

BIDDERS	BID AMOUNT (AS CALCULATED)	RANKING
JMLR CONSTRUCTION AND SUPPLY	₱ 4,788,000.00	1

WHEREAS, based on the above result of the detailed evaluation conducted by the BAC-I TWG, the BAC-I found **JMLR CONSTRUCTION AND SUPPLY** as the bidder with the Single Calculated Bid (SCB) who shall undergo the Post-Qualification process pursuant to Section 34 of the 2016 RIRR of R.A. No. 9184;

WHEREAS, from 01 to 13 May 2025, the BAC-I TWG conducted the Post-Qualification on the JMLR Construction and Supply, pursuant to Section 34 of the RIRR of R.A. 9184;

WHEREAS, during the conduct of the post-qualification of JMLR Construction and Supply, the TWG noted the following observations and its non-responsiveness to the requirements of the bidding documents:

REQUIREMENTS			BIDDER'S NON-COMPLIANCE	FINDINGS			
Section 10.4 of the Invitation to Bid (ITB) and Bid Data Sheet (BDS) provide that: <i>"The list of nominated personnel with the minimum required years of experience for the Project are as follows:</i> xxx			The TWG found that the nominated key personnel lack the required number of years of experience prescribed under ITB clause 10.4 of the BDS: <ul style="list-style-type: none">The nominated General Foreman, Edgar Detera has 2 years of experience as Foreman based on the submitted related experience in the CV.	With adverse findings Upon validation of the competence and experience of the bidder's key personnel pursuant to Section 34.3 of the RIRR of RA 9184, it was found that the two (2) of the nominated key personnel lack the necessary experience required in ITB Clause 10.4 of the BDS which states that: <i>"The list of nominated personnel with the minimum required years of experience for the Project are as follows:</i> xxx			
Key Person nel	Requir ed Profes sion	Require d Experie nce		<table><tr><td>Key Person nel</td><td>Require d Profess</td><td>Require d Experie</td></tr></table>	Key Person nel	Require d Profess	Require d Experie
Key Person nel	Require d Profess	Require d Experie					
General Forema n	N/A	At least 3 years of experien ce as 'General Forema n'					

xxx"		<table border="1"> <tr> <th></th><th>ion</th><th>nce</th></tr> <tr> <td>Genera l Forema n</td><td>N/A</td><td>At least 3 years of experie nce as 'General Forema n'</td></tr> </table>		ion	nce	Genera l Forema n	N/A	At least 3 years of experie nce as 'General Forema n'
	ion	nce						
Genera l Forema n	N/A	At least 3 years of experie nce as 'General Forema n'						
<p>Clause 20 of Bid Data Sheet (BDS) requiring to submit the following:</p> <ul style="list-style-type: none"> Income Tax Returns for year 2024 (BIR Form 1701 or 1702); Latest Value Added Tax Returns (Forms 2550M and 2550Q) or Percentage Tax Returns (Form 2551M) for the last six (6) months before the deadline of the submission of bids. The income tax and business tax returns stated above should have been filed through the Electronic Filing and Payment System (eFPS). 	<p>Upon evaluation of the submitted VAT Returns during the post-qualification, the TWG has determined that only VAT Returns from up 2023 to the 2nd quarter of 2024 were submitted by JMLR Construction and Supply. The requirements are VAT Returns for the last six (6) months before the deadline of the submission of bids.</p>	<p>With adverse findings</p> <p>JMLR Construction and Supply is found to be non-compliant with the post-qualification requirements stipulated under Clause 20 of the BDS, requiring a full year of updated submission.</p>						
<p>Section 3.3.2 of GPPB Circular 01-2008 requiring the regular remittance of</p>	<p>Submitted proof of the latest remittance for the following:</p>	<p>With adverse findings</p>						

<p>mandated premiums to SSS, Philhealth, and Pag-IBIG.</p> <p>Bid Data Sheet, ITB Clause 20 provides that:</p> <p><i>"Other documents shall also be presented during the conduct of post-qualification such as, but not limited to:</i></p> <p>xxx xxx xxx</p> <p><i>b. Compliance with labor legislations, i.e. proof of remittances, in accordance with GPPB Circular No. 01-2008.</i></p>	<ul style="list-style-type: none"> • SSS until April 2025; • Only Philhealth's Statement of Account (SOA), which presented years of deficiencies in premium was submitted; and • PAG-Ibig remittances cannot be conclusively verified because the proof of remittance presented does not specifically indicate that settlement was for PAG-Ibig contributions. 	<p>JMLR CONSTRUCTION AND SUPPLY, failed to comply with Section 3.3 of GPPB Circular 01-2008, requiring the regular remittance of mandated premiums, viz:</p> <p>"xxx</p> <p>The procuring entity may, during post-qualification, verify, validate and ascertain the statements made by a bidder in its certificate under oath that it complies with existing labor laws and standards. Specifically, the procuring entity may verify whether the bidder</p> <p>xxx</p> <p>3.3.2. Regularly remits mandated premiums to SSS PhilHEALTH and PAG-IBIG</p> <p>xxx.</p> <p>Non-compliance with any one of the above shall be a ground to declare the bidders as "post-disqualified".</p>
<p>Omnibus Sworn Statement in accordance with Section 25.3 of the Revised IRR of RA9184 which states that:</p> <p><i>"The Omnibus Sworn Statement executed by the bidder, or its duly authorized</i></p>	<p>Submitted an omnibus sworn statement dated 23 April 2025 duly notarized and signed by the authorized representative of the bidder, which states:</p>	<p>With adverse findings</p> <p>In relation to the above finding, JMLR CONSTRUCTION AND SUPPLY made a misrepresentation in its Omnibus Sworn Statement</p>

<p>representative, shall contain the following:</p> <p>Xxx</p> <p>(f) It complies with existing labor laws and standards xxx.”</p> <p>Sworn Statement in accordance with Section 25.2(b)(ix) of the RIRR of RA 9184 and using the form prescribed in Annex “I” in Bidding Forms</p>	<p>“I, EMMANUEL DETERA BENITO of legal age, widow, Filipino and residing at 181 Bato Street Western Bicutan, Taguig City after having been duly sworn in accordance with law, do hereby depose and state that:</p> <p>Xxx</p> <p>7. JMLR CONSTRUCTION AND SUPPLY complies with existing labor laws and standards; Xxx.”</p>	<p>when it stated that it was “compliant with existing labor laws and standards.” Such misrepresentation constitutes as an additional ground for disqualification of JMLR based on Section 23.6 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, to wit:</p> <p>“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 <u>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 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</u></p>
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		<i>contract, in accordance with Rules XXI, XXII, and XXIII of this IRR.”</i>
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WHEREAS, on 13 May 2025 the BAC-I deliberated on the results of the post-qualification. Based on its findings, the Committee declared JMLR CONSTRUCTION AND SUPPLY as post-disqualified.

WHEREAS, based on the aforementioned, the BAC-I declared the failure of bidding pursuant to the Section 35.1 of the 2016 Revised IRR of RA 9184, to with:

“35.1 The BAC shall declare the bidding failure when:

xxx

c. All bids fail to comply with all the bid requirements or fail post-qualification or, in the case of Consulting Services, there is no successful negotiation;

xxx”

NOW, THEREFORE, We, the Members of the Bids and Awards Committee for Infrastructure Projects (BAC-I), hereby **RESOLVE** as it is hereby **RESOLVED** to recommend the following:

1. To declare a Failure of Bidding for the **REBIDDING OF FIT-OUT PROJECT FOR THE 605.31 SQ.M. BCDA OFFICE SPACE** in accordance with Section 35.1 of the Revised Implementing Rules and Regulations (RIRR) of Republic Act (R.A) No. 9184;
2. To direct the end-user, PPMD - General Services Division (PPMD-GSD) to conduct a mandatory review and evaluation of the terms, conditions, and specifications of the Bidding Documents, including the cost estimates and other requirements relative to this procurement, pursuant to Section 35.2 of the 2016 RIRR of RA 9184; and
3. To proceed with the negotiated procurement based on the results of the aforementioned mandatory review pursuant to Section 53.1 of the Revised 2016 Implementing Rules and Regulations (RIRR) of Republic Act (R.A) No. 9184.

RESOLVED, at the BCDA Corporate Center Office, this **13th** day of **May 2025**.

BIDS AND AWARDS COMMITTEE FOR INFRASTRUCTURE PROJECTS (BAC-I)

ATTY. ELVIRA V. ESTANISLAO
Chairperson

**ATTY. MARIA SOLEDAD C. SAN
PABLO**
Vice Chairperson

VIRGIL M. ALVAREZ
Member

on Official Business
ENGR. RANDY S. VIACRUSIS
Member

on Official Leave
**ATTY. MARIA CELINE ERIKA A.
LABRADOR**
Member

PSALM ERICKSON CADIANG
Member

AUSTIN RAYNINO O. REYES
Provisional Member

Approved by:

ATTY. GISELA Z. KALALO
Executive Vice President



BAC for Infrastructure

BACI2025-0142