



PAGASA BIDS AND AWARDS COMMITTEE (PBAC)

Resolution No. 2023-0036

**Resolution Denying the Motion for Reconsideration;
 2nd Failure of Bidding; and Recommending Approval**

WHEREAS, the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA), through the PAGASA Bids and Awards Committee, advertised the Invitation to Bid (IB) at the PAGASA website, the MGEPS and PAGASA Bulletin board continuously for 7 days from **21 to 28 June 2023**, the procurement of the following civil works/infrastructure project described hereunder, with its corresponding Approved Budget for the Contract (ABC), under the reference, **P.R. No. 2023-03-0303 / I.B. No. 2023-001 INF- Re bid** to wit:

PARTICULARS	ABC (Php)	Contract Duration
Construction of Synoptic Station Building, Observer's Quarters, Powerhouse, Perimeter Fence, Gate and Signage at VSU – Baybay City Leyte - Rebid	6,273,268.60	150cd

WHEREAS, in response to the above advertisement, **four (4) prospective bidders, namely: (1) JCM Construction and Supply, (2) Joyus Construction, (3) Ganna Construction and (4) Kaugalian Construction**, expressed their intentions to participate in the bidding of the aforesaid Project, on the scheduled **Pre-bid conference** conducted by the PBAC on **29 June 2023**;

WHEREAS, **three (3) prospective bidders, namely: (5) RJIR Enterprise Corporation, (6) Limar Construction and (7) NAS Construction** also expressed their intentions to participate in the bidding activities thereof by purchasing the required bidding documents;

WHEREAS, any and all noted amendments and deviations discussed during the above-mentioned Pre-bid conference, has been duly issued through a **Supplemental Bid Bulletin (SBB)**, with reference to **Addendum No. 2023-001-01 INF** dated 30 June 2023 and **Addendum No. 2023-001-02 INF** dated 04 July 2023 are herein made part of this Resolution as **Annex "A" and Annex "B"** respectively;

WHEREAS, on **11 July 2023**, the schedule for **Submission, Receipt and Opening** of Envelope I (Eligibility and Technical Components) and Envelope II (Financial Component), **two interested bidders/s**, namely, (1) RJIR Enterprise Corporation and (2) Limar Construction timely submitted their bid tender documents for the project; however, RJIR Enterprise Corporation **failed** to pass the preliminary evaluation of bids due to *non-submission of Tab G document - Joint Venture Agreement Form and failure to comply with the instruction to bidders, particularly the use of the prescribed bidding forms*;

WHEREAS, applying the non-discretionary **"pass/fail"** criterion in the evaluation of bids, the PAGASA-BAC declared the outright rejection of the bidder's documents based on the foregoing findings and was given three (3) calendar days to file their respective motion for reconsideration;

WHEREAS, Rule IX of the Revised IRR of RA9184, requires that the preliminary examination of bids be conducted by merely checking for the presence or absence of documentary requirements using a non-discretionary **"pass/fail"** criterion.

"Section 30 Preliminary Examination of Bids. The BAC shall open the first bid envelopes to determine each bidder's compliance with the documents required to be submitted for eligibility and for the technical requirements, as prescribed in this IRR. For this purpose, the BAC shall check the submitted documents of each bidder against a checklist of required documents to ascertain if they are all present, using a non-discretionary "pass/fail" criterion, as stated in the Instruction to Bidders. If a bidder submits the required document, it shall be rated "passed" for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed".

[Handwritten signatures and names of committee members]
 Regine A. Borjal
 Interim Member/End user
 Sharon Juliet M. Arruejo
 Member
 Cristian D. Sanvictores
 Member
 F. Evangelista
 Member
 Atty. Eric Christopher Amado J. Agsaobay
 2nd Vice-Chairperson
 Joel C. Riveg
 1st Vice-Chairperson
 Borifacio G. Pajuelas, Ph.D.
 Chairperson

WHEREAS, on **25 July 2023**, the report on the detailed evaluation of bids conducted by the TWG, Limar Construction found to be non-compliant and non-responsive (*a copy is hereto attached as Annex "C"*);

WHEREAS, on **31 July 2023**, the PBAC issued a Notice of Disqualification to Limar Construction for non-compliance with the Terms of Reference/Scope of Works of the End user (*a copy is hereto attached as Annex "D"*);

WHEREAS, for the failure of **Limar Construction** to comply with the three (3) days duration to file a motion for reconsideration, the BAC finds no cogent reason to reverse its decision.

NOW, THEREFORE, We, the Members of the Bids and Awards Committee, hereby **RESOLVE** as it is hereby **RESOLVED**:

- a) to **DECLARE**, the **2nd failure of bidding** for the *Construction of Synoptic Station Building, Observer's Quarters, Powerhouse, Perimeter Fence, Gate and Signage at VSU – Baybay City Leyte – Rebid*;
- b) to **RECOMMEND**, the mandatory review and evaluation of the terms, conditions and specifications in the Bidding Documents, including its cost estimates pursuant to Section 35.2 of the Revised IRR of RA9184;
- c) to **RECOMMEND**, further that resort to the Alternative Modes of Procurement, through **Negotiated Procurement – Two Failed biddings** as provided in Section 53.1 of the Revised IRR of RA9184;
- d) to **RECOMMEND**, finally, the **APPROVAL** of the foregoing findings and recommendations.

RESOLVED, this **4th day of August 2023** at the Amihan Conference, 2nd Floor PAGASA Main Building, Science Garden Complex, BIR Road Brgy. Central, Quezon City.


REGINE A. BORJAL

Interim Member / End-user Representative

CRISTIAN D. SANVICTORES
Member


WILLY F. EVANGELISTA
Member



SHARON JULIET M. ARRUEJO
Member


JOEL C. RIVERA
1st Vice-Chairperson


Atty. ERIC CHRISTOPHER AMADO J. AGSAOAY
2nd Vice-Chairperson


BONIFACIO G. PAJUELAS, Ph.D.
Chairperson

APPROVED/DISAPPROVED:


NATHANIEL T. SERVANDO, Ph.D.
Officer-In-Charge, PAGASA

Approved on: 11 SEP 2023