



PAGASA BIDS AND AWARDS COMMITTEE (PBAC)

Resolution No. 2023-0046

**Resolution Denying the Motion for Reconsideration;
 Declaring 1st 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 **14 to 21 July 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. 2023-02-0093 / I.B. No. 2023-003 INF** to wit:

PARTICULARS	ABC (Php)	Contract Duration
Waterproofing of PAGASA Planetarium Roof Deck (A=409.26 sq.m.)	1,553,699.42	45cd

WHEREAS, in response to the above advertisement, **six (6) prospective bidders, namely: (1) Dreamworx Builders & Trading Inc., (2) MC Taguba, (3) Malaguena Construction, (4) Padavala Business Development and Consultancy Corp. (5) Thaumaturgy Trading, and (6) Alchedy Construction**, expressed their intentions to participate in the bidding of the aforesaid Project, on the scheduled **Pre-bid conference** conducted by the PBAC on **25 July 2023**;

WHEREAS, one (1) prospective bidder, namely: (7) **KB Konstrak Bilding Solusyons** also expressed its intention to participate in the bidding activities thereof by purchasing the required bidding documents;

WHEREAS, on **07 August 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) KB Konstrak Bilding Solusyons and (2) Dreamworx Builders and Trading Inc., timely submitted their bid tender documents for the project;

WHEREAS, Dreamworx Builders and Trading Inc., **failed** to pass the preliminary evaluation of bids due to the company's **failure to comply with the technical documents to be submitted**. It failed to submit the *Audited Financial Statements duly stamped received by the BIR or its duly accredited and authorized institutions for the Calendar Year 2022*;

WHEREAS, applying the non-discretionary **"pass/fail"** criterion in the evaluation of bids, the PAGASA-BAC declared the outright rejection of Dreamworx Builder's documents based on the foregoing findings and pursuant to *Rule IX of the Revised IRR of RA 9184* which 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, to wit:

"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".

WHEREAS, after the rejection of Dreamworx Builder's bid, they were advised that they have a period of three (3) calendar days to file their request for reconsideration should they desire to do so;

WHEREAS, the bidding documents of KB Konstrak Bilding Solusyon passed the Eligibility and Technical Component (Envelope No. 1) and the Financial Component (Envelope No. 2) using the

Rosario C. Ragnos
Interim Member / End user

Sharon Juliet M. Arruño
Member

Cristian Y. Sanvictores
Member

Willy F. Efrangelista
Member

Atty. Eric Christopher Amado J. Agsacay
2nd Vice-Chairperson

Joel C. Rivera
1st Vice-Chairperson

*Bonifacio G. Pajuelas, Ph.D.
Chairperson

non-discretionary "pass/fail criterion". However, their bid is still subject to further review and evaluation to be conducted by the TWG;

WHEREAS, on 15 August 2023, the report on the detailed evaluation of bids conducted by the TWG shows that the bid of KB Konstrak Bilding Solusyons was found to be non-compliant and non-responsive (a copy of the report is hereto attached as **Annex "A"**);

WHEREAS, on 16 August 2023, the PBAC issued a Notice of Disqualification to KB Konstrak Bilding Solusyons (a copy of the notice is hereto attached as **Annex "B"**);

WHEREAS, on 17 August 2023, the PBAC received a letter from KB Konstrak Bilding Solusyons requesting for reconsideration of the outright rejection of their bid documents (a copy of the letter is hereto attached as **Annex "C"**);

WHEREAS, on 23 August 2023, in a meeting conducted by the PBAC, the said request for reconsideration was denied when the BAC unanimously voted to sustain its prior decision to disqualify KB Konstrak Bilding Solusyons (a copy of the notice denying the request for reconsideration is hereto attached as **Annex "D"**);

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

- a) to **DENY**, the Motion for Reconsideration of KB Konstrak Bilding Solusyons for the *Waterproofing of PAGASA Planetarium Roof Deck (A=409.26 sq.m.)*;
- b) to **DECLARE**, the **1st failure of bidding** for the above-entitled project;
- c) to **RECOMMEND**, the immediate **re-bidding / re-posting** thereof pursuant to Section 35.2 of the IRR of RA 9184;
- d) to **RECOMMEND**, finally, the **APPROVAL** of the foregoing findings and recommendations.

RESOLVED, this **23rd day of August 2023** at the Training Room, 2nd Floor PAGASA Main Building, Science Garden Complex, BIR Road Brgy. Central, Quezon City.

ROSARIO C. RAMOS

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: 04 SEP 2023