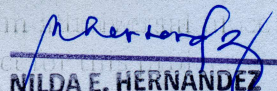




BIDS AND AWARDS COMMITTEE
Resolution No. 15-151

- WHEREAS**, Purchase Request No. 2014-09-354 for the Supply and Delivery of Imported Small Ruminants was reposted for re-bidding on July 4, 2015;
- WHEREAS**, a Pre-Bid Conference was held on July 13, 2015 at 10:00 A.M. participated in by two suppliers, namely, General Mercantile Company (GEMCO) in Joint Venture Agreement (JVA) with Ebenezer Goat Farm; and San Fernando Agri-Livestock Development Corp.;
- WHEREAS**, on August 3, 2015, three bidders submitted bid proposals, to wit; Farmview Agro-Industrial Corporation in JVA with JADECO; GEMCO in JVA with Ebenezer Goat Farm; and San Fernando Agri-Livestock Development Corp.;
- WHEREAS**, Farmview Agro-Industrial Corporation/JADECO was disqualified due to the submission of Bid Securing Declaration only. Based on Bid Bulletin No. 2015-06 and Government Procurement Policy Board (GPPB) Resolution No. 13-2014, Bid Securing Declaration must be accompanied by at least one other form of bid security;
- WHEREAS**, San Fernando Agri-Livestock Development Corp. was disqualified due to non-compliance to the presentation (packing) of their bid proposal which was provided during the Pre-Bid Conference;
- WHEREAS**, Purchase Request No. 2014-09-354 was reposted for re-bidding on July 4, 2015;
- WHEREAS**, the GEMCO/Ebenezer Goat Farm's bid proposal was opened and passed the eligibility/technical components after which the financial proposal was opened and read;
- WHEREAS**, a Pre-Bid Conference was held on July 13, 2015 at 10:00 A.M. participated in by two suppliers, namely, General Mercantile Company (GEMCO) in Joint Venture Agreement (JVA) with Ebenezer Goat Farm; and San Fernando Agri-Livestock Development Corp.;
- WHEREAS**, it was stated in the bid document that "The bidder must submit a computation of its NFCC or a commitment from a universal or commercial bank to extend a credit line in its favor if awarded the contract for this project".
- WHEREAS**, on August 3, 2015, three bidders submitted bid proposals, to wit; Farmview Agro-Industrial Corporation in JVA with JADECO; GEMCO in JVA with Ebenezer Goat Farm; and San Fernando Agri-Livestock Development Corp.;
- WHEREAS**, after the Bidding was adjourned by the BAC Chair, a bidder commented about the submission of Certificate of Letter of Credit (CLC) by GEMCO / Ebenezer Goat Farm in lieu of the Net Financial Contracting Capacity (NFCC). He stressed that as per GPPB Resolution No. 20-2013, CLC can no longer be used in lieu of NFCC;
- WHEREAS**, the submission of Bid Securing Declaration only. Based on Bid Bulletin No. 2015-06 and Government Procurement Policy Board (GPPB) Resolution No. 13-2014, Bid Securing Declaration must be accompanied by at least one other form of bid security;
- WHEREAS**, the Bids and Awards Committee was not aware that there was such an issuance of GPPB Resolution No. 20-2013, stating that the use of CLC is no longer applicable in lieu of NFCC as it only relied on the then and still current form of Philippine Bidding Documents available on the GPPB website;
- WHEREAS**, the compliance to the presentation (packing) of their bid proposal which was provided during the Pre-Bid Conference;
- WHEREAS**, the BAC sought clarification through a Letter of Inquiry on August 13, 2015 to the GPPB about the use of CLC considering the fact that the GPPB is mandated under Section 63 of RA 9184, item (b) thereof, **"to formulate and amend, whenever necessary, the IRR and the corresponding standard forms for Procurement."** (Emphasis supplied);

CERTIFIED TRUE COPY


NILDA E. HERNANDEZ
Officer-In-Charge
Record's Unit





WHEREAS, the GPPB sent an acknowledgment letter dated August 17, 2015 which BAC received on August 26, 2015 stating that a formal reply will be issued "after complete staff work has been conducted relative to the nature, extent, character and novelty of your request";

WHEREAS, the BAC personally went to the GPPB office on September 9, 2015 to formally request for legal opinion on the matter;

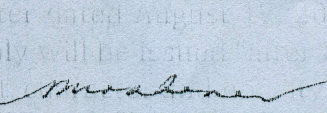
WHEREAS, the GPPB Legal Division verbally informed the BAC that GPPB Resolution No. 20-2013 concerning the use of CLC is indeed no longer applicable in lieu of NFCC and suggested to refer to Section 41.b of RA 9184;

WHEREAS, Section 41.b Reservation Clause of RA 9184 provides that "The Head of the Agency reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract, if the BAC is found to have failed in following the prescribed bidding procedures".

NOW, THEREFORE, RESOLVED, AS IT IS HEREBY RESOLVED, the BAC recommends to the Head of the Procuring Entity to declare "Failure of Bidding" based on Section 41.b Reservation Clause of RA 9184.

WHE Signed:


MAGDALENA S. CRUZ DVM


MARIA V. ABENES, DVM

WHE BAC Chairperson personally went to the GPPB office on September 9, 2015 to formally request for legal opinion on the matter;

BAC – Vice Chair

WHE **REMEDIOS N. ACASIO** Division verbally informed the BAC that GPPB Resolution No. 20-2013 concerning the use of CLC is indeed no longer applicable in lieu of NFCC and suggested to refer to Section 41.b of RA 9184.

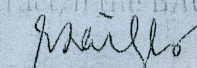
Member

Member

WHE **SYLVANNA R. SISON, DVM** Reservation Clause of RA 9184 provides that "The Head of the Agency reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract, if the BAC is found to have failed in following the prescribed bidding procedures".

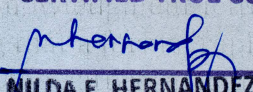
Member

Member


NOW, MARILOU ESTERLINA D. ARIFALO HEREBY RESOLVED, the BAC recommends to the Head of the Procuring Entity to declare "Failure of Bidding" based on Section 41.b Reservation Clause of RA 9184.

Member

CERTIFIED TRUE COPY


NILDA E. HERNANDEZ
Officer-In-Charge
Record's Unit

