



BAC RESOLUTION NO. 005
Series of 2023

Ref. No 005_PIAMISD2023

**RESOLUTION DECLARING SECOND FAILURE OF BID FOR THE
EARLY PROCUREMENT OF ONE (1)- YEAR SUBSCRIPTION OF
INTEGRATED WORKSPACE (BUSINESS STARTER AND ENTERPRISE
STANDARD) AND RECOMMENDING TO UNDERTAKE via ALTERNATIVE
METHOD NEGOTIATED PROCUREMENT – TWO FAILED BIDDINGS
Bid Reference No. ITB 2022-10**

WHEREAS, the Philippine Information Agency – Management Information Services Division (MISD) submitted its Purchase Request (PR) and Terms of Reference (ToR) for the Early Procurement of One (1) – Year Subscription of Integrated Workspace (Business Starter and Enterprise Standard) with an Approved Budget for the Contract (ABC) of **TWO MILLION SEVEN HUNDRED THOUSAND PESOS ONLY (Php 2,700,000.00)** inclusive of tax and included in the Indicative Annual Procurement Plan of the Agency for FY 2023;

WHEREAS, per BAC Resolution 059 series of 2022 duly recommended by the committee and approved by the HoPE declared 1st Failure of Bid for the Early Procurement of One (1) – Year Subscription of Integrated Workspace and recommending to rebid;

WHEREAS, on 21 December 2022 Invitation to Bid (ITB-2022-10): Public Bidding for Goods for the Early Procurement of One (1)- Year Subscription of Integrated Workspace (Business Starter and Enterprise Standard) was published and posted in the Philippine Government Electronic Procurement System (PhilGEPS), in the PIA website (www.pia.gov.ph), PIA official social media account and in the Bids and Awards Committee Bulletin Board within the premises of PIA;

WHEREAS, for purposes of transparency and good governance, the BAC through its Secretariat, invited observers from the Commission of Audit (COA) and two (2) other non-government organizations namely Philippine Rural Reconstruction Movement (PRRM) and Philippine Chamber of Commerce and Industry (PCCI) to witness the Pre-Bid Conference and Bid Opening. However, no representative attended the said activities. Copies of the letter of invitations are hereto attached;

WHEREAS, on 29 December 2022 at 1:30 PM the Bids and Awards Committee (BAC) held the Pre-Bid Conference. However, no prospective bidder/s attended the proceedings;

WHEREAS, during the scheduled submission of bids on 10 January 2023, no bidder/provider submitted or signified their intent to bid;

WHEREAS, Section 35.1, Rule X of the 2016 Revised IRR provides for the authority of the BAC to declare a failure of bidding when:

Section 35. Failure of Bidding

35.1 The BAC shall declare the bidding a failure when:

- a.) **No bids are received;**
- b.) All prospective bidders are declared ineligible
- c.) All bids fail to comply with all the bid requirements or post qualification, or x x x x (emphasis supplied)

WHEREAS, Section 35.5, of the IRR of RA 9184 provides the condition on the declaration of failure of bidding which states that;

35.5 Should there occur a second failure of bidding, the Procuring Entity may resort to Negotiated Procurement, as provided for in Section 53.10 of this IRR.

WHEREAS, Section 53.1 of the 2016 Revised IRR of RA 9184, the Procuring Entity can directly negotiate a contract to a technically, legally and financially capable supplier, contractor or consultant in cases where there has been failure of Competitive Bidding or Limited Source Bidding for the second time as provided in Section 35 of the above Act and same IRR;

NOW, THEREFORE, in consideration of the foregoing, WE, the Members of the PIA BIDS AND AWARDS COMMITTEE, unanimously resolve the following;

- 1.) **DECLARE 2nd FAILURE OF BIDDING** for the Early Procurement of One (1)- Year Subscription of Integrated Workspace (Business Starter and Enterprise Standard) ITB 2022-08 pursuant to Section 35.1.a of the IRR of RA 9184;
- 2.) **RECOMMEND** to the End-User to conduct the mandatory review of the terms of reference;
- 3.) **RECOMMEND** undertaking Negotiated Procurement – Two Failed Biddings, under Rule XVI Section 53.1 of the IRR of RA 9184.

This resolution shall take effect immediately.

APPROVED this **12th** day of **JANUARY 2023** at Quezon City, Philippines.

MARK FOR REDACTION

ATTY. JAIME O. DIMSON
Chairperson, BAC

MARK FOR REDACTION

GIRLIE G. BANGUNAN
Vice-Chairperson, BAC

MARK FOR REDACTION

ATTY. JOSEPH ADRIAN B. LLAMES
Member

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MA. BUENA FE D. DE GUZMAN
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ANNIE LYN P. HALCON

Member

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GARY M. PENULIAR

End-User Representative

**MARK FOR
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RAMON LEE CUALOPING III

Director General