

POWER SECTOR
ASSETS & LIABILITIES
MANAGEMENT CORPORATION



Republic of the Philippines
Power Sector Assets and Liabilities Management Corporation
24th Floor Vertis North Corporate Center 1, Astra corner Lux Drives
Vertis North, North Avenue, Quezon City
Telephone Number (02) 8248-4861
<https://www.psalm.gov.ph>

BAC RESOLUTION NO. SBAC-2021-096

- 1. DECLARATION OF SECOND FAILURE OF BIDDING; AND**
- 2. RECOMMENDATION FOR CONDUCT OF RE-BIDDING**

**FOR THE PROCUREMENT OF ANNUAL PHYSICAL EXAMINATION
FOR PSALM CORPORATION FOR CY 2021
(PROJECT REFERENCE NO. 2021-PB-APE-039-02)**

WHEREAS, the Power Sector Assets and Liabilities Management (PSALM) Corporation is a government-owned and -controlled corporation duly established under Republic Act (RA) No. 9136 to manage the privatization of assets of the National Power Corporation (NPC) transferred to PSALM with the objective of liquidating all NPC financial obligations in an optimal manner;

WHEREAS, RA 9184, otherwise known as the Government Procurement Reform Act, was enacted to modernize, standardize and regulate procurement activities governed by the principles on transparency, competitiveness, system of accountability, public monitoring and streamlined process;

WHEREAS RA 9184 likewise provides that all procurement should be within the approved budget and contained in the approved Annual Procurement Plan (APP);

WHEREAS, on 18 December 2020, the PSALM Board of Directors approved the APP for CY 2021 which includes the Procurement of Services for Annual Physical Examination for PSALM Corporation for CY 2021 (the "Project") with an estimated budget of Seven Million Two Hundred Forty Thousand Pesos (PHP7,240,000.00);

WHEREAS, on 06 July 2021, the pre-procurement conference was conducted wherein the Bids and Award Committee (BAC) approved the Bidding Documents, Approved Budget for the Contract (ABC) of Seven Million Two Hundred Forty Thousand Pesos (PHP7,240,000.00) and the timeline for the Project;

WHEREAS, on 10 July 2021, the Invitation to Bid was posted at the websites of the Philippine Government Electronic Procurement System (<https://www.philgeps.gov.ph>) and PSALM (<https://www.psalm.gov.ph>) and at the PSALM Office for seven (7) consecutive days;

WHEREAS, on 20 August 2021, the BAC, through BAC Resolution No. SBAC-2021-068, declared a failure of bidding for the Project with Project Reference No. 2021-PB-APE-039-01 pursuant to Section 35.1(a) of the 2016 Revised Implementing Rules

and Regulations (IRR) of RA 9184 and to conduct a re-bidding in accordance with RA 9184 and its IRR;

WHEREAS, on 02 September 2021, the pre-procurement conference was conducted wherein the BAC approved the Bidding Documents, ABC of Five Million Four Hundred Seventy-Two Thousand Pesos (PHP5,472,000.00) and the timeline for the Project;

WHEREAS, on 07 September 2021, the Invitation to Bid was posted at the websites of the Philippine Government Electronic Procurement System (<https://www.philgeps.gov.ph>) and PSALM (<https://www.psal.gov.ph>) and at the PSALM Office for seven (7) consecutive days;

WHEREAS, on 16 September 2021, a pre-bid conference was held which was attended by two (2) prospective bidders, namely: (1) Hi-Precision Diagnostic Center, Inc.; and (2) Best Diagnostic Corporation;

WHEREAS, on 28 September 2021, the online/electronic submission and opening of bids were conducted and two (2) bidders, namely: (1) Best Diagnostic Corporation (“Best Diagnostic”) and (2) Hi-Precision Diagnostic Center, Inc. (“Hi-Precision”), submitted their bids before the bid submission deadline at 10:00 AM;

WHEREAS, both bidders were rated “passed” during the preliminary examination of the bids and were found compliant with the eligibility and technical requirements as provided in the Bidding Documents;

WHEREAS, the financial bid of the bidders were likewise found to be compliant and within the ABC, as follows:

Bidder Identification/Name	Bid As Read	Rank
	ABC = PHP5,472,000.00	
Best Diagnostic Corporation	PHP5,064,000.00	1
Hi-Precision Diagnostic Center, Inc.	PHP5,381,000.00	2

WHEREAS, the BAC declared Best Diagnostic as the bidder with the lowest bid as read, subject to the detailed bid evaluation and post-qualification;

WHEREAS, the BAC, through the Technical Working Group (TWG), conducted a detailed evaluation of the bids with the following results:

Bidder Identification/Name	Bid As Calculated	Rank
	ABC = PHP5,472,000.00	
Best Diagnostic Corporation	PHP10,073,600.00	2
Hi-Precision Diagnostic Center, Inc.	PHP5,381,000.00	1

WHEREAS, during bid evaluation, the TWG finds that Best Diagnostic and Hi-Precision did not meet all the technical specifications required in the bidding documents, as follows:

1. For Best Diagnostic:

- a. the submitted bid as calculated in the amount of PHP10,073,600.00 exceeds the ABC in the amount of PHP5,472,000.00.
 - b. non-compliance with Form TEC-04 or Non-Conformity with Section VI (Schedule of Requirements) and Section VII (Technical Specifications), as the notarization was done on 27 September 2021, which is prior to the date of signing by the authorized representative on 28 September 2021.
2. For Hi-Precision:
- a. The page 1 of the Bid Form was not signed by the authorized representative.
 - b. The Single Largest Completed Contract did not include PSALM's 2019 APE (duration: August to September 2019) with amount at award of PHP7,143,590.00 and amount at completion of PHP5,000,000.

WHEREAS, the BAC, upon the recommendation of the TWG, declared both bidders as disqualified as indicated in the Bid Evaluation Report dated 30 September 2021;

WHEREAS, on 07 October 2021, the BAC served the Notice of Disqualification to both bidders through electronic mail (email) and informed the said bidders that they have three (3) days to file their Requests for Reconsideration (RR) from receipt of the notice, which was acknowledged by Mr. Paul Dy of Hi-Precision Diagnostic Center, Inc. on 11 October 2021, and by Ms. Abigail Santos of Best Diagnostic Corporation on 12 October 2021;

WHEREAS, PSALM did not receive a RR from Hi-Precision Diagnostic Center, Inc. within the three (3) days prescribed period which lapsed on 14 October 2021;

WHEREAS, on 15 October 2021, Best Diagnostic Corporation filed its RR based on the following grounds:

1. The amount reflected in the Detailed Bid Price Schedule (Price Schedule II) was inadvertently filled-up. The authorized representative thought that she was being asked for details or a reiteration of those already filled in. But Best Diagnostic Corporation's total bid price is only PHP5,064,400.00;
2. The date of signing was inadvertently dated with the date of submission. At the time of signing the notarized document, the authorized representative was thinking of the date of submission, but the actual date of signing is the same as the date of notarization which is 27 September 2021;

WHEREAS, on 19 October 2021, the BAC denied the RR of Best Diagnostic Corporation and informed them that they may file a protest within seven (7) calendar days from receipt of the letter which was acknowledged by its authorized representative on 22 October 2021;

WHEREAS, PSALM did not receive a protest from Best Diagnostic Corporation, within the seven (7) calendar days prescribed period;

WHEREAS, Section 35.1(b) of the 2016 Revised IRR of RA 9184 provides that the BAC shall declare the bidding a failure when all bids fail to comply with all the bid requirements or fail post-qualification;

NOW, THEREFORE, for and in consideration of the foregoing, We, the Members of the Bids and Awards Committee, **RESOLVE**, as it is hereby **RESOLVED**, to recommend for approval by the Head of the Procuring Entity the following:

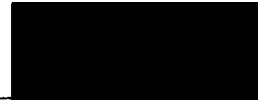
1. Declare a **SECOND FAILURE OF BIDDING** for the Procurement of Services for Annual Physical Examination for PSALM Corporation for CY 2021; and
2. Conduct a re-bidding for the Project in accordance with the provisions of RA 9184 and its IRR.

---- signatories on the following page -----

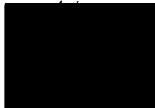
RESOLVED, at the 24th Floor, Vertis North, Corporate Center 1, Astra corner Lux Drives, Vertis North, North Avenue, 1105 Quezon City this 5th day of November 2021.



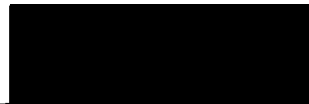
FREDERICK R. TAMAYO
Member



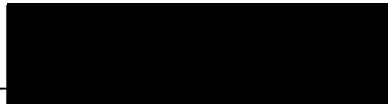
RONALD V. SIQUIOCO
Member



EDGAR C. CABRERA
Member

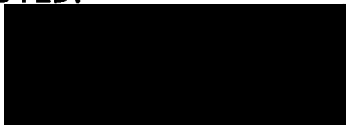


GLEND A. LEAH CARINGAL
Vice-Chairperson



GLENN B. SANTOS
Chairperson
Bids and Awards Committee

NOTED:



IRENE JOY BESIDO-GARCIA
President and CEO

Date: NOV 15 2021