

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 7902-9000
<https://www.psalms.gov.ph>

BAC RESOLUTION NO. SBAC-2022-029

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

**FOR THE PROCUREMENT OF SERVICES OF DENR-EMB RECOGNIZED/REGISTERED
PCB LABORATORY FOR TESTING OF TRANSFORMERS
(PROJECT REFERENCE NO. 2022-SVP-PCBLT-007-02)**

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 27 October 2021, the PSALM Board of Directors approved the PSALM APP for CY 2022 which includes the Procurement of Services of DENR Recognized/Registered PCB Laboratory for Testing of Transformers (the "Project") with an estimated budget of Five Hundred Thousand Pesos (PHP500,000.00);

WHEREAS, on 03 November 2021, the PSALM President and CEO, as authorized by the PSALM Board of Directors, signed the APP for CY 2022;

WHEREAS, the Bids and Awards Committee (BAC), through BAC Resolution No. SBAC-2022-002 dated 13 January 2022 authorized the Asset Privatization Department 2 (APD2), as the End-user of the Project, to conduct Negotiated Procurement (Small Value Procurement) as an alternative method of procurement;

WHEREAS, on 22 February 2022, the pre-procurement conference was conducted wherein the Bids and Award Committee (BAC) approved the Request for Proposal (RFP), Approved Budget for the Contract (ABC) of Two Hundred Fourteen Thousand Pesos (PHP214,000.00) and the timeline for the Project;

WHEREAS, on 24 February 2022, the RFP for the Project with Project Reference No. 2022-SVP-PCBLT-007-01 was sent out to at least three (3) suppliers of known qualifications and at the same time, uploaded 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 three (3) consecutive days;

WHEREAS, on 08 March 2022, the date of the Opening of Proposals for the Project, no bidder submitted its proposal by the deadline for the submission at 10:00 AM;

WHEREAS, on 10 March 2022, the BAC, through BAC Resolution No. SBAC-2022-014, declared a failure of bidding for the Project with Project Reference No. 2022-SVP-PCBLT-007-01 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 Revised IRR;

WHEREAS, on 21 April 2022, the pre-procurement conference for the second round of bidding for the Project with Project Reference No. 2022-SVP-PCBLT-007-02 was conducted wherein the BAC reviewed and evaluated the terms, conditions, and specifications in the Bidding Documents, including the cost estimates;

WHEREAS, the BAC approved the RFP, ABC of Two Hundred Fourteen Thousand Pesos (PHP214,000.00) and the timeline for the second round of bidding of the Project;

WHEREAS, on 27 April 2022, the RFP for the Project with Project Reference No. 2022-SVP-PCBLT-007-02 was sent out to at least three (3) suppliers of known qualifications and at the same time, uploaded 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 three (3) consecutive days;

WHEREAS, on 10 May 2022, the online/electronic submission and opening of proposals was conducted by APD2 and only one (1) bidder, CRL Environmental Corporation (CRL) submitted its proposal before the submission deadline at 10:00 AM;

WHEREAS, on 12 May 2022, as presented by APD2 to the BAC, CRL submitted its Annual Income Tax Return (ITR) for 2020 filed in 2021 instead of the required ITR for 2021 filed in 2022 and did not submit the Percentage Tax Returns BIR Form No. 2551 covering the latest quarters (2551Q) (i.e. 4th Quarter of 2021 and 1st Quarter of 2022);

WHEREAS, CRL was declared as non-compliant with the non-submission of the required documents and is disqualified for the Project;

WHEREAS, on 17 May 2022, the BAC Secretariat served the Notice of Disqualification to CRL and informed the said bidder that it has three (3) days to file its Request for Reconsideration from receipt of the notice;

WHEREAS, on 17 May 2022, the BAC Secretariat received a response from Mr. Timothy Dexter Chino A. Ocampo, representative of CRL, that they will not file a motion for reconsideration;


WHEREAS, Section 35.1(c) of the 2016 Revised IRR of RA 9184 provides that the BAC shall declare a failure of bidding if all bids fail to comply with all the bid requirements;

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 of DENR Recognized/Registered PCB Laboratory for Testing of Transformers**; and
2. Conduct a re-bidding for the Project in accordance with the provisions of RA 9184 and its 2016 Revised 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 20th day of May 2022.



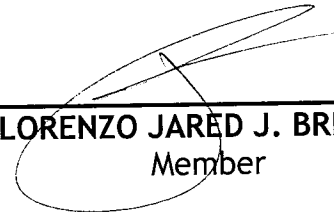
REY EVINCE R. VALENCIA
Alternate Member

(not in attendance)


SHERYL LYN S. POLICARPIO
Member




RENE A. FRANCISCO
Member



LORENZO JARED J. BRIONES
Member

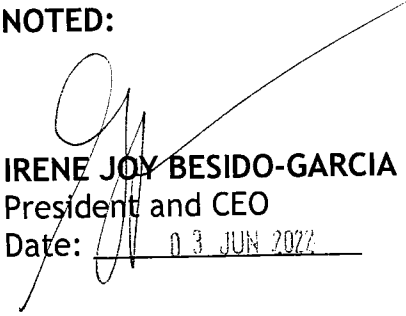


FREDERICK R. TAMAYO
Vice-Chairperson



GLENN B. SANTOS
Chairperson
Bids and Awards Committee

NOTED:


IRENE JOY BESIDO-GARCIA
President and CEO
Date: 03 JUN 2022