



BIDS AND AWARDS COMMITTEE (BAC) 2

PROJECT DETAILS

Invitation to Bid Number	PB21-01-011COR
Project Title	Supply, Delivery, Installation and Commissioning of Domestic Leased Line (DLL) for Three (3) Years Subscription
Mode of Procurement	Public Bidding
End-user	Information Technology Department (ITD)
Approved Budget for the Contract (ABC)	Thirty-Six Million Pesos (PhP36,000,000.00), VAT Exclusive, Zero-Rated Transaction.
Date of APP Approval	December 9, 2020
Budget Authorization Number	20110687

**RESOLUTION DECLARING THE FAILURE OF BIDDING
AND RECOMMENDING FOR APPROVAL BY THE CHAIRMAN
AND CHIEF EXECUTIVE OFFICER FOR THE CONDUCT OF REBIDDING**

WHEREAS, the Bids and Awards Committee (BAC) 2 has been tasked to handle the procurement requirements of the Philippine Amusement and Gaming Corporation (PAGCOR) with the project details presented above;

WHEREAS, the Procurement Processing Request (PPR), approved Annual Procurement Plan (APP) for CY 2020, quotations and other pertinent documents were received on October 1, 2020, by the Procurement Department (PD), acting as the BAC Secretariat;

WHEREAS, during the First (1st) Pre-Procurement Conference held last October 14, 2020, the BAC 2 together with the representatives of the end-user, Information Technology Department (ITD), reviewed and evaluated all the documents presented, including the Terms of Reference (TOR) integrated in the Bidding Documents;

WHEREAS, in the same meeting, the BAC 2 required the end-user (ITD) to submit the basis of costing for the determination of the Approved Budget for the Contract (ABC) for posting;

WHEREAS, on October 20, 2020, the PD received the basis of costing from the end-user (ITD);

WHEREAS, in the Second (2nd) Pre-procurement Conference held on October 28, 2020, the PD presented the aforesaid basis of costing to the BAC 2;

WHEREAS, in the same meeting on October 28, 2020, the BAC 2 agreed to proceed with the finalization of the bidding documents and posting of the requirement;

WHEREAS, the BAC 2 also agreed that the ABC for posting is in the total amount of Thirty-Six Million Pesos (PhP36,000,000.00), VAT Exclusive, Zero-Rated Transaction, for a period of three (3) years, as the BAC 2 resolved to use a monthly budget of One Million Pesos (PhP1,000,000.00) or an annual budget of Twelve Million Pesos (PhP12,000,000.00);

WHEREAS, the Invitation to Bid (ITB) was posted from January 26, 2021 to February 15, 2021 at the websites of PAGCOR and the Philippine Government Electronic Procurement System (PhilGEPS) and in a conspicuous place within the premises of PAGCOR Corporate Annex;

WHEREAS, copies of the ITB were also sent through electronic mail to prospective bidders listed in the PAGCOR's Registry of Suppliers;

WHEREAS, on February 3, 2021, Bid Bulletin No. 1 dated February 2, 2021 was issued to change the time of the Pre-Bid Conference scheduled on February 3, 2021 from 10:30 a.m. to 2:30 p.m.;

WHEREAS, during the Pre-Bid Conference held on February 3, 2021, two (2) bidders attended the forum, namely:

1. Converge ICT Solution, Inc., and
2. Eastern Communications.

WHEREAS, Bid Bulletin No. 2 was issued on February 8, 2021 to reschedule the deadline for the Submission, Receipt, Opening and Preliminary Examination of Bids from February 15, 2021 to February 17, 2021 and include additional provisions in the Technical Specifications;

WHEREAS, only one (1) bidder, PLDT Inc. bought the Bidding Documents;

WHEREAS, on the deadline for the Submission and Receipt of Bids on February 17, 2021, PLDT Inc. submitted its Bid;

WHEREAS, on the same date, February 17, 2021, the BAC 2 through the PD, acting as the BAC Secretariat, issued a Notice of Postponement to re-schedule the date of the Opening and Preliminary Examination of Bids from February 17, 2021 to February 22, 2021 due to lack of quorum;

WHEREAS, after the Opening and Preliminary Examination of the First (1st) Bid Envelope (Eligibility Documents and Technical Component) held on February 22, 2021, the BAC 2 resolved to disqualify the lone prospective bidder, PLDT Inc. based on the following grounds:

- Non-declaration of all its on-going private contracts; and
- The submitted Committed Line of Credit in lieu of the Net Financial Contracting Capacity (NFCC) is valid only until June 30, 2021.

WHEREAS, in the same meeting on February 22, 2021, the BAC 2 also resolved to send a Notice of Disqualification to PLDT Inc. since the authorized representative was not present during the meeting;

WHEREAS, the BAC 2, through the PD, sent the Notice of Disqualification to PLDT Inc. on March 8, 2021 and was acknowledged receipt on March 9, 2021. They were given three (3) calendar days to file a Request for Reconsideration from the receipt of notice;

WHEREAS, PLDT Inc. filed a Request for Reconsideration on March 10, 2021:

WHEREAS, during a Consultation Meeting held on March 15, 2021, the PD presented to the BAC 2 the Request for Reconsideration dated March 9, 2021 filed by PLDT Inc.;

WHEREAS, upon extensive evaluation, the BAC 2 resolved to reconsider the validity of the submitted Committed Line of Credit of PLDT Inc. in lieu of the NFCC;

WHEREAS, the BAC 2 agreed that the Non-declaration of All On-Going Private Contracts by PLDT Inc. is unacceptable, even though the said bidder is compelled to have strict compliance with the Non-Disclosure Agreement (NDA) with its private customers. This condition should have been stated in the submitted Statement of All On-Going Private Contracts, in compliance with the eligibility documents required by the project, instead of stating "NONE";

WHEREAS, in the same meeting held on March 15, 2021, the BAC 2 resolved to DENY the Request for Reconsideration of PLDT Inc. with finality and instructed the BAC Secretariat to issue a Resolution on the Request for Reconsideration to PLDT Inc.;

WHEREAS, on April 14 2021, the BAC 2, through the PD, issued a Resolution on the Request for Reconsideration which was acknowledged by PLDT Inc. on April 29, 2021;

WHEREAS, in a Consultation Meeting held on May 10, 2021, the PD presented to the BAC 2 that the Resolution on the Request for Reconsideration was acknowledged by PLDT Inc. on April 29, 2021 and raised that the period to file a protest within the seven (7) calendar days period from the receipt of the said resolution has already expired;

WHEREAS, the BAC 2 in the same meeting held on May 10, 2021 resolved to declare a Failure of Bidding pursuant to Section 35.1 (b) of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (R.A.) 9184 since the lone prospective bidder was declared ineligible;

WHEREAS, the representative from the end-user, ITD, in the same meeting on May 10, 2021 signified that they intend to re-conduct the procurement process;

WHEREAS, in compliance with the requirement provided under Section 35.2 of the 2016 Revised IRR of R.A. 9184, the BAC 2, together with the end-user, ITD, conducted the mandatory review and evaluation of the terms, conditions, and specifications reflected in the Bidding Documents for the project, including its cost estimates, to determine the reasons for the failure of bidding;

WHEREAS, based on the results of the mandatory review and evaluation, the BAC 2, including the end-user, ITD, resolved to use the same terms, conditions, technical specifications and ABC for the project;

NOW, THEREFORE, We, the Members of the Bids and Awards Committee (BAC) 2,
hereby **RESOLVE**, as it is hereby **RESOLVED** to:

1. Declare a Failure of Bidding for the Supply, Delivery, Installation and Commissioning of Domestic Leased Line (DLL) for Three (3) Years Subscription under ITB No. PB21-01-011COR pursuant to Section 35.1 (b) of the 2016 Revised IRR of R.A. 9184, since the lone bidder was declared ineligible; and
2. Recommend for approval by the Chairman and Chief Executive Officer of the conduct of the rebidding for the Supply, Delivery, Installation and Commissioning of Domestic Leased Line (DLL) for Three (3) Years Subscription, with re-posting, pursuant to Section 35.3 of the 2016 Revised IRR of R.A. 9184.

RESOLVED, this 10th day of May 2021 through Video Conferencing using the Zoom application.



RODERICK R. CONSOLACION
Chairperson, LG



GENE R. DOCTOR
Vice-Chairperson, ACD



JANICE A. GODORNES
Member, LG

ROBERT C. LUCQUIAO
Member, CMED



RYAN F. CORDETA
Member, SD



CARLOS C. CANLAS
Member, FG



ARNULFO R. CALISTE
Alternate Provisional Member, End-user, ITD



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PROCUREMENT
DEPARTMENT


APPROVED BY:



ANDREA D. DOMINGO
Chairman and Chief Executive Officer