



**MARKETING AND ENTERPRISE SERVICES GROUP  
PROCUREMENT DEPARTMENT**

**MEMORANDUM**

December 5, 2022

FOR : **THE VICE PRESIDENT**  
Human Resource and Development Group (HRDG) 

FROM : **THE ASSISTANT VICE PRESIDENT**

SUBJECT : **BIDS AND AWARDS COMMITTEE (BAC) 1 RESOLUTION  
FOR APPROVAL**

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May we forward, for your approval, the BAC 1 Resolution declaring the Failure of Negotiated Procurement – Two Failed Biddings and its re-conduct for the Supply and Delivery of Four (4) Lots Various Gift Certificates under ITB No. FB22-10-022COR.

Thank you.



**CHRISTINE ROSE J. FERNANDEZ**

RBD/gsa.120522



**BIDS AND AWARDS COMMITTEE (BAC) 1**

**PROJECT DETAILS**

<b>Invitation to Bid Number</b>	FB22-10-022COR															
<b>Project Title</b>	Supply and Delivery of Four (4) Lots Various Gift Certificates															
<b>Mode of Procurement</b>	Negotiated Procurement (Two-Failed Biddings)															
<b>End User</b>	Marketing Department (MD)															
<b>Approved Budget for the Contract (ABC)</b>	<p>The total ABC is Fourteen Million Pesos (PhP14,000,000.00), VAT Exclusive, Zero-Rated Transaction, with breakdown as follows:</p> <table border="1"><thead><tr><th><b>Lot No.</b></th><th><b>Description</b></th><th><b>ABC, VAT Exclusive, Zero- Rated Transaction</b></th></tr></thead><tbody><tr><td>1</td><td>Gift Certificate for Merchandise Items (Non-food and non-appliances) with 5,000, 1,000 and 500 denominations</td><td>Eleven Million Pesos (PhP11,000,000.00)</td></tr><tr><td>2</td><td>Gift Certificates for Availment of Groceries</td><td>One Million Pesos (PhP1,000,000.00)</td></tr><tr><td>3</td><td>Gift Certificates for Availment of Appliances</td><td>One Million Pesos (PhP1,000,000.00)</td></tr><tr><td>4</td><td>Gift Certificates for Availment of Lechon</td><td>One Million Pesos (PhP1,000,000.00)</td></tr></tbody></table>	<b>Lot No.</b>	<b>Description</b>	<b>ABC, VAT Exclusive, Zero- Rated Transaction</b>	1	Gift Certificate for Merchandise Items (Non-food and non-appliances) with 5,000, 1,000 and 500 denominations	Eleven Million Pesos (PhP11,000,000.00)	2	Gift Certificates for Availment of Groceries	One Million Pesos (PhP1,000,000.00)	3	Gift Certificates for Availment of Appliances	One Million Pesos (PhP1,000,000.00)	4	Gift Certificates for Availment of Lechon	One Million Pesos (PhP1,000,000.00)
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4	Gift Certificates for Availment of Lechon	One Million Pesos (PhP1,000,000.00)														
<b>Date of APP Approval</b>	October 27, 2021															
<b>Budget Authorization Number</b>	21100645															

**RESOLUTION DECLARING THE FAILURE OF NEGOTIATED PROCUREMENT (TWO-FAILED BIDDINGS) AND RECOMMENDING APPROVAL BY THE VICE PRESIDENT OF THE RECONDUCT THEREOF**

**WHEREAS**, the Bids and Awards Committee (BAC) 1 has been tasked to handle the procurement 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) as of October 27, 2021, Terms of Reference (TOR) and other pertinent documents were received by the Procurement Department (PD), performing the functions of the BAC Secretariat, on February 08, 2022;

**WHEREAS**, the project was subjected to competitive bidding, unfortunately, there occurred two (2) consecutive failure of biddings, due to the following reasons:

PROJECT / ITB NO.	DATE DECLARED AS FAILURE	REASONS OF FAILURE
Supply and Delivery of Four (4) Lots Various Gift Certificates under ITB No. CB22-03-033COR  First (1 <sup>st</sup> ) Bidding	May 23, 2022	The BAC 1, declared a Failure of Bidding, pursuant to Section 35.1 (a) of the 2016 Revised Implementing Rules and Regulations (IRR) of the Republic Act (R.A.) 9184, since no bids were received.
Supply and Delivery of Four (4) Lots Various Gift Certificates under ITB No. CB22-03-033CORa-06  Re-bidding	August 22, 2022	The BAC 1 declared a Failure of Rebidding, pursuant to Section 35.1 (a) of the 2016 Revised IRR of the R.A. 9184, since no bids were received.

**WHEREAS**, on October 10, 2022, the Vice President approved the BAC 1 Resolution to resort to Negotiated Procurement (Two-Failed Biddings) pursuant to Section 35.5 of the 2016 Revised IRR of R.A 9184 with re-posting, as provided for in Section 54.2 and the revision/updating of the 2022 APP to reflect *Negotiated Procurement (Two-Failed Biddings)* as the new mode of procurement;

**WHEREAS**, the project was reprised through the conduct of Negotiated Procurement (Two-Failed Biddings) under ITB No. FB22-10-022COR;

**WHEREAS**, in the Pre-Procurement Conference held last October 12, 2022, the BAC 1, together with the representatives from the end-user, Marketing Department (MD), reviewed and evaluated all the documents presented, including the Technical Specifications and Schedule of Requirements integrated in the Request for Quotation (RFQ) for the project;

**WHEREAS**, in the same meeting, the BAC 1 resolved to proceed with the finalization and posting of the RFQ using the approved budget for the contract in the total amount of Fourteen Million Pesos (PhP14,000,000.00), VAT Exclusive, Zero-Rated Transaction, considering that all documents were in order;

**WHEREAS**, the Invitation to Bid (ITB) was posted 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 Office from October 26, 2022 to November 14, 2022;

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

**WHEREAS**, in the Negotiations held on November 2, 2022, two (2) prospective bidders attended the forum, namely:

1. Rustan's Commercial Corporation; and
2. New Ping Ping Lechon and Restaurant, Inc.

**WHEREAS**, only one (1) bidder, New Ping Ping Lechon and Restaurant, Inc. secured copies of the RFQ and submitted its quotations for Lot 4 (Gift Certificate for Availment of Lechon) on November 14, 2022, the deadline for the Submission and Receipt of the Quotations/Best Offer/s;

**WHEREAS**, upon conclusion of the Opening and Preliminary Examination of the Best Offer/s, the results were as follows:

LOT and DESCRIPTION	NAME OF BIDDER	REMARKS
1 Gift Certificates for Merchandise Items	No Bidder	<b>Failed.</b> Pursuant to Section 35.1 (a) of the 2016 Revised IRR of the RA 9184, since no bids were received
2 Gift Certificates for availment of Groceries	No Bidder	
3 Gift Certificates for availment of Appliances	No Bidder	
4 Gift Certificates for availment of Lechon	NEW PING PING LECHON AND RESTAURANT, INC.	The Bidder <b>failed</b> to submit a valid and updated PhilGEPS Certificate of Platinum Registration and Membership with additional caveat in accordance with Section 8.5.2 of the 2016 Revised IRR of RA 9184, as amended through GPPB Resolution No. 15-2021, certifying that all the eligibility documents submitted to PhilGEPS are maintained and updated.  It was found to be non-compliant with the requirements.

**WHEREAS**, in the said meeting, the BAC 1 declared a Failure of Negotiated Procurement - Two Failed Biddings for Lots 1, 2 and 3, pursuant to Section 35.1 (a) of the 2016 Implementing Rules and Regulations (IRR) of the Republic Act (R.A.) 9184, since no bid was received, and for Lot 4, pursuant to Section 35.1 (b) of the 2016 IRR of RA 9184, since the bidder was found ineligible;

**WHEREAS**, the PD, performing the functions of the BAC Secretariat, was instructed by the BAC 1 to issue a Notice of Disqualification, citing the grounds for failure of procurement of Lot 4 (Gift Certificates for Availment of Lechon);

**WHEREAS**, the end-user, MD, expressed their intention to continue with the procurement of their requirement;

**WHEREAS**, the BAC 1, in the same meeting, resolved to recommend the reconduct thereof;

**WHEREAS**, the BAC 1 further instructed the end-user, MD, to conduct a mandatory review of the technical specifications, terms and conditions and the budget for the reconduct of Negotiated Procurement (Two-Failed Biddings);

**NOW, THEREFORE, We**, the Members of the Bids and Awards Committee (BAC) 1, hereby **RESOLVE** as it is hereby **RESOLVED**:

1. To declare a Failure of Negotiated Procurement (Two-Failed Biddings) for the Supply and Delivery of Four (4) Lots Various Gift Certificates under ITB No. FB22-10-022COR, due to the following reasons:

Lot	Reasons
1, 2 and 3	Pursuant to Section 35.1 (a) of the 2016 Revised IRR of the R.A. 9184, since no bid was received.
4	Pursuant to Section 35.1 (b) of the 2016 IRR of RA 9184, since the bidder was found ineligible.

2. To recommend for the approval by the Vice President of Human Resource and Development Group (HRDG), duly delegated by the Board of Directors (BoD), as the Head of the Procuring Entity (HoPE) of PAGCOR, the reconduct of the Negotiated Procurement (Two-Failed Biddings) for the Supply and Delivery of Four (4) Lots Various Gift Certificates, with re-posting, as provided for in Sections 35.3 and 21.2 of the 2016 Revised IRR of R.A 9184, after the conduct of mandatory review and evaluation of the terms, conditions and specifications in the Request for Quotation, including its cost estimates pursuant to Section 35.2 of the same IRR.

**RESOLVED**, at the Corporate Lounge, 6<sup>th</sup> Floor, PAGCOR Executive Office, New Coast Hotel Manila, 1588 M.H. Del Pilar corner Pedro Gil Streets, Malate, Manila, this 14<sup>th</sup> day of November 2022.


  
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**RODERICK R. CONSOLACION**  
Chairperson, LG

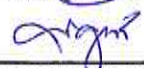
  
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**RODRIGO D. SILVERIO**  
Vice-Chairperson, ACD

*Not Present*  
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**ALIAH M. COMAGUL**  
Member, LG

*Not Present*  
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**LUIS ANTONINO JOSE MARIA V. DELA CONCEPCION**  
Member, SD

  
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**EMMANUEL D. PACABIS**  
Member, SSD

  
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**CARLOS C. CANLAS**  
Member, TD

  
\_\_\_\_\_  
**CHRISTINA V. SIAPCO**  
Alt. Provisional Member/End-User, MD

APPROVED BY:

  
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**ALBERTO O. REGINO JR.**  
Vice President

PD22-4673  
Marilyn B. Roca  
12-14-22 / 4:03