



BIDS AND AWARDS COMMITTEE (BAC) 3

PROJECT DETAILS

Invitation to Bid Number	CB22-00-008CORa									
Project Title	Supply and Delivery of Various Entertainment Equipment and Supplies									
Mode of Procurement	Public Bidding (Rebidding)									
End-user	Entertainment Department (ED)									
Approved Budget for Contract (ABC)	<p>The total ABC is in the amount of Twenty-Seven Million Three Hundred Thirty-One Thousand Six Hundred Eighty-Two Pesos (PhP27,331,682.00), VAT Exclusive, Zero-Rated Transaction,</p> <p>The ABC per lots are as follows:</p> <table border="1"><thead><tr><th>LOT No.</th><th>DESCRIPTION</th><th>ABC, VAT-EXCLUSIVE, ZERO-RATED TRANSACTION</th></tr></thead><tbody><tr><td>1</td><td>Supply and Delivery of Various Entertainment Equipment</td><td>Twenty-Six Million Three Hundred Eighty-Five Thousand One Hundred Fifteen Pesos (PhP26,385,115.00)</td></tr><tr><td>2</td><td>Supply and Delivery of Various Entertainment Supplies</td><td>Nine Hundred Forty-Six Thousand Five Hundred Sixty-Seven Pesos (PhP946,567.00)</td></tr></tbody></table>	LOT No.	DESCRIPTION	ABC, VAT-EXCLUSIVE, ZERO-RATED TRANSACTION	1	Supply and Delivery of Various Entertainment Equipment	Twenty-Six Million Three Hundred Eighty-Five Thousand One Hundred Fifteen Pesos (PhP26,385,115.00)	2	Supply and Delivery of Various Entertainment Supplies	Nine Hundred Forty-Six Thousand Five Hundred Sixty-Seven Pesos (PhP946,567.00)
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Date of APP Approval	December 9, 2020									
Date of Project Approval	March 11, 2021									
Budget Authorization Number	20110687									

RESOLUTION DECLARING FAILURE OF REBIDDING AND RECOMMENDING APPROVAL BY THE CHIEF OF STAFF OF THE RESORT TO NEGOTIATED PROCUREMENT (TWO-FAILED BIDDINGS) AND REVISION / UPDATING OF THE ANNUAL PROCUREMENT PLAN (APP) FOR CY2022 FOR LOT 1

WHEREAS, the Bids and Awards Committee (BAC) 3 has been tasked to handle the procurement of the Philippine Amusement and Gaming Corporation (PAGCOR), with the project details presented above;

WHEREAS, the Procurement Department (PD), acting as the BAC Secretariat, received on April 19, 2021 the Procurement Processing Request (PPR) and other pertinent documents related to the project;

WHEREAS, the project was processed by the BAC 3 under ITB No. PB21-07-035COR during its first public bidding on October 26, 2021 but resulted into 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 bidder was declared ineligible;

WHEREAS, the Chairman and Chief Executive Officer approved on November 9, 2021 the BAC 3 resolution declaring the Failure of Bidding and the conduct of Rebidding;

WHEREAS, the BAC 3, during the Pre-Procurement Conference held on November 10, 2021, reviewed and evaluated all the documents presented, including the technical specifications integrated in the Bidding Documents for the project and resolved to proceed with the finalization and posting of the requirement;

WHEREAS, the Invitation to Bid 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 November 17, 2021 to December 6, 2021;

WHEREAS, copies of the Invitation to Bid were also sent through electronic mail to prospective bidders from the PAGCOR's Registry of Suppliers;

WHEREAS, the BAC 3, during the Pre-Bid Conference held on November 24, 2021, discussed the salient procedures for the conduct of competitive bidding and the contents of the Bidding Documents to the following prospective bidders who attended the meeting:

1. Rich88;
2. Stage Craft International Inc. (SCII);
3. Prodynamix System Technologies Inc (PSTI);
4. All Visual & Lights System (AVLS); and
5. The Brain Computer Corp. (TBCC).

WHEREAS, only PSTI bought the bidding documents on December 1, 2021 and submitted their bids on December 6, 2021, the deadline for the Submission, Receipt, Opening and Preliminary Examination of Bids;

WHEREAS, after the Opening and Preliminary Examination of the First (1st) Bid Envelope (Eligibility Documents and Technical Component), the bid of PSTI was rated as "Passed" and qualified for the Opening and Preliminary Examination of the Second (2nd) Bid Envelope (Financial Component);

WHEREAS, upon conclusion of the Opening and Preliminary Examination of the Second (2nd) Bid Envelope (Financial Component), the results were as follows:

Lot No.	Name of Bidder	Description	Remarks
1	PSTI	Supply and Delivery of Various Entertainment Equipment	Passed. The total financial bid of PhP26,347,000.00 is within the ABC and Qualified for the Detailed Bid Evaluation.
2		Supply and Delivery of Various Entertainment Supplies	Failed/Disqualified. The total financial bid of PhP953,500.00 is more than the ABC.

WHEREAS, right after the Opening and Preliminary Examination of the Second (2nd) Bid Envelope (Financial Component), PSTI was informed that their financial bid for Lot 2 was declared by the BAC 3 as disqualified for exceeding the maximum ABC for the Lot;

WHEREAS, the end-user/Technical Working Group (TWG), ED, based on their memorandum dated December 7, 2021, stated that the financial offer for Lot 1 of Prodynamix System Technologies Inc. was arithmetically accurate, acceptable, and compliant with the requirements;

WHEREAS, further on same memo, the ED stated that PSTI did not indicate the separate costing for the accessories for items 1, 11 and 28 but the BAC resolved to accept the financial offer of PSTI since the total cost of the complete set was reflected in the submitted Price Schedule;

WHEREAS, the BAC 3, during the Detailed Bid Evaluation for Lot 1 held on December 9, 2021, after the thorough discussion on the submitted Price Schedule, declared PSTI as the bidder having Single Calculated Bid (SCB), with details as follows:

Lot No.	Name of Bidder	TOTAL BID PRICE, As Calculated, VAT Exclusive, Zero-Rated Transaction	% Variance from ABC (PhP26,385,115.00)	Rank
1	Prodynamix System			Single Calculated Bid

	Technologies Inc.	PhP26,347,000.00	0.14%	(SCB)
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WHEREAS, in the same meeting, the BAC 3 resolved to declare a Failure of Rebidding and resort to Negotiated Procurement (Two-Failed Biddings) for Lot 2 since no request for reconsideration from PSTI was received within the prescribed period from the verbal notification to the authorized representative of Prodynamix System Technologies Inc. on December 6, 2021;

WHEREAS, the BAC 3, during the Deliberation Meeting held on December 20, 2021, resolved to request for the approval of the extension of the period for the completion of the post-qualification process for a period of forty-five (45) calendar days, based on the following grounds:

1. The post-qualification documents of the bidder having the SCB shall still undergo verification;
2. On-going verification by the Procurement Planning, Monitoring and Services Division (PPMSD) of Procurement Department (PD) of the eligibility and post-qualification documents of the bidder having the SCB, which cannot be completed within twelve (12) calendar days; and
3. Without proper evaluation, verification and validation of all the submitted documents, the BAC 3 cannot recommend the award of the contract to the bidder having the SCB.

WHEREAS, the BAC 3 issued the Notification as the SCB to PSTI with the advice to submit the post-qualification requirements within five (5) calendar days from receipt of the notice;

WHEREAS, the said notice was sent through the official email of PD on December 20, 2021 and PSTI acknowledged the receipt of the email on December 21, 2021;

WHEREAS, on December 29, 2021, the PSTI submitted the post-qualification documents together with the signed Notification as the SCB;

WHEREAS, the authorized signatory/representative of PSTI acknowledged both receipt of email and the Notification as the SCB;

WHEREAS, the Chairman and Chief Executive Officer (CCEO) approved on December 29, 2021, the failure of rebidding and resort to Negotiated Procurement (Two-Failed Biddings) for Lot 2;

WHEREAS, the BAC 3, during the Consultation Meeting held on December 29, 2021, resolved to recommend to the Board of Directors for approval, the conduct of Negotiated Procurement (Two-Failed Biddings) for Lot 2 despite the lapse of 15 and 30 calendar days from the declaration of Failure of Rebidding on December 9, 2021 pursuant to the Government Procurement Policy Board (GPPB) Circular 05-2016;

WHEREAS, the BAC 3, during the Deliberation Meeting held on January 5, 2022, was informed of the following:

1. Twenty-seventh (27th) calendar day of the post-qualification process;
2. The evaluation and verification of the submitted documents is already complete; and
3. The resolution recommending the extension of period to complete the post-qualification process is not yet approved.

WHEREAS, in the same meeting, the BAC 3 agreed to wait for the approval of the CCEO on the extension of the period to complete the post-qualification process;

WHEREAS, the BAC 3, during the Deliberation Meeting held on January 12, 2022, discussed and decided the two (2) manners of receipt of the Notification as the SCB by the bidder as basis in determining the compliance for the submission of the post-qualification documents;

WHEREAS, in the same meeting, the BAC 3 resolved to post-disqualify the bid for Lot 1 of PSTI for failure to submit the post-qualification documents within the prescribed period, based on the following grounds:

1. PSTI acknowledged receipt of the email sending the Notification as the SCB on December 21, 2021, and
2. The post-qualification documents that was due for submission on December 27, 2021, was received by PD only on December 29, 2021

WHEREAS, the PSTI received the Notice of Post-Disqualification on January 14, 2022 and subsequently submitted their motion for reconsideration;

WHEREAS, the PD acknowledged receipt of the Motion for Reconsideration of PSTI on January 17, 2022, pending the decision of BAC 3;

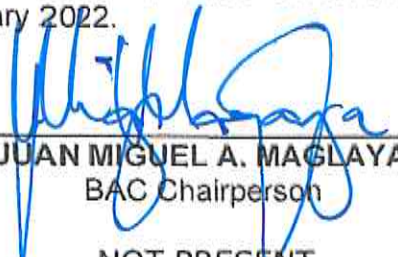
WHEREAS, the BAC 3, during the Meeting held on January 19, 2022, considered the request of PSTI based on the receipt of the Notification as the SCB on December 29, 2021;

WHEREAS, the BAC 3, during the Consultation Meeting held on January 24, 2022, further reviewed the documents presented and resolved to deny with finality the request for reconsideration of PSTI, based on the following grounds:

1. Pursuant to the requirement per Section 34.2 of the revised IRR of RA9184, "Within five (5) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the Lowest Calculated Bid or Highest Rated Bid, the

- a) Resort to Negotiated Procurement (Two-Failed Biddings) for the Supply and Delivery of Various Entertainment Equipment with re-posting as provided for in Section 54.2 of the IRR of R.A. 9184, after the conduct of mandatory review and evaluation of the terms, conditions and specifications, including its cost estimates and pursuant to Section 35.5 of the IRR of R.A. 9184 since there occurred two failed biddings, and
- b) Revision/updating of the 2022 APP to reflect the change in the Mode of Procurement from Public Bidding to Negotiated Procurement (Two-Failed Biddings).


RESOLVED, via Video Conferencing using the Zoom Platform, this 31st day of January 2022.



JUAN MIGUEL A. MACLAYA
BAC Chairperson

NOT PRESENT

MARGARITA C. BANGI
Member, HRCOE



DIANNE D. DORIA-CERDEÑA
Member, CID



HECTOR D. MELENCIO
Vice-Chairperson



CATALINA F. VILLAFLORES
Member, ITD



ROMEO R. CRUZ JR.
Member, TD

APPROVED BY:



ALBERTO O. REGINO JR.
Chief of Staff

JCDN/evb

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PROCUREMENT
RESORT TO NEGOTIATED
PROCUREMENT
