



**MARKETING AND ENTERPRISE SERVICES GROUP  
PROCUREMENT DEPARTMENT**

**MEMORANDUM**

November 16, 2022

**FOR : THE VICE PRESIDENT  
HUMAN RESOURCE AND DEVELOPMENT GROUP**

**FROM : THE ASSISTANT VICE PRESIDENT  
PROCUREMENT DEPARTMENT**

**SUBJECT : BIDS AND AWARDS COMMITTEE (BAC) 2 RESOLUTION**

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May we forward, for your approval, the BAC 2 Resolution declaring the Failure of Negotiated Procurement (Two-Failed Biddings) and recommending for approval the re-conduct of the Supply and Delivery of 23 Lots Drugs and Medicines under ITB No. FB22-00-002CORa-08.

Thank you.

**CHRISTINE ROSE J. FERNANDEZ**

MJC/mrh



**BIDS AND AWARDS COMMITTEE (BAC) 2**

**PROJECT DETAILS**

Invitation to Bid Number	FB22-00-002CORa-08																																								
Title	Supply and Delivery of 23 Lots Drugs and Medicines																																								
Mode of Procurement	Negotiated Procurement (Two-Failed Biddings)																																								
End User	Health Services and Wellness Department (HSWD)																																								
Approved Budget for Contract (ABC)	<p>The total ABC is Four Hundred Thirty-Four Thousand Five Hundred Seventeen Pesos (Php434,517.00), VAT Exclusive, Zero-Rated Transaction.</p> <p>The ABC for each of the twenty-three (23) 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 ALUMINUM MAGNESIUM HYDROXIDE+ SIMETHICONE 175mg/233mg/30 mg., Tablet</td> <td>Twenty-One Thousand Five Hundred Forty Pesos (PhP21,540.00)</td> </tr> <tr> <td>2</td> <td>Supply and Delivery of BENZYDAMINE HCL 3 mg. Tablet</td> <td>Twenty-Four Thousand Pesos (PhP24,000.00)</td> </tr> <tr> <td>3</td> <td>Supply and Delivery of BETAHISTINE HCL 16 mg., Tablet</td> <td>Fifty-Three Thousand Five Hundred Twenty Pesos (PhP53,520.00)</td> </tr> <tr> <td>4</td> <td>Supply and Delivery of BUTAMIRATE CITRATE 50 mg. Tablet</td> <td>Fifteen Thousand Three Hundred Thirty-Six Pesos (PhP15,336.00)</td> </tr> <tr> <td>5</td> <td>Supply and Delivery of CAPTOPRIL 50 mg. Tablet</td> <td>Nine Thousand Six Hundred Pesos (PhP9,600.00)</td> </tr> <tr> <td>6</td> <td>Supply and Delivery of CELECOXIB 200 mg. Capsule</td> <td>Sixty-Three Thousand Five Hundred Twenty Pesos (PhP63,520.00)</td> </tr> <tr> <td>7</td> <td>Supply and Delivery of CETIRIZINE 10mg. Tablet</td> <td>Forty-Nine Thousand One Hundred Sixty Pesos (PhP49,160.00)</td> </tr> <tr> <td>8</td> <td>Supply and Delivery of CLONIDINE 150MCG. Tablet</td> <td>Thirty-Five Thousand Eight Hundred Fifty-Six Pesos (PhP35,856.00)</td> </tr> <tr> <td>9</td> <td>Supply and Delivery of DEQUALINIUM HCL LOZ 250 mcg Lozenges, Tablet</td> <td>Three Thousand Nine Hundred Twenty-Eight Pesos (PhP3,928.00)</td> </tr> <tr> <td>10</td> <td>Supply and Delivery of DEXTROMETHORPAN HBR + PHENYL + PARACETAMOL 15 mg/10mg/ 325mg Tablet</td> <td>Six Thousand Three Hundred Sixty Pesos (PhP6,360.00)</td> </tr> <tr> <td>11</td> <td>Supply and Delivery of GUAIFENESIN + SALBUTAMOL SULFATE 2mg/100mg Tablet</td> <td>Four Thousand Pesos (PhP4,000.00)</td> </tr> <tr> <td>12</td> <td>Supply and Delivery of HYOSINE N-BUTYLBROMIDE ORAL 10mg. Tablet</td> <td>Eighteen Thousand One Hundred Thirty-Six Pesos (PhP18,136.00)</td> </tr> </tbody> </table>		Lot No.	Description	ABC (VAT Exclusive, Zero-Rated Transaction)	1	Supply and Delivery of ALUMINUM MAGNESIUM HYDROXIDE+ SIMETHICONE 175mg/233mg/30 mg., Tablet	Twenty-One Thousand Five Hundred Forty Pesos (PhP21,540.00)	2	Supply and Delivery of BENZYDAMINE HCL 3 mg. Tablet	Twenty-Four Thousand Pesos (PhP24,000.00)	3	Supply and Delivery of BETAHISTINE HCL 16 mg., Tablet	Fifty-Three Thousand Five Hundred Twenty Pesos (PhP53,520.00)	4	Supply and Delivery of BUTAMIRATE CITRATE 50 mg. Tablet	Fifteen Thousand Three Hundred Thirty-Six Pesos (PhP15,336.00)	5	Supply and Delivery of CAPTOPRIL 50 mg. Tablet	Nine Thousand Six Hundred Pesos (PhP9,600.00)	6	Supply and Delivery of CELECOXIB 200 mg. Capsule	Sixty-Three Thousand Five Hundred Twenty Pesos (PhP63,520.00)	7	Supply and Delivery of CETIRIZINE 10mg. Tablet	Forty-Nine Thousand One Hundred Sixty Pesos (PhP49,160.00)	8	Supply and Delivery of CLONIDINE 150MCG. Tablet	Thirty-Five Thousand Eight Hundred Fifty-Six Pesos (PhP35,856.00)	9	Supply and Delivery of DEQUALINIUM HCL LOZ 250 mcg Lozenges, Tablet	Three Thousand Nine Hundred Twenty-Eight Pesos (PhP3,928.00)	10	Supply and Delivery of DEXTROMETHORPAN HBR + PHENYL + PARACETAMOL 15 mg/10mg/ 325mg Tablet	Six Thousand Three Hundred Sixty Pesos (PhP6,360.00)	11	Supply and Delivery of GUAIFENESIN + SALBUTAMOL SULFATE 2mg/100mg Tablet	Four Thousand Pesos (PhP4,000.00)	12	Supply and Delivery of HYOSINE N-BUTYLBROMIDE ORAL 10mg. Tablet	Eighteen Thousand One Hundred Thirty-Six Pesos (PhP18,136.00)
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	13	Supply and Delivery of IBUPROFEN + PARACETAMOL 200mg./325mg. Tablet	Five Thousand Eighty Pesos (PhP5,080.00)
	14	Supply and Delivery of ISOSORBIDE DINITRATE 5mg SL Tablet	Four Hundred Pesos (PhP400.00)
	15	Supply and Delivery of LOPERAMIDE HCL 2 mg Capsule	Fourteen Thousand Sixty Pesos (PhP14,060.00)
	16	Supply and Delivery of MEFENAMIC ACID 500mg. Tablet	Seven Thousand Five Hundred Eighty Pesos (PhP7,580.00)
	17	Supply and Delivery of METOCLOPRAMIDE ORAL 10mg. Tablet	Four Thousand Four Hundred Twenty-Five Pesos (PhP4,425.00)
	18	Supply and Delivery of NA.ALGINATE + NA.BICARB + CA. CARBONATE Na.alginate, Na.Bicarbonate, Calcium Carbonate sachet 500mg/267mg/160mg 10ml Sachet	Seventy Thousand Five Hundred Pesos (PhP70,500.00)
	19	Supply and Delivery of ORAL REHYDRATION NaCl. 520 mg. Trisodium citrate dihydrate 580mg, KCl. 300mg. anhydrous glucose 2.7g. Flavored granules, Sachet	Ten Thousand Nine Hundred Sixty-Eight Pesos (PhP10,968.00)
	20	Supply and Delivery of PARACETAMOL ORAL 500mg Tablet	Five Thousand Nine Hundred Eighty Pesos (PhP5,980.00)
	21	Supply and Delivery of PHENYLEPRINE HCL + PARACETAMOL 10mg./500mg Tablet	Three Thousand Eight Hundred Ninety-Six Pesos (PhP3,896.00)
	22	Supply and Delivery of TRANEXAMIC ACID 500mg. Capsule	Three Thousand Two Hundred Thirty-Two Pesos (PhP3,232.00)
	23	Supply and Delivery of VITREX NEGUNDO L. 600mg. Tablet	Three Thousand Four Hundred Forty Pesos (PhP3,440.00)
Date of Project Approval	October 27, 2021		
Date of APP Approval	October 27, 2021		
Budget Authorization Number	21100645		

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

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



**WHEREAS**, on February 4, 2019, the Procurement Department (PD), performing the functions of the BAC Secretariat, received the Procurement Processing Request (PPR) and other pertinent documents for the project;

**WHEREAS**, the abovementioned requirement was subjected to the necessary procurement process but unfortunately resulted into failure, with details as follows:

ITB NO.	DATE DECLARED AS FAILURE	REASON FOR FAILURE
PB19-05-050COR (Competitive Bidding)	August 27, 2019	Failure of bidding pursuant to Section 35.1 (b) of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184 since the lone bidder was declared ineligible.
PB20-00-006CORa	January 28, 2021	Failure of rebidding pursuant to Section 35.1 (c) of the 2016 Revised 2016 Revised IRR of RA 9184 since all the bidders failed the post-qualification
FB22-00-002COR	February 16, 2022	Failure of Negotiated Procurement (Two-Failed Biddings) pursuant to Section 35.1 (b) of the 2016 Revised IRR of RA 9184 since the lone bidder was declared ineligible.

**WHEREAS**, the project was reprised through Negotiated Procurement (Two-Failed Biddings under ITB no. FB22-00-002CORa-08;

**WHEREAS**, in a Pre-Procurement Conference held on May 25, 2022, the BAC 2 together with the end-user, HSWD, reviewed and evaluated all the documents presented, including the Revised Terms of Reference (TOR) for the project;

**WHEREAS**, the PD informed the BAC 2 that there has been an increase in the proposed ABC for the project, based on the ABC used from the previous procurement, to wit:

Previous ABC	Proposed ABC based on the TOR
Php384,160.20	Php434,459.00

**WHEREAS**, the BAC 2 inquired whether the increase in the proposed ABC is within twenty percent (20%) of the previous ABC, which the PD stated that proposed ABC from the end-user is within 20% of the previous ABC of Php 384,160.20 and was still within the budget as per the Annual Procurement Plan (APP) for CY 2022;

**WHEREAS**, the BAC resolved to proceed with the re-conduct of Negotiated Procurement (Two-Failed Biddings) and to transmit the Request for Quotation (RFQ) to the end-user, HSWD, for their review;

**WHEREAS**, the HSWD submitted a memorandum dated July 12, 2022 with the revised TOR which was received by PD on July 13, 2022;

**WHEREAS**, during the Second (2nd) Pre-Procurement Conference on July 20, 2022, the PD informed the BAC 2 of the revisions in the ABC amounting to Four Hundred Thirty-Four Thousand Five Hundred Seventeen Pesos (PhP434,517.00);

**WHEREAS**, the BAC 2 noted that all documents presented were in order and instructed the finalization of the RFQ and to proceed with the posting of the requirement;

**WHEREAS**, the RFQ was posted at the websites of PAGCOR and the Philippine Government Electronic Procurement System (PhilGEPs), as well as, in a conspicuous place within the premises of PAGCOR Corporate Annex Office from September 26, 2022 to October 10, 2022;

**WHEREAS**, copies of the ITB were sent to seventeen (17) prospective bidders through electronic mail;

**WHEREAS**, during the Negotiations held on October 3, 2022, no bidder attended the forum;

**WHEREAS**, four (4) bidders bought the RFQ, namely:

1. CRM Pharmaceutical Products Distribution for Lots 1 to 23;
2. Hestia Prime Pharmaceutical Products Corp. for Lots 1 to 23;
3. Multireach Pharmaceutical Corp. for Lots 1 to 23; and
4. Gold Pharmaceuticals Asia Incorporated for Lots 1 to 23

**WHEREAS**, on the deadline for the Submission, Receipt, Opening and Preliminary Examination of Best Offers held on October 10, 2022, only CRM Pharmaceutical Products Distribution submitted its best offer for the project;

**WHEREAS**, Gold Pharmaceuticals Asia Incorporated submitted its best offer beyond the deadline for the submission and was deemed not acceptable by the BAC 2;

**WHEREAS**, after the Opening and Preliminary Examination of the envelope (Eligibility Documents and Technical Component), the results were as follows:

LOTS PARTICIPATED	REMARKS
3, 4, 5, 6, 7, 11, 12, 13, 15, 16, 17, 20, 22, and 23	<p>FAILED. The bidder was disqualified due to the following:</p> <ol style="list-style-type: none"> <li>1. Failure to submit a Certification that the Manufacturer follows the rules and regulations of the Food and Drugs Administration (FDA) pertaining to Adverse Drug Reaction for Lots 1 to 23.</li> <li>2. Submitted an expired Certificate of Product Registration (CPR) issued by the FDA for Lot 23:</li> </ol>

	<p>Supply and Delivery of VITREX NEGUNDO L. 600mg. Tablet.</p> <ol style="list-style-type: none"><li>3. Submitted a Company's Return Policy, however, the end-user found the document to be non-compliant with the requirement that medicines expiring within six (6) months shall be returned to the supplier.</li><li>4. Failure to submit Drug Literature for Lots 3, 4, 5, 6, 7, 11, 12, 13, 15, 16, 17, 20, and 23; and</li><li>5. Failure to indicate "Comply" for Contact Person and Details, and failure to indicate the Company Represented, TIN of Signatory and the Company Address/Telephone No./Fax No. in the accomplished Request for Quotation (RFQ).</li></ol>
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**WHEREAS**, no quotation was received for Lots 1, 2, 8, 9, 10, 14, 18, 19, and 21;

**WHEREAS**, the authorized representative of CRM Pharmaceutical Products Distribution was present during the proceeding and was given three (3) calendar days to file for a request for reconsideration;

**WHEREAS**, in a meeting held on October 17, 2022, the PD informed the BAC 2 that no request for reconsideration was filed within the prescribed period;

**WHEREAS**, during the said meeting, the BAC 2 resolved to declare a Failure of Negotiated Procurement (Two-Failed Biddings) for the Supply and Delivery of 23 Lots Drugs and Medicines under ITB No. FB22-00-002CORa-08;


**WHEREAS**, the end-user, HSWD, was further instructed to conduct a mandatory review and evaluation of the terms, conditions and specifications provided in the RFQ, including its cost estimates, prior to the re-conduct of the project;

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

1. To declare a Failure of Negotiated Procurement (Two-Failed Biddings) for the Supply and Delivery of 23 Lots Drugs and Medicines under ITB No. FB22-00-002CORa-08 pursuant to Section 35.1(a) of the 2016 Revised IRR of R.A. 9184 for Lots 1, 2, 8, 9, 10, 14, 18, 19, and 21 since no bid was received and Section 35.1(b) for Lots 3, 4, 5, 6, 7, 11, 12, 13, 15, 16, 17, 20, 22, and 23, since the lone bidder was declared ineligible; and
2. To recommend for approval of the Vice President of Human Resource and Development Group (HRDG), duly delegated by the Board of Directors (BoD), as the Head of Procuring Entity (HoPE) of PAGCOR, the reconduct of the Negotiated Procurement (Two-Failed Biddings) for the Supply and Delivery of 23 Lots Drugs and Medicines with re-posting as provided for in Section 54.2 and Annex H 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 RFQ, including its cost estimates.

**RESOLVED**, at the Corporate Lounge, Sixth (6<sup>th</sup>) Floor, PAGCOR Executive Office, New Coast Hotel Manila, 1588 M.H. Del Pilar corner Pedro Gil Streets, Malate, Manila this 17<sup>th</sup> day of October 2022.


  
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**RODERICK R. CONSOLACION** *of*  
Chairperson, LG


  
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**GENE R. DOCTOR**  
Vice Chairperson, ACD

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**NOT PRESENT**  
**ROBERT C. LUCQUIAO**  
Member, MEG


\_\_\_\_\_  
**NOT PRESENT**  
**JANICE A. GODORNES**  
Member, LSD

  
\_\_\_\_\_  
**RYAN F. CORDETA**  
Member, SSD

  
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**CARLOS C. CANLAS**  
Member, TD

  
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**GIL C. HERNANDEZ**  
Alternate Provisional Member, HSWD  
End-user

**APPROVED BY:**

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

   
HJC/mh/101722

  
**TANER**   
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