



**Philippine Amusement & Gaming Corporation**  
*Creating Opportunities Beyond Gaming*

**CASINO FILIPINO - DAVAO**  
**BRANCH BIDS AND AWARDS COMMITTEE (BBAC)**

**PROJECT DETAILS:**

Invitation to Bid	FB22-08-006DAVa-09
Project Title	Supply and Delivery of Three (3) Years Food and Beverages (F&B) for Casino Customers, Guests and Officers of CF-Davao Main
Mode of Procurement	Negotiated Procurement (Two Failed Biddings)
End-User	Customer Relations Section (CRS)
Approved Budget for Contract (ABC)	The total ABC is Twenty-Nine Million Two Hundred Thousand Pesos (PhP 29,200,000.00), for a period of three (3) years, VAT Exclusive, Zero-Rated Transaction.
Date of APP Approval	January 27, 2022
Budget Authorization Number	DAV 2111-020

**RESOLUTION DECLARING THE FAILURE OF THE NEGOTIATED PROCUREMENT (TWO FAILED BIDDINGS) FOR THE SUPPLY AND DELIVERY OF THREE (3) YEARS FOOD AND BEVERAGES (F&B) FOR CASINO CUSTOMERS, GUESTS AND OFFICERS OF CF-DAVAO MAIN UNDER ITB NO. FB22-08-006DAVa-09**

**WHEREAS**, the Branch Bids and Awards Committee (BBAC) of Casino Filipino (CF)-Davao has been tasked to handle the procurement of the Philippine Amusement and Gaming Corporation (PAGCOR) with the project details presented above;

**WHEREAS**, the Casino Filipino-Davao's Customer Relations Section (CRS) has a requirement for the Supply and Delivery of Three (3) Years Food and Beverages (F&B) for Casino Customers, Guests and Officers of CF-Davao Main with a total allocated budget of Twenty-Nine Million Two Hundred Thousand Pesos (PhP 29,200,000.00), which was included in the Board of Directors (BOD) approved 2022 Annual Procurement Plan (APP) and Project Procurement Management Plan (PPMP) of the branch last January 27, 2022;

**WHEREAS**, the Request for Quotation (RFQ) was posted in the Philippine Government Electronic Procurement System (PhilGEPS) and PAGCOR websites, and in a conspicuous place within the premises of Casino Filipino-Davao from September 30, 2022 to October 14, 2022;

**WHEREAS**, no bidder came to attend the Negotiations held on October 7, 2022;

**WHEREAS**, on October 14, 2022 the Branch Bids and Awards Committee (BBAC) CF-Davao convened for the submission of the Best Offer. Only Dynasty Management and Development Corporation submitted its quotation.

**WHEREAS**, during the Opening and Examination of Quotation, Dynasty Management & Development Corporation was able to submit the required documents included in their quotation, as follows:

1. Philippine Government Electronic Procurement System (PhilGEPS) Registration Certificate, under Platinum Category;
2. Mayor's Permit 2022 issued by the City Government of Davao;
3. SEC Certificate of Registration;
4. Tax Clearance Certificate;
5. Audited Financial Statement (AFS) 2021;
6. Notarized Omnibus Sworn Statement;
7. Notarized Secretary's Certificate; and
8. Latest Menu with Price List.

**WHEREAS**, in a meeting held on October 19, 2022, the BBAC of CF-Davao, together with the Provisional Member from the CRS, deliberated on the Post-Qualification Report containing the verification and validation on the submittals of the SCQ, Dynasty Management and Development Corporation;

**WHEREAS**, upon careful examination, validation and verification of all the eligibility, technical and financial requirements submitted by the bidder having the Single Calculated Quotation, Dynasty Management and Development Corporation was determined by the BBAC of CF-Davao to have passed all the criteria including its quotation in the amount of Twenty-Nine Million Two Hundred Thousand Pesos (PhP 29,200,000.00), for a period of three (3) years, VAT Exclusive, Zero-Rated Transaction;

**WHEREAS**, the BBAC of CF-Davao resolved to endorse for final deliberation to the Corporate BAC on the recommendation for the award of the contract to Dynasty Management and Development Corporation;

**WHEREAS**, on November 10, 2022, during the Deliberation Meeting for Supply and Delivery of Three (3) Years Food and Beverages (F&B) for Casino Customers, Guests and Officers of CF-Davao Main, the Corporate BAC 3 took note that that the BBAC CF-Davao failed to conduct a Pre-Procurement Conference for the project;

**WHEREAS**, the BAC 3 emphasized that as stated in Article VIII Section 20 of the IRR of the R.A. 9184, "*Prior to the issuance of the Invitation to Bid, the BAC, is mandated to hold a Pre-Procurement conference on each and every procurement, except those contracts below a certain level or amount specified in the IRR, in which case, the holding of the same is optional*";

**WHEREAS**, during the deliberation. BBAC CF-Davao confirmed to BAC 3 that although the re-conduct of the Negotiated Procurement for the said project was mentioned in one of its meetings, it did not discuss the details of the project such as the budget and Technical specifications;

**WHEREAS**, in the absence of the proof or documentation relative to the conduct of Pre-Procurement Conference, BAC 3 required BBAC CF-Davao to present a notarized Joint Affidavit signed by all the members, attesting that the BBAC of CF Davao, in one of its meetings ( with specific date), discussed the requirements of the pre procurement such as the approved budget of the contract and the technical specifications of the project.

**WHEREAS**, on November 23, 2022, the CF-Davao BBAC convened for a Consultation Meeting to discuss the results of the findings of the BAC 3 during the final deliberation meeting held last November 10, 2022. After thorough discussion, the members of the BBAC resolved not to execute the notarized affidavit considering that they could not recollect any specific meeting or specific date wherein they discussed the details of the projects or any concerns that should be discussed in a pre procurement conference.

**WHEREAS**, on the same meeting, the committee resolved to recommend to BAC for the failure of the project and to exercise its right to invoke the Reservation Clause provided under Section 41 of the 2016 Revised IRR of RA 9184, which provides that:

*"The HOPE reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract in the following situation:*

xxx...xxx...xxx

b) *If the BAC is found to have failed in following the prescribed bidding procedures; or*

xxx...xxx...xxx

**WHEREAS**, on second deliberation meeting with BAC held on December 13, 2022, BBAC CF-Davao informed BAC 3 that they cannot execute the Joint Notarized Affidavit considering that they could not recollect specific meeting or specific date wherein they discussed the details of the project or the requirements of the pre procurement conference.

**WHEREAS**, during the said 2<sup>nd</sup> Deliberation Meeting, the BAC 3 informed the committee that they cannot recommend the award of contract considering that the BBAC failed to conduct a pre procurement conference or present the required Joint Affidavit. BAC 3 then informed the committee that they cannot recommend the award of contract because of failure to conduct pre procurement conference or present the required Notarized Joint Affidavit.

**WHEREAS**, when the deliberation meeting was concluded, the BBAC CF-Davao resolved to recommend to the Branch Manager, as duly delegated by the Board of Directors, acting as the Head of the Procuring Entity (HoPE) of PAGCOR, for the failure of the negotiated procurement (two failed biddings) for the Supply and Delivery of Three (3) Years Food and Beverages (F&B) for Casino Customers, Guests and Officers of CF-Davao Main under ITB No. FB22-08-006DAVa-09 in the exercise of its right to invoke the Reservation Clause as provided under Section 41.b of R.A. 9184 and its IRR, which provides that:

**“Section 41. Reservation Clause”**

*“The HOPE reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract in the following situation:*

x x x

b) *If the BAC is found to have failed in following the prescribed bidding procedures; or*


x x x”

**WHEREAS**, upon approval hereof, the BBAC CF-Davao further recommends the refund of the bidding fee to the bidder who purchased the bidding document;

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

- 1) To recommend to the Branch Manager, as duly delegated by the Board of Directors, acting as the Head of the Procuring Entity (HoPE) of PAGCOR, for the failure of the Negotiated Procurement (Two Failed Biddings) for the Supply and Delivery of Three (3) Years Food and Beverages (F&B) for Casino Customers, Guests and Officers of CF-Davao Main under ITB No. FB22-08-006DAVa-09 pursuant to *Section 41 (b.)* of the 2016 Revised IRR of R.A. No. 9184; and
- 2) Refund of the Bidding Fee to the bidder who purchased the Bidding Document.

**RESOLVED**, at the Office of the SBAM, 2nd floor Casino Filipino – Davao, Lanang, Davao City this 13<sup>th</sup> day of December 2022.


  
REGINA C. LEMANA  
Chairperson

  
ATTY. DIDITH A. SALAZAR  
Vice-Chairperson

  
JESUSA H. DUROJA  
Member

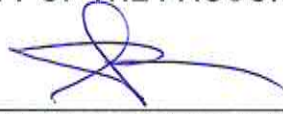
  
FORTUNATO T. GUMERA, JR.  
Member

  
FORTUNATO E. GOGO  
Member

  
MA. JULIE E. PATRATA  
Member

  
FRANCISCO V. VILLANUEVA  
Provisional Member, CRS

APPROVED BY AUTHORITY OF THE PAGCOR BOARD OF DIRECTORS:



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**ANTONIO V. COVARRUBIAS**  
BRANCH MANAGER

APPROVED/RESPONSIBLE  
DECEMBER 14, 2022  
BRANCH MANAGER