: BAC RESOLUTION NO. 2024-38

WHEREAS, the Philippine Economic Zone Authority (PEZA) through its Bids and Awards Committee (BAC), conducted a public bidding for re-bidding and re-advertisement of the Procurement of Motor Vehicles for the DG and DDG's (PEZA-HO-2024-11) with total Approved Budget for the Contract (ABC) of Eight Million Forty-Three Thousand Pesos Six Hundred Seventy-Five Pesos in Philippine Currency (PHP 8,043,675.00);

WHEREAS, the Invitation to Bid (ITB) of the said procurement was posted in the PEZA website, PhilGEPS website and conspicuous place at the PEZA premises from 09 November 2024 to 04 December 2024;

WHEREAS, on 04 December 2024 at exactly 12:00 PM, the deadline of submission of bids, no bids were received by the BAC for lots 1 and 2;

WHEREAS, pursuant to Section 35 of RA 9184. Rule X of the 2016 Revised Implementing Rules and Regulations (RIRR), as of July 2024, provides, among others that the BAC shall declare a failure of bidding when no bids are received;

WHEREAS, Section 35.5, Rule X of the 2016 RIRR, provides that should there be a second failure of bidding, the [Procuring Entity] may resort to negotiated procurement, as provided for in Section 53.1 of the same RIRR, stating that "the Procuring Entity can directly negotiate a contract with a technically, legally, and financially capable supplier, contractor or consultant in cases where there has been failure of Competitive Bidding or Limited Source Bidding for the second time";

NOW, THEREFORE, We, the Members of the BAC, do hereby **RESOLVE** as it is hereby **RESOLVED**, recommending to the Head of Procuring Entity (HoPE) the following:

1. Declaring second failure of bidding for Lots 1 and 2 since no bid was ever received thereon;

2. That resorting to conduct of Negotiated Procurement for Lots 1 and 2 may be undertaken pursuant to Section 53.1 of the RIRR of RA 9184, in relation to Section 35 thereof, warranting resorting to this modality where there has been a failure of bidding for the second time (Two Failed Biddings).;

3. Directing the End-User, Technical Working Group and BAC Secretariat to conduct mandatory review for the terms, conditions, cost estimates and procurement project, and on the basis thereof make the necessary adjustment in the technical, legal, financial eligibility requirements for each of the following lots:

   i. Lot 1 - One (1) Sports Utility Vehicle (SUV) - AT

   ii. Lot 2 - Three (3) Units Multi-Purpose Vehicles (MPV) AT

RESOLVED this 5 December 2024 in PEZA Head Office, Pasay City.

PEZA - DTS
1410-2024-00080

10F, DoubleDragon Center WEST Bldg., DD Meridian Park, Macapagal Ave., Pasay City
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MAKE IT HAPPEN IN THE PHILIPPINES
BAGONG PILIPINAS

Recommending Approval:

ANIDELLE JOY M. ALGUSO
Chairperson

LUDWIG O. DAZA
Vice-Chair

ALEX G. BARTOLOME
Member

MARK P. RUBIO
Member

CHRISTINE HEIDE A. ROSALES
Member

Attested by:

Mary Simonette C. Moral
Head, BAC Secretariat

APPROVED:

TERESO O. PANGA
HoPE
Director General