

BAC RESOLUTION NO. 2019-012
DENIAL OF THE REQUEST FOR RECONSIDERATION
OF 90 DEGREES NORTH, INC. DATED 23 MAY 2019 FOR ITB NO. 2019-0002R

WHEREAS, the Bids and Awards Committee, after the post-qualification of the **Rebid of Supply & Delivery of Transmission Cable, Connectors & Accessories for PTV 11 – Cebu or ITB No. 2019-0002R** declared the bid tender of **90 Degrees North, Inc.** as unresponsive;

WHEREAS, such declaration was made after the Technical Working Group (TWG) conducted the evaluation of the bid tender of **90 Degrees North, Inc.** and it was found out that the bidder failed to comply with the following:

1. Failed to comply in using the required table/form for the schedule of prices as stated in page 78 of Bidding Documents with mark ITB NO. 2019-0002R. 90 Degrees North Inc. used the contents found on the form for **"Goods offered from within the Philippines"** for their **"Goods offered from Abroad"** form.
2. The figures for the following columns were not declared in their **"Goods offered from within the Philippines"** form, in violation of **Section 32.2.1 of the Revised IRR of RA 9184**;

"Section 32. Bid Evaluation for the Procurement of Goods and Infrastructure Projects

32.2. For the procurement of Goods and Infrastructure Projects, the BAC shall evaluate the financial component of the bids to determine the Lowest Calculated Bid using the following steps:

32.2.1. The BAC shall immediately conduct a detailed evaluation of all bids using non-discretionary criteria in considering the following:

- a) Completeness of the bid. Unless the Instructions to Bidders specifically allow partial bids, bids not addressing or providing all of the required items in the Bidding Documents including, where applicable, bill of quantities, shall be considered non-responsive and, thus, automatically disqualified. In this regard, where a required item is provided, but no price is indicated, the same shall be considered as non-responsive, but specifying a zero (0) or a dash (-) for the said item would mean that it is being offered for free to the Government, except those required by law or regulations to be provided for;"*

- a. Transportation & Insurance & All Other Cost Incidental To Delivery Per Item
- b. Sales & Other Taxes Payable If Contract Is Awarded Per Item
- c. Cost Of Incidental Services, If Applicable Per Item

WHEREAS, the Bids and Awards Committee received the Request for Reconsideration of the subject company within the time frame provided by law which argued the following, among others:

In relation to the results of the eligibility check conducted for the bidding of the REBID OF SUPPLY AND DELIVERY OF TRANSMISSION CABLES, CONNECTORS AND ACCESSORIES FOR PTV 11-CEBU or ITB NO. 2019-0002R as stated in your letter/notice dated May 5, 2019 that states our eligibility, however our failure to comply with the following:

1. "Failed to comply in using the required table/form for the schedule of prices as stated in page 78 of Bidding Documents with mark ITB NO. 2019-0002R. 90 Degrees North Inc. used the contents found on the form for "**Goods offered from within the Philippines**" for their "**Goods offered from Abroad**" form."
2. "The figures for the following columns were not declared in their "**Goods offered from within the Philippines**" form, in violation of **Section 32.2.1 of the Revised IRR of RA 9184;**"

In view thereof, we would like to request for reconsideration to be allowed to resubmit the said form stated on page 78 and indicate the necessary figures in compliance with the format requirements indicated in Bidding Document.

WHEREAS, the Bids and Awards Committee, carefully evaluated the above arguments presented to come up with its decision to deny the request for reconsideration;

WHEREAS, Section 32 of the Revised IRR of RA 9184:

"Section 32. Bid Evaluation for the Procurement of Goods and Infrastructure Projects

32.2. For the procurement of Goods and Infrastructure Projects, the BAC shall evaluate the financial component of the bids to determine the Lowest Calculated Bid using the following steps:

32.2.1. The BAC shall immediately conduct a detailed evaluation of all bids using non-discretionary criteria in considering the following:

b) *Completeness of the bid. Unless the Instructions to Bidders specifically allow partial bids, bids not addressing or providing all of the required items in the Bidding Documents including, where applicable, bill of quantities, shall be considered non-responsive and, thus, automatically disqualified. In this regard, where a required item is provided, but no price is indicated, the same shall be considered as non-responsive, but specifying a zero (0) or a dash (-) for the said item would mean that it is being offered for free to the Government, except those required by law or regulations to be provided for;*"

WHEREAS, resubmission of the form would violate Section 26. 1 of the IRR of RA 9184:

"Section 26. Modification and Withdrawal of Bids

26.1. A bidder may modify its bid, provided that this is done before the deadline for the submission and receipt of bids. Where a bidder modifies its bid, it shall not be allowed to retrieve its original bid, but shall only be allowed to send another bid equally sealed, properly identified, linked to its original bid and marked as a "modification," thereof, and stamped "received" by the BAC. Bid modifications received after the applicable deadline shall not be considered and shall be returned to the bidder unopened."

NOW, THEREFORE, on motion duly made and seconded, the Bids and Awards Committee **HEREBY RESOLVES**, as it is **HEREBY RESOLVED** that:

- 1) The acceptance and reconsideration of the resubmitted document from the bidder would violate **Section 26.1 of the IRR of RA 9184**;
- 2) Given the above , the Bids and Awards Committee hereby denies the Request for the Reconsideration of **90 Degrees North, Inc.**;
- 3) To declare the bidding for **Rebid of Supply & Delivery of Transmission Cable, Connectors & Accessories for PTV 11 – Cebu or ITB NO. 2019-0002R** a failure for the **third time**;
- 4) To direct the BAC Secretariat to cause the re-publication of the Invitation to Bid of the same project, in accordance with the provisions of Republic Act No. 9184.
- 5) The BAC Secretariat is directed to transmit the decision to the bidders and other concerned officers.



PEOPLE'S TELEVISION
P A R A S A B A Y A N

RESOLVED, this 28th May 2019, in Quezon City, Philippines.


MARIA ANGELA C. GATAN
Chairperson



NESTOR A. RACELIS
Member


FELOMENA T. ARROYO
Member


ELENITA L. DIRECTO
Member


REGINA T. CELESTRE
Member

Approved by:


JULIETA C. LACZA
Network Officer-in-Charge
Head of Procuring Entity
Date: _____