

BAC RESOLUTION NO. 2023-001
DECLARATION OF FAILURE OF BIDDING FOR THE CONTRACT OF "REBID OF
PROVISION OF FOREIGN NEWSWIRE FOR THE PEOPLE'S TELEVISION
NETWORK, INC. (PTNI)", ITB NO. 2022-0019

WHEREAS, the PTNI Bids and Awards Committee (PTNI-BAC) advertised the Invitation to Bid for the "**Rebid of Provision of Foreign Newswire for the People's Television Network, Inc. (PTNI)**", ITB No. 2022-0019 through posting in the Philippine Government Electronic Procurement Service (PhilGEPs), Network's website and in conspicuous places within the Network's premises in accordance with the rules provided under RA 9184 and its IRR;

WHEREAS, on 3 November 2022 the BAC conducted the Mandatory Review of the project at BAC Secretariat Office, 3rd Floor, Broadcast Complex, Visayas Ave., Diliman, Quezon City;

WHEREAS, on 19 December 2022 the Pre-bid Conference was held at BAC Secretariat Office, 3rd Floor, Broadcast Complex, Visayas Ave., Diliman, Quezon City and through Videoconferencing;

WHEREAS, on 19 December the BAC issued a Notice of Postponement rescheduling the submission of bid to 11 January 2023 at 2:00 PM and Opening of Bids to 11 January 2023 at 2:30 PM;

WHEREAS, in response to the said advertisement, two (2) prospective bidders bought the bidding documents namely, **1) Agence France-Presse** and **2) The Associated Press**;

WHEREAS, on 11 January 2023 the Submission and Opening of Bids was held at BAC Secretariat Office, 3rd Floor, Broadcast Complex, Visayas Ave., Diliman, Quezon City and only **Agence France-Presse** submitted their bid;

WHEREAS, **Agence France-Presse** was rated "eligible" or "passed" in the Preliminary Examination of bid and were evaluated and ranked as follows;

FINAL BID ABSTRACT

Rank	Bidder	Bid as Read	Calculated Bid	Approved Budget for the Contract (ABC)	% Variance from ABC	Remarks
1	Agence France-Presse	Php 1,500,000.00	Php 1,500,000.00	Php 1,500,000.00	0%	Non-responsive

WHEREAS, the Technical Working Group (TWG) submitted the bid evaluation report for the bid of **Agence France-Presse** and found out that their bid was non-responsive due to its failure to indicate "0" (zero) or a "-" (dash) under the column of "Unit Price EXW per item" and "Sales and other taxes payable if Contract is awarded, per item" in the Price schedule for goods offered from within the Philippines as required by Section 35 (c) of the RA 9184 and its IRR, instead they indicated "NIL";

WHEREAS, the BAC conduct a further study and finds that "NIL" is a Latin word for "nothing" or "zero", however RA 9184 and its IRR provides that if the item has no price the bidder shall specify a zero (0) or a dash (-) only;

WHEREAS, 32.2.1 (a) of RA 9184 and its IRR provides:

*"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;**"*

WHEREAS, Section 35 (c) of the RA 9184 and its IRR states that the BAC shall declare the bidding a failure when all bids fail to comply with all the bid requirements or fail post-qualification, or, in the case of Consulting Services, there is no successful negotiation;

NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the Bids and Awards Committee, hereby **RECOMMEND** to the **Head of the Procuring Entity (HoPE)**:

1. To declare the disqualification of Agence France-Presse pdue to its failure to indicate "0" (zero) or a "-" (dash) in the Price Schedule.
2. To declare the first failure of bidding for the "Rebid of Provision of Foreign Newswire for the People's Television Network, Inc. (PTNI)", ITB No. 2022-0019;
3. To have a mandatory review of the project's Terms of Reference, Approved Budget for the Contract (ABC) and its Scope of Work, in accordance with the provisions of RA 9184 and it's IRR;

- To direct the BAC Secretariat to cause the re-publication of the Invitation to Bid of the same project with the agreed upon revised, if applicable, ABC, Terms of Reference and Technical Requirements, in accordance with the provisions of Republic Act No. 9184.

RESOLVED, this 18th day of January 2023, at Bids and Awards Committee (BAC) Secretariat Office, 3rd Floor, PTNI Broadcast Complex, Visayas Avenue, Diliman, Quezon City and through videoconferencing via Zoom.



NESTOR A. RACELIS
Vice Chairperson




ELENITA L. DIRECTO
Member



MARIA ANGELA C. GATAN
Member

Approved by:



JULIO O. CASTILLO, JR., DBA
Network General Manager/
Head of Procuring Entity (HOPE)

Date: _____