



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRICULTURE

PHILIPPINE COCONUT AUTHORITY

Cebu Regional Office № VII, DA-RFO 7 Cmpd., Maguikay, Mandaue City

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MEMORANDUM

TO : **BIDS AND AWARDS COMMITTEE**
PCA REGION VII

ATTENTION : **AURORA L. PAQUIBOT**
BAC Chairman

FROM : **BRENDAN P. TRASMONTE**
Acting Regional Manager &
Head of Procuring Entity (HoPE)

DATE : **June 29, 2022**

SUBJECT : **DECLARATION OF FAILURE OF BIDDING FOR THE SUPPLY
AND DELIVERY OF 780 BAGS (50-KG) AMMONIUM SULFATE,
1040 (50-KG) BAGS MURIATE OF POTASH UNDER THE CY
2022 COCONUT FERTILIZATION PROJECT WITH CONTRACT
NO. 2022-05-002 INVOKING SECTION 41 OF THE IRR OF RA
9184**

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This pertains to Resolution No. 2022 – 02 – Resolution Denying the Motion for Reconsideration filed by Model Agro Sales – Iloilo re Supply and Delivery of 780 bags (50-kg) Ammonium Sulfate, 1040 (50-kg) bags Muriate of Potash under the CY 2022 Coconut Fertilization Project which the Bids and Awards Committee (BAC) has issued on June 27, 2022.

The BAC denied the MR filed by the bidder on the ground that the bidder failed to attend the pre-bid conference despite the notices of invitation sent to the bidder to attend the scheduled pre-bid conference and the failure of the bidder to request for a copy of the minutes of the pre-bid conference which has deprived them to be informed of the instruction on how to accomplish the Statement of Conformity to Section VI-Schedule of Requirements.

Review by the undersigned on Section VI-Schedule of Requirements of the bidding documents for the subject procurement showed that Section VI. Schedule of Requirements (see Annex A) did not contain any notes or instruction on how to accomplish the said document except that the instruction was given during the pre-

bid conference as per hereto attached copy of the minutes of the pre-bid conference for the said procurement hereto attached and marked as Annex B.

Per inquiry made from the BAC Secretariat if there were issuances of Supplemental Bid Bulletins, the BAC Secretariat informed the undersigned that there was no Supplemental Bid Bulletin issued for this particular procurement. Considering that there was a specific instruction made during the pre-bid conference which was not contained in the bidding documents, the BAC should have issued a corresponding Supplemental Bid Bulletin, for all prospective bidders to know including those who have not attended the pre-bid conference.

The Implementing Rules and Regulations of RA 9184 stipulates that:

- ... ***"The Pre-Bid Conference is open to all prospective bidders..., but attendance shall not be mandatory"*** (Section 22.3)
- ... ***"Decisions of the BAC amending any provision of the Bidding Documents shall be issued in writing through a Supplemental/Bid Bulletin at least seven (7) calendar days before the deadline for the submission and receipt of bids"*** (paragraph 2, Section 22.4)
- ... ***Any modification to the Bidding Documents shall be identified as an amendment*** (Section 22.5.2)

Thus it is clear that the Bids and Awards Committee (BAC) failed to follow the prescribed bidding procedure on the issuance of Supplemental Bid Bulletin which deprived all prospective bidders equal opportunity to know the amendments in the bidding documents as discussed during the pre-bid conference.

The undersigned, as Head of Procuring Entity hereby invokes Section 41. Reservation Clause of the IRR of RA 9184 which states that *"The HoPE reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract... if the BAC is found to have failed in following the prescribed bidding procedures."*

Premises cited above and in the **spirit of justice, fairness and equal opportunity for all prospective bidders in the procurement process**, undersigned **hereby declares a FAILURE OF BIDDING** for the **SUPPLY AND DELIVERY OF 780 BAGS (50-KG) AMMONIUM SULFATE, 1040 (50-KG) BAGS MURIATE OF POTASH UNDER THE CY 2022 COCONUT FERTILIZATION PROJECT WITH CONTRACT NO. 2022-05-0002** and instructs the BAC to conduct a rebidding and to strictly adhere to the prescribed rules and procedures in the conduct thereof and also to apply Section 17.5 of the IRR which states that "bidding documents fee may be refunded in accordance with the aforementioned Guidelines based on the grounds provided for under Section 41 of the Act and this IRR".

Further instructing the Bids and Awards Committee thru its Secretariat to inform all bidders of this decision/action.



BRENDAN P. TRASMONTÉ
Acting Regional Manager/
Head of Procuring Entity, PCA Region 7

Section VI. Schedule of Requirements

The delivery schedule expressed as weeks/months stipulates hereafter a delivery date which is the date of delivery to the project site.

| Item Number | Description | Quantity (in bags) | | Total | Delivered in Days/ Weeks/ Months |
|-------------|-------------------------------------------------------------|--------------------|--------------|--------------|-----------------------------------|
| | | AS | MOP | | |
| | | | | | 30 Government Working Days |
| | Delivered at Drop-Off Points: | | | | |
| | Regional Total | 780 | 1,040 | 1,820 | |
| | Negros Oriental Province: | 555 | 740 | 1,120 | |
| | Datagon, Pamplona, Negros Oriental | 180 | 240 | 420 | |
| | Basak, Guihulngan, Negros Oriental | 300 | 400 | 700 | |
| | | | | | |
| | Cebu Province: | 300 | 400 | 700 | |
| | Department of Agriculture Bodega, Poblacion, Dumanjug, Cebu | 150 | 200 | 350 | |
| | Tangbo Covered Court, Samboan, Cebu | 150 | 200 | 350 | |

And including all other requirements as stipulated in the TERMS OF REFERENCE.

Name of Company/Bidder

*Printed Name and Signature of
Bidder/Authorized
Representative*

Date



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**MINUTES OF THE PRE – BID CONFERENCE FOR PCA VII's PROCUREMENT OF THE
SUPPLY AND DELIVERY OF 780 BAGS (50-KG) AMMONIUM SULFATE AND 1040 BAGS
(50-KG) MURIATE OF POTASH UNDER THE CY 2022 COCONUT FERTILIZATION
PROJECT**

Venue: PCA Regional Office VII, Mandaue City, Cebu and via Zoom Teleconferencing

Date: June 7, 2021

Time: 10:30 AM

Attendance:

A. BAC Members

- Aurora L. Paquibot - Chairman
- Godwina G. Infiesto - Vice – Chairman (virtual presence)
- Maxine Faith D. Huan - Member
- Marie Ann L. Rodriguez - Member
- Marita Somido - Member (virtual presence)
- Mel Andrué B. Oroc - Member, Technical Working Group
- Cleofe V. Lamanilao - Head, RBAC Secretariat
- Lora Mae F. Dalumpines - Member, RBAC Secretariat
- Blezelle Marie A. Pasco - Member, RBAC Secretariat

B. Bidder/s

- Jeremeeh O. Gomez - Modern Time Enterprises, Inc. (virtual presence)

C. Observers

- NONE

Proceedings:

The conference was called to order by the BAC Chairman Aurora L. Paquibot at 10:35 AM. The RBAC Chair requested the BAC Secretariat to check the attendance of the members and TWG and reported the presence of a quorum among the BAC members.

In addition, she announced that invitation letters were sent to observers but none were able to respond and attend to the conference. The Chair also acknowledged the presence of the prospective bidder namely: Modern Time Enterprises Inc., as represented by Ms. Jeremeeh O. Gomez.

BAC Chair presented the Bidding Document for the Supply and Delivery of 780 bags (50-kg) Ammonium Sulfate and 1040 bags (50-kg) Muriate of Potash under the CY 2022 Coconut Fertilization Project. To wit were given emphasis:

- The items stipulated in the Invitation to Bid (ITB), giving importance on the deadline of submission of bids.
- The items indicated in the Instructions to Bidders, taking note of the following items:
 - Identification Number will be used as the Contract Number
 - Subcontracting is not allowed.

- Eligibility and Technical Components
- Sealing and Marking of Bids, Each Bidder shall submit three (3) copies of the first and second components of its Bid. One original then copy 1 and copy 2.
- The items indicated in the Bid Data Sheet, taking note of the following items:
 - Amount for the Bid Security
 - During post qualification, the Lowest Calculated Bidder (LCB) shall submit the following:
 - A duly notarized certification on the availability of stocks specific to the procurement with attached current picture showing the date the photograph was taken.
 - A duly notarized list of authorized representatives stationed in every province.
 - Copy of the Valid FPA Product Registration for each fertilizer types
- The items indicated in the Special Conditions of the Contract, taking note of the following items:
 - Procuring Entity's Representative at the Project Site and their Contact Details
 - Incidental Services
 - Packaging Specifications which will be discussed in details in the Terms of Reference
- In the Schedule of Requirements, in the delivery column, the instruction is for the bidder to input in each of the corresponding box for DOPs the number of days they commit to deliver the fertilizers and no signature needed beside. The confirmatory signature is at the bottom.
- In the Technical Specifications, the bidder must state the word "comply", "complying" or "will comply" for each box of technical specification and no signature needed at the side. The confirmatory signature is at the bottom.
- The items indicated in the Checklist of Technical and Financial Documents, taking note of the following items:
 - For the legal documents, the Mayor's Permit and Tax Clearance is also required for submission.
 - For the Single Largest Completed Contract (SLCC), the bidder's client must be the one to issue the Certificate of Performance Evaluation.
 - The financial component envelope was also given emphasis; the bidder must submit the Financial Bid Form and the Price Schedule/s.
 - The bidder must also submit 1 original set of document, copy 1 and copy 2.
- In the Terms of Reference, BAC Chair added that the technical specification was added with a packaging specification giving emphasis on the packaging and labeling specifications and for the submission of a sample sack with label during Opening of Bids.
 - She further states that failure to submit sample sack with the required print will not be a ground for disqualification but the correct print/ markings must be presented during post qualification of the winning bidder.
 - She also emphasized that supply and delivery shall take place within thirty (30) government working days following the actual receipt of the Notice to Proceed.
 - The BAC Chair also said that PCA will be providing a list of DOPs with the corresponding type of vehicles that can access the designated delivery sites.
 - There shall also be an extra 2% empty sacks with label at the respective DOPs
 - The BAC Chair emphasized that the supplier must coordinate with the concerned PCA Provincial Office five (5) days from date of actual delivery and that any delivery changes in the delivery schedule shall be coordinated thru fastest means
 - For faster Inspection and Random Sampling, it shall be done within a maximum of five (5) working days after completion of the delivery at the DOPs

- The supplier must coordinate with PCA for the schedule and the inspection
- BAC Chair also explained the sample plan for the standard Inspection Sample Size
- The PCA and the supplier shall agree where the samples will be analyzed. If, the samples will be analyzed at any available FPA laboratory, it will be PCA who will choose from among the list of FPA accredited laboratories.
- As for the laboratory test result, she expounded that if the collected first sample passed there will be no further test required. However, if the collected first sample failed, the supplier will be given two (2) chances to get a passing result. But if the collected sample failed for the second time, the fertilizer will be totally rejected.

The prospective bidder's representative did not have any further questions and has fully understood the matters being discussed.

Finally, RBAC Chair Paquibot reminded the participating bidder to have a thorough review of the documentary requirements before submitting their bids to the RBAC Secretariat.

There being no more matters to take up, a motion for adjournment was raised by BAC Member Maxine Faith Huan and duly seconded by BAC Member Marie Ann Rodriguez. The pre-bid conference was adjourned at 11:00 AM.

I hereby certify to the correctness of the foregoing minutes.

Prepared by:


BLEZELLE MARIE A. PASCO
RBAC Secretariat, Member

Reviewed by:


LORA MAE F. DALUMPINES
RBAC Secretariat, Member

Noted by:


CLEOFE V. LAMANILAO
RBAC Secretariat, Head