



**BIDS AND AWARDS COMMITTEE
RESOLUTION NUMBER: 2021-01-001**

**SUBJECT: RECOMMENDATION THAT THE PUBLIC BIDDING ON
PROCUREMENT OF SUPPLY AND DELIVERY OF 127
UNITS OF COMPOSTING FACILITY FOR
BIODEGRADABLE WASTES (CFBW) WITH IB NO.
BSWM-2021-00-005 BE DECLARED "FAILURE"**

WHEREAS, the Bureau of Soils and Water Management (BSWM) has conducted Early Procurement Activity for CY 2021 pursuant to GPPB Circular No. 06-2019, Guidelines on the Implementation of Early Procurement Activities;

WHEREAS, the BSWM has issued an Indicative Annual Procurement Plan for CY 2021 based on the National Expenditure Program (NEP) for FY 2021;

WHEREAS, the BSWM has invited bids for the Early Procurement of Supply and Delivery of 127 Units of Composting Facility for Biodegradable Wastes (CFBW) for CY 2021 with IB No. BSWM 2021-00-005 with an Approved Budget for Contract (ABC) of One Hundred Twenty Million Six Hundred Ninety-two Thousand Pesos (PhP 120,692,000.00);

WHEREAS, the Invitation to Bid for IB No. BSWM 2021-00-005 was posted on PhilGEPS on November 27, 2020 with Reference Number 282794;

WHEREAS, per Republic Act (RA) 11518, General Appropriations Act (GAA) for FY 2021, signed and approved on December 28, 2020, there is a significant increase in the BSWM appropriation vis a vis physical target for the project Supply and Delivery of CFBW for CY 2021, to wit:

Fund Source	NEP FY 2021	GAA FY 2021
OAP	80,792,000	304,992,000
	85 units	321 units
HVCDP	39,900,000	47,500,000
	42 units	50 units
Total	120,692,000	352,492,000
	127 units	371 units

WHEREAS, per GPPB Resolution No. 09-2020, Approving Measures for the Efficient Conduct of Procurement Activities during a State of Calamity, or Implementation of Community Quarantine or Similar Restrictions, Item 9 states that:

*"9. Without prejudice to Section 35.1 of the 2016 revised IRR of RA No. 9184, **ALLOW** the BAC, upon consultation with the end-user unit, to cancel or terminate the conduct of procurement activities for any justifiable reason, such as but not limited to:*

9.1 the physical and economic conditions have significantly changed so as to render the project no longer economically, financially, or technically feasible, as determined by the end-user unit;

9.2 the project is no longer necessary as determined by the end-user unit;

9.3 the source of funds for the project has been withheld or reduced through no fault of the PE; or



**BIDS AND AWARDS COMMITTEE
RESOLUTION NUMBER: 2021-01-001**

9.4 brought about by the declaration of a State of Calamity, or implementation of community quarantine or similar restrictions.

The cancellation or termination authorized herein shall be allowed at any time, not just during a State of Calamity, or implementation of community quarantine or similar government restrictions.

A copy of the relevant provisions and guidelines on submission and receipt of bids as well as on suspension and termination that are amended as a consequence of the foregoing is attached as Annex "B" and made an integral part hereof."

WHEREAS, Annex B GPPB Resolution No. 09-2020 states that:

**2016 REVISED IMPLEMENTING RULES AND REGULATIONS (IRR)
OF REPUBLIC ACT (RA) NO. 9184**

<p>Section 35. Failure of Bidding 35.1. The BAC shall declare the bidding a failure when:</p> <ul style="list-style-type: none">a) No bids are received;b) All prospective bidders are declared ineligible;c) 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; ord) The bidder with the LCRB, HRRB, SCRB or SRRB refuses, without justifiable cause, to accept the award of contract, and no award is made in accordance with Section 40 of the Act and this IRR.	<p>Section 35. Failure of Bidding (NEW) Section 35.6 Without prejudice to Sec. 35.1 hereof, the BAC is authorized, upon consultation with the end-user unit, to cancel or terminate the conduct of procurement activities, for any justifiable reason, such as but not limited to:</p> <ul style="list-style-type: none">a) the physical and economic conditions have significantly changed so as to render the project no longer economically, financially, or technically feasible, as determined by the end-user unit;b) the project is no longer necessary as determined by the end-user unit;c) the source of funds for the project has been withheld or reduced through no fault of the PE; ord) brought about by the declaration of a State of Calamity, or implementation of community quarantine or similar restrictions.
--	--

WHEREAS, a Special BAC Meeting was held on January 7, 2021 at BSWM Lecture Room 2 for the consultation with the End-User and to discuss the effects and implications of the significant increase in appropriation and physical target in the implementation of the project;

WHEREAS, the End-User shall submit to the Department of Budget and Management (DBM) a revised Budget Execution Document (BED) 2, Physical Target, in accordance to the appropriation per GAA FY 2021 and in consideration of the Cash Budgeting System being implemented;



BIDS AND AWARDS COMMITTEE
RESOLUTION NUMBER: 2021-01-001

WHEREAS, after thorough review of the End-User, physical timeline on BED 2 will be adjusted in compliance to the Cash Budgeting System;

WHEREAS, Section 41 of the 2016 Revised Implementing Rules and Regulations (IRR) of RA 9184 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 situations:


XXXXX

c) For any justifiable and reasonable ground where the award of the contract will not redound to the benefit of the GoP, as follows: **(i) if the physical and economic conditions have significantly changed so as to render the project no longer economically, financially, or technically feasible, as determined by the HoPE;** (ii) if the project is no longer necessary as determined by the HoPE; or (iii) if the source of funds for the project has been withheld or reduced through no fault of the Procuring Entity.(a)for the project has been withheld or reduced through no fault of the Procuring Entity.”


NOW, THEREFORE, We, the Members of the Bids and Awards Committee (BAC), in consonance with the provisions of the Implementing Rules and Regulations of RA 9184 and GPPB Resolution No. 09-2020, **HEREBY RESOLVE AS IT IS HEREBY RESOLVED, TO CANCEL AND RECOMMEND TO THE HOPE TO DECLARE “FAILURE” OF BIDDING FOR THE PROCUREMENT OF SUPPLY AND DELIVERY OF 127 UNITS OF COMPOSTING FACILITY FOR BIODEGRADABLE WASTES (CFBW) WITH IB NO. BSWM-2021-00-005** due to *“physical and economic conditions which have significantly changed so as to render the project no longer economically, financially, or technically feasible.”* The BAC further moves that the Bidders affected by this Failure will be allowed to reimburse the cost of bid documents.

RESOLVED, at the BSWM Lecture Room 2, this 7th day of January, 2021.


SAMUEL M. CONTRERAS
BAC Chairperson


GINA P. NILO
BAC Vice Chairperson


TERESITA S. SANDOVAL
BAC Regular Member



JOSE D. MANGUERRA
BAC Regular Member




Republic of the Philippines
DEPARTMENT OF AGRICULTURE
Bureau of Soils and Water Management
Soil Research and Development Center Building,
Elliptical Road corner Visayas Avenue, Diliman, Quezon City 1100
www.bswm.gov.ph email: bswmclientcenter@yahoo.com Tel No. (632)8332-9534

**BIDS AND AWARDS COMMITTEE
RESOLUTION NUMBER: 2021-01-001**


BONY P. DELA CRUZ
BAC Provisional Member


ERWIN B. REÑOS
BAC Provisional Member

Approved/Disapproved:


ENGR. PABLO M. MONTALLA
Officer-In-Charge, Director

JAN 14 2021