



**CASINO FILIPINO- DAVAO
BRANCH BIDS AND AWARDS COMMITTEE (BBAC)**

PROJECT DETAILS:

Invitation to Bid Number	CB22-03-003DAV
Project Title	Supply and Delivery of Purified Drinking Water
Mode of Procurement	Competitive Bidding
End-user	Facilities Management and Engineering Section (FMES)
Approved Budget for Contract (ABC)	The total ABC is Six Hundred Eighty-Eight Thousand Pesos (PhP 688,000.00), VAT Exclusive, Zero-Rated Transaction
Date of Final APP 2020 approval	January 27, 2022
BAN	DAV 2111-020

BBAC RESOLUTION RECOMMENDING FAILURE OF BIDDING FOR THE SUPPLY AND DELIVERY OF PURIFIED DRINKING WATER UNDER ITB NO. CB22-03-003DAV AND CONDUCT OF REBIDDING

WHEREAS, the BBAC CF-Davao has been tasked to handle the procurement requirements of the Philippine Amusement and Gaming Corporation (PAGCOR) with the project details presented above;

WHEREAS, the Procurement Processing Request (PPR), Technical Specifications/Terms of Reference (TOR) and other pertinent documents were received by the Branch Procurement Section (BPS), acting as the BBAC Secretariat, on February 17, 2022;

WHEREAS, in a Pre-Procurement Conference held on March 17, 2022, the BBAC and representatives from the end-user, Facilities Management & Engineering Section (FMES), reviewed and evaluated all the documents presented, including the Technical Specifications integrated in the Bidding Documents;

WHEREAS, the Invitation to Bid was posted at the websites of the Philippine Amusement and Gaming Corporation (PAGCOR) and the Philippine Government and Electronic Procurement System (PhilGEPS) and in a conspicuous place within the premises of CF-Davao from March 21, 2022 to April 11, 2022 and also sent through email and fax to prospective bidders;

WHEREAS, in the Pre-bid Conference on March 29, 2022, the Committee discussed the salient procedures for the conduct of public bidding and the contents of the

Bidding Documents to the lone prospective bidder, Waterman Davao Inc., who attended the conference;

WHEREAS, on April 4, 2022, a Bid Bulletin No. 1 was also issued to reflect minor changes identified in the Technical Specifications for the project, which was posted at the websites of PAGCOR and PhilGEPS, as well as in a conspicuous place within the premises of CF-Davao;

WHEREAS, only one (1) bidder, Waterman Davao Inc., bought the bidding documents and submitted their bid on April 11, 2022;

WHEREAS, after the Opening and Preliminary Examination of the contents of the First (1st) Bid Envelope (Eligibility Documents and Technical Component), the lone bidder, Waterman Davao, Inc. was rated "Passed" and qualified for the Opening and Preliminary Examination of the Second (2nd) Bid Envelope (Financial Component);

WHEREAS, upon conclusion of the Opening and Preliminary Examination of the Second (2nd) Bid Envelope (Financial Component), the bidder complied with the requirements prescribed in the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (R.A.) 9184;

WHEREAS, the financial bid of the lone qualified bidder, Waterman Davao, Inc., was in the total amount of **Six Hundred Two Thousand Pesos (PhP 602,000.00)**, VAT Exclusive, Zero-Rated Transaction;

WHEREAS, on the same date, the BBAC CF-Davao discussed the results of the detailed bid evaluation conducted by the end-user, Facilities Management and Engineering Section (FMES), and declared Waterman Davao Inc. as the bidder having the Single Calculated Bid (SCB) in the total amount of Six Hundred Two Thousand Pesos (PhP 602,000.00), VAT Exclusive, Zero-Rated Transaction;

WHEREAS, the BBAC CF-Davao, through the Procurement Section (PS), sent on April 12, 2022 to Waterman Davao Inc. the notice declaring its bid as the SCB, and the advice to submit the post-qualification requirements within five (5) calendar days from receipt of the notice;

WHEREAS, on April 15, 2022, Waterman Davao Inc. acknowledged receipt of the notice as SCB and submitted thru electronic mail its post-qualification documents on April 20, 2022;

WHEREAS, in a Consultation Meeting held on April 22, 2022, the BBAC CF-Davao resolved to request for the approval of the Branch Manager, as duly delegated by the Board of Directors, for the extension of the period for the completion of the post-qualification process to forty-five (45) calendar days from the determination of the bidder having the SCB based on the following grounds:

1. The twelfth (12th) calendar day in which the post-qualification process should have been completed is April 23, 2022;

2. The document validation, verification and evaluation of some of the eligibility documents handled by the PS and the end-user were not yet completed as of April 22, 2022; and
3. Without proper verification and validation of the eligibility documents, CF-Davao BBAC cannot recommend the award of contract to the bidder with SCB.

WHEREAS, on May 2, 2022, Branch Manager, as duly delegated by the Board of Directors, approved the BBAC CF-Davao recommendation extending the period for completing the post-qualification process to forty-five (45) calendar days;

WHEREAS, the members of BBAC together with the representative from the end-user in its Deliberation meeting held on May 6, 2022, thoroughly deliberated on the post-qualification reports containing the verification and validation on the submittals of the single bidder, Waterman Davao Inc.;

WHEREAS, the Procurement Section (PS), acting as the BBAC Secretariat, presented to the committee the results of the post-qualification report and end-user's evaluation of Single Calculated Bid (SCB), Waterman Davao Inc.;

WHEREAS, the end-user, FMES, submitted an Evaluation Report April 13, 2022 stating the following:

- 1) The result of the client interview on their one (1) identified single largest completed contracts with Philippine Ports Authority was verified to be in order and the amount of said contract was determined to be more than twenty-five percent (25%) of the annual ABC;
- 2) Verification of the on-going government contracts were done through telephone interviews and were determined to be valid and in order;
- 3) The following documentary requirements were determined to be in order and compliant with the project's minimum requirements:
 - a) Schedule of requirements;
 - b) Technical Specifications; and
 - c) Bid Bulletin No. 1.
- 4) The Financial Bid is within the ABC.

WHEREAS, based on PPMSD-PD's verification report dated April 19, 2022, the following documents were verified and the results were as follows:

1. SEC Company Registration No. A1997-12390 was verified and confirmed as valid thru the SEC Express System official website <https://secexpress.ph>.

WHEREAS, the Procurement Section also verified the following documents, and noted that all documents were "Verified" and "Evaluated";

- 1) Business Permit No. B-01167-7 was certified as valid until December 31, 2022 by Ms. Mary Ann M. Ador, Business Bureau, Davao City.

- 2) Tax Clearance Certificate with TCC No. No. 19-132-04-01-R0495 was verified as valid until March 1, 2023, thru the BIR official website;
- 3) Annual Income Tax Return (ITR) 2020, verified by the BIR RDO 113B-East as authentic, originally filed thru EFPS, then amended via eBIR form;
- 4) Quarterly VAT Returns for the Fourth (4th) and Third (3rd) Quarter of 2021, EFPS-filed;
- 5) Monthly Value Added Tax (VAT) Declarations for the months of October 2021, November 2021, January 2022 and February 2022, EFPS-filed;
- 6) Audited Financial Statements (AFS) for 2020;
- 7) Philippine Government Electronic Procurement System (PhilGEPS) Registration Certificate with Reference No. 20100258001, verified as valid until April 6, 2023 through the PhilGEPS official website;
- 8) Net Financial Contracting Capacity (NFCC) computation in the amount Nineteen Million Six Hundred Fifty-One Thousand Nine Hundred Eight Pesos (PhP 19,651,908.00) which was determined to be more than the ABC of the project;
- 9) The Notarized Omnibus Sworn Statement (with an attached copy of the Secretary's Certificate) was found to be in order based on the template provided under Section VIII (Bidding Forms); and
- 10) The contents of the Notarized Bid Securing Declaration were found to be complete and in compliance with the prescribed form as provided under Government Procurement Policy Board (GPPB) Resolution No. 15-2014, dated June 20, 2014, entitled "Approving the Amendments to Sections 5 and 6 of the Guidelines on the Use of a Bid Securing Declaration," GPPB Resolution 03-2012, dated January 27, 2012, which approved and adopted the Guidelines on the Use of a Bid Securing Declaration, and Section VIII (Bidding Forms) of the Bidding Documents for the project.

WHEREAS, the BBAC CF-Davao noted the verification report from the BIR RDO No. 113B-East, which stated:

The Annual Income Tax Return (ITR) 2020 was originally filed thru EFPS, then amended via eBIR form as per RMC No. 50-2021, which was released last April 5, 2021, It stated that "non-individual taxpayers, whether efps or non-efps shall use the offline eBIR forms package v7-9 (herein referred to as eBIRForms) in filing their AITR."

WHEREAS, the Bidding Documents of the said project states that:

- Section III-Bid Data Sheet (ITB Clause 20.2) – page 17

"xxx...xxx...xxx"

Within a non-extendible period of five (5) calendar days from receipt by the bidder of the notice from the BAC that it submitted the Lowest Calculated Bid (LCB)/Single Calculated Bid (SCB), the Bidder shall submit the following:

1. ***Latest income and business tax returns filed and paid through the BIR Electronic Filing and Payment System (eFPS),***

In accordance with Executive Order (E.O.) No. 398, Revenue Regulation (R.R.) No. 03-2005 and Revenue Memorandum Circular (RMC) 16 – 2005, the above-mentioned tax returns shall refer to the following:

- a. *Latest Income Tax Return (ITR) shall be the ITR for the preceding year, whether calendar or fiscal, and*
- b. *Latest Business Tax Returns shall refer to the Value Added Tax (VAT) or Percentage Tax filed and paid covering the previous six (6) months before the date of Submission, Receipt, Opening & Preliminary Examination of Bids.*

xxx...xxx...xxx”

WHEREAS, the BBAC CF-Davao agreed that the Annual Income Tax Return (AITR) 2020 submitted by the said bidder is not compliant with the requirements based on the aforesaid provisions;

WHEREAS, the BBAC of CF-Davao declared a Failure of bidding in accordance with Section 35.1 (c) of the IRR of R.A. 9184, which provides that:

“The BAC shall declare the bidding a failure when:

- 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;’*

NOW, THEREFORE, We, the Members of the Branch Bids and Awards Committee (BBAC) CF-Davao, hereby **RESOLVE** as it is hereby **RESOLVED**:

- a) Declaration of a “Failure of Bidding” for the Supply and Delivery of Purified Drinking Water under ITB NO. CB22-03-003DAV, pursuant to Section 35.1 of the Implementing Rules and Regulations (IRR) of Republic Act (R.A.) No. 9184; and
- b) Conduct of re-bidding for the Supply and Delivery of Purified Drinking Water with re-advertisement and/or re-posting, pursuant to Section 35.3 of the IRR of RA 9184, after the conduct of mandatory review and evaluation of the terms, conditions and specifications in the bidding documents, including its cost estimates.

RESOLVED, at the Conference Room, Casino Filipino - Davao, Lanang, Davao City this 6th day of May 2022.


REGINA C. LEMANA
Chairperson

Not Present
ATTY. DIDITH A. SALAZAR
Vice-Chairperson


JESUSA H. DUROJA
Member


FORTUNATO T. GUMERA, JR.
Member

Not Present
FORTUNATO E. GOGO
Member

Not Present
MA. JULIE E. PATRATA
Member


NOLAN A. EDILLO
Provisional Member , FMES

APPROVED BY AUTHORITY OF THE PAGCOR BOARD OF DIRECTORS:


ANTONIO V. COVARRUBIAS
ACTING BRANCH MANAGER

APPROVED / DISAPPROVED
MAY 13, 2022
BRANCH MANAGER