

**BIDS AND AWARDS COMMITTEE FOR INFRASTRUCTURE PROJECT (BAC-I)**

**CONSTRUCTION OF BCDA RECORDS OFFICE AND SPORTS FACILITIES**

**RESOLUTION NO. 2024-005**

**Declaration of Lowest Calculated and Responsive Bid (LCRB)**

The BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA), through the 2024 BCDA Corporate Funds, has put on bid the Construction of the BCDA Records Office and Sports Facilities with an Approved Budget for the Contract (ABC) in the sum of Pesos: One Hundred Twenty-Four Million, Nine Hundred Sixty-Eight Thousand, Forty-Five and 02/100 (Php 124,968,045.02), inclusive of all applicable taxes and fees.

**WHEREAS**, the BAC-I, through its Secretariat, advertised the Invitation to Bid on 13 February 2024 through the following platforms:

- a. DBM Philippine Government Electronic Procurement System (PhilGEPS);
- b. BCDA Website; and
- c. In a conspicuous place reserved for the purpose in the premises of BCDA.

**WHEREAS**, in response to the said advertisements, eight (8) prospective bidders bought the bid documents, namely:

1. PHESCO INCORPORATED;
2. TEODORO CONSTRUCTION CORP.;
3. SKYNET CONSTRUCTION & ENGINEERING SERVICES;
4. ASTRAN MARKETING & GEN. CONTRACTOR, INC.;
5. MODERN INNOVATION CONSTRUCTION;
6. M R VARGAS CONSTRUCTION CORPORATION;
7. PERRC INC.; and
8. ARCINUE COMM'L CORPORATION

**WHEREAS**, out of the aforementioned interested bidders, seven (7) submitted their bids prior to the set deadline of submission of bids for the project on 02 April 2024 at 12:00PM:

1. PERRC INC.;
2. M R VARGAS CONSTRUCTION CORPORATION;
3. ASTRAN MARKETING & GEN. CONTRACTOR, INC.;
4. TEODORO CONSTRUCTION CORP.;

5. PHESCO INCORPORATED;
6. SKYNET CONSTRUCTION & ENGINEERING SERVICES; and
7. ARCINUE COMM'L CORPORATION

**WHEREAS**, on 02 April 2024, the first envelopes which contained the Eligibility and Technical Requirements of the seven (7) proponents were opened and subjected to a preliminary evaluation by determining the presence or absence of the required documents using the "pass/fail" criterion;

**WHEREAS**, during the said preliminary evaluation and after checking the sufficiency of the required documents as regards their presence or absence, the BAC-I declared the bids of the following bidders as "failed" due to the absence of the required documents or non-compliance with the requirements provided under the bidding documents for the project, to wit:

BIDDERS	NON-COMPLIANCE								
SKYNET CONSTRUCTION & ENGINEERING SERVICES	<p>The bidder nominated only one (1) Key Personnel for Site Engineer/ Architect, contrary to Clause 10.4 of the Bid Data Sheet (BDS), which requires two (2) personnel, to wit:</p> <p><i>"The list of nominated key personnel with the minimum required years of experience for the Project are as follows:</i></p> <table border="1" data-bbox="635 1196 1353 1469"> <thead> <tr> <th><i>Key Personnel</i></th> <th><i>Required Profession</i></th> <th><i>Required Experience</i></th> <th><i>Qty</i></th> </tr> </thead> <tbody> <tr> <td><i>Site Engineer/ Architect</i></td> <td><i>Licensed Engineer for at least 3 years</i></td> <td><i>At least 2 years of experience as Site Engineer</i></td> <td><i>2</i></td> </tr> </tbody> </table> <p>xxx."</p>	<i>Key Personnel</i>	<i>Required Profession</i>	<i>Required Experience</i>	<i>Qty</i>	<i>Site Engineer/ Architect</i>	<i>Licensed Engineer for at least 3 years</i>	<i>At least 2 years of experience as Site Engineer</i>	<i>2</i>
<i>Key Personnel</i>	<i>Required Profession</i>	<i>Required Experience</i>	<i>Qty</i>						
<i>Site Engineer/ Architect</i>	<i>Licensed Engineer for at least 3 years</i>	<i>At least 2 years of experience as Site Engineer</i>	<i>2</i>						
ARCINUE COMM'L CORPORATION	<p>The bidder failed to provide the following required documents:</p> <ol style="list-style-type: none"> <li>1. Annex "A" of the Certificate of PhilGEPS Registration, as required under Section 8.5.2 of the RIRR of RA 9184;</li> </ol>								



BIDDERS	NON-COMPLIANCE
	<ol style="list-style-type: none"> <li>2. Supporting documents of the Single Largest Completed Contract (SLCC) such as Certificate of Final Acceptance or final rating of at least Satisfactory in the Constructors Performance Evaluation System as required under BDS Clause 5.2 of the Bidding Documents and Section 23.4.2.5 of the RIRR of RA9184. In addition, the bidder submitted an unsigned Statement of SLCC;</li> <li>3. Incomplete list of the key personnel as required under Clause 10.4 of the Instructions to Bidders;</li> <li>4. Curriculum Vitae of the nominated key personnel as required under BDS Clause 10.4 of the Bidding Documents;</li> <li>5. Incomplete list and supporting documents of the required equipment as mandated under BDS Clause 10.5 of the Bidding Documents; and</li> <li>6. Statement of Availability of Equipment (owned or leased or under purchase agreement) as required under BDS Clause 10.5 of the Bidding Documents.</li> </ol>

**WHEREAS**, the second envelopes which contained the financial proposals of the five (5) proponents, who “passed” the preliminary examination of the eligibility/technical requirements, were opened and were likewise subjected to a preliminary evaluation of the financial proposals. After checking the sufficiency of the required documents as regards its presence or absence, the BAC-I declared the bids of the four (4) proponents “passed” and were considered for the detailed evaluation and comparison of financial bids. The table below shows the ranking and bid amounts of the 4 proponents (as read):

BIDDERS	BID AMOUNT (AS READ)	RANKING
PERRC INC.	₱ 106,236,986.61	1

M R VARGAS CONSTRUCTION CORPORATION	₱ 108,377,130.04	2
TEODORO CONSTRUCTION CORP.	₱ 113,296,884.11	3
ASTRAN MARKETING & GEN. CONTRACTOR, INC.	₱ 117,477,194.60	4

**WHEREAS**, during the said preliminary evaluation and after checking the sufficiency of the required documents as regards its presence or absence, the BAC-I declared the Financial Bid of one (1) bidder as “failed” due to the absence of the required documents or non-compliance with the requirements provided under the bidding documents for the project, and the Revised Implementing Rules and Regulations (RIRR) of Republic Act (R.A) No. 9184, to wit:

BIDDER	NON-COMPLIANCE
PHESCO INCORPORATED	<p>The bidder failed to submit the Bill of Quantities (BOQ) as required under Section 17.1 of the IRR of R.A. 9184, in relation to Clause 11.1 of the Instructions to Bidders and Section IX (Checklist of Technical and Financial Documents), to wit:</p> <p><i>“17.1. Xxx. The bidding documents shall include the following:</i></p> <p><i>a. Xxx;</i></p> <p><i>h. Form of Bid, Price Form, and List of Good or Bill of Quantities;</i></p> <p><i>xxx</i></p> <p>Clause 11.1 of ITB states that:</p> <p><i>“11.1 The second bid envelope shall contain the financial documents for the Bid as specified in Section IX. Checklist of Technical and Financial Documents.</i></p> <p><i>xxx”</i></p>



	<i>Item II (1) of Section IX (Checklist of Technical and Financial Documents) requires the submission of "the Original of the duly signed Bid Prices in the Bill of Quantities."</i>
--	--

**WHEREAS**, Section 32.2 of the RIRR of R.A. 9184 provides that, "For the procurement of Goods and Infrastructure Projects, the BAC shall evaluate the financial component of the bids to determine the Lowest Calculated Bid. xxx."

**WHEREAS**, on 03 - 04 April 2024, in accordance with Section 32.2 of the RIRR of R.A. 9184 mentioned above, the BAC-I Technical Working Group (TWG) conducted the detailed evaluation of the Financial Component of the bids of the aforementioned 4 proponents. After the said detailed evaluation of the Financial Component, the BAC declared the Financial Bid of one (1) bidder as "failed" due to non-compliance with the requirements provided under the bidding documents for the project, to wit:

BIDDER	NON-COMPLIANCE
ASTRAN MARKETING & GEN. CONTRACTOR, INC.	<p>The bidder failed to submit a complete set of the required items in the BOQ, specifically, all pay items under Plumbing and Sanitary Works.</p> <p>Section 32.2.1.a of the RIRR of RA 9184, which provides that:</p> <p><i>"Completeness of the bid. xxx 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. xxx"</i></p>

Thus, only the bids of the three (3) proponents were ranked in ascending order based on their financial bids or total bid price as calculated, evaluated, and/or corrected for computational errors, to identify the bidder with the Lowest Calculated Bid (LCB) who shall undergo the post-qualification. The table below shows the bid amount of the three (3) proponents (as calculated):

BIDDERS	BID AMOUNT (AS CALCULATED)	RANKING
PERRC INC.	₱ 106,237,013.25	1

M R VARGAS CONSTRUCTION CORPORATION	₱ 108,377,055.29	2
TEODORO CONSTRUCTION CORP.	₱ 113,297,223.90	3

**WHEREAS**, based on the above results of the detailed evaluation conducted by the BAC-I TWG, the BAC-I found PERRC Inc. as the bidder with the Lowest Calculated Bid (LCB) who shall undergo the Post-Qualification process pursuant to Section 34 of the RIRR of R.A. 9184;

**WHEREAS**, BAC-I TWG conducted the post qualification on PERRC Inc. from 11 to 22 April 2024.

**WHEREAS**, during the conduct of the post-qualification of PERRC Inc., the TWG noted the following observations and its non-responsiveness with the requirements of the bidding documents:

REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
<p>Verification and validation of the bidders stated competence and experience, and the competence and experience of the bidder's key personnel to be assigned to the project, for the procurement of Infrastructure Projects.</p> <p>Presentation of valid original PRC License of the nominated key technical personnel.</p>	<p>The following nominated key personnel were not interviewed despite multiple requests for the schedule of interview from the TWG:</p> <ol style="list-style-type: none"> <li>1. Electrical Engineer;</li> <li>2. Structural Engineer;</li> <li>3. Mechanical Engineer; and</li> <li>4. Materials Engineer II.</li> </ol> <p>Consequently, the PRC Licenses of the abovementioned key personnel were not presented, thus, the TWG</p>	<p>With adverse findings</p> <p>Despite multiple requests from the TWG, four (4) nominated key personnel were not interviewed.</p> <p>Thus, the respective competence and relevant experiences of each of the aforementioned key personnel were not validated.</p> <p>The TWG was not able to check the authenticity and validity of the licenses as required under Section 34.3 of the RIRR of RA 9184, which states that:</p>



REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
	<p>was not able to check its validity.</p>	<p><i>"The post-qualification shall verify, validate and ascertain the veracity, authenticity and validity of xxx all the other statements made and documents submitted by the bidder with the Lowest Calculated Bid / Highest Rated Bid, using non-discretionary criteria, as stated in the bidding Documents. These criteria shall consider, but shall not be limited to, the following:</i></p> <p>Xxx</p> <p><i>b) Technical Requirements. To determine compliance of the goods, infrastructure projects, or consulting services offered with the requirements specified in the Bidding Documents, including, where applicable:</i></p> <p><i>i) Verification and validation of the bidder's stated competence and experience, and the competence and experience of the bidder's key personnel to be assigned to the project, for the procurement of Infrastructure Projects xxx;"</i></p> <p>Relative thereto, ITB Clause 20 of the BDS provides that:</p>

Handwritten marks and signatures, including checkmarks and initials, are present below the resolution text.

REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
		<p>"2. The following original document (s) shall be presented during the conduct of the Post-Qualification for the verification and validation:</p> <p>Xxx</p> <p>b. Valid PRC licenses and other professional accreditation certificates of the nominated key personnel;"</p>
<p>For the minimum required equipment for this project under ITB Clause 10.5 of the Bid Data Sheet, the bidder must accomplish the prescribed form in "Annex E" and shall submit the following acceptable proofs as attachments to the list of equipment, as applicable: certification of availability using the prescribed form in "Annex B-1 to B-3" of the Bid Forms and shall submit the following acceptable proofs as attachment to the list of equipment, as applicable:</p> <p><i>"If owned, supported by a certification by the bidder of availability of equipment for the duration of the project using the prescribed form in Annex "B-1", and any proof of ownership as follows:</i></p>	<p>As a proof of ownership, the bidder submitted a Sales Invoice for the following equipment:</p> <ol style="list-style-type: none"> <li>1) Komatsu PC200-8MO; and</li> <li>2) Komatsu P210-10MO</li> </ol> <p>However, in the submitted sales invoice it was noted that the equipment was "Sold to BOT Lease and Finance Phils Inc. and leased to PERRC Const. &amp; Dev't Corp." No other document evidencing proof of ownership was submitted.</p>	<p>With adverse findings</p> <p>The bidder failed to sufficiently prove ownership over the following pledged equipment:</p> <ol style="list-style-type: none"> <li>1) Komatsu PC200-8MO; and</li> <li>2) Komatsu P210-10MO.</li> </ol> <p>The submission of the corresponding sales invoice with the notation "Sold to BOT Lease and Finance Phils Inc. and leased to PERRC Const. &amp; Dev't Corp.", without any other document, only proves that the said equipment has been leased to the bidder.</p> <p>While a sales invoice may be submitted as proof of</p>



REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
<p>a. Any contract or instrument evidencing transfer or acquisition of ownership (i.e Deed of Sale, Deed of Donation, Deed of Conveyance, etc.)</p> <ul style="list-style-type: none"> <li>• OR/CR</li> <li>• Sales invoice showing payment of VAT</li> <li>• Proforma Invoice supported by a Sales Invoice</li> <li>• Letter of credit from bank with attached Purchase Order supported by a Sales Invoice</li> <li>• Original Invoice with attached Packing List</li> <li>• Bill of Lading"</li> </ul>		<p>ownership under ITB Clause 10.5 of the BDS, such a requirement necessarily implies that the said sales invoice should be under the name of the bidder in order to establish and prove ownership over the subject equipment.</p>

**WHEREAS**, on 22 April 2024, the BAC-I deliberated on the results of the Post-Qualification. Based on its findings, the BAC declared PERRC Inc. as post-disqualified;

**WHEREAS**, in accordance with Section 34.8 of the 2016 RIRR of R.A. 9184, the BAC-I proceeded with the conduct of the post-qualification of MR Vargas Construction Corporation being the next (second) lowest calculated bid during this bidding process.

**WHEREAS**, BAC-I TWG conducted the post qualification of MR Vargas Construction Corporation from 23 April to 03 May 2024.

**WHEREAS**, during the conduct of the post-qualification of MR Vargas Construction Corporation, the TWG noted the following observations and its non-responsiveness with the requirements of the bidding documents:

REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
<p>Compliance with existing labor laws and standards.</p>	<p>Bid Data Sheet, ITB Clause 20 provides that:</p> <p><i>"Other documents shall also be presented during the conduct of post-qualification such as, but not limited to:</i></p> <p>xxx</p> <p><i>b. Compliance with labor legislations, i.e. proof of remittances, in accordance with GPPB Circular No. 01-2008."</i></p> <p>Item 7 of the bidder's OSS states that <i>"M R VARGAS CONSTRUCTION CORPORATION complies with existing labor laws and standards."</i></p> <p>Clause 3.3 of GPPB Circular No. 01-2008 allows the Procuring Entity to ascertain the statements made by the bidder in its certificate under oath that it complies with existing labor laws and standards. Specifically, the Procuring Entity may verify whether the bidder regularly remits mandated premiums to SSS, PhilHealth, and PAG-IBIG.</p>	<p>With adverse Findings</p> <p>Based on the letter dated 16 April 2024, PAG-IBIG informed the BAC-I that they are unable to issue a Clearance Certificate to MR Vargas Construction Corporation because "The employer is inactive with the last remittance for the month of January 2023 dated February 16, 2023."</p> <p>Then, on May 10, 2024, the bidder submitted a copy of an Official Receipt showing payment of premiums to PAGIBIG for the period from February 2023 to May 2024, on May 9, 2024.</p> <p>These circumstances contravene the statement made by the bidder in its OSS that it "complies with existing labor laws and standards."</p> <p>The subsequent payment made on May 9, 2024, cannot cure the misrepresentation made in the OSS. The fact remains that at the time of the execution of the OSS and submission of the bid, MR Vargas Construction Corporation was remiss in</p>



REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
	<p>Non-compliance therewith shall be a ground for post-disqualification.</p> <p>In addition, Section 23.6 of the RIRR of RA 9184 states that:</p> <p><i>“Notwithstanding the eligibility of a bidder, the Procuring Entity concerned reserves the right to review the qualifications of the bidder at any stage of the procurement process if the Procuring Entity has reasonable grounds to believe that a misrepresentation has been made by the said bidder, or that there has been a change in the bidder’s capability to undertake the project from the time it submitted its eligibility requirements. Should such review uncover any misrepresentation made in the eligibility requirements, statements or documents, or any changes in the situation of the bidder which will affect the capability of the bidder to undertake the project so that it fails the eligibility criteria, the Procuring Entity shall consider the said bidder as ineligible and shall disqualify it from obtaining an award or contract, in accordance with</i></p>	<p>its obligation to remit the mandated premiums to PAG-IBIG in violation of existing labor laws and other social legislation.</p>

REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
	<i>Rules XXI, XXII, and XXIII of this IRR."</i>	
<p>Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid;</p>	<p>Section 23.1 of the RIRR of RA 9184 states that:</p> <p><i>"23.1 For purposes of determining the eligibility of bidders using the criteria stated in Section 23.4 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:</i></p> <p>Xxx</p> <p>a) Class "A" Documents</p> <p>Xxx</p> <p>iv) <i>Statement of the bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid."</i></p> <p>GPPB NPM No. 006-2018 expressly states that:</p> <p><i>"[F]ailure to declare an ongoing government and private contract, including contracts awarded but not yet started, if any, whether similar</i></p>	<p>With adverse findings</p> <p>Based on the letter from DPWH - Central Office dated 17 April 2024, MR Vargas Construction Corporation has five (5) ongoing contracts.</p> <ul style="list-style-type: none"> <li>• One (1) ongoing project with Iloilo 2nd District Eng'g Office (DEO)</li> <li>• One (1) ongoing contract with Nueva Vizcaya DEO</li> <li>• Three (3) ongoing contract with Bohol 3rd DEO</li> </ul> <p>However, per submitted document, MR Vargas Construction Corporation only declared two (2) ongoing government contracts.</p> <p>The bidder did not declare the other three (3) ongoing projects with Bohol 3rd DEO.</p> <p>On May 7, 2024, the TWG requested the representative of MR Vargas Construction Corporation (Ms. Jesusa</p>



REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
	<p>or not similar in nature and complexity to the contract to be bid is a ground for disqualification. These contracts, as reflected in the ["Statement of all on-going contracts"], are vital to the computation of the Net Financial Contracting Capacity of the bidder, and they are necessary information during the post-qualification stage to verify, validate and ascertain the technical qualification of the Lowest Calculated Bidder for the ultimate determination whether it is the Lowest Calculated and Responsive Bidder."</p>	<p>Aliman) to submit a copy of the document signed by the project owner stating/showing that the projects with Bohol 3rd DEO were already completed.</p> <p>Then, on May 10, 2024, at 10:31AM, the bidder provided a screenshot from DPWH PCMA and a verification report signed by Engr. Jesus Ledoven S. Llido, showing that the projects were already completed. However, per the BAC-I's confirmation with Engr. Llido, the project "Convergence And Special Support Program Basic Infrastructure Program BIP - Access Roads and/or Bridges From The National Road/s Leading to Major/ Strategic Public Buildings/ Facilities Construction (Concreting) of Road at Barangay Angilan to Barangay Bangwalog, Duero Bohol" was only completed on 16 April 2024 or fourteen (14) days after the deadline for submission of the bid for the Project.</p> <p>Thus, failure of the bidder to include the same in the</p>

REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
		statement of all its ongoing contracts constitutes a ground for disqualification.

**WHEREAS**, on 10 May 2024, the BAC-I deliberated on the results of the Post-Qualification. Based on its findings, the BAC declared MR Vargas Construction Corporation as post-disqualified;

**WHEREAS**, in accordance with Section 34.8 of the 2016 RIRR of R.A. 9184, the BAC-I proceeded with the conduct of the post-qualification of Teodoro Construction Corporation, being the bidder with the next (third) lowest calculated bid.

**WHEREAS**, from 11 to 20 May 2024, the BAC-I TWG conducted the Post-Qualification on TEODORO CONSTRUCTION CORPORATION pursuant to Section 34 of the RIRR of R.A. 9184;

**WHEREAS**, on 20 May 2024, the BAC-I deliberated the results of the Post-Qualification based on the following findings as shown in the table below:

RA 9184 REQUIREMENT	FINDINGS
Legal Documents	No adverse findings
Technical Documents	No adverse findings
Financial Documents	No adverse findings
Additional Documents Required per R.A. 9184	No adverse findings

**NOW, THEREFORE**, We, the Members of the Bids and Awards Committee for Infrastructure Projects, hereby RESOLVE as it is hereby RESOLVED, the following:

1. To declare **TEODORO CONSTRUCTION CORPORATION** as the **Lowest Calculated and Responsive Bidder (LCRB)** for the **CONSTRUCTION OF BCDA RECORDS OFFICE AND SPORTS FACILITIES**, and;



- To recommend to the BCDA Board of Directors the award of the contract to **TEODORO CONSTRUCTION CORPORATION** in the amount of **Pesos: One Hundred Thirteen Million Two Hundred Ninety-Six Thousand Eight Hundred Eighty-Four and 11/100 (Php 113,296,884.11)**, inclusive of VAT and all applicable government taxes and fees.

**RESOLVED**, at the BCDA Corporate Center, this **20th** day of **May 2024**.

**BIDS AND AWARDS COMMITTEE FOR INFRASTRUCTURE (BAC-I)**

**MARIA JOSEFINA V. PE**  
Provisional Member

**RAÚL BUENSALIDA**  
Provisional Member

**ENGR. VERGEL Q. PARAS**  
Member

**SAMUEL JOHN L. VIDALLON**  
Member

**ENGR. RYAN S. GALURA**  
Member

**ENGR. MARK P. TORRES**  
Vice Chairperson

**ATTY. GISELA Z. KALALO**  
Chairperson

Approved by:

**JOSHUA M. BINGCANG**  
President and Chief Executive Officer