



**SPECIAL BIDS AND AWARDS COMMITTEE ON INFRASTRUCTURE,  
CONSULTANCY, AND LEASE OF OFFICE SPACES AND WAREHOUSE  
(SBAC-ICLOSW)**

**RESOLUTION No. 002 Series of 2023  
For RFQ No. NP-LRP/V-2022-0259-NLC-EPA**

**BAC RESOLUTION DECLARING FAILURE OF BIDDING FOR THE  
PROCUREMENT OF ONE (1) YEAR RENEWABLE LEASE CONTRACT FOR  
STORAGE WAREHOUSE FOR FDA NORTH LUZON CLUSTER**

**WHEREAS**, on 16 January 2023, FDA Personnel Order (FPO) No. 2023-0023 was issued, which has for its subject the “*Creation of the Special Bids and Awards Committee, and its Committee Secretariat, for Procurement Projects for Infrastructure, Consultancy and Lease of Office Spaces and Warehouses*”;

**WHEREAS**, the newly constituted Food and Drug Administration (FDA) Special Bids and Awards Committee on Infrastructure, Consultancy, and Lease of Office Spaces and Warehouse (SBAC-ICLOSW) received from the Regular Bids and Awards Committee (RBAC) the bid documents of the Procurement of **One (1) year Renewable Lease Contract for Storage Warehouse for FDA North Luzon Cluster with RFQ No. NP-LRP/V-2022-0259-NLC-EPA** with a total Approved Budget for the Contract (ABC) of **Three Million Three Hundred Ninety-Six Thousand Five Hundred Twenty-Five Pesos (Php 3,396,525.00)**;

**WHEREAS**, the Mode of Procurement adapted for the aforementioned project is Negotiated Procurement – Lease of Real Property or Venue (Sec 53.10 of the Revised IRR of RA 9184);

**WHEREAS**, on 17 January 2023, when the above-mentioned procurement project was endorsed and turned over to the FDA-SBAC-ICLOSW, the members of the Special Bids and Awards Committee has yet to convene to discuss various matters concerning Procurement of Infrastructure, Consultancy, and Lease of Office Spaces and Warehouse;

**WHEREAS**, the RBAC had informed the FDA-SBAC-ICLOSW Secretariat that, notwithstanding the documents forwarded reflect that the opening of the Bids for the aforementioned project was supposedly at 1:30 in the afternoon on “*16 January 2022*”<sup>1</sup>, the opening of the bids was allegedly moved to 1:00 PM of 17 January 2023, or on the same date of the turnover of the documents;

<sup>1</sup> Typographical error on the part of the RBAC, as reflected on the Supplemental Bid Bulletin

*Amor*



**WHEREAS**, given the above circumstances, the SBAC has no more sufficient time to prepare the necessary documents and to call for a committee meeting;

**WHEREAS**, neither was there any endorsement from the RBAC of any bid submitted to them, nor any bid submitted coming from any bidder. of their bid proposal on the date of Opening of Bids thus the SBAC Chairperson declared a **FAILURE OF BIDDING** following the provision in the 2016 Revised Implementing Rules and regulations (RIRR) of RA 9184:

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*“Section 35. Failure of Bidding*

*35.1. The BAC shall declare the bidding a failure when:*

- 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; or,*
- d) 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.”*  
(Emphasis supplied)

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**FURTHERMORE**, Section 41 of the same IRR explicitly mentioned the reservation clause for the Head of the Procuring Entity (HOPE);

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*“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:*

- a) If there is prima facie evidence of collusion between appropriate public officers or employees of the Procuring Entity, or between the BAC and any of the bidders, or if the collusion is between or among the bidder themselves, or between a bidder and a third party, including any act which restricts, suppresses or nullifies or tends to restrict, suppress or nullify competition;*
- b) **If the BAC is found to have failed in following the prescribed bidding procedures; or,***
- 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.”(Emphasis supplied)*

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For RFQ No. NP-LRP/V-2022-0259-NLC-EPA

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**NOW, THEREFORE**, the FDA-SBAC-ICLOSW made a final disposition, declaring a **FAILURE OF BIDDING** on the project **(1) year Renewable Lease Contract for Storage Warehouse for FDA North Luzon Cluster with RFQ No. NP-LRP/V-2022-0259-NLC-EPA** with a total Approved Budget for the Contract (ABC) of **Three Million Three Hundred Ninety-Six Thousand Five Hundred Twenty-Five Pesos (Php 3,396,525.00)** due to the following:

- I. As **no bids were received** by the SBAC; and,
- II. As it was found by the SBAC **that there had been a failure in following the prescribed bidding procedures** as provided by R.A. No. 9184, and its Revised IRR;

**RESOLVED** this 31<sup>st</sup> day of January 2023, FDA, Alabang, Muntlupa City.

  
**RODERICK C. MATEO**  
Member

  
**ENGR. ARMANDO B. DUMINDIM**  
Member

  
**ATTY. JOSEPH JAMES I. JIMENEZ**  
Member

**ATTY. KRISTINE DIANNE C. LIM**  
Vice-Chairperson

  
**ATTY. RONALD R. DE VEYRA, MBA, CESO II**  
Deputy Director General - IM  
SBAC Chairperson

DTN: