



Republic of the Philippines
Department of Agriculture

AGRICULTURAL TRAINING INSTITUTE
Regional Training Center III

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AGRICULTURAL TRAINING INSTITUTE – REGIONAL TRAINING CENTER III
BIDS AND AWARDS COMMITTEE

RESOLUTION DENYING THE MOTION FOR RECONSIDERATION OF
FRANCO CONSTRUCTION SERVICES

BAC Resolution No. PB-04, s. 2024

WHEREAS, the Agricultural Training Institute – Regional Training Center III, through its Bids and Awards Committee, advertised the Invitation to Bid for the “**CONSTRUCTION OF BIOSECURED & CLIMATE CONTROLLED FACILITY FOR SWINE ARTIFICIAL INSEMINATION PROJECT IN CENTRAL LUZON UNDER INSPIRE PROGRAM FOR FY 2024 IN AURORA**” under National Livestock Program in PhilGEPS (10805209) and posted the same in the ATI-RTC III Website and conspicuous places, in accordance with the rules provided under RA 9184;

WHEREAS, in response to the above advertisement two (2) prospective bidders, **GABB CONSTRUCTION**, and **GREEN WALL CONSTRUCTION**, expressed their intention to participate in the bidding of the aforesaid Project, on the scheduled **Pre-bid conference** conducted by the BAC on May 08, 2024;

WHEREAS, all noted amendments and deviations discussed during the above-mentioned Pre-bid conference, have been duly issued through **Supplemental Bid Bulletin No. 01 (10805209-01)** dated May 08, 2024 and posted to the PhilGEPS and ATI-RTC III Website on the same date;

WHEREAS, on May 13, 2024, another bidder, **FRANCO CONSTRUCTION SERVICES**, signified its interest in joining the bidding for the project;

WHEREAS, on May 20, 2024, the schedule for the Submission, Receipt, and Opening of Envelope 1 (Eligibility and Technical Documents) and Envelope 2 (Financial Component), three (3) Bidders attended, **GABB CONSTRUCTION**, and **GREEN WALL CONSTRUCTION** with their respective representatives are physically present, while **FRANCO CONSTRUCTION SERVICES**, through online platform. However, **FRANCO CONSTRUCTION SERVICES** and **GABB CONSTRUCTION** failed in the preliminary evaluation of bids, **FRANCO CONSTRUCTION SERVICES** failed for non-submission of documents for the required Number of Skilled Personnel and Number of Laborer including their circumstances and experiences (as stated in the posted Supplemental Bid Bulletin), and **GABB CONSTRUCTION** for the miscalculated NFCC. On the other hand, **GREEN WALL CONSTRUCTION**, passed the Eligibility and Technical Documents, thus proceeded to the opening of the Financial Documents, therefore declared as the only bidder who qualified to undergo the Post-Qualification of the BAC-Technical Working Group (TWG);

WHEREAS, applying the non-discretionary “**pass/fail**” criterion in the evaluation of bids, the BAC declared the outright rejection of the bidders' documents based on the preceding findings and they were given a chance to file their respective motion for reconsideration;

WHEREAS, on May 28, 2024, the BAC received a letter from **FRANCO CONSTRUCTION SERVICES** requesting a Motion for Reconsideration following the declaration of its failure to proceed with the opening of its Financial Documents during the Opening of Bids;

RESOLUTION DENYING THE MOTION FOR RECONSIDERATION OF
FRANCO CONSTRUCTION SERVICES

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Page 1 of 3

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MARCIANO A. SANTOS
BAC Member

EULA DEE A. LANADA
BAC Member

REYNALYN C. GULEN
BAC Member

GUIA B. REYES
BAC Vice Chairperson

ELSA F. VICTORIA
BAC Chairperson

JOEY A. BELARMINO, PhD.
Chair Director/TCS II



WHEREAS, Rule IX of the Revised IRR of RA9184, requires that the preliminary examination of bids be conducted by merely checking for the presence or absence of documentary requirements using non-discretionary "**pass/fail**" criterion.

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"Section 30 Preliminary Examination of Bids. The BAC shall open the first bid envelopes to determine each bidder's compliance with the documents required to be submitted for eligibility and for the technical requirements, as prescribed in this IRR. For this purpose, the BAC shall check the submitted documents of each bidder

against a checklist of required documents to ascertain if they are all present, using a non-discretionary "pass/fail" criterion, as stated in the Instruction to Bidders. If a bidder submits the required documents, it shall be rated "passed" for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed".

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WHEREAS, Section II – Instruction to Bidders, particularly No. 3, it is the bidder's responsibility to examine the Bidding Documents First.

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"The Bidding for the Project shall be governed by all the provisions of RA No. 9184 and its 2016 revised IRR, including its Generic Procurement Manual and associated policies, rules, and regulations as the primary source thereof, while the herein clauses shall serve as the secondary source thereof.

Any amendments made to the IRR and other GPPB issuances shall be applicable only to the ongoing posting, advertisement, or invitation to bid by the BAC through the **issuance of a supplemental or bid bulletin.**

The Bidder, by the act of submitting its Bid, shall be deemed to have inspected the site, determined the general characteristics of the contracted Works and the conditions for this Project, such as the location and the nature of the work; (b) climatic conditions; (c) transportation facilities; (c) nature and condition of the terrain, geological conditions at the site communication facilities, requirements, location and availability of construction aggregates and other materials, labor, water, electric power and access roads; and (d) other factors that may affect the cost, duration and execution or implementation of the contract, project, or work and examine all instructions, forms, terms, and project requirements in the Bidding Documents."

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WHEREAS, the Bid Documents issued to Franco Construction Services have no attached Supplemental Bid Bulletin or with missing pages, it is the bidder's responsibility to examine the bidding documents purchased. Moreover, the bidder should have checked the posted documents in the PhilGEPS and ATI-RTC III's website;

WHEREAS, submitted Notarized Omnibus Sworn Statement Item No. 8 states that:

RESOLUTION DENYING THE MOTION FOR RECONSIDERATION OF FRANCO CONSTRUCTION SERVICES

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MARCIANO A. SANTOS
BAC Member

EULA DEE A. LANADA
BAC Member

REINALYN C. GUTEN
BAC Member

GUIA D. REYES
BAC Vice Chairperson

ELSAP VICTORIA
BAC Chairperson

JOEY A. BELARMINO, PhD.
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"Franco Construction Services is aware of and has undertaken the responsibilities as a Bidder in compliance with the Philippine Bidding Documents, which includes:

- a. Carefully examining all of the Bidding Documents;
- b. Acknowledging all conditions, local or otherwise, affecting the implementation of the Contract;
- c. Making an estimate of the facilities available and needed for the contract to be bid, if any; and,
- d. Inquiring or securing Supplemental/Bid Bulletin issued for the CONSTRUCTION OF BIO SECURED & CLIMATE CONTROLLED FACILITY FOR SWINE ARTIFICIAL INSEMINATION PROJECT IN CENTRAL LUZON (Brgy. Reserva, Baler, Aurora) UNDER INSPIRE PROGRAM FOR FY 2024" "UPGRADED SWINE ARTIFICIAL INSEMINATION (AI) SA BARANGAY (SWAIB) PROJECT.

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NOW THEREFORE, We, the Members of the Bids and Awards Committee, do hereby RESOLVED as it is hereby RESOLVED, not to grant the Motion for Reconsideration filed by FRANCO CONSTRUCTION SERVICES;


RESOLVED FINALLY, to post this Resolution on the ATI Website and other conspicuous places at the premises of the ATI RTC III. This Resolution is the FINAL DECISION of the Bids and Awards Committee (BAC) of ATI RTC III. Further Protest shall be done to the Head of the Procuring Entity (HOPE) of ATI RTC III, and shall be made within the bounds of the law;

RESOLVED, this 3rd day of June 2024 at the Agricultural Training Institute-RTC III, Government Complex, San Ramon, Dinalupihan, Bataan.

THE BIDS AND AWARDS COMMITTEE:


GUIA D. REYES
BAC Vice-Chairperson


MARCIANO C. SANTOS
BAC Member


EULA DEE LANADA
BAC Member


REINALYN C. GULEN
BAC Member


ELSA F. VICTORIA
BAC Chairperson

Noted by:


JOEY A. BELARMINO, Ph.D.
Center Director/ TC Superintendent II
Head of the Procuring Entity