



## Resolution No. BACVII-2020-07-01

### DECLARATION OF FAILURE OF BIDDING

**WHEREAS**, the Department of Transportation (DOTr) requested the Department of Budget and Management-Procurement Service (DBM-PS) to undertake the **Procurement of Malolos-Clark Railway Project (Blumentritt Extension) Package CP S-01: Building and Civil Engineering Works for Apx. 1Km of Viaduct Structure including Station Building at Blumentritt** ("Project") under Asian Development Bank Loan No. 3796-PHI;

**WHEREAS**, the project has been assigned to DBM-PS Special Bids and Awards Committee (DBM-PS SBAC), the project has been posted on 10 May 2019, consisting of one (1) lot under Public Bidding No. 19-156-2 in accordance with the **ADB Procurement of Works Guidelines** and relevant provisions of the **2016 Revised IRR of RA 9184**;

**WHEREAS**, the DBM-PS SBAC received the bid proposals of **Taisei-DMCI JV** and **Iris-Dogus JV** before the deadline on 20 November 2019 and were immediately opened thereafter;

**WHEREAS**, the detailed bid evaluation of the bid proposals were conducted by the Joint Technical Working Group of composed of representatives from Procurement Service, Philippine National Railways and the Department of Transportation from 21 November to 20 December 2019 pursuant to **Section 35.4 of the Invitation to Bid of the Bidding Documents**;

**WHEREAS**, upon careful examination, validation, and verification of all the eligibility and technical documents submitted by **Taisei-DMCI JV** and **Iris-Dogus JV**, both Bidders were determined to be disqualified for failure to meet the technical requirements for the Project;

**WHEREAS**, the Bid Evaluation Report was submitted to the DBM-PS SBAC and approved on 21 January 2020. Afterwards, the Bid Evaluation Report was transmitted to the Asian Development Bank (ADB) for review and approval;

**WHEREAS**, upon review, the ADB has no objection to the evaluation of bids, the recommendation to reject all the bids and call for the rebid of the project. The communication was received by the SBAC on 10 June 2020. Notices about the Bid Rejection were sent to the bidders on 11 June 2020;

**WHEREAS**, pursuant to **ADB Procurement for Works Guidelines and relevant provisions of 2016 Revised IRR of RA9184**, the SBAC shall declare the bidding failed after all bids were rejected;

**WHEREAS**, the BAC has been reconstituted, the project has now been assigned to DBM-PS Bids and Awards Committee VII (DBM-PS BAC VII). The relevant files of the procurement project were transmitted to the BAC VII on 20 July 2020;

**WHEREAS**, after receipt of the procurement, BAC VII immediately convened to settle the pending issues of the project;

**WHEREAS**, the BAC VII recognizes that the Bid Evaluation Report has been completed and approved by the previous SBAC and that the ADB had expressed no objections to the result. In view of this, the BAC VII deemed it proper to declare this bidding a failure pursuant to ***ADB Procurement for Works Guidelines and relevant provisions of 2016 Revised IRR of RA9184***, when all bids of the participating bidders were rejected.

**NOW, THEREFORE**, We, the Members of the DBM-PS Bids and Awards Committee VII hereby **RESOLVE**, as it is hereby **RESOLVED**, to declare failure of bidding for the aforementioned bidding project(s) for the reason as afore-stated.

**RESOLVED**, at the PS Conference Room, Procurement Service, Paco, Manila, this 20<sup>th</sup> day of July 2020.

(SGD.)  
**ASEC. FIDEL IGMEDIO T. CRUZ, JR.**  
*Alternate Ad Hoc Member, DOTr*

(SGD.)  
**ENGR. ANTONIO B. HERMIDA**  
*Provisional Member, PS*

(SGD.)  
**ATTY. EARVIN JAY I. ALPARAQUE**  
*Regular Member*

(SGD.)  
**JOSEPH P. BALAGTAS**  
*Vice Chairperson*

(SGD.)  
**ATTY. DIVINA GRACIA A. BACAL**  
*Chairperson*