



Republic of the Philippines  
DEPARTMENT OF TRANSPORTATION

17 April 2023

CS/ APR 15 2023 12:06

**ULYSSES E. MORA**

*Chairperson, PS-DBM Bids and Awards Committee VII*

PS-DBM Compound, Cristobal, Paco, Manila, 1007 Metro Manila

**SUBJECT : NOTICE OF DISAPPROVAL ON THE PS-DBM BIDS AND AWARDS COMMITTEE VII (BAC VII) ISSUED RECOMMENDATION TO AWARD THE PROJECT ADVANCE WORK PACKAGE 1 (AWP1): DEMOLITION, TREE CUTTING AND UTILITY RELOCATION FOR CP102, CP103, CP104, CP105 AND CP108 UNDER PUBLIC BIDDING (PB) NO. 22-012-7**

Dear Mr. Mora:

Reference is made to your letter dated 13 April 2023 requesting the DOTr Head of the Procuring Entity (HoPE) to issue a Notice of Disapproval/Cancellation based on the latter's Decision, disapproving the Procurement Service - Department of Budget and Management Bids and Awards Committee VII's (PS-DBM BAC VII) recommendation to Award the Project "Advance Work Package 1 (AWP1): Demolition, Tree Cutting and Utility Relocation for CP102, CP103, CP104, CP105 and CP108 under Public Bidding No. 22-012-7".

Pursuant to Section 37.1.3<sup>1</sup> of the Revised Implementing Rules and Regulations of Republic Act No. 9184, the undersigned HoPE hereby issues this Notice of Disapproval on the PS-DBM BAC VII's recommendation to award the contract for the aforementioned Project, in view of the finality of the Decision<sup>2</sup> on the Protest filed by the sole eligible bidder, Joint Venture of MSV Construction & Supplies and 5 Jewel's Construction & Supply Corp., as embodied in the letter dated 03 November 2022 to the said bidder.

For your information and reference.

**SIGNATURE REDACTED**

**KIM ROBERT C. DE LEON**

*Head of the Procuring Entity and*

*Undersecretary for Administration and Finance*

<sup>1</sup> Xxx In the event of disapproval, which shall be based only on valid, reasonable, and justifiable grounds, the HoPE shall notify the BAC and the bidder in writing of such decision and the grounds for it.

<sup>2</sup>Decision dated 03 November 2022 denying the Protest of the Joint Venture of MSV Construction & Supplies and 5 Jewel's Construction & Supply Corp. due to the following:

1.a The original Protest was filed out time, having been filed in DOTr Clark and not in the Records Section of DOTr, in Columbia Tower, and "as per advisory to all external stakeholders, official documents should be send to the Ortigas Office, Hence, the reckoning date referred to in the denial of the Protest is the date it was actually received by the official Records Section in the Columbia Tower"; and

1.b The Protest Fee was paid in the form of a Manager's Check instead of cash as provided in Section 55.3 of the 2016 Revised IRR of RA 9184.