



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF DAVAO DE ORO  
PROVINCIAL GOVERNOR'S OFFICE  
**BIDS AND AWARDS COMMITTEE**  
Cabidanan, Nabunturan, Davao de Oro

EXCERPT FROM THE MINUTES OF THE SPECIAL MEETING OF THE BIDS AND AWARDS COMMITTEE (BAC) HELD ON AUGUST 15, 2023 AT THE GOVERNOR'S CONFERENCE ROOM, 4<sup>TH</sup> FLOOR, EXECUTIVE BUILDING, PROVINCIAL CAPITOL, CABIDIANAN, NABUNTURAN, DAVAO DE ORO.

**Present:**

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|--|------------------------|
| 1. Dr. Rolando S. Simene, DVM, MRDM        | BAC Chairperson        |
| 2. Engr. Roderick M. Digamon, CE           | BAC Vice – Chairperson |
| 3. Ms. Lara Zaphire Kristy N. Bermejo, MPA | BAC Member             |
| 4. Ms. Cristie M. Plaza, CPA               | BAC Member             |

**Others present:**

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|--|----------------------|
| 1. Mr. Jenes B. Miñoza, MPA            | BAC Secretariat Head |
| 2. Mr. Joseph Randy M. Loy, RN         | TWG Member           |
| 3. Mr. Lewis Jake G. Caiman, CPA       | TWG Member           |
| 4. Mr. Alvin Ross J. Gisma             | TWG Member           |
| 5. Fr. Nick A. Consencino              | TWG Member           |
| 6. Ms. Maila Mae Grace B. Carillo, CPA | TWG Member           |
| 7. Mr. Ronald C. Sibayan, MExEd        | TWG Member           |
| 8. Engr. Joy C. Manabat, CE, MPA, MRDN | TWG Member           |
| 9. Dr. Ma. Grace C. Lim, MD, FPSMS     | TWG Member           |

**On-Leave:**

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| 1. Atty. Mary Justice P. Aurelio-Yap, CPA | BAC Member |
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**RESOLUTION NUMBER NO. SPR-08.15.08  
SERIES OF 2023**

**“A RESOLUTION RECOMMENDING TO THE HEAD OF THE PROCURING ENTITY (HOPE) THE DISQUALIFICATION OF JMN MULTIMEDIA SERVICES TO AWARD PURCHASE REQUEST NO. 23-C0317 CODE REPOSITORY AND WEB HOSTING PACKAGE AMOUNTING TO ONE HUNDRED FIVE THOUSAND PESOS (PHP 105,000.00) TO BE PROCURED THROUGH NEGOTIATED PROCUREMENT – TWO FAILED BIDDINGS PURSUANT TO SECTION 53.1 OF THE 2016 REVISED IRR OF R.A. 9184.”**

**WHEREAS**, the Bids and Awards Committee of Davao de Oro posted an Invitation to Bid for the procurement of Code Repository and Web Hosting Package with Bid No. B-23-0090 in the PhilGEPS website, Davao de Oro website, and 3 conspicuous places with an Approved Budget for the Contract of One Hundred Five Thousand Pesos (Php 105,000.00);

**WHEREAS**, during the first bid opening on April 19, 2023, no bidder submitted a bid,

**WHEREAS**, the bid number was subjected to rebid on May 2, 2023, but still no bidder dropped a bid,

**WHEREAS**, Section 35.1, of the Revised 2016 IRR provides for the authority of the BAC to declare a failure of bidding when:

- a. **No bids are received;**
- b. All prospective bidder/s 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.

**WHEREAS**, during the BAC meeting called for this purpose, the Committee then conducted a mandatory review if there is necessary adjustment for the purchase request. Upon review, the Committee finds that there were no changes needed in the purchase request, as such the Committee reached a consensus to resort the mode of procurement from Public Bidding to Negotiated Procurement – Two Failed Biddings;

**WHEREAS**, Section 35.2 of the Revised 2016 IRR of R.A. 9184, provides the condition on the declaration of failure of bidding which states that:

35.2 In order to determine the reason for the failure failed bidding, the BAC shall conduct a mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents, including its cost estimates.

**WHEREAS**, Section 35.5 of the Revised 2016 IRR of RA 9184 provides the condition on the declaration of failure of bidding which states:

35.5 Should there occur a second failure of bidding, the Procuring Entity may resort to negotiated procurement as provided for the Section 53.1 Revised 2016 IRR;

**WHEREAS**, a canvass was duly conducted to three (3) suppliers who technically, legally and financially capable, and out of three (3) suppliers;

**WHEREAS**, only **JMN Multimedia Services** submitted a quotation for the request, and quoted within the approved contract budget. Consequently, the purchase request was awarded to the said supplier on May 16, 2023;

**WHEREAS**, following the issuance of the Notice of Award to the supplier, JMN Multimedia Services opted not to accept the Notice of Award due to their non-agreeable with the proposed quarterly payment method;

**WHEREAS**, Section 40.3 of the IRR that ten (10) days from the receipt of NOA the supplier shall formally enter into a contract with the Procuring Entity, however, if for justifiable causes, the supplier fails, refuses, or is otherwise unable to enter into a contract with the Procuring Entity, or if the bidder fails to post the required performance security within the period stipulated in the bidding documents, the BAC shall disqualify the said supplier;

**WHEREAS**, during the BAC meeting called for this purpose, the Committee decided to recommend to the Head of the Procuring Entity to disqualify JMN Multimedia Services due to their refusal to accept the Notice of Award;

**WHEREFORE**, on motion of Ms. Lara Zaphire Kristy N. Bermejo, and duly seconded by Ms. Cristie M. Plaza, be it;

**RESOLVED**, as it is hereby resolve to recommend the HoPE the disqualification of JMN Multimedia Services to award purchase request no. 23-C0317 Code Repository and Web Hosting Package amounting to One Hundred Five Thousand Pesos (PhP 105,000.00) through Negotiated Procurement – Two Failed Biddings pursuant to Section 53.1 of the 2016 revised IRR of R.A. 9184.

**RESOLVED FINALLY**, that copies of this resolution be forwarded to the offices concern for their information and appropriate action.

Certified true and Correct:

  
**JENES B. MINOZA, MPA**  
Head BAC Secretariat

Conformed by:

  
**ROLANDO S. SIMENE, DVM, MRDM**  
BAC-Chairperson

  
**ENGR. RODERICK M. DIGAMON, CE**  
BAC -Vice Chairperson



  
**LARA ZAPHIRE KRISTY N. BERMEJO, MPA**  
BAC Member

  
**CRISTIE M. PLAZA, CPA**  
BAC Member

(On Leave)  
**ATTY. MARY JUSTICE P. AURELIO-YAP, CPA**  
BAC Member

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Action Taken: Approved/Disapproved

  
**DOROTHY P. MONTEJO-GONZAGA**  
Governor   
Head of the Procuring Entity  
Approved on \_\_\_\_\_