



Republic of the Philippines
Department of the Interior and Local Government
 Region 13 (Caraga)

BIDS AND AWARDS COMMITTEE

BAC Resolution of Motion for Reconsideration No. **2016-002**
 September 26, 2016

RESOLUTION

*Sent to JOAN Const
 225-7599*

WHEREAS, the Department of the Interior and Local Government Regional Office (DILG) XIII has an Approved Budget for the Contract of Thirty Million Pesos (Php30,000,000.00) for the Construction of LGRRC-DILG Region XIII Building;

*9/26/16
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WHEREAS, DILG - Bids and Awards Committee through its Technical Working Group conducted the post-qualification of the Lowest Calculated Bidder, JOAN Construction, on September 14-16, 2016;

WHEREAS, the BAC-TWG found out 1. that the LCB was not able to comply with the Standard Form No. SF-INFR-15 (revised July 29, 2004) particularly the non-indication of the Contractor's Role and Percentage of Participation in the List of Ongoing Projects and only indicated partially the same in the List of Completed Projects; 2. was not able to satisfactorily present all the required equipment; 3. LCB's recently completed and already used but not yet turned over project Two-Storey Four-Classroom Taligaman National High School, Butuan City, has poor quality of workmanship with broken door knobs, clogged comfort rooms and chipped wall cement finishing despite two months use only; 4. the BAC-TWG found out that the LCB's present address based on its DTI Certification and Mayor's Permit/Business Permit Butuan City is different from its submitted Tax Clearance and Financial documents which is Sto. Niño District, Pagadian City; and, 5. that the project will be implemented through a sub-contract agreement, expressly prohibited in the bid data sheet;

WHEREAS, the BAC unanimously declared the LCB post-disqualified;

WHEREAS, on September 23, 2016, the BAC received a Motion for Reconsideration from JOAN Construction dated September 23, 2016, stating that the the Taligaman National High School Project was already completed and turned-over, and that Bureau of Internal Revenue Regional Office Butuan City has advised JOAN Construction not to transfer the filing of taxes since it has the same result;

WHEREAS, among the five cited bases for post-disqualification, only two were tackled by JOAN Construction in their Motion for Reconsideration: 1. Taligaman National High School Project, and 2. Tax Clearance;

WHEREAS, the issue is not the completion and turn-over of project but the poor quality of workmanship with broken door knobs, clogged comfort rooms and chipped wall cement finishing despite two months use only of the project in Taligaman National High School;

"Matino, Mahusay at Maaasahan"



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WHEREAS, there is no proof attached on the alleged advice of BIR Regional Office relative to Tax Clearance;

WHEREFORE, based on the foregoing, the BAC, upon unanimous vote, hereby resolves as it is hereby resolved that the **Motion for Reconsideration of JOAN Construction be denied.** The invitation to bid shall henceforth be revised as to procurement dates and re-posted as following the rule on Negotiated Procurement after Two Failed Biddings required by law.

Let copies of this Resolution be furnished to Joan Construction and the Commission of Audit (COA) Resident Auditor.

Adopted: September 26, 2016.

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I HEREBY CERTIFY to the correctness of the foregoing resolution which was duly adopted by the Bids and Awards Committee on September 26, 2016.

Allen M. Gasulas
ALLEN M. GASULAS
 Head, BAC Secretariat

APPROVED BY:

Charissa T. Guerta
CHARISSA T. GUERTA
 Chairperson

"Matino, Mahusay at Maaasahan"