

National Power Corporation

BAC RESOLUTION NO. 2023- 059

CANCELLATION OF PROCUREMENT FOR THE SUPPLY AND DELIVERY OF STEEL PLATES FOR THE FABRICATION OF FUEL OIL DAY TANKS AND STORAGE TANKS FOR VARIOUS SPUG PLANTS UNDER PR NO. HO-MRM22-009 PURSUANT TO SECTION 41 OF THE 2016 REVISED IRR OF R.A. 9184

WHEREAS, the subject PR No. HO-MRM22-009 has the following procurement details, to wit:

BID SUBMISSION/ OPENING	ITEM DESCRIPTION	ABC	DELIVERY PERIOD	MODE OF PROCUREMENT
16 September 2022	Supply and Delivery of Steel Plates for the Fabrication of Fuel Oil Day Tanks and Storage Tanks for Various SPUG Plants	P4,240,000.00	60 calendar days	Public Bidding

WHEREAS, two (2) bidders participated in the Bid Submission/Opening on 16 September 2022:

BIDDERS	RATING	RANKING
1. MZR Builders	Passed	Lowest Calculated Bid (LCB)
2. Maclean Trading and Construction Corporation	Passed	2 nd Lowest Calculated Bid (2 nd LCB)

WHEREAS, on **14 November 2022**, the TWG Post-Qualification Report was presented and approved by the BAC, subject to the confirmation/clarifications on the name of the bidder MZR Unica, Inc. doing business under the name and style of **MZR Builders** which name was used during post-qualification;

WHEREAS, on **05 December 2022**, the BCSD sought clarifications from the TWG and the TWG clarified thru e-mail to the BCSD that there are no prohibition on multiple names of one Corporation;

WHEREAS, on **06 December 2022**, the BAC Finance member noted on the issuance of the Certificate of Budget Inclusion (CBI) for CY 2023 vis-à-vis the delivery period of 60 calendar days which may likely spill-over to CY 2023.

WHEREAS, on **08 March 2023**, the End-User/Major Repair and Maintenance Department (MRMD) informed thru memorandum the Manager, Bids and Contracts Services Division (BCSD) that the subject PR could not be accommodated in their FY 2023 budget since the ABC requirement is nearly double the approved budget of the requesting Cost Center itself; Hence, Section 41 [c (iii)] is applicable in this case.

WHEREAS, Section 41 of the 2016 Revised IRR of R.A. No. 9184, to wit:

The HoPE reserves the right to reject any and all Bids, declare a failure of bidding, or not award the contract in the following situations:

- (a) If there is prima facie evidence of collusion between appropriate public officers or employees of the Procuring Entity ... x x x;*
- (b) If the BAC is found to have failed in following the prescribed bidding procedures ... x x x; or*
- (c) For any justifiable and reasonable ground where the award of the contract will not redound to the benefit of the GoP, as follows:*
 - (i) if the physical and economic conditions have significantly changes as to render the project no longer economically, financially, or technically feasible, as determined by the HoPE;*
 - (ii) if the project is no longer necessary as determined by the HoPE; or*
 - (iii) if the source of funds for the project has been withheld or reduced through no fault of the Procuring Entity.*


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NOW, THEREFORE, BE IT RESOLVED, the above premises considered, the Members of the Bids and Awards Committee (BAC), pursuant to Section 41 of the 2016 Revised IRR of Republic Act No. 9184, hereby recommends to the Head of Procuring Entity of the National Power Corporation (NPC) the cancellation of procurement for the Supply and Delivery of Steel Plates for the Fabrication of Fuel Oil Day Tanks and Storage Tanks for Various SPUG Plants under PR No. HO-MRM22-022, subject to applicable laws, rules and regulations.

RESOLVED this 15th day of September 2023.

THE BIDS AND AWARDS COMMITTEE


RENE B. BARRUELA
Chairman


ATTY. ALDEN V. GIANAN
Vice-Chairman

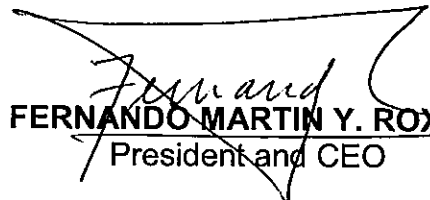

GODOFREDO B. MAGPOC, JR.
Member


JUDITH M. MOJICA
Member


ATTY. FRITZ BON-BON A. SOMYDEN
Member


BEVERLY B. ESTELLA
Member

APPROVED AS RECOMMENDED:


FERNANDO MARTIN Y. ROXAS
President and CEO