



Bids and Awards Committee for Consulting Services
UNIVERSITY OF THE PHILIPPINES MINDANAO

*Administration Building, Mintal, Davao City 8022, Philippines
T: + 63 82 293 0258 E: bacsecretariat.upmindanao@up.edu.ph*

RESOLUTION 04 SERIES OF 2021
WITHDRAWAL OF DECLARATION FOR FAILURE OF BIDDING FOR THE
DETAILED ARCHITECTURAL AND ENGINEERING SERVICES (DAEDS) FOR THE
COLLEGE OF SCIENCE AND MATHEMATICS (CSM) ACADEMIC BUILDING

WHEREAS, the Bids and Awards Committee for Consulting Services declared Palafox Associates as the Highest Rated Bidder per BAC Resolution 15 s. of 2021 issued on May 18, 2021 (Annex 1-BAC Resolution 02-2021) for the Detailed Architectural and Engineering Services (DAEDS) for the College of Science and Mathematics (CSM) Academic Building;

WHEREAS, on August 3, 2021, the BAC Consulting issued a Resolution 02 Series of 2021 declaring failure of bidding for Palafox Associates related to the Detailed Architectural and Engineering Services (DAEDS) for the College of Science and Mathematics (CSM) primarily due to the findings of the TWG having incurred a slippage or delay of 46.67% for their ongoing project in this University which is the DAEDS for College of Human Kinetics (CHK). Furthermore, it was stated that “the delay could be attributed to the following factors: 1) Additional requirements from the end-user; 2) Poor coordination, and 3) Unsatisfactory deliverables during presentation” (Annex 2a-Post Qualification). The ruling only allows 15% slippage (Annex 2b-RA9184);

WHEREAS, Office of the Vice President of Development (OVPD) requested UP Mindanao to reconsider the decision of BAC due to the “slippage is unacceptable” and not valid (Annex 3-MEMO. LND 2021-052);


WHEREAS, the issuance of post disqualification now without reasonable ground by virtue of the Verified Report from the Office of the Vice President of Development has superseded the Technical Working Group (TWG) findings and is hereby rescinded (Annex 4-MEMO LND. 2021-053);

NOW, THEREFORE, WE, the BAC for Consulting Services, hereby revoke our recommendation for disqualification and hereby RECOMMEND to the Chancellor of the University of the Philippines Mindanao, that this project on DAEDS for CSM be awarded to Palafox and Associates and necessary documents but not limited to Notice to Proceed be issued to Palafox and Associates immediately.

Done on September 20, 2021.


CLETO L. NANOLA JR.
Chair

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VLADIMER B. KOBAYASHI
Vice Chair


RITCHIE MAE GAMOT
Member


MICHAEL A. GATELA
Member

**RESOLUTION 04 SERIES OF 2021
WITHDRAWAL OF DECLARATION FOR FAILURE OF BIDDING FOR
THE DETAILED ARCHITECTURAL AND ENGINEERING SERVICES
(DAEDS) FOR THE COLLEGE OF SCIENCE AND MATHEMATICS
(CSM) ACADEMIC BUILDING**


RUTH U. GAMBOA
Member

APPROVED:

LARRY N. DIGAL
Chancellor *figcayamanda*





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RESOLUTION 02 SERIES OF 2021
DECLARING FAILURE OF BIDDING FOR THE DETAILED ARCHITECTURAL AND
ENGINEERING SERVICES (DAEDS) FOR THE COLLEGE OF SCIENCE AND
MATHEMATICS (CSM) ACADEMIC BUILDING

WHEREAS, the Bids and Awards Committee for Infrastructure and Consulting Services declared Palafox Associates as the Highest Rated Bidder per BAC Resolution 15 s. of 2021 issued on May 18, 2021 (**Annex 1**) for the Detailed Architectural and Engineering Services (DAEDS) for the College of Science and Mathematics (CSM) Academic Building;

WHEREAS, after the negotiation was conducted from June 3-23, 2021 per attached Notice of Negotiation (**Annex 2**) and BAC Resolution 17 s. of 2021 Requesting a Ten-Day Extension of the Negotiation Period (**Annex 3**), a Notice of Post Qualification dated June 24, 2021 (**Annex 4**) was issued to Palafox Associates, as the Highest Rated Bidder, requiring the said bidder to submit the requirements for the post qualification within five (5) calendar days. On June 29, 2021 Palafox Associates submitted the printed copies of their post qualification requirements to the BAC Secretariat's Office at the Ground Floor Administration Building, UP Mindanao;

WHEREAS, on June 28, 2021 the Bids and Awards Committee for Infrastructure and Consulting Services was split into two BACs: Bids and Awards Committee for Infrastructure and the Bids and Awards Committee for Consulting Services as per Administrative Order Nos. 2021-060 & 2021-061 (**Annexes 5 and 6**) and both committees were tasked to handle the remaining bidding activities of this procurement project per letter-request of the CPDO Chief which was approved by the Chancellor (**Annex 7**);

WHEREAS, the BAC Chairs of the newly-constituted BAC for Infrastructure and BAC for Consulting Services discussed the approved request of the CPDO Chief and it was agreed that only the BAC for Consulting Services should handle this procurement project to expedite the conduct of the remaining activities and that the said decision was approved by the Chancellor (**Annex 8**);

WHEREAS, during its first meeting on July 19, 2021 the BAC for Consulting Services decided to forward the post qualification documents submitted by Palafox Associates to the Technical Working Group (TWG) for evaluation and review;

WHEREAS, on July 22, 2021 when the TWG presented their report (**Annex 9**) on the post qualification conducted, it was noted that there is a negative slippage of 46.67% of the said bidder's performance in its ongoing DAEDS of CHK contract with the University;

WHEREAS, upon verification from the Campus Planning and Development Office (CPDO), the Chief of the CPDO confirmed that Palafox Associates has incurred a delay of 46.67% in its ongoing DAEDS for CHK contract with the University and that the delay could be attributed to the following factors: 1) Additional requirements from the end-user; 2) Poor coordination, and 3) Unsatisfactory deliverables during presentation (**Annex 10**);

WHEREAS, on the basis of this finding, the BAC decided to post disqualify Palafox Associates citing that Section 34.3b of the 2016 Revised Implementing Rules and Regulations of RA 9184

provides that the BAC shall disqualify a bidder if there is a negative slippage of at least fifteen percent (15%) in any of the bidder's projects;

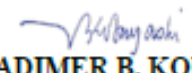
WHEREAS, on July 28, 2021 a Notice of Post Disqualification (**Annex 11**) was issued to Palafox Associates stating that the negative slippage of more than 15% in its ongoing DAEDS of CHK contract with the University as the reason for its post disqualification; such Notice of Post Disqualification was duly received by its authorized representative on that same day;

WHEREAS, during its meeting on August 3, 2021 the BAC noted that no request for reconsideration was received from Palafox Associates after more than three (3) days since the Notice of Post Disqualification was duly received by their authorized representative on July 28, 2021;

NOW, THEREFORE, WE, the BAC for Consulting Services, hereby **DECLARE** a 2nd failure of bidding for this procurement project and **RECOMMEND** to the Chancellor of the University of the Philippines Mindanao, that this project be procured by Negotiated Procurement after Two Failed Biddings.


Done at the Gaisano Room, Administration Building, Mintal, Davao City, on August 3, 2021.


AURELIA LUZVIMINDA V. GOMEZ
Chair


VLADIMER B. KOBAYASHI
Vice Chair


RUTH U. GAMBOA
Member


MICHAEL A. GATELA
Member

APPROVED: 
LARRY N. DIGAL
Chancellor

Note: Prof. RT Gamot was absent during the meeting on August 3, 2021.





CAMPUS PLANNING AND DEVELOPMENT OFFICE
UNIVERSITY OF THE PHILIPPINES MINDANAO

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Administration Building, Mintal, Davao City 8022, Philippines
T: + 63 82 293 0863 Local: 9004 E: cpdo.upmindanao@up.edu.ph

28 July 2021

Prof. Aurelia Luzviminda V. Gomez
 Chair, Bids and Awards Committee for Consulting Services
 This University

SUBJECT: POST QUALIFICATION FOR DAEDS CSM ACADEMIC BUILDING

Dear Prof. Gomez:

This pertains to your communication dated 27 July 2021 on the ongoing bidding process for the DAEDS for CSM Academic Building. Based on the information provided to me by the CPDO technical team, Palafox Associates has a delay of 46.67% on the DAEDS for the CHK Building established on the following:

Item	Reason for Delay	% Contribution
1.	Additional Requirements from the end-user	5.00%
2.	Poor Coordination	15.00%
3.	Unsatisfactory deliverables during presentation	26.67%
		46.67%

Thank you.

Truly yours,


CHERRYLYN D. CABRERA, DM Hum Res Mgt
 Chief, Campus Planning and Development Office

CPDO-2021-304

The 2016 Revised Implementing Rules and Regulations

ongoing government and private contracts, if any of these ongoing contracts shows:

- a. Negative slippage of at least fifteen percent (15%) in any one project or a negative slippage of at least ten percent (10%) in each of two (2) or more contracts;
- b. Failure of the contractor to commence repair works on ongoing contracts within seven (7) calendar days and to complete them within thirty (30) calendar days after receipt of the Procuring Entity's notice of defects and deficiencies;
- c. Failure of the contractor to commence repair works on contracts with pending certificates of acceptance within thirty (30) calendar days and complete them within ninety (90) days after receipt of the Procuring Entity's notice of defects and failures; or
- d. Substandard quality of work as per contract plans and specifications, or unsatisfactory performance of the contractor's obligations as per contract terms and conditions, at the time of inspection.

If the BAC verifies any of these deficiencies to be due to the contractor's fault or negligence, the agency shall disqualify the contractor from the award, for the procurement of Infrastructure Projects.

- iii) Verification and/or inspection and testing of the goods/product, after-sales and/or maintenance capabilities, in applicable cases, as well as checking the following:
 - a. Delay in the partial delivery of goods amounting to ten percent (10%) of the contract price in its ongoing government and private contracts;
 - b. If any of these contracts shows the bidder's failure to deliver or perform any or all of the goods or services within the period(s) specified in the contract or within any extension thereof granted by the Procuring Entity pursuant to a request made by the supplier prior to the delay, and such failure amounts to at least ten percent (10%) of the contract price; or
 - c. Unsatisfactory performance of the supplier's obligations as per contract terms and conditions at the time of inspection.

If the BAC verifies any of these deficiencies to be due to the bidder's fault or negligence, the BAC shall disqualify the bidder from the award, for the procurement of Goods.

- iv) Ascertainment of the authenticity of the bid security and its correctness as to type, amount, form and wording, and validity period, as required in the Bidding Documents.
- c) Financial Requirements. To verify, validate and ascertain the bid price proposal of the bidder and, whenever applicable, the required committed Line




OFFICE OF THE CHANCELLOR
UNIVERSITY OF THE PHILIPPINES MINDANAO

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15 September 2021

MEMORANDUM NO. LND 2021- 052

TO : BAC FOR CONSULTING

FROM :  PROF. LARRY N. SIGAL, PhD.
Chancellor

SUBJECT : CONDUCT OF REVIEW ON THE POST DISQUALIFICATION
ISSUED TO PALAFOX ASSOCIATES

In view of the Verified Report issued by the Office of the Vice President for Development as well as the recommendations stated therein, please review the post-disqualification issued to Palafox and Associates on their bid for the project DAED for the College of Science and Mathematics Academic Building. Kindly submit your recommendations to this office **on or before Monday, 20 September 2022**. Please find attached, the Verified Report.

Thank you.

cc: OVCA
SPMO



25 years in Mindanao
for Mindanao and beyond



Office of the Chancellor
UNIVERSITY OF THE PHILIPPINES MINDANAO

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17 September 2021

MEMORANDUM NO. LND 2021-053

TO : BAC FOR CONSULTING SERVICES

FROM : PROF. LARRY N. DIGAL, PhD
 Chancellor

SUBJECT : Immediate action on the DQ of Palafox Associates re bidding for the DAEDS of CSM building

This Memo supersedes Memo No. 2021-052 based on the clarifications and directives from UP President Danilo L. Concepcion, as relayed to us by VP for Development Elvira A. Zamora.

The Verified Report from the Office of the Vice President for Development (OVPD) has been submitted to the Office of the President and approved by President Concepcion. One of the recommendations in the Verified Report is the correction of the negative slippage issued by the Campus Planning and Development Office to Palafox Associates for the Detailed Architectural and Engineering Design (DAED) for the College of Human Kinetics (CHK) project because extension of time should have been issued instead.

Consequently, the OVPD reviewed the issue on the post disqualification (DQ) of Palafox Associates in its bidding for the DAED of the College of Science and Mathematics (CSM) building, caused by the invalidated report of 46.67% negative slippage in its work from the CPDO.

Since the OVPD's Verified Report found the slippage to be invalid, OVPD recommends the rescinding of the post disqualification of Palafox Associates for the DAED for CSM project and proceed with the issuance of BAC Resolution and Notice of Award in favor of Palafox Associates.

As the head of the procuring entity (HOPE) of UP Mindanao, I am directing the BAC for Consulting Services to rescind the post disqualification of Palafox Associates in the DAED for CSM project because the report of 46.67% negative slippage for the DAED for CHK project, which is the sole basis for its post DQ, is deemed invalid per OVPD verified report. You are directed further to proceed with the issuance of BAC Resolution and Notice of Award to Palafox Associates, them being the single qualified bidder for the DAED CSM project.

Please issue the necessary documents on or before 20 September 2021.

Looking forward to your quick action on this matter. Thank you.



*26 Years in Mindanao,
 for Mindanao and beyond*