



**SBAC RESOLUTION NO. 08 s. 2023**

**RESOLUTION RECOMMENDING AWARD OF CONTRACTS FOR THE NEGOTIATED PROCUREMENT- TWO FAILED BIDDINGS**

**DESIGN, SUPPLY, INSTALLATION, AND COMMISSIONING OF SOLAR-POWERED LEVEL II POTABLE WATER SYSTEM FACILITY IN PICONG, LANA DEL SUR TO JL-TY CONSTRUCTION/AGRICONS IMPEX COMPANY**

and

**DESIGN, SUPPLY, INSTALLATION, AND COMMISSIONING OF SOLAR-POWERED LEVEL II POTABLE WATER SYSTEM FACILITY IN LEBAK and SEN. NINOY AQUINO, SULTAN KUDARAT TO RJR SL CONSTRUCTION, INC.**

**WHEREAS**, the Design, Supply, Installation, and Commissioning of Solar-Powered Level II Potable Water System Facility in *Picong*, Lanao del Sur, *Lebak*, and *Sen. Ninoy Aquino*, Sultan Kudarat is one of the livelihood and renewable energy solution programs of the European Union Access to Sustainable Energy Project (EU-ASEP) for the marginalized and disadvantaged communities in Mindanao entitled "Integration of Productive Uses of Renewable Energy for Sustainable and Inclusive Energization in Mindanao (I-PURE Mindanao);<sup>1</sup>

**WHEREAS**, the National Electrification Administration (NEA) was authorized by the Department of Energy (DOE) to be the Program and Fund Manager to head the procurement of materials, equipment, labor, and services for the aforesaid I-PURE Mindanao projects;

**WHEREAS**, the NEA, through the EU-ASEP Financing Agreement, applied the amount of Six Million Four Hundred Sixty Five Thousand Three Hundred Fifty Eight Pesos & 90/100 (**₱6,6465,359.90**) as Approved Budget of the Contract (ABC) for each of the following procurement:<sup>2</sup>

Lot No.	Procurement Projects	ABC
1.	Design, Supply, Installation and Commissioning of Solar-Powered Level II Potable Water System Facility in Picong, Lanao Del Sur	<b>₱6,465,359.90</b>
2.	Design, Supply, Installation and Commissioning of Solar-Powered Level II Potable Water System Facility in Lebak, Sultan Kudarat	<b>₱6,465,358.90</b>
3.	Design, Supply, Installation and Commissioning of Solar-Powered Level II Potable Water System Facility in Sen. Ninoy Aquino, Sultan Kudarat	<b>₱6,465,358.90</b>

**WHEREAS**, the first and the second biddings of the above mentioned projects were declared failed per SBAC Resolution Nos. 07 S. 2022 and 10 S. 2022 for reasons that no bids were received during the Submission and Opening of Bids conducted on 22 February 2022 and 28 March 2022, respectively.<sup>3</sup>

<sup>1</sup> Annex "A"  
<sup>2</sup> Annex "B"  
<sup>3</sup> Annex "C"

**WHEREAS**, in view of the two failed biddings, the SBAC resorted to Negotiated Procurement-Two Failed Biddings (NP-TFB) pursuant to Section 35.5 and 53.1, and Annex “H” of the Revised Implementing Rules and Regulations (IRR) of R.A. No. 9184.<sup>4</sup>

**WHEREAS**, the Negotiated Procurement-Two Failed Biddings was likewise declared failure by the SBAC since no quotation was received during the scheduled Submission of Quotation on 18 April 2022;

**WHEREAS**, after the first failure of Negotiation, the SBAC concurred to conduct another negotiation which was held on 04 May 2022 and participated by Sheridan Marketing. However, Sheridan did not pass in the bid evaluation because based on the submitted documents, its technical viability cannot be determined by the Technical Working Group (TWG);<sup>5</sup>

**WHEREAS**, on 18 May 2022, in view of the failures of biddings and negotiations, the SBAC, TWG/Project Monitoring Unit (PMU), and Mindanao Development Authority (MinDA) held a meeting to discuss whether to continue or not the procurement of the project. As a result, a review and revision of the Terms of Reference (TOR) was agreed to be made by MinDA and SBAC to re-conduct another round of Negotiated Procurement;<sup>6</sup>

**WHEREAS**, on 10 May 2023, the SBAC received the revised TOR from TWG after MinDA/PMU conducted the site inspections and feasibility studies of water sources in the areas of Picong, Lanao Del Sur, Lebak, and Sen. Ninoy Aquino, Sultan Kudarat;<sup>7</sup>

**WHEREAS**, the SBAC conducted the negotiated procurement on 23 May 2023 and 02 June 2023 (RJR SL was not present on May 23), but both were declared a failure due to absence of some required documents in the eligibility documents submitted by the prospective contractors, JL-TY Construction (JL-TY) and RJR SL Construction, Inc.;

**WHEREAS**, since the remaining time is still enough to accomplish the project until October 5, 2023, the SBAC conducted another round of negotiated procurement, to wit:

On 02 June 2023, the Request for Quotations (RFQ) was posted in the PhilGEPS;<sup>8</sup>

On 07 June 2023, the scheduled Submission of Quotations was conducted. RJR and JL-TY submitted their eligibility documents/quotations at 9:30 a.m. and 9:45 a.m., respectively;<sup>9</sup>

At 10:20 a.m. the SBAC and proceeded with the scheduled hybrid Opening of Quotations. The TWG/PMU, MinDa, COA, RJR SL and JL-TY joined in the said activity;<sup>10</sup>

JL-TY and its Joint Venture Agricons Impex Company (Agricon) participated in all three (3) projects while RJR SL participated in Lebak and Sen. Ninoy Aquino, Sultan Kudarat projects only. Both of them passed in the preliminary examination of eligibility, technical and financial components;<sup>11</sup>

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<sup>4</sup> Annex “D”

<sup>5</sup> Annex “E”

<sup>6</sup> Annex “F”

<sup>7</sup> Annex “G”

<sup>8</sup> Annex “H”

<sup>9</sup> Annex “I”

<sup>10</sup> Annex “J”

<sup>11</sup> Annex “K”

Having complied with the eligibility requirements, the financial offers of the two suppliers/contractors were opened, to wit; <sup>12</sup>

Project Name	ABC (PhP)	JL-TY Construction (PhP)	RJR - SL Construction, Inc. (PhP)
Design, Supply, Installation and Commissioning of Solar-Powered Level II Potable Water System Facility in Picong, Lanao Del Sur	6,465,358.90	6,403,379.04	No offer
Lebak, Sultan Kudarat	6,465,358.90	6,440,354.46	5,995,000.00
Sen. Ninoy Aquino, Sultan Kudarat	6,465,358.90	6,459,194.24	5,995,000.00

**WHEREAS**, the SBAC declared JL-TY financial offer as the single quotation for Picong, Lanao Del Sur while RJR SL as the lowest quotation for Lebak and Sen. Ninoy Aquino, Sultan Kudarat projects subject to further evaluation and post-qualification by the TWG;<sup>13</sup>

**WHEREAS**, on 16 June 2023, the TWG submitted its **Bid Evaluation Report**<sup>14</sup> indicating that both JL-TY and RJR SL passed in the bid evaluation and recommended JL-TY/Agricons as the **Single Calculated Quotation (SCQ)** for Picong, Lanao Del Sur and RJR SL as the **Lowest Calculated Quotations (LCQ)** for Lebak and Sen. Ninoy Aquino, Sultan Kudarat;

**WHEREAS**, on 27 June 2023, the TWG submitted its **Post-Qualification Evaluation Report**<sup>15</sup> specifying that the bid/quotation of JL-TY/Agricon and RJR SL are both responsive and passed the criteria requirements of post-qualification thereby recommending JL-TY/Agricon as the Single Calculated and Responsive Quotation for the Picong, Lanao Del Sur while RJR SL as the Lowest Calculated and Responsive Quotation for Lebak and Sen. Ninoy Aquino, Sultan Kudarat;

**NOW, THEREFORE**, for and in consideration of the foregoing, the SBAC hereby resolved to declare and RECOMMEND for the approval of the Administrator, the award of contracts to the following contractors:

1. JL-TY Construction in the amount of Six Million Four Hundred Three Thousand Three Hundred Seventy-Nine Pesos and 04/100 (₱6,403,379.04) for being the **Single Calculated and Responsive Quotation (SCRQ)** in the Negotiated Procurement-Two Failed Biddings of the "Design, Supply, Installation and Commissioning of Solar-Powered Level II Potable Water System Facility in Picong, Lanao Del Sur".
2. RJR SL Construction, Inc. in the amount of Five Million Nine Hundred Ninety-Five Pesos (₱5,995,000.00) for being the **Lowest Calculated and Responsive Quotation (LCRQ)** in the Negotiated Procurement-Two Failed Biddings of the "Design, Supply, Installation and Commissioning of Solar-Powered Level II Potable Water System Facility in Lebak, Sultan Kudarat".
3. RJR SL Construction, Inc in the amount of Five Million Nine Hundred Ninety-Five Pesos (₱5,995,000.00) for being the **Lowest Calculated and Responsive**

<sup>12</sup> Annex "L"

<sup>13</sup> Annex "M"

<sup>14</sup> Annex "N"

<sup>15</sup> Annex "O"

**Quotation (LCRQ)** in the Negotiated Procurement-Two Failed Biddings of the “Design, Supply, Installation and Commissioning of Solar-Powered Level II Potable Water System Facility in Sen. Ninoy Aquino, Sultan Kudarat”.

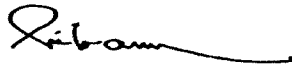
**RESOLVED FINALLY**, to request the signature of the Administrator on the attached **Notices of Award**<sup>16</sup>, as provided for in No. 2 of RB Resolution No. 2020-74, in favor of JLT Construction and RJR SL Construction, Inc..

Quezon City, Philippines.

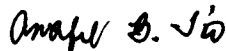
***SPECIAL BIDS AND AWARDS COMMITTEE***



**OSWALDO F. GABAT**  
Chairperson



**ERNESTO O. SILVANO, JR.**  
Vice-Chairperson

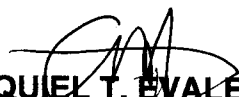


**ANAFEL B. TIO**  
Member

***TECHNICAL WORKING GROUP***



**GWEN P. ENCISO-KYAMKO**  
Chairperson



**EXEQUIEL T. EVALE, JR.**  
Vice-Chairperson

***APPROVED:***



**ANTONIO MARIANO C. ALMEDA**  
Administrator

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<sup>16</sup> Annex “P”