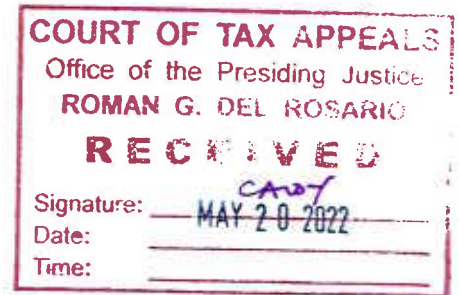




REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY



BIDS AND AWARDS COMMITTEE 1 (BAC2)

1st Indorsement
May 20, 2022

Respectfully indorsing for approval by the Head of the Procuring Entity (HoPE), **HON. ROMAN G. DEL ROSARIO**, Presiding Justice, the herein Bids and Awards Committee 2 (BAC 2) Resolution No. 4-2022, dated May 17, 2022, wherein the members of the BAC 2 resolved:

1. to declare a Failure of Bidding for Bid Project No. CTABAC2-2022-01, "Procurement of Six (6) Brand New Motor Vehicles", pursuant to Section 35 of Republic Act (R.A.) No. 9184 as implemented by Section 35.1 (c), Rule X of the 2016 RIRR of R.A. 9184;
2. to recommend for approval by the Head of the Procuring Entity (HoPE) a re-bidding of the procurement project pursuant to Section 35.2 and 35.3 in relation to Section 21.2 of the 2016 RIRR of R. A. 9184.
3. That the payment of the non-refundable fee for the purchase of the Bidding Documents for each of the respective lots shall be free of charge for those bidders who previously joined in the bidding of Bid Project No. CTABAC2-2022-01, "Procurement of Six (6) Brand New Motor Vehicles"


ATTY. DANILO B. FERNANDO
Chairperson


APPROVED/DISAPPROVED:
ROMAN G. DEL ROSARIO
Presiding Justice 5:30/22



REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

**BIDS AND AWARDS COMMITTEE 2
(BAC 2)**

RESOLUTION NO. 4-2022

WHEREAS, the Bids and Awards Committee 2 (BAC 2) was created pursuant to Section 11, Article V of Republic Act No. 9184 (otherwise known as the "Government Procurement Reform Act"), as implemented by Section 11, Rule V of the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184 (2016 RIRR of R.A. 9184), reconstituted in accordance with Court of Tax Appeals Administrative Order No. 04-2022, dated February 9, 2022, to conduct public biddings and other procurement projects;

WHEREAS, on April 18, 2022, the BAC 2 conducted the Bid Opening for CTA Bid Project No. CTABAC2-2022-01, "Procurement of Six (6) Brand New Motor Vehicles" with an Approved Budget for the Contract (ABC) in the amount of Thirteen Million Thirty-One Thousand and Seven Hundred Pesos (₱13,031,700.00) divided into several lots, as follows:

ITEM	DESCRIPTION	QUANTITY	ABC
LOT 1	Passenger Van-Diesel Fed	Three (3)	₱6,600,000.00
LOT 2	Cargo Van-Diesel Fed	One (1)	₱1,278,200.00
LOT 3	Mini-bus-Diesel Fed	One (1)	₱3,462,800.00
LOT 4	Asian Utility Vehicle (AUV)-Diesel Fed	One (1)	₱1,690,700.00

WHEREAS, two bidders, Toyota Pasong Tamo, Inc. and Genesis Auto Corp., participated and submitted their Bids for the subject procurement project and after preliminary examination using the non-discretionary "pass/fail" criterion, the Bids were found to have satisfactorily passed the Eligibility and Technical requirements;

WHEREAS, the financial envelopes were opened and revealed the following financial Bids of the respective bidders, as follows:

ITEM	FINANCIAL BID	
	TOYOTA PASONG TAMO, INC.	GENESIS AUTO CORP.
LOT 1	Six Million Five Hundred Ninety-One Thousand Six Hundred Pesos (₱6,591,600.00)	-none-

LOT 2	One Million One Hundred Fifty-Three Thousand Two Hundred Pesos (₱1,153,200.00)	One Million Two Hundred Twenty-Nine Thousand Pesos (₱1,229,000.00)
LOT 3	-none-	Three Million Three Hundred Forty-Three Thousand Pesos (₱3,343,000.00)
LOT 4	One Million Four Hundred Eleven Thousand Two Hundred Pesos (₱1,411,200.00)	-none-

WHEREAS, finding that the Bids submitted comply with the Eligibility, Technical and Financial components of the procurement project, the BAC 2 resolved to submit the Bids of both bidders to a detailed Bid Evaluation;

WHEREAS, the BAC 2, in its Resolution No. 3-2022 resolved to declare the Bids of Toyota Pasong Tamo, Inc. and Genesis Auto Corp. as the Single Calculated Bid (SCB) and further subject the Bids to Post-Qualification in accordance with Rule X, Section 34 of the RIRR of R.A. 9184, for the following Lots:

TOYOTA PASONG TAMO, INC.			
ITEM	DESCRIPTION	QUANTITY	Amount of Bid
LOT 1	Passenger Van-Diesel Fed	Three (3)	₱6,591,600.00
LOT 4	Asian Utility Vehicle (AUV)-Diesel Fed	One (1)	₱1,411,200.00
GENESIS AUTO CORP.			
LOT 3	Mini-bus-Diesel Fed	One (1)	₱3,343,000.00

WHEREAS, on May 11, 2022, the TWG submitted its *Post-Qualification Report (Annex A)* to the BAC 2;

WHEREAS, on May 17, 2022, the BAC 2 held a meeting to discuss the TWG's *Post-Qualification Report*. In their *Post-Qualification Report*, the TWG observed that the forms for the computation of the Net Financial Contracting Capacity (NFCC) and the Committed Line of Credit (CLC) submitted by both bidders are not in accordance with the required format prescribed in GPPB Resolution No. 16-2020, dated September 16, 2020, in relation to GPPB Circular No. 04-2020, thus non-responsive;

WHEREAS, pursuant to Item 6 of GPPB Circular No. 04-2020, dated September 16, 2020, one of the required forms to be submitted by bidders in the Procurement of Goods is the Bidder's Computation of Net Financial Contracting Capacity (NFCC) or Committed Line of Credit (CLC) which shall contain the following mandatory provisions:

- i. For NFCC computation
 1. ABC to be bid;
 2. Amount or value of bidder's current assets based on Audited Financial Statements (AFS);
 3. Amount or value of bidder's current liabilities based on AFS; and
 4. Amount or value of all outstanding or uncompleted portions of the projects under ongoing contracts, including awarded contracts yet to be started, coinciding with the contract to be bid.

- ii. For CLC:
 1. ABC to be bid;
 2. Amount, which should be at least equal to ten percent (10%) of the ABC; and
 3. Name of issuing foreign Universal or Commercial Bank, as confirmed or authenticated by a local Universal or Commercial Bank.

WHEREAS, Item 6.4 of GPPB Circular No. 04-2020, provides that: "The PEs shall check compliance of the submitted form with the mandatory provisions stated above. Non-submission of the Required Forms or non-inclusion of the mandatory provisions in any of the Required Forms shall be a ground for disqualification";

WHEREAS, pursuant to Section 35 of Republic Act (R.A.) No. 9184 as implemented by Section 35.1 (c), Rule X of the 2016 RIRR of R.A. 9184, the BAC shall declare the bidding a failure as all bids fail to comply with all the bid requirements;


NOW, THEREFORE, the members of the Bids and Awards Committee 2 hereby **RESOLVE**, as it is hereby resolved:

1. to declare a Failure of Bidding for Bid Project No. CTABAC2-2022-01, "Procurement of Six (6) Brand New Motor Vehicles", pursuant to Section 35 of Republic Act (R.A.) No. 9184 as implemented by Section 35.1 (c), Rule X of the 2016 RIRR of R.A. 9184;
2. to recommend for approval by the Head of the Procuring Entity (HoPE) a re-bidding of the procurement project pursuant to Section 35.2 and 35.3 in relation to Section 21.2 of the 2016 RIRR of R. A. 9184.
3. That the payment of the non-refundable fee for the purchase of the Bidding Documents for each of the respective lots shall be free of charge for those bidders who previously joined in

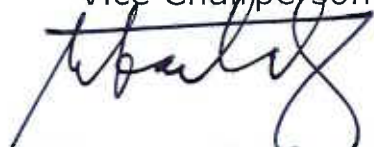
the bidding of Bid Project No. CTABAC2-2022-01,
"Procurement of Six (6) Brand New Motor Vehicles"

IN WITNESS WHEREOF, the members of the Bids and Awards
Committee 2 hereby affix their signatures this 17th day of May 2022, in
Quezon City, Philippines.


Atty. Danilo B. Fernando
Chairperson


Atty. Clifford P. Torralba
Vice Chairperson


Atty. Christine C. Maza-Guarin
Regular Member


Atty. Theresa G. Cinco-Bactat
Provisional Member


Dir. Elsie R. Tiauzon-Forteza
Provisional Member

APPROVED:


ROMAN G. DEL ROSARIO
Presiding Justice