

Contract ID: 19KI0003

Contract Name: Construction/Upgrading/Rehabilitation of Drainage along National Roads
Primary Roads, Ozamiz City-Oroquieta City Road, K1738+517-K1739+554,
K1740+025-K1740+502

Contract Location: Oroquieta City, Misamis Occidental

Approved Budget for the Contract (ABC) : P 17,295,040.00



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
MISAMIS OCCIDENTAL
1ST DISTRICT ENGINEERING OFFICE
REGIONAL OFFICE X
Oroquieta City, Misamis Occidental

Resolution No. 1- MR
Series of 2019

WHEREAS, on December 7, 2018, Resolution No. 8-PD, series of 2018, was issued resolving the following:

1. To declare RRJ Builders Construction & General Merchandise as post-disqualified for Contract ID No. **19KI0003** for having undertaken a Single Largest Completed at an estimated Total Cost of Four Million Eight Hundred Thousand Two Hundred Twenty-One Pesos & 62/100 (P4,800,221.62) which is insufficient per Eligibility Data Sheet requiring the Largest Single Project to be above Fifteen Million (P15,000,000.00) up to Seventy Five Million (P75,000,000.00);;
2. To direct the BAC-TWG to issue a Notice of Post-Disqualification to RRJ Builders Construction & General Merchandise and conduct post-qualification of the second lowest calculated bidder of Contract ID No.: 19KI0003 if within three (3) days from the contractor's receipt therefrom no request for reconsideration is filed.

WHEREAS, on December 11, 2018, a Notice of Post-Disqualification was issued to RRJ Builders Construction & General Merchandise which was received by the firm on December 24, 2018;

WHEREAS, on December 27, 2018, the Bids and Awards Committee received a Request for Reconsideration from RRJ Builders Construction & General Merchandise as represented by Pancho Law Office based on the following arguments:

1. Sec. 23.4.2.4 of the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184, provides:

"The prospective bidder must have completed an SLCC that is similar to the contract to be bid, and whose value, adjusted to current prices using the PSA consumer price indices, must be at least fifty percent (50 %) of the ABC to be bid: Provided, however, That **contractors under Small A and Small B categories without similar experience on the contract to be bid may be allowed to bid if the cost of such contract is not more than the Allowable Range of Contract Cost (ARCC) of their registration.**" (emphasis supplied);
2. Under Board Resolution No. 201, series of 2017, the Single Largest Project requirement for Small B (License Category C & D) is only \leq 15 Million Pesos. Otherwise stated, a

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contractor with PCAB License Category D is required to submit an SLCC with an amount of less than or equal to 15 Million Pesos;

3. My client's PCAB License (License Category D) allowed his firm to undertake contracts with a cost of up to Thirty Million Pesos (Php30,000,000.00);
4. My client has been previously awarded by the Department of Public Works and Highways with a contract amounted to Seventeen Million Two Hundred Eighty Two Thousand Nine Hundred Thirty Pesos & 53/100 (Php17,282,930.53) which is already 100 % accomplished but not yet turned-over due to the processing of some pertinent documents, and gladly, the Constructors' Performance Evaluation System (CPES) rating is 93 % during inspection conducted by the DPWH Central Office;
5. Under the INVITATION TO BID dated November 5, 2018, the appropriation for the subject contract is Php17,648,000.00 and the ABC is Php17,295,040.00. Indubitably, our client was adjudged as the lowest calculated responsive bidder."

WHEREAS, upon perusal of documents and legal basis presented by RRJ Builders Construction & General Merchandise and the previously issued post-disqualification, the following were found:

1. That upon examination of the Eligibility Data Sheet for Contract ID No.: 19KI0003, it was found that the Planning and Design Section has inadvertently based the Allowable Range of Contract Cost (ARCC) & Single Largest Project (SLP) at the Eligibility requirement of bidders for the contract on a higher range and cost:

NOW, THEREFORE, WE, the Bids and Awards Committee, HEREBY RESOLVE as it is HEREBY RESOLVED –

1. To grant the request for reconsideration of RRJ Builders Construction & General Merchandise for Contract ID No.: 19KI0003;
2. To declare RRJ Builders Construction & General Merchandise as the Bidder with the Lowest Calculated Responsive Bid for Contract ID No.: 19KI0003;
3. To stay the award of Contract ID No. 19KI0003 -Construction/Upgrading/ Rehabilitation of Drainage along National Roads, Primary Roads, Ozamiz City-Oroquieta City Road, K1738+517-K1739+554, K1740+025-K1740+502, Oroquieta City, Misamis Occidental to RRJ Builders Construction & General Merchandise until the release of the General Appropriations Act for CY 2019.

Resolved this 3rd of January 2019.

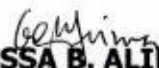
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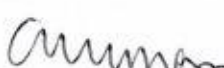
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**Bids and Awards Committee
(BAC)**


ODESSA B. ALIMAN

Engineer III
BAC Chairman


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Administrative Officer V
BAC Vice-Chairman


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Approved by:


OMAR P. DIRON

District Engineer