

**PHILIPPINE GUARANTEE CORPORATION  
BIDS AND AWARDS COMMITTEE**

**R E S O L U T I O N   N O .   2 0 2 2 - 1 8 9**

**WHEREAS**, the RCMD in its Memorandum dated October 13, 2022 (copy attached as Annex A) requested for the cancellation of the Notice of Award issued to La Campana Fabrica De Tabacos, Inc. due to the misrepresentation in its proposal which affects its capability to undertake the project subject to the rules on penal, civil and administrative sanctions provided under the 2016 RIRR of RA 9184;

**WHEREAS**, pursuant to BAC Resolution 2022-149 (copy attached as Annex B), the Head of the Procuring Entity approved the award of contract to **La Campana Fabrica De Tabacos, Inc.** for the procurement of **Lease of Real Property for the Offsite Storage Requirements** in the amount of **Pesos: Two Million One Hundred Seventy-Three Thousand Five Hundred Eighty-Four (Php2,173,584.00)**, inclusive of all applicable taxes;

**WHEREAS**, the Notice of Award (NOA) was issued in favor of La Campana Fabrica De Tabacos, Inc. (LCFDTI) on September 6, 2022.

**WHEREAS**, upon receipt of the NOA on September 7, 2022, a copy of the draft Lease Contract was received by RCMD from LCFDTI and the same was forwarded to the Contracts and Opinions Department (COD) for review and comments.

**WHEREAS**, on September 21, 2022, the final draft of the Lease Contract was again returned to LCFDTI for their concurrence;

**WHEREAS**, when it was returned on September 30, 2022, the RCMD/COD found an inconsistency in one of LCFDTI's deliverables i.e. insulated warehouse, accordingly, LCFDTI failed to exclude the said item from their bid offer and cannot comply with the installation of the corresponding insulator since it will incur cost on their end;

**WHEREAS**, Section 23.6 of the 2016 revised IRR of RA 9184 provides that:

“Notwithstanding the eligibility of a bidder, the Procuring Entity concerned reserves the right to review the qualifications of the bidder at any stage of the procurement process if the Procuring Entity has reasonable grounds to believe that a misrepresentation has been made by the said bidder, or that there has been a change in the bidder's capability to undertake the project from the time it submitted its eligibility requirements. Should such review uncover any misrepresentation made in the eligibility requirements, statements or documents, or any changes in the situation of the bidder which will affect the capability of the bidder to undertake the project so that it fails the eligibility criteria, the Procuring Entity shall consider the said bidder as ineligible and shall disqualify it from obtaining an award or contract, in accordance with Rules XXI, XXII, and XXIII of this IRR.”

**NOW THEREFORE**, having considered the foregoing circumstances, the Bids and Awards Committee resolved to request approval by the Head of the Procuring Entity of the following:

- a. To cancel the award made pursuant to BAC Resolution No. 2022-149 for the procurement of **Lease of Real Property for the Offsite Storage Requirements** in the amount of **Pesos: Two Million One Hundred Seventy-Three Thousand Five Hundred Eighty-Four (Php2,173,584.00)**, inclusive of all applicable taxes;
- b. To disqualify La Campana Fabrica De Tabacos, Inc. from obtaining the award for the procurement of **Lease of Real Property for the Offsite Storage Requirements** in the amount of **Pesos: Two Million One Hundred Seventy-Three Thousand Five Hundred Eighty-Four (Php2,173,584.00)**, inclusive of all applicable taxes; and
- c. In the conduct of a new market research, the End-User shall undertake site inspection to assess the properties and come up with a Terms of Reference that is in accordance with the Policy Consideration for the Negotiated-Procurement-Lease of Real Property and Venue (Section V.D.9.b of Annex H of the 2016 revised Implementing Rules and Regulation of Republic Act No. 9184).

Makati City, 07 November 2022.

**BIDS AND AWARDS COMMITTEE**

  
**MELINDA M. ADRIANO**  
Chairperson

**ATTY. DYNAH GLADY NEPOMUCENO BAYOT**  
Vice Chairperson

  
**IAN A. BRIONES**  
Member

  
**ATTY. NELIA O. OANDASAN**  
Member

  
**ARSENIO C. DE GUZMAN**  
Member

  
**DENNIS A. JAPSON**  
Provisional Member (Technical)

**NEMIA C. MABULAY**  
Provisional Member (End-user)

Approved by:

  
**ALBERTO E. PASCUAL**  
Head of the Procuring Entity

Digitally  
Signed by:  
Pascual,  
Alberto E.