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CLARIFICATORY GUIDELINES WHEN TO DECLARE FAILURE OF PUBLIC BIDDING OF CARGO HANDLING SERVICES IN PORTS

PPA MEMORANDUM CIRCULAR NO. 08-99, February 11, 1999

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PPA Memorandum Circular No. 01-99; dated 07 January 1999, re "Clarificatory Guidelines When to Declare Failure of Public Bidding of Cargo Handling Services in Ports", is hereby amended by substitution to clarify Sec. 12 "Conditions for Negotiated Award" of PPA Administrative Order No. 03-90.

1. As a general guideline, the stages in the conduct of public bidding for cargo handling services in government ports shall include the prequalification of interests bidders, the bid proper, and the award of the cargo handling contract resulting from such bidding. Failure in any of the stages in the conduct of the bidding shall therefore be a basis to declare a failure of public bidding.

2. The following shall serve as a specific guideline for the PBAC to declare as failure any stage of the public bidding:

2.1 Prequalification Of Interested Bidders

The PBAC shall declare the bidding a failure after two (2) prequalifications when none or only one (1) interested bidder responded to the prequalification; none or only one (1) interested bidder is prequalified; or all short listed bidders are predisqualified.

2.2 Bidding Proper

The PBAC shall declare a failure after two (2) biddings when none or only one (1) bid offer is received from prequalified bidder; no technical bids are found substantially responsive or complying with the bid requirements; or no financial bids are found complying and not advantageous to the Authority.

2.3 Documentation and Award of Contract

The PBAC shall declare a failure of the bidding if the winning bidder fails to accept the award and enter into a contract to assume the operation of cargo handling services

3. A failure of bidding may be declared when there is one (1) failure in the prequalification stage and one (1) failure in the bidding proper.

4. In a second bidding resulting from a failed bid proper, the prequalification of interested bidders is no longer necessary. The same prequalified bidders shall be required to submit anew their technical and financial bids.

5. Should there be a failure of bidding resulting from prequalification, bidding proper or the award of the contract, the PBAC may resort to negotiated award of the cargo handling contract.

6. When a failure of bidding has been declared, the PBAC shall adopt and approve a resolution for this purpose.

7. Before any negotiation resulting from the foregoing situations, the bid security shall be required to be submitted by the negotiating bidder, received and maintained by the PBAC until the final award of the cargo handling

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contract.

This Circular amends and substitutes PPA Memo Circular No. 01-99, dated 07 January 1999.

For guidance and compliance.

Adopted: 11 Feb. 1999

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Acting General Manager

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