



Republic of the Philippines
OFFICE OF THE PRESIDENT
COMMISSION ON HIGHER EDUCATION
BIDS AND AWARDS COMMITTEE
BAC Secretariat Office: G/F Higher Education Development Center (HEDC) Bldg., CP
Garcia Avenue, UP Diliman, Quezon City
Website: <http://www.ched.gov.ph> email: chedbac@ched.gov.ph

BAC RESOLUTION NO. 2022-015

"Cancellation on the recommendation for the immediate suspension of EPARTNERS SOLUTIONS, INC. for one (1) year from participating on any bidding requirements of Commission on the Higher Education"

WHEREAS, per BAC Resolution No. 2022-010 dated February 9, 2022, the Bids and Awards Committee (BAC), recommended for approval the **immediate suspension of EPARTNERS SOLUTIONS, INC. for one (1) year from participating on any bidding requirements of the Commission on Higher Education;**

WHEREAS, on February 16, 2022 regular BAC meeting, the BAC Secretariat presented to the BAC the following provision stated in the Government Procurement Manual Volume II:

"May the HoPE still exercise the acts provided for under Section 41 of the IRR after issuance of the NOA?"

Ans: Yes, the PE may withdraw or cancel the NOA after its issuance in case the conditions under Section 41 of RA 9184 and its IRR are present. Thus, the HoPE may still reject any and all bids or declare a failure of bidding even after issuance of NOA based on the grounds under Section 41 of RA 9184 but not after the conditions under Section 37.1.4 of the 2016 IRR have already been complied with."

WHEREAS, the BAC, considering the information given by the BAC Secretariat, reviewed Section 37.1.4 of the 2016 Revised IRR of RA 9184 and found that procurement process with **EPARTNERS SOLUTIONS, INC.** has already complied with one of the conditions enumerated as follows:

"Section 37.1.4 Notwithstanding the issuance of the Notice of Award, award of contract shall be subject to the following conditions:

xx

c) Signing of the contract as provided in Section 37.2 of this IRR; and..."

WHEREAS, the BAC, considering the above provisions, resolved to adopt further the provision on the termination of contracts provided in the IRR of RA 9184;

WHEREAS, Annex I, III, A of the 2016 Revised IRR of RA 9184 states:

"1. In contracts for Goods:

The Procuring Entity shall terminate a contract for default when any of the following conditions attend its implementation:

a) Outside of force majeure, the Supplier fails to deliver or perform any or all of the Goods within the period(s) specified in the contract, or within any extension thereof granted by the Procuring Entity pursuant to a request made by the Supplier prior to the delay, and such failure amounts to at least ten percent (10%) of the contract price;"

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WHEREAS, Annex I, IV of the 2016 Revised IRR of RA 9184 states:

"1. Verification. Upon receipt of a written report of acts or causes which may constitute ground(s) for termination as aforementioned, or upon its own initiative, the Implementing Unit shall, within a period of seven (7) calendar days, verify the existence of such ground(s) and cause the execution of a Verified Report, with all relevant evidence attached."

WHEREAS, the BAC, considering the above provisions, instructed the BAC Secretariat to inform the End-User on the procedures of termination of contracts as stated in Annex I, IV, of the 2016 Revised IRR of RA 9184, taking into consideration that the End-User as having direct supervision or administration over the implementation of the contract;

WHEREAS, the BAC, upon deliberation, moved, and duly seconded cancelled the BAC Resolution No. 2022-010 dated February 9, 2022, on the recommendation to approve the **immediate suspension of EPARTNERS SOLUTIONS, INC. for one (1) year from participating any on bidding requirements of the Commission on Higher Education;**

WHEREFORE, RESOLVE AS IT IS HEREBY RESOLVED, that the Bids and Awards Committee hereby resolved to cancel the BAC Resolution No. 2022-010 dated February 9, 2022, on the recommendation to approve the **immediate suspension of EPARTNERS SOLUTIONS, INC. for one (1) year from participating on any bidding requirements of the Commission on Higher Education.**

Done this 16th day of February 2022, in accordance with Memorandum from the Office of the Executive Director dated May 28, 2020 re CHED Office Operations Beginning 01 June 2020.

Bids and Awards Committee


DIR. CORINNA FRANCES CABANILLA
Member

(on official business)
DR. MARIVIC V. IRIBERRI
Member


ATTY. FREDERICK MIKHAIL I. FAROLAN
Member


ATTY. CHRISTIAN E. RIVERO
Member


ATTY. RYAN L. ESTEVEZ
Vice-Chair

(on official business)
ATTY. CINDERELLA FILIPINA BENITEZ-JARO
Chairperson



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