



Republic of the Philippines  
**PROVINCE OF PAMPANGA**  
**BIDS AND AWARDS COMMITTEE**  
 Provincial Capitol, City of San Fernando (P)



**BAGONG PILIPINAS**

**NOTICE OF AWARD**

September 5, 2024

**POSITIVE BUILDERS AND TRADING**  
 San Nicolas, Lubao, Pampanga

**SIR / MADAME :**

*Greetings!*

We are pleased to notify you that the following item has been awarded in your favor:

PR #	DESCRIPTION	Contract Price
24-3197	Supply, Delivery and Commissioning of Solar Power System	PhP 49,900,000.00

You are therefore required to post a Performance Security in the form and amount stipulated in the Instruction to Bidders **within ten (10) days from receipt of this Notice of Award**. Failure to provide the performance security shall constitute sufficient ground for the cancellation of this award and forfeiture of your Bid Security.

For your information and guidance.

Very truly yours,

**DENNIS G. PINEDA**  
 Governor

	Print Name and Signature	DATE
<b>PROOF OF RECEIPT</b>		



**BIDS AND AWARDS COMMITTEE**

**BAGONG PILIPINAS**

➤ Excerpts from the regular session of the **IG - BAC** of the Provincial Government of Pampanga held on August 28, 2024 at the Old S.P. Session Hall, Provincial Capitol, City of San Fernando, Pampanga

➤ Present:

Atty. Cecil L. Andin	Chairman
Mr. Francis L. Maslog	Vice-Chairman
Engr. Olimpio M. Pangan	Member
Dr. Augusto S. Baluyut, Jr.	Member

➤ On Official Business/On Leave:

Ms. Rima K. Bondoc	Member
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**BIDS AND AWARDS COMMITTEE**  
**BAC RESOLUTION NO. 2024-499 A-DGP**  
**"A RESOLUTION AWARDDING PURCHASE REQUEST NO. 24-3197**  
**TO POSITIVE BUILDERS AND TRADING"**

**WHEREAS**, the Provincial Government of Pampanga published in accordance with RA 9184 and its Updated RIRR an invitation to bid for **P.R. # 24-3197 – Supply, Delivery and Commissioning of Solar Power System** with an approved budget for the contract in the amount of **Fifty Million Pesos, Philippine Currency (Php 50,000,000.00)**;

**WHEREAS**, pursuant to the aforesaid invitation, a public bidding was held on July 3, 2024 wherein two (2) bidders, namely: **Equator Energy Corporation** and **Positive Buildings and Trading** submitted their bids;

**WHEREAS**, after preliminary examination of the bids, the BAC, using a non-discretionary "pass/fail" criteria, determined the following:

1. The submission of Positive Builders and Trading as "passed" for complying with all the eligibility and technical requirements stated in the Bidding Documents; and

2. The submission of Equator Energy Corporation as "failed" for failure to indicate the Approved Budget of the Contract (ABC) on its submitted Net Financial Contracting Capacity (NFCC) as required by Section 6.1.m of GPPB Resolution No. 16-2020;

**WHEREAS**, pursuant to Section 30.1 of the Updated RIRR of RA 9184, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed";

**WHEREAS**, representative of the **Equator Energy Corporation** was notified in open session that a Motion for Reconsideration may be filed for the Committee's declaration of "failed" or non-compliance of the company's submitted bid;

**WHEREAS**, on July 5, 2024, the **Equator Energy Corporation** filed a Motion for Reconsideration which was denied by the Committee in its Resolution No. 2024-190 dated July 10, 2024, and the said bidder was notified of the denial of its motion for reconsideration;

**WHEREAS**, after detailed evaluation, the BAC declared the submission of **Positive Builders and Trading as the Single Calculated Bid** in the amount of **Php 49,900,000.00** and ordered the post-qualification evaluation of its bid without prejudice to the filing of protest by **Equator Energy Corporation**;

**WHEREAS**, in accordance with Section 34.8 of the Updated RIRR of RA 9184, the BAC TWG requested for an extension of the post-qualification process on July 22, 2024 and approved by the HOPE on the same date;

**WHEREAS**, in accordance with Section 55 of the Updated RIRR of RA 9184, **Equator Energy Corporation** has seven (7) calendar days to protest the BAC's decision;

**WHEREAS**, Equator Energy Corporation filed through electronic mail on July 26, 2024 a Position Paper with Request to Waive the Protest Fee which was forwarded to the BAC on July 29, 2024;

**WHEREAS**, the said Position Paper with Request to Waive the Protest Fee was denied due course by the HOPE, in its Order dated August 5, 2024, as it was not filed within the reglementary period and the bidder failed to pay the required protest fee and which order was furnished **Equator Energy Corporation** via email on the same date;

**WHEREAS**, Section 57 of the Updated RIRR of RA 9184 states " In no case shall any process taken from any decision treated in this Rule stay or delay the bidding process: Provided, however, That protests must first be resolved before any award is made";

**WHEREAS**, upon careful examination, validation and verification of all statements made and the documents submitted by Positive Builders and Trading, as stated in the bidding documents, the BAC found that its bid passed all criteria for post-qualification;

**NOW, THEREFORE**, the Bids and Awards Committee, in regular session **RESOLVED**, as it is hereby resolved, the following:

- 1) To declare the bid of Positive Builders and Trading in the amount of Forty Nine Million Nine Hundred Thousand Pesos, Philippine Currency, as the Single Calculated and Responsive Bid in accordance with Section 36 of the Updated RIRR of RA 9184;
- 2) To recommend the award of the contract to Positive Builders and Trading in the abovementioned amount pursuant to Section 37.1 of the same RIRR.

**RESOLVED FURTHER**, to submit the foregoing recommendations to the Head of the Procuring Entity (HOPE) for approval.

APPROVED.

I HEREBY CERTIFY TO THE CORRECTNESS OF THE ABOVE-QUOTED RESOLUTION.

ATTESTED:

APPROVED / DISAPPROVED:

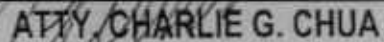


**FILIPINA R. SEVILLA**

Vice-Chairperson, Bids and Awards  
Committee Secretariat



**ATTY. CECIL L. ANDIN**  
Chairman, Bids and Awards Committee



**ATTY. CHARLIE G. CHUA**  
Provincial Administrator  
Designated HOPE  
(Per Executive Order No. 20-2022)