



Republic of the Philippines
Department of Education
 REGION VI – WESTERN VISAYAS
SCHOOLS DIVISION OF SILAY CITY

BAC RESOLUTION DECLARING SECOND LOWEST AND RESPONSIVE BIDDER AND TO RECOMMEND APPROVAL FOR THE CONSTRUCTION OF ONE (1) STOREY-THREE (3) CLASSROOMS SCHOOL BUILDING (WITH COMMON TOILET), ONE (1) STOREY-TWO (2) CLASSROOMS SCHOOL BUILDING (WITH COMMON TOILET) AND REPAIR AND REHABILITATION OF VARIOUS SCHOOL BUILDING-THREE CLASSROOMS OF GUIMBALA-ON ELEMENTARY SCHOOL

BAC RESOLUTION NO. 131- 2022

WHEREAS, the Department of Education Division of Silay City advertised/posted the invitation to Bid in the Philgeps website for the Construction of One (1) Storey-Three (3) Classrooms School Building (With Common Toilet), One (1) Storey-Two (2) Classrooms School Building (With Common Toilet) and Repair and Rehabilitation of Various School Building-Three Classrooms of Guimbala-on Elementary School with an Approved Budget for the Contract in the amount of Fourteen Million Five Hundred Fifty Five Thousand Sixty Pesos and Eighty-Nine Centavos (P14,555,060.89) only;

WHEREAS, in response to the said advertisements, nine (9) contractors submitted expression of interest and six (6) bidders purchased bid documents;

WHEREAS, six (6) bids were submitted on October 19, 2022, 9:00 a.m. and only five (5) passed the preliminary examination;

Name of Bidder	Bid Amount in PHP (As read)
PAR BUILDERS, ELECTRICAL AND CONSTRUCTION SUPPLY CORP.	12,300,000.00
AGM SILVER CONSTRUCTION	NON-COMPLYING, NON-RESPONSIVE
EVERACTIVE CONSTRUCTION AND ENGINEERING SERVICES	13,945,057.17
SEVERS CONSTRUCTION & SUPPLIES & REALTY DEVELOPMENT	12,588,362.40
SUNSHINE SAPPHIRE CONSTRUCTION AND SUPPLY, INC.	11,552,051.00
RISM BUILDERS AND CONSTRUCTION SERVICES, INC.	12,236,550.00

WHEREAS, the detailed evaluation of bids conducted on October 19, 2022 resulted in the following:

Name of Bidder	Bid Amount in PHP (As calculated)
SUNSHINE SAPPHIRE CONSTRUCTION AND SUPPLY, INC.	11,552,051.00
RISM BUILDERS AND CONSTRUCTION SERVICES, INC.	12,236,550.00



Website: www.depedsilaycity.weebly.com
 Email Address: deped.silay@deped.gov.ph
 Facebook Account: <https://www.facebook.com/DepEdSilayCity>
 Contact Number: Admin 4417153/ 458-4396/ HR 458-4401/ SGOD 458-4402/CID 458-4406/



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PAR BUILDERS, ELECTRICAL AND CONSTRUCTION SUPPLY CORP.	12,300,000.00
SEVERS CONSTRUCTION & SUPPLIES & REALTY DEVELOPMENT	12,588,362.40
EVERACTIVE CONSTRUCTION AND ENGINEERING SERVICES	13,945,057.17
AGM SILVER CONSTRUCTION	NON-COMPLYING, NON-RESPONSIVE

WHEREAS, the Bids and Awards Committee (BAC) conducted post-qualification on November 2, 2022 to the lowest bidder that is SUNSHINE SAPPHIRE CONSTRUCTION AND SUPPLY, INC.;

WHEREAS, based from the result of the post-qualification conducted, the BAC declared the lowest bidder as non-responsive and issued a notice of post-disqualification on November 18, 2022 due to the following reasons shown in the table below:

Requirements	Findings
Master Plumber (5 years experience)	Insufficient experience as master plumber
Professional Electrical Engineer (5 years experience)	Non-compliant. Submitted personnel is a registered Electrical Engineer

WHEREAS, on November 19, 2022, SUNSHINE SAPPHIRE CONSTRUCTION AND SUPPLY, INC. submitted their motion for reconsideration based on the findings of the BAC during the post-qualification;

WHEREAS, on November 25, 2022 the BAC convened and discussed the motion for reconsideration submitted by Sunshine Sapphire Construction and Supply, Inc. The first requirement required by the procuring entity was satisfied by the bidder as stipulated in Section 12 of RA No. 1378. However, the second requirement was not met by Sunshine Sapphire Construction and Supply, Inc.;

WHEREAS, the BAC sent a letter to Sunshine Sapphire Construction and Supply, Inc. informing them that their motion for reconsideration is hereby disapproved because they failed to comply and be responsive to the requirements and conditions required from them after the post-qualification;

WHEREAS, on November 28, 2022 the BAC convened to conduct post-qualification to the second lowest bidder for Construction of One (1) Storey-Three (3) Classrooms School Building (With Common Toilet), One (1) Storey-Two (2) Classrooms School Building (With Common Toilet) and Repair and Rehabilitation of Various School Building-Three Classrooms of Guimbala-on Elementary School;



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WHEREAS, the second lowest bid amount as read during the bid evaluation is RISM BUILDERS AND CONSTRUCTION SERVICES, INC.;

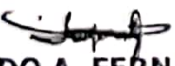
WHEREAS, on December 1, 2022, the BAC conducted post-qualification to the second lowest bidder that is RISM BUILDERS AND CONSTRUCTION SERVICES, INC.;


WHEREAS, upon post-qualification or careful examination, validation and verification of all the eligibility, technical and financial requirements submitted by the Bidders with the Second Lowest Calculated Bid, **RISM BUILDERS and CONSTRUCTION SERVICES INC.** has been found to be responsive;

NOW, THEREFORE, We, the Members of the Bids and Awards Committee, hereby **RESOLVE** as it is hereby **RESOLVED**:

- a. To declare **RISM BUILDERS AND CONSTRUCTION SERVICES, INC.** as the bidder with the Second Lowest Calculated and Responsive Bid in the amount of Twelve Million Two Hundred Thirty-Six Thousand Five Hundred Fifty Pesos (P12,236,550.00) only for the Construction of One (1) Storey-Three (3) Classrooms School Building (With Common Toilet), One (1) Storey-Two (2) Classrooms School Building (With Common Toilet) and Repair and Rehabilitation of Various School Building-Three Classrooms of Guimbala-on Elementary School;
- b) To recommend for approval by the Head of Procuring Entity of the Department of Education, Schools Division of Silay City the foregoing findings.

RESOLVED, at Division Conference Hall this 5th day of December, 2022, Schools Division of Silay City, Silay City, Philippines.

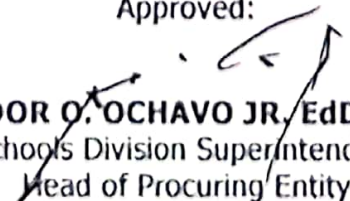

LEOPOLDO A. FERNANDEZ
BAC Member


HENDEN L. GUARTE
Alternate BAC Member


ROMMEL C. FUENTES
BAC Member


RICHARD R. ESPARAGOZA
BAC Vice-Chairperson


RANDOLPH G. ALEMAN, PhD
BAC Chairperson

Approved:

SALVADOR O. OCHAVO JR., EdD, CESO V
Schools Division Superintendent
Head of Procuring Entity





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REGION VI - WESTERN VISAYAS
SCHOOLS DIVISION OF SILAY CITY

NOTICE OF AWARD

December 6, 2022

RENEL N. GUALDARAN

Authorized Representative
RISM BUILDERS AND CONSTRUCTION SERVICES, INC.
Brgy. Mansilingan, Bacolod City
Tel. #: 432-0071

Project: **Construction of One (1) Storey - Three (3) Classrooms School Building (With Common Toilet), One (1) Storey - Two Classrooms School Building (With Common Toilet) and Repair and Rehabilitation of Various School Building-Three Classrooms at Guimbala-on Elementary School**

Dear Mr. Gualdaran:

We are pleased to notify you that your bid for the Project is hereby accepted in the total amount of PHILIPPINE PESOS Twelve Million Two Hundred Thirty-six Thousand Five Hundred Fifty Pesos (P 12,236,550.00) ONLY with the following details:

Cluster No.	Project Description	Location	Contract Duration	Contract Amount
1	Construction of One (1) Storey - Three (3) Classrooms School Building (With Common Toilet), One (1) Storey - Two Classrooms School Building (With Common Toilet) and Repair and Rehabilitation of Various School Building-Three Classrooms	Barangay Guimbala-on Elementary School	240 calendar days	Php 12,236,550.00

Kindly affix your signature on the space provided below to indicate your acceptance of this notice and the bid price(s) after having been evaluated in accordance with the issued Bidding Documents. You are hereby required to enter into a formal contract with us and submit a Performance Security in any of the following forms within ten (10) calendar days from receipt of this notice:



Rizal St., Brgy. III, Silay City, Negros Occidental
Website: www.depedsilaycity.weebly.com
Email Address: deped.silay@deped.gov.ph
Facebook Account: <https://www.facebook.com/DepEdSilayCity>
Contact Number: Admn 4417153/ 458-4396/ HR 458-4401/ SGOD 458-4402/CID 458-4406



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- a. **Ten percent (10%)** of the total contract price in the form of cash; cashier's check, or manager's check issued by a universal or commercial bank; bank draft, bank guarantee or irrevocable letter of credit issued by a universal or commercial bank, provided, that it

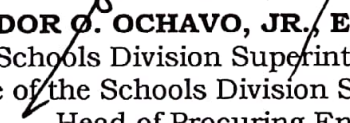
shall be confirmed or authenticated by a universal or commercial bank if issued by a foreign bank; or

- b. **Thirty percent (30%)** of the total contract price in the form of surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.

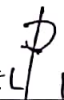
Failure to enter into a contract with us or submit the Performance Security shall constitute a sufficient ground for cancellation of this award, forfeiture of your bid security, and imposition of appropriate sanctions.

Please return the original copy of this Notice to the Division of Silay City through its BAC Secretariat located at Ground Floor Administrative Bldg. Division of Silay City, Rizal St., Silay City, within two (2) days from date of your receipt hereof in accordance with **ITB 21.2** of the Bidding Documents.

Very truly yours,


SALVADOR O. OCHAVO, JR., EdD, CESO V
Schools Division Superintendent
Office of the Schools Division Superintendent
Head of Procuring Entity

CONFORME:


RENEL N. GUAMANARAN
(Signature Over Printed Name)

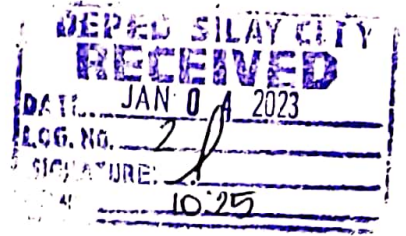
RLM BUILDERS AND CONG. SERVICES.
(Designation and Name of Company)

(Date)





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Construction of One (1) Storey-Three (3) Classrooms School Building (With Common Toilet), One (1) Storey-Two (2) Classrooms School Building (With Common Toilet) and Repair and Rehabilitation of Various School Building-Three Classrooms of Guimbala-on Elementary School in the Division of Silay City
 Contract No.: R6-D18-QRF2022-GES

CONTRACT

THIS CONTRACT, made and entered into this ____ day of _____ 2022, by and between:

The **DEPARTMENT OF EDUCATION, DIVISION OF SILAY CITY**, is an agency of national government created by virtue of Republic Act No. 9155, otherwise known as "Governance of Basic Education Act of 2001", with principal office address at Rizal Street, Brgy. III, Silay City, duly represented herein by its Schools Division Superintendent, **SALVADOR O. OCHAVO JR, EdD, CESO V**, herein referred to as the "Owner";
 and

Rism Builders and Construction Services, Inc., represented herein by its Authorized Managing Officer, **Ritchie B. Geroche**, with office address at Blk. 2 Lot 1, 2 & 3 Green Acres Subdivision, Brgy. Mansilingan Bacolod City, Negros Occidental, hereinafter referred to as the "Constructor";

WHEREAS, the Owner invited bids for certain works stated in above Project consisting of one (1) school project site and received bids from six (6) bidders; the Owner opened, read and evaluated the bids of the six (6) bidders; after the evaluation, the Owner post-qualified and declared the bid of the Constructor as the second lowest calculated responsive bid for said Lot;

WHEREAS, the Owner passed and approved a resolution to award in favor of **RISM Builders and Construction Services, Inc.**, in the sum of **PHILIPPINE PESOS Twelve Thousand Two Hundred Thirty-Six Thousand Five Hundred Fifty Pesos (P 12,236,550.00)** only, hereinafter called the "Contract Price" with the following details:

Cluster No.	Description of Works	Amount of Award/Contract Price (Php)
	Construction of One (1) Storey-Three (3) Classrooms School Building (With Common Toilet), One (1) Storey-Two (2) Classrooms School Building (With Common Toilet) and Repair and Rehabilitation of Various School Building-Three Classrooms of Guimbala-on Elementary School	12,236,550.00

NOW, THEREFORE, PREMISES CONSIDERED, the parties hereby agree as follows:

1. In this Contract, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract;
2. The following documents shall be part of this Contract [in accord with IRR Sec. 37.2.3.]:

NICOLEAEO BRENZO V. ENORME

RITCHIE B. GEROCHE

SAMMY JANDRY B. JAVANES

SALVADOR O. OCHAVO JR. EdD, CESO V

NICOLEE LORENZO V. ENORME

- 2.1. Bidding Documents issued by the Owner;
- 2.2. Bid Bulletin(s) issued by the Owner;
- 2.3. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents/statements submitted;
- 2.4. Performance Security;
- 2.5. Credit line issued by a commercial or universal bank, if applicable;
- 2.6. Owner's Notice of Award of contract; and
- 2.7. Construction schedule and S-curve, manpower utilization schedule, construction methods, equipment utilization schedule, construction safety and health program approved by the Department of Labor and Employment, PERT/CPM for the herein infrastructure works; and other contract documents that may be required by existing laws, if applicable

RITCHIE B. GEROCHE

3. The contract duration or completion period shall be **240** calendar days reckoned on the "Start Date" of the contract duration or completion period; The "Start Date" is seven (7) calendar days from receipt of the Notice to Proceed by the Constructor.

SAMMY JANDRY B. JAVINES

4. In consideration of the Contract Price mentioned herein to be paid by the Owner to the Constructor, the Constructor hereby covenants, to the Owner, to execute and complete such works and to remedy all defects therein in conformity in all respects with the provisions of this Contract;

SALVADOR O. OCHAVO JR. EdD, CESO V

5. The Owner hereby covenants to pay the Constructor in consideration of the execution and completion of such Works and the remedying of all defects therein, the Contract Price or such other sum as may become payable under the provisions of this Contract at the times and in the manner prescribed by the Contract.

6. The Contract Price shall be paid to the Constructor through the Government disbursement procedures subject to the payment, retention money, and warranty provisions in the General Conditions of Contract, the Special Conditions of Contract, and the IRR of RA 9184;

7. The Constructor shall pay the Owner for liquidated damages (LD), and not by way of penalty, an amount equal to one-tenth (1/10) of one percent (1%) of the cost of the unperformed portion of the works for every day of delay. The Owner shall deduct the liquidated damages from payments or any money due or which may become due the Constructor under this Contract and/or collect such liquidated damages from the retention money or other securities posted by the Constructor whichever is convenient to the Owner. Once the cumulative amount of liquidated damages reaches ten percent (10%) of the amount of this Contract, the Owner shall rescind this Contract, without prejudice to other courses of action and remedies open to the Owner;

8. The Constructor shall post a Warranty Security valid for one (1) year from the date of Certificate of Final Acceptance issued by the Owner, in any of the following amounts and forms:

5% of the Contract Price	Cash; or Letter of Credit issued by a Universal or Commercial Bank, if issued by a foreign bank, the LC shall be confirmed or authenticated by a Universal or Commercial Bank.
10% of the Contract Price	Bank Guarantee confirmed by a Universal or Commercial Bank
30% of the Contract Price	Surety Bond callable upon demand issued by the GSIS or any Surety or Insurance Company duly certified by the Insurance Commission.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed in accordance with the laws on the day and year first above written.

SIGNED, SEALED AND DELIVERED BY:

SALVADOR O. OCHAVO JR., EdD, CESO V
OWNER

RITCHIE B. GEROCHE
CONSTRUCTOR

SIGNED IN THE PRESENCE OF:

SAMMY JANDRY B. JAVINES
OWNER'S WITNESS

NICOLE LEO LORENZO V. ENORME
CONSTRUCTOR'S WITNESS

REPUBLIC OF THE PHILIPPINES)
CITY OF _____) S.S.

ACKNOWLEDGMENT

BEFORE ME, a Notary Public for and in _____, Philippines, this ___ day of December, 2022 personally appeared:

NAME	NUMBER	ISSUED ON/ AT
<u>SALVADOR O. OCHAVO JR., EdD, CESO V</u>	<u>PRC No. 0249879</u>	
<u>RITCHIE B. GEROCHE</u>	<u>PRC No. 0084858</u>	

Known to me and to me known to be the same persons who executed the foregoing instrument and acknowledged to me that the same is the free and voluntary act and deed of the entities which they respectively represent.

The foregoing instrument is a CONTRACT consisting of three (3) pages (exclusive of attachments), including this page on which this acknowledgment is written and signed by the parties and their instrument witnesses on the left hand margin of each and every page hereof.

WITNESS MY HAND AND NOTARIAL SEAL, on the date and place first above written.

ATTY. MARYGOLD G. LEMONCITO
Notary Public

For the Cities of Bacolod & Talisay and the Mun. of Murcia & Don Salvador Benedicto, Negros Occ.
NPF 0101-22 valid until Dec 31, 2022
PTR OR No. 8991149 02/24/2022 Bacolod City
MCLE Compliance VII No. 0015162 until 04/14/2025
IBP Lifetime Member No. 12053
Roll of Attorney No. 41000
JR Torres Subra Brgy. Singang-Airport, Bacolod City
Tel. No. 0927-5659177

Doc. No. 363
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Republic of the Philippines
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SCHOOLS DIVISION OF SILAY CITY

NOTICE TO PROCEED

January 4, 2023

RISM BUILDERS AND CONSTRUCTION SERVICES, INC.
BACOLOD CITY

Sir/Ma'am:

The attached Contract Agreement having been approved, notice is hereby given to **RISM BUILDERS AND CONSTRUCTION SERVICES, INC.**, that work may proceed on Construction of One (1) Storey-Three (3) Classrooms School Building (With Common Toilet), One (1) Storey-Two Classrooms School Building (With Common Toilet) and Repair and Rehabilitation of Various School Building-Three Classrooms at Guimbala-on Elementary School of Schools Division of Silay City.

You are now hereby notified to commence execution of works and shall fully complete all of the works on the day of the activity or upon notice if there are changes.

Upon receipt of this notice, you are responsible for performing the services under the terms and conditions of the Agreement and in accordance with the Implementation Schedule.

Please acknowledge receipt and acceptance of this notice by signing both copies in the space provided below. Keep one copy and return the other to the Department of Education – Schools Division of Silay City.

Very truly yours,

SALVADOR O. OCHAVO, JR., EdD, CESO V
Schools Division Superintendent
Office of the Schools Division Superintendent
Head of Procuring Entity

I acknowledge receipt of this Notice on _____

Name of the Representative of the Bidder: JENNIE MAE SAUD

Authorized Signature: 



Rizal St., Brgy. III, Silay City, Negros Occidental
Website: www.depedsilaycity.weebly.com
Email Address: deped.silay@deped.gov.ph
Facebook Account: <https://www.facebook.com/DepEdSilayCity>
Contact Number: Admin 4417153/ 458-4396/ HR 458-4401/ SGOD 458-4402/CID 458-4406