

**BIDS AND AWARDS COMMITTEE (BAC)**  
**Resolution No. 21-12-219**

**RUSH**

**RECOMMENDING THE USE OF REPEAT ORDER AS AN ALTERNATIVE MODE OF  
PROCUREMENT AND AWARD OF CONTRACT FOR THE REPEAT ORDER OF  
448,930 TINS OF CANNED SARDINES FOR THE PRODUCTION OF FAMILY FOOD  
PACKS FOR CY 2021  
(PR No. 2021110876)**

**WHEREAS**, on 24 March 2021, the Bids and Awards Committee (BAC) issued Resolution No. 21-03-043 recommending the Execution of Framework Agreement for Item No. 1 – Canned Sardines for the **Procurement of Raw Materials for the Production of Family Food Packs Through Framework Agreement for CY 2021 under ITB No. GOP/20-DSWD-066-A to HLYC Trading**. The price per tin of Canned Sardines is Seventeen Pesos and Thirty-Five Centavos (PhP17.35), inclusive of applicable taxes. Copies of the BAC Resolution and Notice to Execute Framework Agreement are hereto attached, marked as **Annexes “A”** and **“B”**, respectively, and are made integral parts hereof;

**WHEREAS**, on 12 May 2021, the Framework Agreement for the aforementioned project was issued. A copy of the Framework Agreement is hereto attached, marked as **Annex “C”**, and made an integral part hereof;

**WHEREAS**, on 23 November 2021, the Procurement Planning and Management Division (PPMD) of the Procurement Management Service (PMS) forwarded a referral to the BAC for the Repeat Order of 448,930 tins of Canned Sardines for the Production of Family Food Packs Through Framework Agreement for CY 2021. The Approved Budget for the Contract is **Seven Million Seven Hundred Eighty-Eight Thousand Nine Hundred Thirty-Five Pesos and Fifty Centavos (PhP7,788,935.50)**. Copies of the Memorandum, Purchase Request (PR) and Project Proposal are hereto attached, marked as **Annexes “D”**, **“E”** and **“F”**, respectively, and made integral parts hereof;

**WHEREAS**, Section 11. (Repeat Order) of Appendix 32 (Guidelines on the Use of Framework Agreement by All Procuring Entities) of the 2016 revised IRR of RA No. 9184 states that:

*“11.1 No Repeat Order for an item in the Framework Agreement List shall be allowed until after the procuring entity has exhausted the maximum quantity for the same item specified therein or after the Framework Agreement has expired, whichever comes first and subject to the conditions provided in Section 51 of RA No. 9184 and its revised IRR. For this purpose, the Repeat Order may only be availed of within six (6) months from the date of the last or final Call-Off for a specific item where the maximum quantity has been exhausted or from the expiration of the Framework Agreement.*

*11.2 In case Repeat Order is allowed and resorted to, the twenty five percent (25%) maximum allowable quantity shall be based on the aggregate quantity of actual items ordered and delivered.”*



**WHEREAS**, the NRLMB submitted its statement of compliance on the required conditions to justify the use of Repeat Order pursuant to Section 11 Appendix 32 of the 2016 revised IRR of RA No. 9184, to wit:

CONDITIONS	STATEMENT OF COMPLIANCE												
<p>No Repeat Order for an item in the Framework Agreement List shall be allowed until after the procuring entity has exhausted the maximum quantity for the same item specified therein or after the Framework Agreement has expired, whichever comes first.</p>	<p>The maximum quantity of Canned Sardines as specified in the Framework Agreement List is already exhausted thus, requesting for repeat order. The breakdown of the total quantity ordered per Call-Offs is shown on the table below:</p> <table border="1" data-bbox="807 719 1374 1070"><thead><tr><th>Call-Off No.</th><th>Quantity</th></tr></thead><tbody><tr><td>2021-06-0004</td><td>400,000</td></tr><tr><td>2021-08-0009</td><td>200,000</td></tr><tr><td>2021-08-0012</td><td>400,000</td></tr><tr><td>2021-09-0016</td><td>795,723</td></tr><tr><td>Total Quantity</td><td>1, 795,723</td></tr></tbody></table>	Call-Off No.	Quantity	2021-06-0004	400,000	2021-08-0009	200,000	2021-08-0012	400,000	2021-09-0016	795,723	Total Quantity	1, 795,723
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<p>Repeat Order may only be availed of within six (6) months from the date of the last or final Call-Off for a specific item where the maximum quantity has been exhausted or from the expiration of the Framework Agreement.</p>	<p>The repeat order of Canned Sardines is still within six (6) months from the date of the last or final call-off, which is 6 September 2021. The maximum quantity of Canned Sardines as indicated in the Framework Agreement List is already exhausted.</p>												
<p>Unit prices of the repeat order must be the same as or lower than those in the original contract: Provided, That such prices are still the most advantageous to the GoP after price verification</p>	<p>The unit price per tin is still the same (PhP17.35 per tin of Canned Sardines) and still the most advantageous price for the DSWD based on the latest Market Scan submitted by the NRLMB, as follows:</p> <table border="1" data-bbox="807 1637 1374 1933"><thead><tr><th>Supplier's Name</th><th>Unit Cost per tin (in Phil Peso)</th></tr></thead><tbody><tr><td>HLYC Trading</td><td>17.35</td></tr><tr><td>National Cooperative Marketing Federation</td><td>20.70</td></tr><tr><td>Hi-Top Supermart Inc.</td><td>17.85</td></tr></tbody></table>	Supplier's Name	Unit Cost per tin (in Phil Peso)	HLYC Trading	17.35	National Cooperative Marketing Federation	20.70	Hi-Top Supermart Inc.	17.85				
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HLYC Trading	17.35												
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<p>The repeat order will not result in splitting of contracts, requisitions, or purchase orders, as provided for in Section 54.1 of this IRR</p>	<p>The quantity requested will not result in splitting of contracts, requisitions, or purchase because the request for repeat order is for the replenishment of stocks to produce and provide family food packs to serve the needed requirements of the DSWD Field Offices for the continuous augmentation to disaster affected individuals and/or families considering the maximum quantity in the original framework agreement is already consummated.</p>
<p>Repeat orders shall not exceed twenty-five percent (25%) of the quantity of each item in the original contract. In order not to exceed the 25% threshold, the goods under the original contract must be:</p> <ol style="list-style-type: none"><li>i. Quantifiable;</li><li>ii. Divisible; and</li><li>iii. Consisting of at least four (4) units per item.</li></ol>	<p>The repeat order for Canned Sardines with a quantity of 448,930 does not exceed the 25% of the total quantity of 1,795,723 in the original Framework Agreement.</p>

Copies of the Memorandum on the statement of compliance, Market Scan, Framework Agreement List, Call-Offs, are hereto attached, marked as **Annexes "G", "H", "I" and "J"**, respectively, and made integral parts hereof;


**NOW, THEREFORE**, in view of the foregoing and on the basis of the documents presented, we, the members of the Bids and Awards Committee resolves, as it is hereby resolved, to recommend the following:

1. Adopt the Repeat Order as the procurement modality for the aforementioned procurement request pursuant to Section 11 (Repeat Order) of Appendix 32 (Guidelines on the Use of Framework Agreement by All Procuring Entities) of the updated 2016 revised Implementing Rules and Regulations of the Republic Act No 9184; and
2. Award of contract to **HLYC Trading** for the **Repeat Order of 448,930 tins of Canned Sardines for the Production of Family Food Packs for CY 2021**. The unit cost of Canned Sardines is **Seventeen Pesos and Thirty-Five Centavos (PhP17.35)** per tin and the Total Contract Price for the Repeat Order is **Seven Million Seven Hundred Eighty-Eight Thousand Nine Hundred Thirty-Five Pesos and Fifty Centavos (PhP7,788,935.50)**, inclusive of applicable taxes.

**RESOLVED**, this 3<sup>rd</sup> day of **December 2021** at Quezon City, Philippines.

  
**ATTY. KARINA ANTONNETE A. AGUDO**  
*Officer-in-Charge, Administrative Service*  
Regular Member

**ERNESTINA Z. SOLLOSO**  
*Director III, Pantawid Pamilyang Pilipino Program*  
Alternate Member

  
**ATTY. KRISTINE J. PADILLA-ANTOLIN**  
*Officer-in-Charge, Office of the Assistant Secretary for Luzon Affairs*  
Regular Member

**FELIX M. ARMEÑA**  
*Information Technology Officer III, Information and Communication Technology Management Service*  
Alternate Member

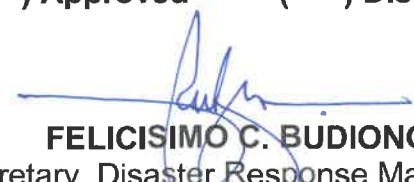
  
**ATTY. PAUL ANTHONY A. TACORDA\***  
*Officer-in-Charge, Legal Service*  
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**LEONARDO C. REYNOSO**  
*Director IV, Human Resource Management and Development Service*  
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**NOEL M. MACALALAD**  
*Assistant Secretary for Standards and Capacity Building*  
Chairperson

  
**EMMANUEL P. PRIVADO**  
*Director IV, National Resource and Logistics Management Bureau*  
Provisional Member

(  ) **Approved**      (  ) **Disapproved**

  
**FELICISIMO C. BUDIONGAN**  
Undersecretary, Disaster Response Management Group  
(Head of the Procuring Entity/Authorized Representative)

\*Designated as Vice-Chairperson in the absence of the Chairperson