

**RESOLUTION NO. 1455**  
Series of 2024

WHEREAS, the agency has an original project, Procurement of Works for the Rehabilitation and Improvement of PACD Diversion Dam at Brgy. Batonan Sur, Culasi, Antique with an Approved Budget for the Contract (ABC) of Three Million Nine Hundred Sixty Thousand Three Hundred Ninety-Six Pesos & 04/100 (Php 3,960,396.04);

WHEREAS, the BAC Resolution recommending for award was approved by the Head of the Procuring Entity and a Notice to Proceed was issued and received by NESMARK CONSTRUCTION ENTERPRISES on May 7, 2024;

WHEREAS, a Purchase Request for the Procurement of Additional Works for the Rehabilitation and Improvement of PACD Diversion Dam at Brgy. Batonan Sur, Culasi, Antique with an ABC of One hundred Sixteen Thousand Four Hundred Seventy-Seven Pesos & 76/100 (Php 116,477.76) was made;

WHEREAS, under Section 53.4, of R.A. 9184 and its Revised Implementing Rules and Regulations and when provided for in the Annual Procurement Plan, Adjacent or Contiguous as an Alternative Method of Procurement may be allowed where the consultants have unique experience and expertise to deliver the required service, subject to the following conditions;

- a. Original contract is the result of a Competitive Bidding
- b. Subject contract to be negotiated has similar or related scopes of work;
- c. It is within the contracting capacity of the contractor/consultant considering the legal, technical (e.g., PCAB license, SLCC) and financial (e.g., NFCC for the contiguous project) requirements for eligibility;
- d. In determining the SLCC, NFCC and PCAB license, the sum of the value of the remaining works for the existing contract and the ABC of the contiguous or adjacent work shall be considered;
- e. The contractor/consultant uses the same prices or lower unit prices as in the original contract less mobilization cost;
- f. The ABC of the contiguous or adjacent work involved does not exceed the contract amount of the ongoing project;
- g. The contractor/consultant has no negative slippage/delay in the original contract during the time of negotiation; and
- h. Negotiations for the procurement are commenced before the expiry of the original contract.


THEREFORE, the Bids and Awards Committee RESOLVE as it is hereby RESOLVED that Negotiated procurement under Sec. 53.4 (Adjacent or Contiguous) of RA 9184 and its IRR shall be the mode of procurement in favor of NESMARK CONSTRUCTION ENTERPRISES for the Procurement of Additional Works for the Rehabilitation and Improvement of PACD Diversion Dam at Brgy. Batonan Sur, Culasi, Antique.



Done this JUL 10 2024 at DA Western Visayas, Buntatala, Jaro, Iloilo City

**BIDS AND AWARDS COMMITTEE**

**ZARLINA B. CUELLO**  
Chairperson

  
**ATTY. ROLIN M. ASUNCION**  
Vice-Chairperson

  
**MARIA TERESA T. SOLIS**  
Member


**LORIE D. DEASIS**  
Member

**DR. JONIC NATIVIDAD**  
Member

  
**MAE P. NONES**  
Member

  
**ESTER RUTH F. TORREVERDE**  
Member

Approved:

  
**DENNIS R. ARPIA**  
Regional Executive Director /  
Head of the Procuring Entity