



July 2, 2021

**ENGR. BIENVENIDO A. CACATIAN, JR.**

BAC Surveying and Titling Services  
B14 L47 Aqua St., North Springville Subd.,  
Molino III, Bacoor, Cavite

**Dear Engr. Cacatian:**

Thank you so much for writing a Rejoinder dated June 29, 2021, on our answer to your Motion for Reconsideration for the **Engagement of Services for the 2<sup>nd</sup> Phase Demarcation of Mt. Guiting-Guiting, Natural Park in Sibuyan, Romblon as Legislated Terrestrial Protected Area under the NIPAS.**

However, please be informed that pursuant to 2016 Revised Implementing Rules and Regulations of the Republic Act No. 9184, Rule XVII provides for the Protest Mechanism which states that,

***“RULE XVII – PROTEST MECHANISM***

***Section 55. Protests on Decisions of the BAC***

- 55.1 *Decisions of the BAC at any stage of the procurement process may be questioned by filing a request for reconsideration within the three (3) calendar days upon receipt of written notice or upon verbal notification. The BAC shall decide on the request for reconsideration within seven (7) calendar days from receipt thereof. The bidder shall not be allowed to submit additional documents to correct any defects in the bid submitted.*

*If a failed bidder signifies his intent to file a request for reconsideration, the BAC shall keep the bid envelopes of the said failed bidder unopened and/or duly sealed until such time that the request for reconsideration has been resolved. (a)*

- 55.2 *In the event that the request for reconsideration is denied, decisions of the BAC may be protested in writing to the HoPE: Provided, however, That a prior request for reconsideration should have been filed by the party concerned in accordance with the preceding Section, and the same has been resolved.*
- 55.3 *The protest must be filed within seven (7) calendar days from receipt by the party concerned of the resolution of the BAC denying its request for reconsideration. A protest shall be made by filing a verified position paper with the HoPE concerned, accompanied by the payment of a non-refundable protest fee, which shall be paid in cash in accordance with the following schedule: (a)*



| <b>ABC RANGE</b>                              | <b>PROTEST FEE</b>      |
|---|-------------------------|
| <i>P50 million and below</i>                  | <i>0.75% of the ABC</i> |
| <i>More than P50 million to P100 million</i>  | <i>P500,000.00</i>      |
| <i>More than P100 million to P500 million</i> | <i>0.5% of the ABC</i>  |
| <i>More than P500 million to P1 billion</i>   | <i>P2,500,000.00</i>    |
| <i>More than P1 billion to P2 billion</i>     | <i>0.25% of the ABC</i> |
| <i>More than P2 billion to P5 billion</i>     | <i>P5,000,000.00</i>    |
| <i>More than P5 billion</i>                   | <i>0.1 % of the ABC</i> |

55.4 *The verified position paper shall contain the following information:*

- a) The name of bidder;*
- b) The office address of the bidder;*
- c) The name of project/contract;*
- d) The implementing office/agency or Procuring Entity;*
- e) A brief statement of facts;*
- f) The issue to be resolved; and*
- g) Such other matters and information pertinent and relevant to the proper resolution of the protest.*

*The position paper is verified by an affidavit that the affiant has read and understood the contents thereof and that the allegations therein are true and correct of his personal knowledge or based on authentic records. An unverified position paper shall be considered unsigned, produces no legal effect, and results to the outright dismissal of the protest.*

*In addition, the bidder shall likewise certify under oath that:*

- a) he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein;*
- b) if there is such other pending action or claim, he is including a complete statement of the present status thereof; and*
- c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the HoPE wherein his protest is filed.*

*Failure to comply with the foregoing requirements shall not be curable by mere amendment of the verified position paper.*




***Section 56. Resolution of Protests***

*The protests shall be resolved strictly on the basis of records of the BAC. The HoPE shall resolve the protest within seven (7) calendar days from receipt thereof. Subject to the provisions of existing laws on the authority of Department Secretaries and the heads of agencies, branches, constitutional commissions, or instrumentalities of the GoP to approve contracts, the decisions of the HoPE concerned shall be final up to the limit of his contract approving authority. With respect to LGUs, the decision of the local chief executive shall be final. (a) "*

On the basis of the above provisions of R.A. 9184, kindly submit your protest within the prescribed period as stated under section 55.3.

Yours sincerely,

  
**MALVIN R. ROCERO**  
BAC, Chairperson