



BIDS AND AWARDS COMMITTEE

(CENTRAL OFFICE)

RESOLUTION NO. 07-2016

RECOMMENDING THE APPROVAL OF THE AWARD OF CONTRACTS TO ACMI OFFICE SYSTEM PHILIPPINES, INCORPORATED FOR THE PROCUREMENT OF STARTER TOOLKITS FOR THE SPECIAL TRAINING FOR EMPLOYMENT PROGRAM (STEP) – RE-BIDDING OF TEN (10) LOTS

WHEREAS, the Bids and Awards Committee (BAC), as mandated by Republic Act No. 9184, otherwise known as the Government Procurement Reform Act, is the body tasked to post invitations to bid, to conduct pre-bid conferences, to determine the eligibility of prospective bidders, to receive and open bids, to conduct the evaluation of bids, to conduct post-qualification and to recommend award of contracts to the Head of the Procuring Entity;

WHEREAS, in view of the procurement of starter toolkits for the Special Training for Employment Program (STEP) – Re-bidding of Ten (10) lots, the Director General created a Technical Working Group (TWG) that will identify the requirements for the implementation of STEP which shall necessarily include the identification of the qualifications and corresponding tools and equipment that will be covered by STEP. The TWG came out with the list of qualifications with corresponding tools and equipment in close coordination with the TESDA Regional Offices. A copy of TESDA Order No. 17-A, Series of 2015, issued on 20 January 2015 is hereto attached as Annex "A";

WHEREAS, the Technical Education and Skills Development Authority (TESDA) intends to apply the sum of Twenty Nine Million Two Hundred Sixty Eight Thousand Five Hundred Eighty One Pesos and 81/100 (Php29,268,581.81) being the total Approved Budget for the Contract (ABC) for the procurement of starter toolkits for the STEP – Re-bidding of Ten (10) lots. Copies of the Terms of Reference (TOR) and Obligation Request (OBR) duly approved by the Director General are hereto attached as Annexes "B" and "C", respectively;

WHEREAS, the BAC upon receipt of the TOR for the procurement of starter toolkits for the STEP – Re-bidding of Ten (10) lots convened on 05 January 2016 at 2:00 PM at the CSA Conference Room located at 2nd Floor of TESDA Administration Building in Taguig City to conduct a pre-procurement conference with the end-user's representative in accordance with Section 20 of the Revised Implementing Rules and Regulations of Republic Act No. 9184. A copy of the Minutes of the Meeting is hereto attached as Annex "D";

WHEREAS, on 16 December 2015, the TESDA Board issued Resolution No. 2015-13 declaring a failure on bidding on the following lots:

LOT NO.	QUALIFICATION	AMOUNT OF BID
1	Produce Organic Concoction and Extracts (Leading to Organic Agriculture Production NC II)	PHP72,413.220
2	Carpentry NC II	PHP5,971,880.850
3	Install Pre-Cast Balusters and Handrail (Leading to Masonry NC II)	PHP220,883.520
4	Masonry NC I	PHP 3,473,393.352
5	Pipefitting NC II	PHP1,150,723.746
6	Plaster Concrete/Masonry Surface (Leading to Masonry NC II)	PHP5,814,758.664
7	Maintain and Repair Cellular Phones (Leading to Consumer Electronics NC II)	PHP8,260,239.840
8	Perform Hair Perming and Straightening (Leading To Hairdressing NC II)	PHP1,875,663.405
9	Perform Hand Spa (Leading To Beauty Care NC II)	PHP737,613.732
10	Process Foods by Sugar Concentration (Leading to Food Processing NC II)	PHP1,691,011.476

WHEREAS, pursuant to Section 35 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, the BAC shall declare a failure of bidding of all fails to comply with the bid requirements. In which case, a rebidding shall be conducted and the BAC shall observe the same process and set the new periods according to the same rules followed during the previous bidding;

WHEREAS, pursuant to the GPPB Resolution No. 03-2015 issued on 10 January 2015, the ABC of the previous competitive bidding which resulted in the failure of bidding cannot be adjusted unless the following conditions are present to wit:

- I. The ABC may be adjusted upwards only under the following conditions:
 1. There has been a failure of bidding for the second time due to all bids submitted exceeding the ABC or no bids have been submitted, or failure in the negotiated procurement after two failed biddings; and

2. There has been previous modifications of the terms, conditions, and specifications of the project based on Section 35 of the IRR-A, except when the projects is indivisible, where the technical component is an integral part of the whole that cannot be reduced, and it constitutes the minimum requirement of the procuring entity for which there are no substitutes.
- II. The ABC may be adjusted downwards if there is a need to reflect the actual market prices and/or scope of work or suit actual field conditions of the project.
- III. Upon adjustment of ABC, the procuring entity must conduct re-bidding with re-advertisement/posting. Any succeeding adjustment of the ABC shall be in accordance with these guidelines.

WHEREAS, the ABC amounting to Twenty Nine Million Two Hundred Sixty Eight Thousand Five Hundred Eighty One Pesos and 81/100 (Php29,268,581.81) which was used during the last bidding for the procurement of starter toolkits for the STEP for FY 2015 cannot be adjusted considering the conditions provided by GPPB Resolution No. 03-2015 issued on 10 January 2015 were not met. As such, the Director General approved the ABC amounting to Twenty Nine Million Two Hundred Sixty Eight Thousand Five Hundred Eighty One Pesos and 81/100 (Php29,268,581.81) to be utilized for the procurement of starter toolkits for the STEP – Re-bidding of Ten (10) lots subject of the failure of bidding of the last bidding for the procurement of starter toolkits for the STEP for FY 2015;

WHEREAS, pursuant to Section 21 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, TESDA advertised on 08 January 2016 the Invitation to Bid for the procurement of starter toolkits for the STEP – Re-bidding of Ten (10) lots in a newspaper of general circulation and posted the same in the PhilGEPS. Copies of which are hereto attached as Annexes “E” and “F”, respectively;

WHEREAS, responding to the abovementioned Invitation to Bid, two (2) prospective bidders signified their interest to participate in said bidding process by purchasing bidding documents, namely: 1) ACMI Office System Philippines, Incorporated and 2) East Pacific Industrial Trading. Copies of the official receipts for the purchase of bidding documents are hereto attached as Annexes “G”, and “H”, respectively;

WHEREAS, the BAC in compliance also with the directive of the Director General invited several observers registered with PhilGEPS to witness the bidding activities particularly on the procurement of starter toolkits for the STEP – Re-bidding

of Ten (10) lots for purposes of transparency and good governance. Pursuant to Section 13 of Revised Implementing Rules and Regulations of Republic Act No. 9184, the BAC invited several observers to attend the pre-bid conference on 18 January 2016 and the bid opening on 03 February 2016. Copies of the letters to observers are hereto attached as Annexes "I", "J", "K", "L", and "M", respectively;

WHEREAS, the pre-bid conference was held on 18 January 2016 at 2:00 PM at the CSA Conference Room located at 2nd Floor of TESDA Administration Building in Taguig City. A copy of the Minutes of the Meeting is hereto attached as Annex "N";

WHEREAS, on 20 January 2016, East Pacific Industrial Trading filed its request for reconsideration relative to the requirements prescribed in the bidding documents that the bidder must be in the business for ten (10) years and that a bidder must have completed at least one (1) contract that is similar to the contract to be bid whose value must be at least fifty percent (50%) of the Approved Budget of the Contract (ABC). A copy of the request for reconsideration of East Pacific Industrial Trading dated 20 January 2016 is hereto attached as Annex "O";

WHEREAS, the BAC unanimously agreed to issue Bid Bulletin No. 01 dated 22 January 2016 which states that the bidder must be in the business for five (5) years instead of ten (10) years to enhance competition and extend equal opportunities among the bidders and that East Pacific Industrial Trading could still participate in the bidding of Lot 4 – Masonry NC I subject to Government Procurement Policy Board (GPPB) Resolution No. 04-2012 since the purchase of the bidding documents could still be made until the date of the bid opening. A copy of the letter dated 22 January 2016 of the BAC relative to the request for reconsideration of East Pacific Industrial Trading is hereto attached as Annex "P";

WHEREAS, the issues and concerns of the bidders present during the pre-bid conference had been addressed to by the BAC through the issuance of Bid Bulletin No. 01 dated 22 January 2016. Copy of the bid bulletin is hereto attached as Annex "Q";

WHEREAS, the bid opening was held on 03 February 2016 at 2:00 P.M. at the CSA Conference Room located at 2nd Floor of TESDA Administration Building in Taguig City. A copy of the Minutes of the Meeting is hereto attached as Annex "R";

WHEREAS, East Pacific Industrial Trading did not submit any bid on 03 February 2016 for reasons unknown to the BAC. It must be emphasized that East Pacific Industrial Trading did not officially inform the BAC of the reason/s why it did not submit its bid on the date of the bid opening;

WHEREAS, only ACMI Office System Philippines, Incorporated participated during the bid opening and passed the eligibility requirements pursuant to Sections 23 and 25 of the Revised Implementing Rules and Regulations of Republic Act No. 9184. Copies of the Eligibility Requirements Checklist and Abstract of Bids are hereto attached as Annexes "S" and "T", respectively;

WHEREAS, since the bidding is done by lot, the BAC shall evaluate the bid offer of the participating bidder by lot;

WHEREAS, accordingly, a Technical Evaluation Group (TEG) was created to conduct a bid evaluation vis-à-vis agency requirements taking into consideration the completeness of the bid in terms of technical specifications and pricing and to verify/check the performance of the bidders relative to their previous contracts with the government and private entities as provided by Section 34 of Rule X (Post-Qualification) of the Revised Implementing Rules and Regulations of Republic Act No. 9184. A copy of the BAC Order No. 14, Series of 2016, issued on 03 February 2016 is hereto attached as Annex "U";

WHEREAS, pursuant to Section 34 of Rule X (Post-Qualification) of the Revised Implementing Rules and Regulations of Republic Act No. 9184, verification and validation of the bidder's legal documentary requirements must be made. As such, the Chairperson of the TEG issued letters to Metropolitan Bank & Trust Company for the validation of the bank guarantee submitted by ACMI Office System Philippines, Incorporated and Accounts Receivable Monitoring Division of the Bureau Internal Revenue (BIR) for the validation of the tax clearance issued by said office to ACMI Office System Philippines, Incorporated. Copies of the letters are hereto attached as Annexes "V", and "W", respectively;

WHEREAS, the abovementioned companies/offices had issued their respective confirmation letters regarding the documents submitted by ACMI Office System Philippines, Incorporated for the procurement of starter toolkits for the STEP – Re-bidding of Ten (10) lots. Copies of the confirmation letters of the Accounts Receivable Monitoring Division of the Bureau Internal Revenue (BIR) and Metropolitan Bank & Trust Company are hereto attached as Annexes "X" and "Y", respectively;

WHEREAS, upon careful examination, validation and verification of all the technical and financial proposals submitted by ACMI Office System Philippines, Incorporated, the TEG in its report found the bids offered by ACMI Office System Philippines, Incorporated to be compliant with the legal, technical and financial requirements set forth by the agency pursuant to Section 34 of Rule X (Post-Qualification) of the Revised Implementing Rules and Regulations of Republic Act No. 9184. A copy of the TEG report is hereto attached as Annex "Z";

WHEREAS, according to the report of the Technical Evaluation Group (TEG), the BAC hereby resolves to adopt its findings and recommendations by way of recommending the award of the contract to ACMI Office System Philippines, Inc.;

WHEREAS, pursuant to Section 36 (a) of the Revised Implementing Rules and Regulations of Republic Act No. 9184, if after advertisement, only one prospective bidder applies for eligibility check, meets the requirements and submits a bid which is found to be responsive to the bidding requirements, its bid is considered a Single Calculated and Responsive Bid;

WHEREAS, ACMI Office System Philippines, Inc met all the eligibility requirements prescribed by the agency and its bid had been found to be responsive to

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the bidding requirements. Hence, the BAC finds the bid of ACMI Office System Philippines, Inc. to be the Single Calculated and Responsive Bid;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to recommend the award of the contract to ACMI Office System Philippines, Inc considering that its bid had been found to be the Single Calculated and Responsive Bid for the procurement of starter toolkits for the STEP – re-bidding of ten (10) lots on a per lot basis as follows:

LOT NO.	QUALIFICATION	AMOUNT OF BID
1	Produce Organic Concoction and Extracts (Leading to Organic Agriculture Production NC II)	PHP71,925.00
2	Carpentry NC II	PHP5,955,500.00
3	Install Pre-Cast Balusters and Handrail (Leading to Masonry NC II)	PHP220,000.00
4	Masonry NC I	PHP 3,459,500.00
5	Pipefitting NC II	PHP1,135,620.00
6	Plaster Concrete/Masonry Surface (Leading to Masonry NC II)	PHP5,791,500.00
7	Maintain and Repair Cellular Phones (Leading to Consumer Electronics NC II)	PHP8,255,250.00
8	Perform Hair Perming and Straightening (Leading To Hairdressing NC II)	PHP1,874,950.00
9	Perform Hand Spa (Leading To Beauty Care NC II)	PHP735,350.00
10	Process Foods by Sugar Concentration (Leading to Food Processing NC II)	PHP1,685,880.00

Resolved this 15th day of February, 2016.


FRANCISCO B. JUCAR, JR.
 BAC Chairperson


IMELDA B. TAGANAS
 BAC Vice Chairperson


ATTY. IMELDA T. ONG
 BAC Member

AVA HEIDI V. DELA TORRE
BAC Member

ANNABELLE T. QUMBO
BAC Member

Approved (if less than 5 Million)

Disapproved (if less than 5 Million)

Endorsed to the TESDA Board (if more than 5 Million)

SEC. IRENE M. ISAAC
Director General e