



**BIDS AND AWARDS COMMITTEE  
(CENTRAL OFFICE)**

**RESOLUTION NO. 28-2016**

**RECOMMENDING THE APPROVAL OF THE AWARD OF CONTRACT TO NSB  
ENGINEERING DESIGN AND FABRICATION FOR THE PROCUREMENT OF  
CMU BOXES, TOOLS AND EQUIPMENT AND MOCK-UPS FOR THE MOBILE  
TRAINING LABORATORIES (MTLS) – REBIDDING OF LOTS 1 TO 8**

**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 CMU Boxes, Tools and Equipment and Mock-ups for the Mobile Training Laboratories (MTLs) - Rebidding of Lots 1 to 8, the Director General created a Technical Working Group (TWG) that will identify the requirements for the implementation of Mobile Training Laboratories (MTLs) which shall necessarily include the identification of the qualifications and corresponding tools and equipment that will be covered by Mobile Training Laboratories (MTLs). The TWG came out with the list of qualifications with corresponding tools and equipment in close coordination with the TESDA Regional Offices. Copies of TESDA Order No. 19, Series of 2015, issued on 21 January 2015, TESDA Order No. 19-A, Series of 2015, issued on 04 February 2015, TESDA Order No. 19-B, Series of 2015, issued on 02 March 2015 and TESDA Order No. 19-C, Series of 2015, issued on 05 October 2015, respectively, are hereto attached as Annexes "A", "B", "C" and "D", respectively;

**WHEREAS**, the TESDA intends to apply the sum of Six Million One Hundred Fifty-Four Thousand Nine Hundred Sixteen Pesos and 05/100 (Php6,154,916.05) being the total Approved Budget for the Contract (ABC) for the Procurement of CMU Boxes, Tools and Equipment and Mock-ups for the Mobile Training Laboratories (MTLs) - Rebidding of Lots 1 to 8 per Terms of Reference (TOR) duly approved by the Director General. Copies of the Terms of Reference (TOR) and Obligation Request (OBR) duly approved by the Director General are hereto attached as Annexes "E" and "F", respectively;

**WHEREAS**, the BAC upon receipt of the TOR for the Procurement of CMU Boxes, Tools and Equipment and Mock-ups for the Mobile Training Laboratories (MTLs) - Rebidding of Lots 1 to 8 convened on 11 October 2016 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 "G";

**WHEREAS**, pursuant to Section 21 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, TESDA advertised on 13 October 2016 the Invitation to Bid for the Procurement of CMU Boxes, Tools and Equipment and Mock-ups for the Mobile Training Laboratories (MTLs) - Rebidding of Lots 1 to 8 in two (2) newspapers of general circulation and posted the same in the PhilGEPS on 13 October 2016. Copies of which are hereto attached as Annexes "H", "I" and "J", respectively;

**WHEREAS**, responding to the abovementioned Invitation to Bid, only NSB Engineering Design and Fabrication signified its interest to participate in said bidding process by purchasing bidding documents. A copy of the official receipt for the purchase of bidding documents is hereto attached as Annex "K";

**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 CMU Boxes, Tools and Equipment and Mock-ups for the Mobile Training Laboratories (MTLs) - Rebidding of Lots 1 to 8 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 21 October 2016 and the bid opening on 08 November 2016. Copies of the letters to observers are hereto attached as Annexes "L", "M", "N", "O", "P" and "Q", respectively;

**WHEREAS**, the pre-bid conference was held on 21 October 2016 at 2:07 p.m. at the CSA Conference Room, 2<sup>nd</sup> Floor, TESDA Administration Building, Taguig City. A copy of the Minutes of the Meeting is hereto attached as Annex "R";

**WHEREAS**, the issues and concerns of the bidder present during the pre-bid conference had been addressed to by the BAC through the issuance of Bid Bulletin No. 01 dated 21 October 2016. Copy of the Bid Bulletin is hereto attached as Annex "S";

**WHEREAS**, the bid opening was held on 08 November at 10:03 a.m. located at the CSA Conference Room, 2<sup>nd</sup> Floor, TESDA Administration Building, Taguig City. A copy of the Minutes of the Meeting, Eligibility Requirements Checklist and Abstract of Bids are hereto attached as Annexes "T", "U" and "V", respectively;

**WHEREAS**, NSB Engineering Design and Fabrication was declared ineligible due to their non-compliance with the requirements on the Net Financial Contracting Capacity (NFCC) as prescribed under Section 23.5.1.4 of the Revised Implementing Rules and Regulations of Republic Act No. 9184;

**WHEREAS**, pursuant to Section 55.1 of Rule XVII (Protest Mechanism) of the Revised Implementing Rules and Regulations of Republic Act No. 9184, NSB Engineering Design and Fabrication has been given a period of three (3) calendar days within which to file its request for reconsideration with the BAC pertinent to Lots 1 to 8;

**WHEREAS**, NSB Engineering Design and Fabrication filed their request for reconsideration on 09 November 2016. A copy of their request for reconsideration is hereto attached as Annex "W";

*[Handwritten signatures and initials]*  
Quint

**WHEREAS**, the BAC granted the request for reconsideration of NSB Engineering Design and Fabrication in its BAC Resolution No. 24-2016 issued on 11 November 2016 and scheduled the continuation of the opening of bids on 22 November 2016 at 10:00 a.m. at the CSA Conference Room, 2<sup>nd</sup> Floor, TESDA Administration Building, Taguig City. A copy of BAC Resolution No. 24-2016 issued on 11 November 2016 is hereto as Annex "X";

**WHEREAS**, pursuant to Section 13 of Revised Implementing Rules and Regulations of Republic Act No. 9184, the BAC invited several observers to attend the continuation of the opening of bids of NSB Engineering Design and Fabrication on 22 November 2016. Copies of the letters to observers are hereto attached as Annexes "Y", "Z", "AA", "BB", "CC" and "DD", respectively;

**WHEREAS**, the continuation of the opening of bids was held on 22 November 2016 at 10:00 a.m. at the at the CSA Conference Room, 2<sup>nd</sup> Floor, TESDA Administration Building, Taguig City. A copy of the Minutes of the Meeting is hereto attached as Annex "EE";

**WHEREAS**, NSB Engineering Design and Fabrication passed the eligibility requirements pursuant to Sections 23 and 25 of the Revised Implementing Rules and Regulations of Republic Act No. 9184. A copy of the Eligibility Requirements Checklist and Abstract of Bids are hereto attached as Annexes "FF" and "GG", respectively;

**WHEREAS**, accordingly, a Technical Evaluation Group (TEG) was created to conduct 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 Republic Act No. 9184. A copy of the BAC Order No. 10, Series of 2016, issued on 11 October 2016 is hereto attached as Annex "HH";

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

**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 the Accounts Receivable Monitoring Division of the Bureau Internal Revenue (BIR) for the validation of the tax clearances issued by said office to NSB Engineering Design and Fabrication. Copy of the letter to the BIR is hereto attached as Annex "II";

**WHEREAS**, the abovementioned office had issued confirmation letter regarding the document submitted by NSB Engineering Design and Fabrication for the Procurement of CMU Boxes, Tools and Equipment and Mock-ups for the Mobile Training Laboratories (MTLs) - Rebidding of Lots 1 to 8. A copy of the confirmation letter of the Accounts Receivable Monitoring Division of the Bureau Internal Revenue (BIR) is hereto attached as Annexes "JJ";

**WHEREAS**, pursuant to Section 25.2.a (iv) (7) of the Revised Implementing Rules and Regulations of Republic Act No. 9184 which requires prospective bidders or its duly authorized representatives to submit a sworn statement in the form prescribed by the GPPB that it complies with existing labor laws and standards, compliance by the bidders with the foregoing shall be supported with the clearances or certifications from the Department of Labor and Employment (DOLE), Social Security System (SSS), Philippine Health Insurance Corporation (PhilHealth), Pag-IBIG Fund and National Labor Relations Commission (NLRC). Clearances must be issued at least within three (3) months from the date of bid opening. This is pursuant to GPPB Resolution No. 01-2008 issued on 07 March 2008 giving the procuring entity the discretion whether to require the clearances from the bidders;

**WHEREAS**, NSB Engineering Design and Fabrication submitted during the bid opening a certification from the Department of Labor and Employment (DOLE) certifying that it has no pending case before said office in compliance with the eligibility requirements prescribed under Section III of Bid Date Sheet, Clause 5.1 (4), page 32 of the bidding documents. Copy of the foregoing certificate is hereto attached as Annex "KK";

**WHEREAS**, NSB Engineering Design and Fabrication submitted a certification from National Labor Relations Commission (NLRC) certifying that it has no pending case before said office. Copy of the certificate issued by NLRC is hereto attached as Annex "LL";

**WHEREAS**, NSB Engineering Design and Fabrication submitted a clearance from Social Security System (SSS) certifying that NSB Engineering Design and Fabrication has remitted the contributions of its employees from June 2002 to September 2016 and has no pending case with Social Security System (SSS). Copy of the certificate issued by SSS is hereto attached as Annex "MM";

**WHEREAS**, NSB Engineering Design and Fabrication submitted a certification from Philippine Health Insurance Corporation (PhilHealth) that it has remitted premium contributions of its employees from July 2015 to June 2016. Copy of the certificate issued by PhilHealth is hereto attached as Annex "NN";

**WHEREAS**, NSB Engineering Design and Fabrication submitted a certification from Pag-IBIG Fund that it has remitted contributions of its employees from June 2012 to July 2016. Copy of the certificate issued by Pag-IBIG is hereto attached as Annex "OO";

**WHEREAS**, the Chairperson of the TEG issued letters to the Department of Labor and Employment (DOLE), Social Security System (SSS), Philippine Health Insurance Corporation (PhilHealth), Pag-IBIG Fund and National Labor Relations Commission (NLRC) for the validation of the documents issued by said offices to NSB Engineering Design and Fabrication. Copies of the documents are hereto attached as Annexes "PP", "QQ", "RR", "SS" and "TT";

**WHEREAS**, the abovementioned government agencies had issued their respective confirmation regarding the clearances/certifications submitted by NSB Engineering Design and Fabrication for the Procurement of CMU Boxes, Tools and Equipment and Mock-ups for the Mobile Training Laboratories (MTLs) - Rebidding of Lots 1 to 8. Copies of the confirmation of the Department of Labor and

Employment (DOLE), Social Security System (SSS), Philippine Health Insurance Corporation (PhilHealth), Pag-IBIG Fund and National Labor Relations Commission (NLRC) are hereto attached as Annexes "UU", "VV", "WW", "XX" and "YY", respectively;

**WHEREAS**, the TEG in its report found the bid offered by NSB Engineering Design and Fabrication 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 "ZZ";

**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**, NSB Engineering Design and Fabrication met all the eligibility requirements prescribed by the agency and its bid had been found to be responsive to the bidding requirements. Hence, the BAC finds the bid of NSB Engineering Design and Fabrication 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 NSB Engineering Design and Fabrication considering that its bid had been found to be the Single Calculated and Responsive Bid for the Procurement of CMU Boxes, Tools and Equipment and Mock-ups for the Mobile Training Laboratories (MTLs) - Rebidding of Lots 1 to 8 on a per lot basis as follows:

LOT NO.	QUALIFICATION	AMOUNT OF BID
1	Common Box for Multimedia Equipment & Accessories and Mock-up	PHP 2,810,280.00
2	Appliance Repair NC II with Toolbox	PHP 369,000.00
3	Bread and Pastry NC II	PHP 598,680.00
4	Cookery NC II with Plastic Box	PHP 574,320.00
5	Electrical Installation and Maintenance NC II with Toolbox	PHP 332,100.00
6	Food Processing NC II with Plastic Box	PHP 427,140.00
7	Plumbing NC II	PHP 257,280.00
8	Small Engine Repair (Motorcycle/Small Engine Servicing NC II) with Toolbox	PHP 743,150.00
<b>TOTAL</b>		<b>PHP 6,111,950.00</b>

Resolved this 7th day of December, 2016.

  
ATTY. DIOSDADO O. PADILLA  
BAC Chairperson

  
IMELDA B. TAGANAS  
BAC Vice Chairperson

  
ATTY. IMELDA T. ONG  
BAC Member

  
AVA HEIDI V. DELA TORRE  
BAC Member

  
ANNABELLE T. QUIMBO  
BAC Member

- Approved (if less than 5 Million)       Disapproved (if less than 5 Million)  
 Endorsed to the TESDA Board (if more than 5 Million)

  
GUILING "GENE" A. MAMONDIONG  
Director General/Secretary