

Republic of the Philippines
TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY
East Service Road, South Superhighway, Taguig City

63rd TESDA BOARD MEETING
01 August 2008, Friday, 2:00 p.m.
7th Floor TESDA Board Room, Office of the Chair
Taguig City

Resolution No. 2008- 14
(Page 1 of 4 pages)

**RECONSIDERING AND SETTING ASIDE BOARD RESOLUTION NO. 2008 – 09
AND AWARDING THE CONTRACT FOR THE SUPPLY, DELIVERY,
INSTALLATION AND COMMISSIONING OF VARIOUS INFORMATION
TECHNOLOGY EQUIPMENT FOR eTESDA CENTERS IN THE AMOUNT OF
PHP129,002,738.40 TO AYALA SYSTEMS TECHNOLOGY, INC.**

WHEREAS, Section 8, paragraph 3 of Republic Act No. 7796 otherwise known as the "Technical Education and Skills Development Act of 1994" grants the TESDA Board the power to enter into, make, execute, perform and carry out domestic and foreign contracts subject to existing law, rules and regulations;

WHEREAS, in the exercise of this power, the TESDA Board shall approve all contracts both local and foreign entered into by the Technical Education and Skills Development Authority (TESDA);

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 invitation to bid, conduct pre-bid conferences, determine the eligibility of prospective bidders, receive and open bids, conduct the evaluation of bids, undertake post-qualification proceedings, and recommend award of contracts to the Head of the Procuring Entity;

WHEREAS, the Technical Education and Skills Development Authority (TESDA) was given a grant by the Commission on Information and Communication Technology (CICT) under the eGovernment Program in the amount of Php168,702,220.00 to enable the Authority to provide the necessary support infrastructure to implement eTESDA and intends to apply the sum of One hundred Twenty-Nine Million Six Thousand and 00/100 Pesos (Php129,006,000.00) as the Approved Budget for the Contract for the supply, delivery, testing, training and commissioning of various information technology equipment for the eTESDA Centers;

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Resolution No. 2008- 16
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**RECONSIDERING AND SETTING ASIDE BOARD RESOLUTION NO. 2008 – 09
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PHP129,002,738.40 TO AYALA SYSTEMS TECHNOLOGY, INC.**

WHEREAS, based on the recommendation of the Finance TESDA Board-
TESDA Secretariat Committee Meetings last May 12 and 13, 2008 and EXCOM TESDA
Board Meeting held last 21 May 2008, the TESDA Board during its meeting on 21 May
2008 passed Resolution No. 2008 – 09 *"Approving The Award Of Contracts To Ayala
Systems Technology, Inc. In The Amount Of Php127,912,190.40 And Advance
Solutions, Inc., In The Amount Of Php537,600.00 For The Supply, Delivery, Installation
And Commissioning Of Various Information Technology Equipment For eTESDA
Centers"*

WHEREAS, recent events, including points raised in writing by Advance
Solutions Inc. and subsequent events, render it necessary to conduct a thorough review
of the awards in favor of AYALA SYSTEMS TECHNOLOGY INC. and ADVANCE
SOLUTIONS, INC. as contained in Board Resolution No. 2008 – 09, in light of the
following considerations, to wit:

- a.) On April 17, 2008 the Bids and Awards Committee issued and
furnished to the bidders ADDENDUM No. 1 as a Supplemental Bid
Bulletin. Said Addendum requires, among others, that "The bid shall ~~be~~
by lot not by item." (at page 2, Clause No. 4). This prescription ~~has not~~
been modified, amended or repealed.
- b.) The aforesaid **supplemental** Bid Bulletin forms an integral part of the
Bid Documents which were furnished to all interested parties to ensure
competitiveness and a level playing field.

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RECONSIDERING AND SETTING ASIDE BOARD RESOLUTION NO. 2008 – 09 AND AWARDING THE CONTRACT FOR THE SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF VARIOUS INFORMATION TECHNOLOGY EQUIPMENT FOR eTESDA CENTERS IN THE AMOUNT OF PHP129,002,738.40 TO AYALA SYSTEMS TECHNOLOGY, INC.

- c) The Instruction to Bidders directs that: "TESDA's evaluation shall **only be based on the Bid Price quoted** in accordance with ITB Clause 18". (par. 34.5, Section II, Bidding Documents). As shown in the opening of bids, all three (3) participating bidders quoted bid prices for the entire project.
- d) The Bids and Awards Committee, in its Resolution No. 025-2008 had actually recommended the award of the entire contract to AYALA SYSTEMS TECHNOLOGY, INC. as the bidder with the **lowest calculated responsive bid**.

WHEREAS, viewed in the light of the foregoing and considering proper legal advice, the awards in favor of AYALA SYSTEMS TECHNOLOGY, INC. and ADVANCE SOLUTIONS, INC. as contained in Board Resolution No. 2008-09, passed on 21 May 2008, need be rectified to be firmly aligned with the principle of competitiveness enshrined under Republic Act No. 9184, otherwise known as the "Government Procurement Reform Act".

NOW THEREFORE, be it resolved as it is hereby resolved that the TESDA Board hereby 1) RECONSIDERS and SETS ASIDE its previous Board Resolution No. 2008-09 passed on 21 May 2008; and 2) APPROVES the award of the contract for the supply, delivery, installation and commissioning of various information technology equipment for eTESDA centers in the amount of PHP129,002,738.40 to Ayala Systems Technology solely, to avoid any splitting of lots.

BE IT RESOLVED FURTHER, that the Board authorizes Secretary Augusto Boboy Syjuco, Director General, Technical Education and Skills Development Authority (TESDA) to sign the final terms and conditions of the contracts in behalf of TESDA, in accordance with the mandates of this board resolution.

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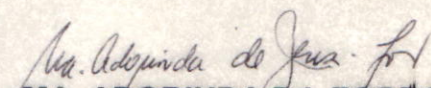
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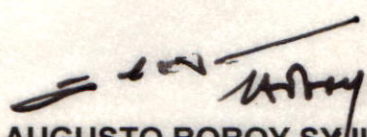
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BE IT RESOLVED FINALLY, that copies of this Resolution be disseminated to
all concerned.

Approved this 1st day of August 2008.


MA. ADORINDA DJ. FORRO
Board Secretary VI

Attested by:


SEC. AUGUSTO BOBOY SYJUCO, Ph.D
Alternate Chair, TESDA Board
Director General
Technical Education and Skills Development Authority