

Republic of the Philippines

TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY

East Service Road, South Superhighway, Taguig, Metro Manila

84th TESDA BOARD MEETING

17 December 2012, Monday, 2:00 p.m.

7th Floor TESDA Board Room, Office of the Chair
Taguig, Metro Manila

Resolution No. 2012-14

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APPROVING THE AWARD OF CONTRACT TO GOLDTECH INTERNATIONAL DISTRIBUTORS, INC. IN JOINT VENTURE WITH MICROBASE, INCORPORATED FOR THE PROCUREMENT OF IT COMPUTING GOODS AND CIVIL WORKS RELATIVE TO THE PROJECT ON REFURBISHMENT OF CENTRAL OFFICE COMPUTING GOODS AND NETWORK REHABILITATION IN THE TOTAL AMOUNT OF FOURTEEN MILLION EIGHT HUNDRED THOUSAND FOUR HUNDRED PESOS (PHP14,800,400.00)

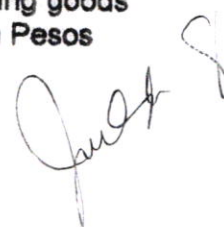
WHEREAS, Section 8 of Republic Act No. 7796, otherwise known as the "Technical Education and Skills Development Act of 1994," grants the Technical Education and Skills Development Authority (TESDA) Board the power to enter into, make, execute, perform and carry out domestic and foreign contracts subject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

WHEREAS, in the exercise of this power, the TESDA Board shall approve all contracts entered into by the 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, on 04 February 2011, the Department of Budget and Management (DBM) issued a letter to the Technical Education and Skills Development Authority (TESDA) informing the latter about the issuance of FY 2011 Agency Budget Matrices in the amounts of Six Hundred Sixteen Million Two Hundred Thirty Two Thousand Pesos (Php 616,232,000.00) and Eleven Million Twenty Seven Thousand Pesos (Php11,027,000.00) covering the regular budgetary requirements charged against Republic Act No. 10147 and the Automatic Appropriations. The DBM in the foregoing letter approved the proposed procurement of equipment, furniture and fixtures of TESDA worth Fifteen Million Pesos (Php15,000,000.00) per the list of equipment, furniture and fixtures to the letter of the DBM;

WHEREAS, the TESDA requested from the DBM the realignment of the Five Million Pesos (Php5,000,000.00) as additional funds for the refurbishment of the computing goods and network rehabilitation of the TESDA Central Office amounting to Fifteen Million Pesos



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(Php15,000,000.00). However, up to date, the DBM has not yet approved of the said proposal;


WHEREAS, on 19 June 2012, Executive Director Noel K. Villaflor of the Corporate Affairs Office (CAO) issued a memorandum submitting to the BAC the Terms of Reference (TOR) and cost derivation of the IT computing goods and civil works;

WHEREAS, the BAC upon receipt of the TOR for the procurement of IT computing goods and civil works convened on 21 June 2012 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;

WHEREAS, as a result of the pre-procurement conference held on 21 June 2012, the BAC issued a memorandum to Executive Director Villaflor dated 22 June 2012 relative to the approved TOR and cost derivation indicating the observations of the BAC, particularly on the availability of funds considering that the proposed project would cost Twenty Million Pesos (Php20,000,000.00) and only Fifteen Million Pesos (Php15,000,000.00) had been approved by the DBM, and coming up with technical specifications and reasonable agency estimates. As such, the TOR and the cost derivation were referred back to the end-user to consider the observations of the BAC;

WHEREAS, on 31 July 2012, Executive Director Villaflor issued a memorandum submitting to the BAC the amended TOR, cost derivation and Certificate of Availability of Funds (CAF) on the procurement of IT computing goods and civil works relative to the project on refurbishment of Central Office computing goods and network rehabilitation;

WHEREAS, the BAC upon receipt of the amended TOR with its attachments for the procurement of IT computing goods and civil works convened on 14 August 2012 to



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conduct another 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;

WHEREAS, as a result of the pre-procurement conference held on 14 August 2012, the BAC issued a memorandum to Executive Director Villaflor dated 14 August 2012 relative to the memorandum dated 31 July 2012 indicating the observations of the BAC, particularly on the price derivation. The TOR with its attachments apparently did not consider deployment cost, cost of money, taxes and other factors prescribed by the law to be included in the cost derivation. As such, the amended TOR and all its supporting documents were referred back to the end-user to consider the observations of the BAC;

WHEREAS, on 03 October 2012, Executive Director Villaflor issued a memorandum submitting to the BAC a copy of the TOR, general guidance for quoting on the computing goods and network enhancement project, cost derivation and technical specifications per item required on the procurement of IT computing goods and civil works relative to the project on refurbishment of central office computing goods and network rehabilitation;

WHEREAS, on 10 October 2012, another pre-procurement conference was held to deliberate on the price derivation and computation of the Approved Budget for the Contract (ABC);

WHEREAS, on 10 October 2012, the BAC issued a memorandum to Executive Director Villaflor relative to the memorandum dated 03 October 2012 indicating the observations of the BAC, particularly on the proposed price derivation which has to be adjusted vis-à-vis pricing and technical requirements as needed by the agency;



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WHEREAS, accordingly, a Technical Working Group (TWG) was created to assist the BAC in evaluating the requirements of the agency taking into consideration the completeness and appropriateness of the technical specifications and costing of the IT computing goods and civil works;

WHEREAS, on 25 October 2012, Executive Director Villaflor issued a memorandum resubmitting to the BAC a copy of the TOR, general guidance for quoting on the computing goods and network enhancement project, revised cost derivation and technical specifications per item required on the procurement of IT computing goods and civil works relative to the project on refurbishment of central office computing goods and network rehabilitation;

WHEREAS, on 30 October 2012, another pre-procurement conference was held to deliberate on the TOR of the project which was referred by the Director General to the BAC and end-user for further review of the costing and technical specifications;

WHEREAS, the Director General approved the revisions made by the end-user particularly on the price derivation and the costing of the items to be procured and the same were forwarded to the BAC for appropriate action;

WHEREAS, on 08 November 2012, another pre-procurement conference was held to deliberate on the proposed schedule of the bidding activities and the issuance of BAC Order on the creation of a Technical Evaluation Group (TEG) to conduct the evaluation of the bids;

WHEREAS, pursuant to Section 21 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, TESDA advertised on 09 November 2012 the Invitation to Bid for the procurement of IT computing goods and civil works relative to the project on refurbishment of central office computing goods and network rehabilitation in a newspaper of general circulation and posted the same in the PhilGEPS;



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WHEREAS, the Director General wrote a letter to the DBM on 09 November 2012 informing the latter of some adjustments in the previously submitted TOR for their information;

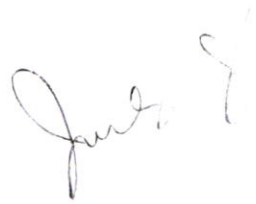
WHEREAS, responding to the abovementioned Invitation to Bid, three (3) prospective bidders signified their interest to participate in said bidding process by buying bidding documents, namely: 1) Welcome Export, Inc.; 2) Goldtech International Distributors, Inc. in joint venture with Microbase, Incorporated 3) Trends and Technologies, Inc.;

WHEREAS, the pre-bid conference pursuant to Section 22 of the Revised Implementing Rules and Regulations of Republic Act No. 9184 was held on 19 November 2012 at 10:15 a.m. at the OCSA Conference Room located at 2nd Floor of TESDA Administration Building in Taguig City;

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 21 November 2012;

WHEREAS, accordingly, a Technical Evaluation Group (TEG) was created to conduct bid evaluation vis-à-vis agency requirements and taking into consideration the completeness of the bid in terms of technical specifications and pricing, to conduct ocular inspection and verification of the goods to be supplied as may be applicable pursuant to Section 34 of Republic Act No. 9184 and to check the performance of the bidders relative to their contracts with government and private entities;

WHEREAS, the bid opening was held on 03 December 2012 at 2:00 PM at the OCSA Conference Room located at 2nd Floor of TESDA Administration Building in Taguig City;



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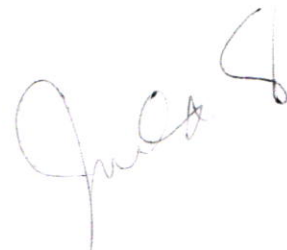
WHEREAS, Goldtech International Distributors, Inc. in joint venture with Microbase, Incorporated passed the eligibility requirements pursuant to Sections 23 and 25 of Rule VIII on Eligibility Requirements and Submission of Bids, respectively;

WHEREAS, during the bid opening, Trends and Technologies, Inc. and Welcome Export, Inc. failed to comply with the requirements on the Bid Security and List of Ongoing and Completed Contracts as prescribed by Sections 27.1, 27.2 and 23.5.1.3 of the Revised Implementing Rules and Regulations of Republic Act No. 9184. Trends and Technologies, Inc. failed to show proof that indeed Prudential Guarantee Assurance, Inc. is duly authorized by the Insurance Commission to issue such security. In the case of Welcome Export, Inc., it failed to provide the BAC with a list of ongoing and completed contracts similar to the project. Further, Welcome Export, Inc. failed to show proof that it has a completed project which is worth fifty percent (50%) of the ABC of this project as prescribed by Section 23.5.1.3 of the Revised Implementing Rules and Regulations of Republic Act No. 9184;

WHEREAS, Welcome Export, Inc. did not file a request for reconsideration. In fact, the representative of Welcome Export, Inc. decided to pull-out the bidding documents of said corporation during the bid opening;

WHEREAS, Trends and Technologies, Inc. requested for reconsideration of the decision of the BAC to have rated its first bid envelope "failed" for failure to comply with the requirement of Republic Act No. 9184 on the Bid Security. However, said request for reconsideration was denied by the BAC due to its failure to comply with Section 27 of the Revised Implementing Rules and Regulations of Republic Act No. 9184. Further the deadline for the filing of a protest of the decision of the BAC with the Director General had already expired on 14 December 2012 without such request having been filed;

WHEREAS, the TEG, in its report found the bid offered by Goldtech International Distributors, Inc. in joint venture with Microbase, Incorporated to be compliant with the legal, technical and financial requirements set



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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;

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

WHEREAS, only Goldtech International Distributors, Inc. in joint venture with Microbase, Incorporated met the eligibility requirements set forth by TESDA and its bid has been found to be responsive to the bidding requirements. As such, its bid has been considered by the BAC as a Single Calculated and Responsive Bid;

WHEREAS, in view of the joint venture agreement, Goldtech International Distributors, Inc., and Microbase, Incorporated shall be jointly and severally liable to TESDA relative to this project;

WHEREAS, during the 63rd Finance TESDA Board and TESDA Secretariat Consultation Meeting held last 12 December 2012, the TESDA Secretariat through the BAC recommended the award of contract to Goldtech International Distributors, Inc. in joint venture with Microbase, Incorporated for the procurement of IT computing goods and civil works relative to the project on refurbishment of central office computing goods and network rehabilitation in the total amount of Fourteen Million Eight Hundred Thousand Four Hundred Pesos (Php14,800,400.00).

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WHEREAS, the following documents have been appended to this Resolution and shall form as an integral part hereof:

1. BAC Resolution No. 22-2012;
2. Duly Notarized Certification of the Agency Head Certifying that all Procedures are in Accordance with Existing Laws;
3. Letters to the Observers;
 - a) *Procurement Watch, Inc;*
 - b) *Commission On Audit (COA) – TESDA;*
 - c) *Catholic Bishop Conference of the Philippines; and*
4. Bidding Documents of Goldtech International Distributors, Inc. in joint venture with Microbase, Incorporated;

WHEREAS, in the 81st EXCOM TESDA Board Meeting held last 14 December 2012, the members of the TESDA Board favorably endorsed the recommendations by the Finance Committee declaring the bid offered by Goldtech International Distributors, Inc. in joint venture with Microbase, Incorporated as the Single Calculated and Responsive Bid pursuant to 36(b) of the Revised Implementing Rules and Regulations of Republic Act No. 9184 and awarding the contract amounting to Fourteen Million Eight Hundred Thousand Four Hundred Pesos (Php14,800,400.00) relative to the procurement of IT computing goods and civil works relative to the project on refurbishment of central office computing goods and network rehabilitation;



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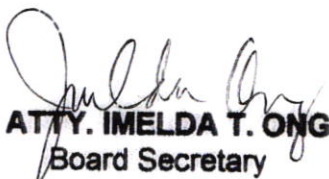
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NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, that the TESDA Board in its meeting today, 17 December 2012, approves the award of contract to Goldtech International Distributors, Inc. in joint venture with Microbase, Incorporated for the procurement of IT computing goods and civil works relative to the project on refurbishment of central office computing goods and network rehabilitation in the total amount of Fourteen Million Eight Hundred Thousand Four Hundred Pesos (Php14,800,400.00);


BE IT RESOLVED FURTHER, that the Board authorizes the Director General to sign the terms and conditions of the contract for and in behalf of the TESDA Board.

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

Approved this 17th day of December 2012.


ATTY. IMELDA T. ONG
Board Secretary

Attested by:


SEC. EMMANUEL JOEL J. VILLANUEVA
Alternate Chair, TESDA Board
Director General, Technical Education and Skills Development Authority