



BIDS AND AWARDS COMMITTEE
(CENTRAL OFFICE)

RESOLUTION NO. 05-2020

**RECOMMENDING THE AWARD OF CONTRACT TO OTUS COPY SYSTEMS INC.
FOR THE PROVISION OF PHOTOCOPYING SERVICES FOR THE TESDA CENTRAL
OFFICE FOR FY 2020**

WHEREAS, the Bids and Awards Committee (BAC), as mandated by Republic Act (RA) 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 reference to Section 11.2 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (RA) No. 9184, the Director General as the Head of Procuring Entity (HoPE) designated an officer who has technical expertise relevant to the procurement at hand and a representative from the end-user or implementing unit as provisional members of the BAC for the Provision of Photocopying Services for the TESDA Central Office for FY 2020. Copies of TESDA Order No. 081, Series of 2019, dated 13 February 2019 and TESDA Order No. 840, Series of 2019, dated 07 November 2019 are hereto attached as Annexes "A" and "B", respectively;

WHEREAS, the BAC Chairperson created a Technical Working Group (TWG) for the Provision of Photocopying Services for the TESDA Central Office for FY 2020 that shall assist the BAC in the review of the technical specifications, scope of work, and terms of reference, review of bidding documents, evaluation of bids, post-qualification and resolution of request for reconsideration. A copy of the BAC Order No. 14, Series of 2019, issued on 12 November 2019 is hereto attached as Annex "C";

WHEREAS, the Technical Education and Skills Development Authority (TESDA) intends to apply the sum of Three Million Four Hundred Sixty-Eight Thousand Three Hundred Forty-Two Pesos and 12/100 (₱3,468,342.12) for the Provision of Photocopying Services for the TESDA Central Office for FY 2020. Copies of the Terms of Reference (TOR) and the Purchase Request are hereto attached as Annexes "D" and "E", respectively;

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WHEREAS, pursuant to Section 20 of the RIRR of RA 9184, the BAC conducted a pre-procurement conference with the end-user's representative on 12 November 2019 at the AS Conference Room located at the 2nd Floor, TESDA Administration Building in Taguig City following the receipt of the approved TOR for the Provision of Photocopying Services for the TESDA Central Office for FY 2020. A copy of the Minutes of the Meeting is hereto attached as Annex "F";

WHEREAS, pursuant to Section 13 of RIRR of RA 9184, the BAC invited the Commission on Audit (COA) and four (4) other observers registered with the Securities and Exchange Commission (SEC) to witness the bidding activities particularly on the Provision of Photocopying Services for the TESDA Central Office for FY 2020 for purposes of transparency and good governance. The copies of the letters to the COA and other observers dated 14 November 2019 are hereto attached as Annexes "G", "H", "I", "J" and "K", respectively;

WHEREAS, pursuant to Section 21 of the RIRR of RA 9184, TESDA advertised the Invitation to Bid (ITB) for the Provision of Photocopying Services for the TESDA Central Office for FY 2020 in the websites of the Philippine Government Electronic Procurement System (PhilGEPS) and TESDA and posted the same at the bulletin board near TESDA Gate 1 on 14 November 2019. Copies of the proof of postings are hereto attached as Annexes "L", "M" and "N", 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 Photopro Trading and General Merchandise Co. and OTUS Copy Systems Inc. Copies of the official receipts for the purchase of bidding documents are hereto attached as Annexes "O" and "P", respectively;

WHEREAS, the pre-bid conference was held on 22 November 2019 at the AS Conference Room located at the 2nd Floor, TESDA Administration Building in Taguig City. Likewise, the minutes of the meeting was posted at the website of TESDA on 27 November 2019 in compliance with Section 22.4 of the 2016 RIRR of RA 9184 and Government Procurement Policy Board (GPPB) Resolution No. 03-2018 dated 09 March 2018. A copy of the minutes of meeting is hereto attached as Annex "Q" while the proof of posting of the minutes of meeting is hereto attached as Annex "R";

WHEREAS, the BAC issued Bid Bulletin No. 01 dated 22 November 2019 providing for quantity of the black and white/monochrome copies and color copies that may be assumed by the bidder in filling up Column No. 04 in Annex "C" of the Bidding Documents. A copy of Bid Bulletin No. 01 dated 22 November 2019 is hereto attached as Annex "S";

WHEREAS, the bid opening was held on 04 December 2019 at the AS Conference Room located at the 2nd Floor, TESDA Administration Building in Taguig City. A copy of the Minutes of the Meeting is hereto attached as Annex "T";

WHEREAS, pursuant to Section 30.1 of the RIRR of RA 9184, the BAC shall check the submitted documents of each bidder against a checklist of required documents to ascertain if they are all present, using a non-discretionary "pass/fail" criterion. If a bidder submits the required document, it shall be rated "passed" for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed." Otherwise, the BAC shall rate the said first bid envelope as "passed";

WHEREAS, OTUS Copy Systems Inc. and Photopro Trading and General Merchandise Co. passed the eligibility requirements pursuant to Sections 23 and 25 of the RIRR of RA 9184. Copies of the Eligibility Requirements Checklist and Abstract of Bids are hereto attached as Annexes "U" and "V", respectively;

WHEREAS, the BAC evaluated the financial component of the bids to determine the Lowest Calculated Bid pursuant to Section 32.2 of the RIRR of RA 9184. A copy of the bid evaluation report is hereto attached as Annex "W";

WHEREAS, pursuant to Section 34.2 of the 2016 RIRR of RA 9184, a Notice of Lowest Calculated Bid (LCB) dated 11 December 2019 was issued to Photopro Trading and General Merchandise Co. Said bidder was required to submit the documents stated in the Instruction to Bidders (ITB) Clause 29.2 of the Bid Data Sheet of the Bidding Documents in certified as true copy/ies from the original by the authorized representative for purposes of post-qualification within five (5) calendar days from receipt by the bidder of the notice from the BAC that the bidder is the Lowest Calculated Bid. A copy of the Notice of LCB dated 11 December 2019 issued to Photopro Trading and General Merchandise Co. is hereto attached as Annex "X", while Photopro Trading and General Merchandise Co.'s acknowledgement of the receipt of the letter on 12 December 2019 is hereto attached as Annex "Y";

WHEREAS, Photopro Trading and General Merchandise Co. submitted the documentary requirements stated in the Notice of LCB on 16 December 2019;

WHEREAS, given the Bid Evaluation was done on 10 December 2019 and pursuant to Section 34.8 of the 2016 RIRR of RA 9184, the BAC has only twelve (12) calendar days or until 22 December 2019 to complete the post-qualification process. The post-qualification entails verification, validation, and ascertainment of all statements made on the documents submitted by the bidder with the LCB as stated in the Bidding Documents. Also, the TWG has to verify/check the performance of the bidders relative to their previous contracts with the government and/or private entities;

WHEREAS, considering that the BAC only received the post-qualification documents of the LCB last 16 December 2019 and in view of the Christmas holidays, the BAC requested for the extension of the period within which to complete the post-qualification process for the abovementioned procurement which would not exceed forty-five (45) calendar days, or on or before 24 January 2020. A copy of the approved memorandum dated 18 December 2019 for the Director General from the BAC is hereto attached as Annex "Z";

WHEREAS, the BAC invited the COA and four (4) other observers registered with SEC to witness the presentation of the Post-Qualification Report of the TWG on 15 January 2020 for the Provision of Photocopying Services for the TESDA Central Office for FY 2020 for purposes of transparency and good governance. The copies of the letters to the COA and other observers dated 08 January 2020 are hereto attached as Annexes "AA", "BB", "CC", "DD" and "EE", respectively;

WHEREAS, the TWG reported that the bid offered by Photopro Trading and General Merchandise Co. is not compliant with the requirements set forth by the agency pursuant to Section 34 of Rule X (Post-Qualification) of the RIRR of RA 9184. Based on the TWG Report, the said bidder failed to comply with, and be responsive to the requirements and conditions specified in the Bidding Documents for the said project due to its failure to declare all of its on-going projects required under Section 23.1 (a) (iv) of the 2016 RIRR of RA 9184 considering that it only declared its contract with the City Government of Sta. Rosa, Laguna when in fact it still has an on-going contract with UCPB General Insurance Company, Inc. A copy of the Post-Qualification Report is hereto attached as Annex "FF";

WHEREAS, due to non-compliance with the requirements prescribed by Republic Act No. 9184 and the bidding documents, the BAC unanimously decided for the post-disqualification of Photopro Trading and General Merchandise Co. to bid subject to its right to file a Request for Reconsideration as prescribed under Section 55.1 of Rule XVII (Protest Mechanism) of the Revised Implementing Rules and Regulations of Republic Act No. 9184;

WHEREAS, pursuant to Section 34.5 of the RIRR of RA 9184, the BAC in its letter dated 15 January 2020 notified Photopro Trading and General Merchandise Co. of its post-disqualification and the grounds for it. A copy of the letter dated 15 January 2020 to Photopro Trading and General Merchandise Co. which was received on 20 January 2020 is hereto attached as Annex "GG";

WHEREAS, pursuant to Section 55.1 of Rule XVII (Protest Mechanism) of the RIRR of RA 9184, Photopro Trading and General Merchandise Co. had been given three (3) calendar days from 20 January 2020 or until 23 January 2020 within which to file its request for reconsideration;

WHEREAS, Photopro Trading and General Merchandise Co. filed its request for reconsideration on 22 January 2020. Said bidder pointed out that its failure to submit its on-going contract with the UCPB General Insurance Company, Inc. was merely due to inadvertence on its part without any intent to conceal any material information relative to its contract with UCPB General Insurance Company, Inc. as said bidder declared it in the Statement of Single Largest Completed Contract (SLCC). Likewise, attached to the Photopro Trading and General Merchandise Co.'s request for reconsideration are the additional documents such as delivery receipts, collections receipts and Service Agreement between Photopro Trading and General Merchandise Co. and UCPB General Insurance Company, Inc. A copy of the Request for Reconsideration from Photopro Trading and General Merchandise Co. to the BAC dated 22 January 2020 is hereto attached as Annex "HH";

PH Page 4 of 7
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WHEREAS, pursuant to Section 55.2 of the RIRR of RA 9184, the BAC in its letter dated 27 January 2020 notified Photopro Trading and General Merchandise Co. of the denial of its request for reconsideration dated 22 January 2020 due its failure to comply with Section 23.1 (a) (iv) of the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184. A copy of the letter dated 27 January 2020 to Photopro Trading and General Merchandise Co. which was received on 28 January 2020 is hereto attached as Annex "II";

WHEREAS, pursuant to Section 55.3 of Rule XVII (Protest Mechanism) of the 2016 RIRR of RA 9184, Photopro Trading and General Merchandise Co. has been given seven (7) calendar days from receipt of the denial of its request for reconsideration to file a protest. Thus, the bidder has until 04 February 2020 within which to file its protest, however to date no protest was filed by Photopro Trading and General Merchandise Co.;

WHEREAS, pursuant to Section 34.6 of the RIRR of RA 9184, immediately after the BAC has notified the first bidder of its post-disqualification, and notwithstanding any pending request for reconsideration thereof, the BAC shall initiate and complete the same post-qualification process on the bidder with the second Lowest Calculated Bid. If the second bidder passes the post-qualification, and provided that the request for reconsideration of the first bidder has been denied, the second bidder shall be post-qualified as the bidder with the Lowest Calculated Responsive Bid (LCRB);

WHEREAS, OTUS Copy Systems Inc. had been declared as the next Lowest Calculated Bidder since its bid offer amounting to Three Million Four Hundred Ten Thousand Eight Hundred One Pesos and 76/100 (P3,410,801.76) is the next lowest bid offer after Photopro Trading and General Merchandise Co. had been post-disqualified through the issuance of the Notice of Post-Disqualification dated 15 January 2020;

WHEREAS, pursuant to Section 34.2 of the 2016 RIRR of RA 9184, a Notice of LCB dated 20 January 2020 was issued to OTUS Copy Systems Inc. Said bidder was required to submit the documents stated in the ITB Clause 29.2 of the Bid Data Sheet of the Bidding Documents in certified as true copy/ies from the original by the authorized representative for purposes of post-qualification within five (5) calendar days from receipt by the bidder of the notice from the BAC that the bidder is the Lowest Calculated Bid. A copy of the Notice of LCB dated 20 January 2020 which was received by OTUS Copy Systems Inc. on 21 January 2020 is hereto attached as Annex "JJ";

WHEREAS, OTUS Copy Systems Inc. submitted the documentary requirements stated in the Notice of Lowest Calculated Bid on 24 January 2020;

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WHEREAS, given the Second Lowest Calculated Bidder was only determined on 20 January 2020 and pursuant to Section 34.8 of the 2016 RIRR of RA 9184, the BAC has only twelve (12) calendar days or until 01 February 2020 to complete the post-qualification process. The post-qualification entails verification, validation, and ascertainment of all statements made on the documents submitted by the bidder with the LCB as stated in the Bidding Documents. Also, the TWG has to verify/check the performance of the bidders relative to their previous contracts with the government and/or private entities;

WHEREAS, considering that the BAC only received the post-qualification documents of the LCB last 24 January 2020, the BAC requested for the extension of the period within which to complete the post-qualification process for the abovementioned procurement which would not exceed forty-five (45) calendar days, or on or before 05 March 2020. A copy of the approved memorandum dated 30 January 2020 for the Director General from the BAC is hereto attached as Annex "KK";

WHEREAS, pursuant to 34.3 of the RIRR of Republic Act No. 9184, the post-qualification shall verify, validate, and ascertain all statements made and documents submitted by the bidder with the Lowest Calculated Bid, using non-discretionary criteria, as stated in the Bidding Documents. These criteria shall consider, but shall not be limited to, the legal requirements, technical requirements and the financial requirements;

WHEREAS, the BAC invited the COA and four (4) other observers registered with SEC to witness the presentation of the Post-Qualification Report of the TWG on 11 February 2020 for the Provision of Photocopying Services for the TESDA Central Office for FY 2020 for purposes of transparency and good governance. The copies of the letters to the COA and other observers dated 03 February 2020 are hereto attached as Annexes "LL", "MM", "NN", "OO" and "PP", respectively;

WHEREAS, upon careful examination, validation and verification of all the technical and financial proposals submitted by OTUS Copy Systems Inc., the TWG in its report found that the bid offered by OTUS Copy Systems Inc. is compliant with the legal, technical and financial requirements set forth by the agency pursuant to Section 34 of Rule X (Post-Qualification) of the RIRR of Republic Act No. 9184. A copy of the TWG report is hereto attached as Annex "QQ";

WHEREAS, pursuant to Section 34.4 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, if the BAC determines that the bidder with the Lowest Calculated Bid passes all the criteria for post-qualification, it shall declare the said bid as the Lowest Calculated and Responsive Bid, and recommend to the Head of the Procuring Entity the award of contract to the said bidder at its submitted bid price;

WHEREAS, OTUS Copy Systems Inc. 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 OTUS Copy Systems Inc. to be the Lowest Calculated and Responsive Bid;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to recommend the award of the contract to OTUS Copy Systems Inc. as the bidder with a Lowest Calculated and Responsive Bid for the Provision of Photocopying Services for the TESDA Central Office for FY 2020 in the amount of Three Million Four Hundred Ten Thousand Eight Hundred One Pesos and 76/100 (P3,410,801.76) subject to procurement law and government accounting and auditing rules and regulations.

Signed this 11th day of February, 2020 at TESDA, Taguig City, Metro Manila.


LINA C. SARMIENTO
BAC Chairperson

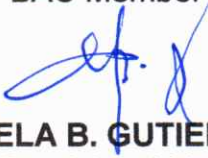

DAVID B. BUNGALLON
BAC Vice Chairperson


ATTY. MARICHELE D. DE GUZMAN
BAC Member


MA. MAGDALENA P. BUTAD
BAC Member


RENATO L. GERON
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ARMELA B. GUTIERREZ
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Approved

Disapproved


SEC. ISIDRO S. LAPEÑA, PhD., CSEE
Director General 