



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

RESOLUTION NO. 13-2019

**RECOMMENDING THE AWARD OF CONTRACT TO OTUS COPY SYSTEMS
INC. FOR THE PROVISION OF PHOTOCOPIING SERVICES FOR THE TESDA
CENTRAL OFFICE (MAY 1, 2019 - DECEMBER 31, 2019) – REBIDDING**

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, the BAC declared a first failure of bidding on 04 February 2019 pursuant to BAC Resolution No. 06-2019. A copy of the BAC Resolution No. 06-2019 issued on 04 February 2019 is hereto attached as Annex "A";

WHEREAS, pursuant to Section 35.2 and 35.3 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act No. 9184 in order to determine the reason for the failed bidding, the BAC shall conduct a mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents, including its cost estimates. Based on its findings, the BAC shall revise the terms, conditions, and specifications, and if necessary, adjust the Approved Budget for the Contract (ABC), subject to the required approvals, and conduct a rebidding with re-advertisement and/or posting, as provided for in Section 21.2 of the 2016 RIRR of Republic Act No. 9184;

WHEREAS, in reference to Section 11.2 of the 2016 RIRR of Republic Act 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 for the Provision of Photocopying Services for the TESDA Central Office (May 1, 2019 - December 31, 2019) - Rebidding. A copy of TESDA Order No. 081, Series of 2019, dated 13 February 2019 is hereto attached as Annex "B";

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WHEREAS, the BAC Chairperson created a Technical Working Group (TWG) for the Provision of Photocopying Services for the TESDA Central Office (May 1, 2019 - December 31, 2019) - Rebidding 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. 06, Series of 2019, issued on 12 March 2019 is hereto attached as Annex "C";

WHEREAS, the Technical Education and Skills Development Authority (TESDA) intends to apply the sum of One Million Three Hundred Thirty-One Thousand Three Hundred Thirty-Nine Pesos and 36/100 (Php1,331,339.36) for the Provision of Photocopying Services for the TESDA Central Office (May 1, 2019 - December 31, 2019) - Rebidding. Copies of the Terms of Reference (TOR) and the Purchase Request dated 06 March 2019 are hereto attached as Annexes "D" and "E", respectively;

WHEREAS, the BAC upon receipt of the TOR for the Provision of Photocopying Services for the TESDA Central Office (May 1, 2019 - December 31, 2019) - Rebidding convened on 21 March 2019 at 8:44 a.m. at the Office of the Deputy Director General for Partnerships and Linkages (ODDG-PL) Conference Room located at the 6th Floor, 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 RIRR of Republic Act No. 9184. A copy of the Minutes of the Meeting is hereto attached as Annex "F";

WHEREAS, the BAC invited several observers registered with Philippine Government Electronic Procurement System (PhilGEPS) to witness the bidding activities particularly on the Provision of Photocopying Services for the TESDA Central Office (May 1, 2019 - December 31, 2019) - Rebidding for purposes of transparency and good governance. Pursuant to Section 13 of RIRR of Republic Act No. 9184, the BAC invited several observers to attend the pre-bid conference on 03 April 2019, the bid opening on 15 April 2019 and the bid evaluation on 16 April 2019. Copies of the letters to observers are hereto attached as Annexes "G", "H", "I", "J" and "K", respectively;

WHEREAS, pursuant to Section 21 of the RIRR of Republic Act No. 9184, TESDA advertised the Invitation to Bid (ITB) for the Provision of Photocopying Services for the TESDA Central Office (May 1, 2019 - December 31, 2019) - Rebidding in the PhilGEPS on 25 March 2019. A copy of the posting of the ITB in the PhilGEPS is hereto attached as Annex "L";

WHEREAS, responding to the abovementioned Invitation to Bid, only OTUS Copy Systems Inc. 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 "M";

WHEREAS, the pre-bid conference was held on 03 April 2019 at 9:15 a.m. 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 "N";

WHEREAS, in its letter dated 04 April 2019, OTUS Copy Systems Inc. requested for clarification on the technical specifications of the Black and White/Monochrome Photocopier and to indicate the average copy volume per month which will serve as basis of computation of the bid for the bidder relative to the Provision of Photocopying Services for the TESDA Central Office (May 1, 2019 - December 31, 2019) - Rebidding. A copy of the letter of OTUS Copy Systems Inc. to the BAC dated 04 April 2019 is hereto attached as Annex "O";

WHEREAS, in their letter dated 05 April 2019, the Chairperson of the BAC emphasized that the technical specifications of the Black and White/Monochrome Photocopier stated in the Bidding Documents were the minimum requirements of said item. A bidder may offer an item with higher technical specifications which would meet the minimum technical specifications of such item. With regard to the request of OTUS Copy Systems Inc. to indicate the average copy volume requirement per month which will serve as basis of computation of the bid for any prospective bidder, a Bid Bulletin will be issued to that effect. A copy of the letter dated 05 April 2019 of the BAC to the OTUS Copy Systems Inc. is hereto attached as Annex "P";

WHEREAS, the BAC issued its first bid bulletin providing the average copy volume per month requirements for the Black and White/Monochrome Photocopier and Colored Photocopier. A copy of Bid Bulletin No. 01 issued on 05 April 2019 is hereto attached as Annex "Q";

WHEREAS, the bid opening was held on 15 April 2019 at 2:15 p.m. 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 "R";

WHEREAS, pursuant to Section 30.1 of the RIRR of Republic Act No. 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. passed the eligibility requirements pursuant to Sections 23 and 25 of the RIRR of Republic Act No. 9184. A copy of the Eligibility and Technical Requirements Checklist and Abstract of Bids are hereto attached as Annexes "S" and "T", respectively;

Handwritten signatures and initials: My, [unclear], [unclear], [unclear], [unclear], [unclear]

WHEREAS, the BAC shall evaluate the financial component of the bids to determine the Lowest Calculated Bid using the steps pursuant to Section 32.2 of the RIRR of Republic Act No. 9184. A copy of the bid evaluation report are hereto attached as Annex "U";

WHEREAS, pursuant to Section 34.2 of the 2016 RIRR of Republic Act No. 9184, a Notice of Single Calculated Bid dated 22 April 2019 was issued to OTUS Copy Systems Inc. Said bidder has 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 Single Calculated Bid dated 22 April 2019 issued to OTUS Copy Systems Inc. is hereto attached as Annex "V";

WHEREAS, OTUS Copy Systems Inc. submitted the documentary requirements stated in the Notice of Single Calculated Bid on 26 April 2019;

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/Highest Rated 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, pursuant to Section 34.8 of the 2016 RIRR of Republic Act No. 9184, the post-qualification process shall be completed in not more than twelve (12) calendar days from the determination of the Lowest Calculated Bid/Highest Rated Bid. In exceptional cases, the post-qualification period may be extended by the HoPE, but in no case shall the aggregate period exceed forty-five (45) calendar days for Goods and Infrastructure Projects, or thirty (30) calendar days in Consulting Services;

WHEREAS, given the Bid Evaluation was done on 16 April 2019 and pursuant to Section 34.8 of the 2016 RIRR of Republic Act No. 9184, the BAC has only twelve (12) calendar days or until 28 April 2019 to complete the post-qualification process. Likewise, upon receipt of the Notice of Single Calculated Bid on 22 April 2019, OTUS Copy Systems Inc. is given five (5) calendar days to submit the pertinent documents stated in said Notice. Said bidder submitted the documents on 26 April 2019;

WHEREAS, considering that the BAC only received the documents of the bidder last 26 April 2019, additional time to diligently complete the post-qualification process is necessary. As such, 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 31 May 2019. A copy of the memorandum dated 26 April 2019 for the Director General from the BAC is hereto attached as Annex "W";

Handwritten signatures and initials at the bottom right of the page, including a large signature, a checkmark, and several smaller initials.

WHEREAS, the BAC invited several observers registered with PhilGEPS to witness the presentation of the Post-Qualification Report of the TWG for Provision of Photocopying Services for the TESDA Central Office (May 1, 2019 - December 31, 2019) - Rebidding for purposes of transparency and good governance to attend the said activity on 15 May 2019. Copies of the letters to the observers are hereto attached as Annexes "X", "Y", "Z", "AA" and "BB", 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 the bid offered by OTUS Copy Systems Inc. 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 RIRR of Republic Act No. 9184. A copy of the TWG report is hereto attached as Annex "CC";

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 eligibility 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, 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 Single 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 Single Calculated and Responsive Bid for the Provision of Photocopying Services for the TESDA Central Office (May 1, 2019 - December 31, 2019) - Rebidding in the total amount of One Million Three Hundred Thirty Thousand Two Hundred Sixteen Pesos and 64/100 (Php1,330,216.64) subject to procurement law and government accounting and auditing rules and regulations.

Handwritten signatures and initials: MY, a checkmark, a signature, pB, and other illegible marks.

Resolved this 22nd day of May, 2019.


REBECCA J. CALZADO
BAC Chairperson


CONRADO G. BARES
BAC Vice Chairperson


MA. MAGDALENA P. BUTAD
BAC Member


ATTY. MARICHELLE D. DE GUZMAN
BAC Member


RENATO L. GERON
BAC Member

Approved

Disapproved


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