

**BIDS AND AWARDS COMMITTEE**  
(CENTRAL OFFICE)RESOLUTION NO. 01-2017**RECOMMENDING THE APPROVAL OF THE AWARD OF CONTRACT TO E-COPY CORPORATION FOR THE PROVISION OF PHOTOCOPYING SERVICES FOR THE TESDA CENTRAL OFFICE (JANUARY 2017 – DECEMBER 2017)**

**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 Technical Education and Skills Development Authority (TESDA) intends to apply the sum of Two Million Seven Hundred Seventy-Four Thousand One Hundred Fifty Pesos and 52/100 (Php2,774,150.52) being the total Approved Budget for the Contract (ABC) for the provision of photocopying services for the TESDA Central Office (January 2017 – December 2017). A copy of the Terms of Reference (TOR) and Obligation Request (OBR) are hereto attached as Annexes "A" and "B";

**WHEREAS**, the BAC upon receipt of the TOR for the provision of photocopying services for the TESDA Central Office (January 2017 – December 2017) convened on 21 October 2016 at 2:07 p.m. at the CSA Conference Room located at the 2<sup>nd</sup> 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 Revised Implementing Rules and Regulations of Republic Act No. 9184. A copy of the Minutes of the Meeting is hereto attached as Annex "C";

**WHEREAS**, pursuant to Section 21 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, TESDA advertised the Invitation to Bid for the provision of photocopying services for the TESDA Central Office (January 2017 – December 2017) in newspapers of general circulation and posted the same in the PhilGEPS on 25 October 2016. Copies of which are hereto attached as Annexes "D" "E" and "F", 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 1) E-Copy Corporation and 2) U-BIX Corporation. Copy of the official receipt for the purchase of bidding documents are hereto attached as Annexes "G" and "H", respectively;

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**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 provision of photocopying services for the TESDA Central Office (January 2017 – December 2017) 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 08 November 2016 and the bid opening on 22 November 2016. Copies of the letters to observers are hereto attached as Annexes "I", "J", "K", "L", "M" and "N", respectively;

**WHEREAS**, the pre-bid conference was held on 08 November 2016 at 11:10 a.m. at the CSA Conference Room located at the 2<sup>nd</sup> Floor, TESDA Administration Building in Taguig City. A copy of the Minutes of the Meeting is hereto attached as Annex "O";

**WHEREAS**, the bid opening was held on 22 November 2016 at 2:12 p.m. at the CSA Conference Room located at the 2<sup>nd</sup> Floor, TESDA Administration Building in Taguig City. A copy of the Minutes of the Meeting, Eligibility Requirements Checklist and Abstract of Bids are hereto attached as Annexes "P", "Q" and "R", respectively;

**WHEREAS**, E-Copy Corporation and U-BIX Corporation were 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, E-Copy Corporation and U-BIX Corporation have been given a period of three (3) calendar days within which to file its request for reconsideration with the BAC pertinent to the computation of its NFCC;

**WHEREAS**, E-Copy Corporation filed their request for reconsideration on 23 November 2016. A copy of their request for reconsideration is hereto attached as Annex "S";

**WHEREAS**, U-BIX Corporation was given the opportunity to file a request for reconsideration until 25 November 2016. However, the period to file such request had lapsed and the BAC did not receive any request for reconsideration from U-BIX Corporation;

**WHEREAS**, the BAC granted the request for reconsideration of E-Copy Corporation in its BAC Resolution No. 27-2016 issued on 24 November 2016 and continuation of the bid opening on 05 December 2016 at 2:00 p.m. at the CSA Conference Room, 2<sup>nd</sup> Floor, TESDA Administration Building, Taguig City was scheduled. A copy of BAC Resolution No. 27-2016 issued on 24 November 2016 is hereto as Annex "T";

**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 E-Copy Corporation on 05 December 2016. Copies of the letters to observers are hereto attached as Annexes "U", "V", "W", "X", "Y" and "Z", respectively;

**WHEREAS**, the continuation of the opening of bids was held on 05 December 2016 at 2:13 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 "AA";

**WHEREAS**, E-Copy Corporation 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 "BB" and "CC", 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. 11, Series of 2016, issued on 21 October 2016 is hereto attached as Annex "DD";

**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 E-Copy Corporation. Copy of the letter to the BIR is hereto attached as Annex "EE";

**WHEREAS**, the abovementioned office had issued confirmation letter regarding the document submitted by E-Copy Corporation for the provision of photocopying services for the TESDA Central Office (January 2017 – December 2017). A copy of the confirmation letter of the Accounts Receivable Monitoring Division of the Bureau Internal Revenue (BIR) is hereto attached as Annexes "FF";

**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**, E-Copy Corporation submitted during the bid opening a certification from the Department of Labor and Employment (DOLE) certifying that it has pending case before said office in compliance with the eligibility requirements prescribed under Section III of Bid Data Sheet, Clause 5.1.4, pages 31 to 32 of the bidding documents. Copy of the foregoing certificate is hereto attached as Annex "GG";

**WHEREAS**, E-Copy Corporation 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 "HH";

**WHEREAS**, E-Copy Corporation submitted a clearance from Social Security System (SSS) certifying that E-Copy Corporation has remitted the contributions of its employees from April 2016 up to July 2016 and has no pending case with Social Security System (SSS). Copy of the clearance issued by SSS is hereto attached as Annex "II";

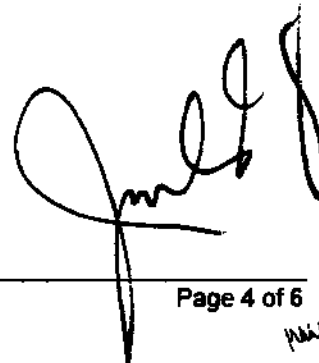
**WHEREAS**, E-Copy Corporation submitted a certification from Philippine Health Insurance Corporation (PhilHealth) that it has remitted premium contributions of its employees from October 2015 up to September 2016. Copy of the certificate issued by PhilHealth is hereto attached as Annex "JJ";

**WHEREAS**, E-Copy Corporation submitted a certificate of employer's registration from Pag-IBIG Fund. Copy of the certificate issued by Pag-IBIG Fund is hereto attached as Annex "KK";

**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 E-Copy Corporation. Copies of the documents are hereto attached as Annexes "LL", "MM", "NN", "OO" and "PP", respectively;

**WHEREAS**, the abovementioned government agencies had issued their respective confirmation regarding the clearances/certifications submitted by E-Copy Corporation for the provision of photocopying services for the TESDA Central Office (January 2017 – December 2017). 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 "QQ", "RR", "SS", "TT" and "UU", respectively;

**WHEREAS**, the DOLE in its letter to the BAC Secretariat dated 28 December 2016 stated that the case of E-Copy Corporation involved its non-submission of a copy of its Fire Safety Inspection Certificate issued by the Bureau of Fire Protection;



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**WHEREAS**, the Head of the BAC Secretariat issued a letter to E-Copy Corporation on 29 December 2016 inquiring if said office had already complied with the requirement of the Department of Labor and Employment (DOLE) on the submission of a Fire Safety Inspection Certification which should be issued by the Bureau of Fire Protection (BFP). A copy of the letter of the Head of the BAC Secretariat to E-Copy Corporation dated 29 December 2016 is hereto attached as Annex "VV";

**WHEREAS**, E-Copy Corporation, in its letter dated 05 January 2017, replied to the query of the BAC relative to its non-submission of a Fire Safety Inspection Certificate which should be issued by the Bureau of Fire Protection (BFP). E-Copy Corporation stated that they are compliant with the labor standards. The Fire Safety Inspection Certificate shall only be issued by the BFP upon inspection which was not yet conducted by BFP. A copy of E-Copy Corporation dated 05 January 2017 is hereto attached as Annex "WW";

**WHEREAS**, considering that the obligations of E-Copy Corporation towards its employees particularly its remittances to PhilHealth, Pag-IBIG Fund and SSS have been complied with as of the issuance of the respective certifications of the foregoing offices, the BAC finds E-Copy Corporation to be compliant with the labor standards and working conditions;

**WHEREAS**, the TEG in its report found the bid offered by E-Copy Corporation 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 "XX";

**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 applies for eligibility check, in accordance with the provisions of this IRR, 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, its bid is a Single Calculated and Responsive Bid;

**WHEREAS**, E-Copy Corporation 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 E-Copy Corporation 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 E-Copy Corporation as the bidder with a Single Calculated and Responsive Bid for the provision of photocopying services for the TESDA Central Office (January 2017 – December 2017) in the total amount of Two Million Sixty-Four Thousand Pesos (Php2,064,000.00) subject to government accounting and auditing rules and regulations.

Resolved this 6th day of January, 2017.

~~ATTY. DIOSDADO O. PADILLA~~  
BAC Chairperson

  
**IMELDA B. TAGANAS**  
BAC Vice Chairperson

  
**ATTY. IMELDA T. ONG**  
BAC Member


  
**DAVID B. BUNGALLON**  
BAC Member

  
**MA. MAGDALENA P. BUTAD**  
BAC Member

**Approved** (if less than 5 Million)

**Disapproved** (if less than 5 Million)

**Endorsed to the TESDA Board** (if more than 5 Million)

  
**GULING "GENE" A. MAMONDIONG**  
Director General/Secretary