

Republic of the Philippines

**TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY
East Service Road, South Superhighway, Taguig, Metro Manila**

83rd TESDA BOARD MEETING

17 September 2012, Monday, 2:00 p.m.
7th Floor TESDA Board Room, Office of the Chair
Taguig, Metro Manila

Resolution No. 2012-08

(Page 1 of 5 pages)

**APPROVING THE AWARD OF CONTRACT TO TOYOTA COMMONWEALTH
INCORPORATED FOR THE PROCUREMENT OF TESDA SERVICE VEHICLES
IN THE TOTAL AMOUNT OF NINETEEN MILLION EIGHT HUNDRED FOUR
THOUSAND PESOS (PHP19,804,000.00)**

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;

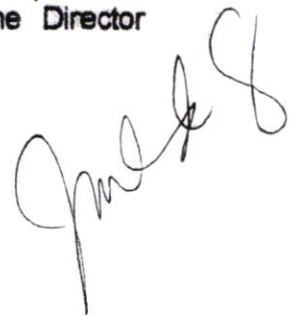
WHEREAS, in the exercise of this power, the TESDA Board shall approve all contracts entered into by the TESDA;

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, the Technical Education and Skills Development Authority (TESDA) requested from the Department of Budget and Management (DBM) the realignment of the Twenty Million (Php20,000,000.00) allotment for Buildings and Structures Outlay and Office Equipment, Furniture and Fixtures under FY 2012 General Appropriations Act (GAA) (Republic Act No. 10155) for the acquisition of twenty (20) units of motor vehicles with the Terms of Reference (TOR) duly approved by the Director General justifying the realignment;

WHEREAS, as a result of such request, the DBM issued Special Allotment Release Order (SARO) No. B-12-0013722 on 13 July 2012 amounting to Twenty Million Pesos Only (Php 20,000,000.00) for the acquisition of twenty (20) units of motor vehicles;

WHEREAS, the TESDA intends to apply the sum of Twenty Million Pesos Only (Php 20,000,000.00) being the total Approved Budget for the Contract (ABC) for the procurement of TESDA service vehicles per TOR duly approved by the Director General.

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(Page 2 of 5 pages)

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WHEREAS, the BAC upon receipt of the Terms of Reference (TOR) with the corresponding SARO No. No. B-12-0013722 convened on 26 July 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 26 July 2012, the BAC issued a memorandum to the Director IV, OCSA dated 27 July 2012 indicating the observations of the BAC, particularly on the prescription of technical specifications in connection with the TOR for the procurement of TESDA service vehicles. As such, the TOR was referred back to the end-user to consider the observations of the BAC;

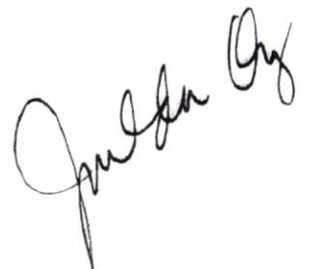
WHEREAS, on 01 August 2012, the Department of Labor and Employment (DOLE) approved the TESDA's request for authority to purchase twenty (20) units of motor vehicles;

WHEREAS, on 08 August 2012, the Director IV of OCSA issued a memorandum submitting to the BAC the technical specifications of the TESDA vehicles to be procured by TESDA;

WHEREAS, pursuant to Section 21 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, TESDA advertised on 14 August 2012 the Invitation to Bid for the procurement of TESDA service vehicles in a newspaper of general circulation and posted the same in the PhilGEPS;

WHEREAS, on 14 August 2012, another pre-procurement conference was held to deliberate on the requirements for bidding and bid evaluation;

WHEREAS, responding to the abovementioned Invitation to Bid, only Toyota Commonwealth Incorporated signified its interest to participate in said bidding process by purchasing bidding documents;



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(Page 3 of 5 pages)

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WHEREAS, the pre-bid conference was held on 22 August 2012 at 2:10 p.m. at the OCSA Conference Room located at 2nd Floor of TESDA Administration Building in Taguig City;

WHEREAS, the issues and concerns of the bidder present during the pre-bid opening had been addressed to by the BAC through the issuance of Bid Bulletin No. 01;

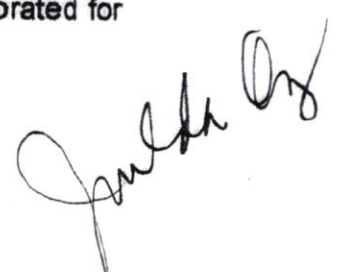
WHEREAS, the bid opening was held on 04 September 2012 at 2:10 p.m. at the OCSA Conference Room located at 2nd Floor of TESDA Administration Building in Taguig City;

WHEREAS, Toyota Commonwealth Incorporated passed the eligibility requirements pursuant to Sections 23 and 25 of Rule VIII on Eligibility Requirements and Submission of Bids, respectively;

WHEREAS, the Technical Working Group (TWG), created by the BAC through its Order No. 03 on 29 August 2012, in its report found the bid offered by Toyota Commonwealth Incorporated 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;

WHEREAS, pursuant to Section 36(a) of the Revised Implementing Rules and Regulations of Republic Act No. 9184 and considering that the bid offered by Toyota Commonwealth Incorporated amounting to Nineteen Million Eight Hundred Four Thousand Pesos Only (Php19,804,000.00) complied with the legal, financial and technical requirements prescribed by the agency, said bid has been considered as the Single Calculated and Responsive Bid;

WHEREAS, during the 61st Finance TESDA Board and TESDA Secretariat Consultation Meeting held last 11 September 2012, the TESDA Secretariat through the BAC recommended the award of contract to Toyota Commonwealth Incorporated for



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(Page 4 of 5 pages)

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THOUSAND PESOS (PHP19, 804,000.00)**

the procurement of TESDA service vehicles in the total amount of Nineteen Million Eight Hundred Four Thousand Pesos (Php19,804,000.00);

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

1. BAC Resolution No. 16-2012 and its attachments recommending the approval of the award of contract to Toyota Commonwealth Incorporated for the procurement of twenty (20) TESDA service vehicles in the amount of Nineteen Million Eight Hundred Four Thousand Pesos (Php 19, 804,000.00);
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 Toyota Commonwealth Incorporated.

WHEREAS, in the 80th EXCOM TESDA Board Meeting held last 14 September 2012, the members of the TESDA Board favorably endorsed the recommendation by the Finance Committee declaring the bid offered by Toyota Commonwealth Incorporated as the Single Calculated and Responsive Bid pursuant to 36(a) of the Revised Implementing Rules and Regulations of Republic Act No. 9184 and to award the contract amounting to Nineteen Million Eight Hundred Four Thousand Pesos (Php19,804,000.00) relative to the procurement of TESDA service vehicles;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, that the TESDA Board in its meeting today, 17 September 2012, approves the award of contract to Toyota Commonwealth Incorporated for the TESDA service vehicles in the total amount of Nineteen Million Eight Hundred Four Thousand Pesos (Php19,804,000.00);



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(Page 5 of 5 pages)

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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 subject to the following which must be included in the contract:


1. The twenty (20) vehicles to be purchased shall be replaced by Toyota Commonwealth Incorporated if the same are found to be defective within thirty (30) calendar days from delivery. However, the defect must be not attributable to the fault or negligence of the TESDA or any of its agents; and
2. Toyota Commonwealth Incorporated shall immediately attend to the maintenance and repair needs of the vehicles once reported to the Toyota Commonwealth Incorporated and/or its authorized service centers.

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

Approved this 17th day of September 2012.


ATTY. MELDA T. ONG
TESDA Board Secretary

Attested by:


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

