

Republic of the Philippines
TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY
East Service Road, South Superhighway, Taguig City

85th TESDA BOARD MEETING
17 May 2013; 2:00 p.m.
7th Floor TESDA Board Room, Office of the Chair
Taguig City

Resolution No. 2013-01
(Page 1 of 7 pages)

APPROVING THE AWARD OF CONTRACT TO D' BROTHERS INT'L TRADING CORPORATION FOR THE PROCUREMENT OF VARIOUS SUPPLIES AND MATERIALS FOR THE PRODUCTION OF ARMCHAIRS UNDER THE P-NOY BAYANIHAN PROJECT IN THE AMOUNT OF FIVE MILLION EIGHT HUNDRED EIGHTY THREE THOUSAND EIGHT HUNDRED FIFTY THREE PESOS AND SIXTY NINE CENTAVOS (PHP5,883,853.69)

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;

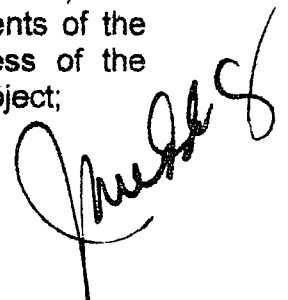
WHEREAS, in the exercise of this power, the TESDA Board shall approve all contracts entered into by the TESDA;

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 invitations to bid, 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 P-NOY Bayanihan Project is a partnership between the Department of Environment and Natural Resources (DENR), Department of Education (DepEd), Technical Education and Skills Development Authority (TESDA) and the Philippine Amusement and Gaming Corporation (PAGCOR) to serve as a firm resolve of the government to curb illegal logging, to address the backlog of needed school furniture for the country's basic education institutions by using confiscated logs and lumber and to create sustainable livelihood;

WHEREAS, the TESDA as procuring entity created the Regional Bids and Awards Committee (RBAC) in TESDA-National Capital Region (NCR) through TESDA Order No. 35, Series of 2013, to facilitate the procurement of supplies and materials for the P-NOY Bayanihan Project in accordance with Republic Act No. 9184;

WHEREAS, on 04 February 2013, a Technical Working Group (TWG) was created to assist the RBAC of TESDA-NCR in evaluating the requirements of the agency taking into consideration the completeness and appropriateness of the technical specifications and costing of the supplies and materials for the project;



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WHEREAS, out of the funds granted by PAGCOR to TESDA, Eight Million Thirty Five Thousand Three Hundred Seventeen Pesos (Php8,035,317.00) was determined to be the Approved Budget for the Contract (ABC) for the supply and delivery of materials for the production of armchairs;

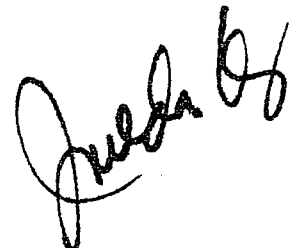
WHEREAS, on 22 February 2013, the Director General authorized the Regional Director of TESDA-NCR to conduct the competitive bidding for the procurement of consumables needed in the production of armchairs under the P-NOY Bayanihan Project in accordance with Republic Act No. 9184;

WHEREAS, the RBAC of TESDA-NCR upon receipt of the TOR for the procurement of various supplies and materials for the production of armchairs convened on 25 February 2013 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, pursuant to Section 21 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, TESDA-NCR advertised on 01 March 2013 the Invitation to Bid for the procurement of various supplies and materials for the production of armchairs in a newspaper of general circulation and posted the same in the PhilGEPS;

WHEREAS, the pre-bid conference pursuant to Section 22 of the Revised Implementing Rules and Regulations of Republic Act No. 9184 was held on 11 March 2013 at 2:00 p.m. at the TESDA-NCR Conference Room, Ground Floor, TESDA-NCR Building, Taguig City;

WHEREAS, the issues and concerns of the bidders present during the pre-bid conference had been addressed to by the RBAC through the issuance of Bid Bulletin Nos. 01 and 02 dated 11 March 2013 and 13 March 2013, respectively;

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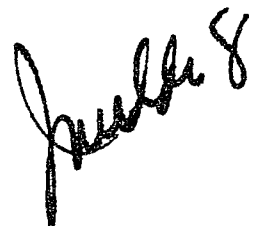
WHEREAS, responding to the abovementioned Invitation to Bid, four (4) prospective bidders signified their interest to participate in said bidding process by buying bidding documents, namely: 1) Welcome Export Inc.; 2) D' Brothers Int'l Trading Corporation; 3) UP Town Industrial Sales Incorporation; 4) Cohaco Merchandising & Development Corporation;

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 25 March 2013 at 2:00 PM at the TESDA-NCR Conference Room, Ground Floor, TESDA-NCR Building, Taguig City;

WHEREAS, Cohaco Merchandising & Development Corporation did not submit its bidding documents on 25 March 2013 and the RBAC did not hear any word from said bidder. Hence, Cohaco Merchandising & Development Corporation was automatically disqualified from the bidding;

WHEREAS, UP Town Industrial Sales Incorporation and Welcome Export Inc. were declared ineligible due to non-compliance with eligibility requirements as prescribed by Section 23 of the Revised Implementing Rules and Regulations of Republic Act No. 9184. The Articles of Incorporation submitted by UP Town Industrial Sales was unsigned. In fact, the representative of UP Town Industrial Sales admitted that the real copy of their Articles of Incorporation was not included in the submission of bidding documents. Hence, the BAC declared the bid of UP Town Industrial Sales as ineligible;



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WHEREAS, the Articles of Incorporation submitted by Welcome Export Inc. was also unsigned. Welcome Export Inc. was not also able to comply with Item 12 of the Bidding Documents which prescribed the documents to be included in the technical and financial components of the bid. Further, the RBAC questioned the statement of the ongoing and completed government and private contracts of Welcome Export Inc. within the last five (5) years from the date of the bid opening. The statement that Welcome Export Inc. had a contract similar to the project subject of bidding amounting around to Nine Million Pesos (Php 9,000,000.00) was questioned by the RBAC on the basis that the five (5) invoices presented to the RBAC were all dated the same. The representative of Welcome Export Inc. cannot explain as to why such invoices were all bearing the same date. This is very crucial as Section 23.5.1.3 of Republic Act No. 9184 requires that the bidder must have a similar contract amounting to at least fifty percent (50%) of the Approved Budget for the Contract (ABC). In view of this, the bid of Welcome Export Inc. was held disqualified;

WHEREAS, only the D' Brothers Int'l Trading Corporation passed the eligibility requirements pursuant to Sections 23 and 25 of the Revised Implementing Rules and Regulations of Republic Act No. 9184;

WHEREAS, UP Town Industrial Sales and Welcome Export Inc. were given until 01 April 2013 within which to file their request for reconsideration pursuant to Section 55.1 of the Revised Implementing Rules and Regulations of Republic Act No. 9184. However, the period within which to file the request for reconsideration had already lapsed and the bidders did not file any request for reconsideration;

WHEREAS, the TEG, in its report found the bid offered by D' Brothers Int'l Trading 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;



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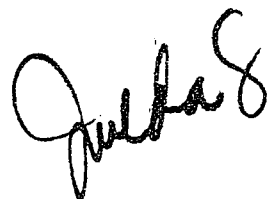
WHEREAS, pursuant to Section 36 (b) of the Revised Implementing Rules and Regulations of Republic Act No. 9184, if after advertisement, more than one prospective bidder applies for eligibility check but only one bidder meets the eligibility requirements or criteria, after which it submits a bid which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

WHEREAS, the RBAC of TESDA-NCR in its Resolution No. 01-2013 declared the bid offered by D'Brothers Int'l Trading Corporation as the Single Calculated and Responsive Bid for having been compliant with the legal, technical and financial requirements. This is to consider that only D'Brothers Int'l Trading Corporation met with the eligibility requirements and its bid is found to be responsive to the bidding requirements;

WHEREAS, in the 64th Finance Committee TESDA Board-TESDA Secretariat Consultation Meeting on 18 April 2013 at 2:00 p.m., the TESDA Secretariat through the RBAC recommended the award of contract to D' Brothers Int'l Trading Corporation for the procurement of various supplies and materials for the production of armchairs in the total amount of Five Million Eight Hundred Eighty Three Thousand Eight Hundred Fifty Three Pesos and Sixty Nine Centavos (Php5,883,853.69);

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

1. RBAC Resolution No. 01-2013 and its attachments recommending the approval of the award of contract to D' Brothers Int'l Trading Corporation for the procurement of various supplies and materials for the production of armchairs in the amount of Five Million Eight Hundred Eighty Three Thousand Eight Hundred Fifty Three Pesos and Sixty Nine Centavos (Php5,883,853.69);



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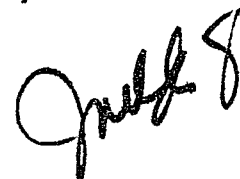
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2. Duly Notarized Certification of the Agency Head Certifying that all Procedures are in Accordance with the Existing Laws;
3. Letters to the Observers:
 - a) Transparency and Accountability Network;
 - b) Commission on Audit; and
 - c) Catholic Bishops Conference of the Philippines; and
4. Bidding Documents of D' Brothers Int'l Trading Corporation consisting of legal, technical and financial documents

WHEREAS, in the 82nd EXCOM-TESDA Board Meeting on 03 May 2013 at 2:00 p.m., the Members of the EXCOM-TESDA Board favorably endorsed the recommendation made by the Finance Committee sustaining the RBAC recommendation declaring the bid offered by D' Brothers Int'l Trading Corporation as the Single Calculated and Responsive Bid pursuant to Section 36 (b) of the Revised Implementing Rules and Regulations of Republic Act No. 9184 and awarding the contract to D' Brothers Int'l Trading Corporation amounting to Five Million Eight Hundred Eighty Three Thousand Eight Hundred Fifty Three Pesos and Sixty Nine Centavos (Php5, 883,853.69);

WHEREAS, the Director General, in his capacity as head of the procuring entity, certified that the bidding process undertaken for the procurement of various supplies and materials for the production of armchairs in the amount of Five Million Eight Hundred Eighty Three Thousand Eight Hundred Fifty Three Pesos and Sixty Nine Centavos (Php5,883,853.69) had complied with the procedures and requirements prescribed by Republic Act No. 9184 and its Revised Implementing Rules and Regulations for the purpose of facilitating the approval of the award of contract to D'Brothers Int'l Trading Corporation.

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, that the TESDA Board in its meeting today, 17 May 2013, approves the award of contract to D' Brothers Int'l Trading Corporation for the procurement of various supplies and materials for the production of armchairs under the P-NOY Bayanihan



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Project in the total amount of Five Million Eight Hundred Eighty Three Thousand Eight Hundred Fifty Three Pesos and Sixty Nine Centavos (Php5, 883,853.69).


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 May 2013.


ATTY. IMELDA TONG
TESDA Board Secretary

Attested by:


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