

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

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

Resolution No. 2013-02
(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 NINE HUNDRED FORTY THOUSAND PESOS (Php19, 940,000.00)

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;

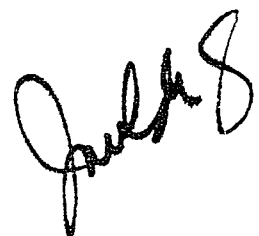
WHEREAS, in the exercise of this power, the TESDA Board shall approve all contracts entered into by the TESDA;

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, TESDA requested from the Department of Budget and Management (DBM) the endorsement to the Secretary of the Department of Labor and Employment (DOLE) to grant TESDA the authority to purchase brand new motor vehicles pursuant to Section 3.9.1 of Administrative Order No. 15 dated 06 May 2011;

WHEREAS, TESDA intends to apply the sum of Nineteen Million Nine Hundred Forty Seven Thousand One Hundred Forty Two Pesos and Eighty Centavos Only (Php19,947,142.80), being the total Approved Budget for the Contract (ABC) for the procurement of TESDA service vehicles per Terms of Reference (TOR) duly approved by the Director General;

WHEREAS, the BAC upon receipt of the TOR for the procurement of TESDA service vehicles convened on 23 January 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;

A handwritten signature in black ink, appearing to be 'J. Santos', is located in the bottom right corner of the page.

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WHEREAS, on 22 February 2013, the DOLE approved TESDA's request for authority to purchase twenty (20) motor vehicles;

WHEREAS, on 26 February 2013, another pre-procurement conference was held to deliberate on the price derivation of the motor vehicles;

WHEREAS, on 05 March 2013, another pre-procurement conference was held to deliberate on the price derivation and bidding schedules;

WHEREAS, pursuant to Section 21 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, TESDA advertised on 21 March 2013 the Invitation to Bid for the procurement of TESDA service vehicles in a newspaper of general circulation and posted the same in the PhilGEPS;

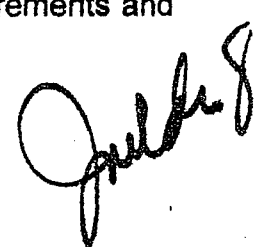
WHEREAS, responding to the abovementioned Invitation to Bid, only Toyota Commonwealth, Incorporated signified its interest to participate in said bidding process by purchasing bidding documents;

WHEREAS, the pre-bid conference was held on 03 April 2013 at 3:10 p.m. at the OCSA Conference Room located at 2nd Floor of TESDA Administration Building in Taguig City;

WHEREAS, accordingly, a Technical Evaluation Group (TEG) was created to assist the BAC in evaluating the eligibility, technical and financial requirements submitted by Toyota Commonwealth, Incorporated during the bid opening;

WHEREAS, the bid opening was held on 16 April 2013 at 2:15 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;



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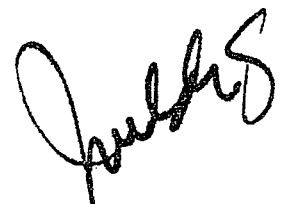
WHEREAS, the TEG, in its report found the bid offered by Toyota Commonwealth, Incorporated to be compliant with the legal, technical and financial requirements set forth by the agency pursuant to Section 34 of Rule X (Post-qualification) of the Revised Implementing Rules and Regulations of Republic Act No. 9184;

WHEREAS, pursuant to Section 36 (a) of the Revised Implementing Rules and Regulations of Republic Act No. 9184, if after advertisement, only one prospective bidder applies for eligibility check, meets the 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, Toyota Commonwealth, Incorporated met all the eligibility requirements prescribed by the agency and its bid has been found to be responsive to the bidding requirements. Hence, the BAC finds the bid of Toyota Commonwealth, Incorporated to be the Single Calculated and Responsive Bid;

WHEREAS, the Director General, in his capacity as head of the procuring entity, certified that the bidding process undertaken for the procurement of the service vehicles in the amount of Nineteen Million Nine Hundred Forty Thousand Pesos (Php19, 940,000.00) 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 Toyota Commonwealth, Incorporated;

WHEREAS, during the 65th Finance TESDA Board and TESDA Secretariat Consultation Meeting held last 26 April 2013, the TESDA Secretariat through the BAC recommended the award of contract to Toyota Commonwealth, Incorporated for the procurement of TESDA service vehicles in the total amount of Nineteen Million Nine Hundred Forty Thousand Pesos (Php19,940,000.00);



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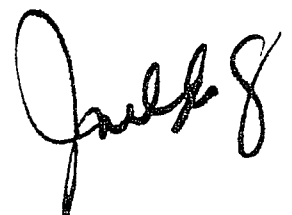
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WHEREAS, the following documents have been appended to this Resolution and shall form as an integral part hereof;

1. BAC Resolution No. 05-2013 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 Nine Hundred Forty Thousand Pesos (Php19, 940,000.00);
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) Procurement Watch, Inc;
 - b) Commission on Audit (COA)-TESDA; and
 - c) Catholic Bishop Conference of the Philippines
4. Bidding Documents of Toyota Commonwealth Incorporated consisting of legal, technical and financial documents

WHEREAS, in the 82nd EXCOM-TESDA Board Meeting held last 03 May 2013, the Members of the TESDA Board favorably endorsed the recommendation made by the Finance Committee sustaining the BAC recommendation declaring the bid offered by Toyota Commonwealth, Incorporated as the Single Calculated and Responsive Bid pursuant to Section 36 (a) of the Revised Implementing Rules and Regulations of Republic Act No. 9184 and awarding the contract to Toyota Commonwealth, Incorporated amounting to Nineteen Million Nine Hundred Forty Thousand Pesos (Php19,940,000.00) 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 May 2013, approves the award of contract to Toyota Commonwealth, Incorporated for the procurement of TESDA service vehicles in the total amount of Nineteen Million Nine Hundred Forty Thousand Pesos (Php19,940,000.00).



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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:

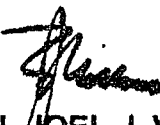
1. The twenty (20) vehicles to be purchased shall be replaced by Toyota Commonwealth, Incorporated if the same are found to be defective within thirty (30) calendar days from delivery. However, the defect must be not attributable to the fault or negligence of the TESDA or any of its agents; and
2. Toyota 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 May 2013.


ATTY. IMELDA T. ONG
TESDA Board Secretary

Attested by:


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