

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

92nd TESDA BOARD MEETING

16 December 2015, Wednesday, 2:00 P.M.
7th Floor TESDA Board Room, Office of the Chair
Taguig City, Metro Manila

Resolution No. 2015-11

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APPROVING THE AWARD OF CONTRACTS TO ACMI OFFICE SYSTEM PHILIPPINES, INCORPORATED FOR LOT I (SERVICE SMALL ENGINE SYSTEM AND COMPONENTS [LEADING TO MOTORCYCLE/SMALL ENGINE SERVICING NC II]) AND LOT II (SHIELDED METAL ARC WELDING [SMAW] NC I) FOR THE PROCUREMENT OF ADDITIONAL STARTER TOOLKITS FOR THE SPECIAL TRAINING FOR EMPLOYMENT PROGRAM (STEP) FOR CY 2014 (CONTINUING APPROPRIATION)

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 laws, 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, 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, in view of the procurement of additional starter toolkits for the special training for employment program (STEP) for CY 2014 (Continuing Appropriation), the Director General created a Technical Working Group (TWG) that will identify the requirements for the implementation of STEP which shall necessarily include the identification of the qualifications and corresponding tools and equipment that will be covered by STEP. The TWG came out with the list of qualifications with corresponding tools and equipment in close coordination with the TESDA Regional Offices; (Annex "A" of the BAC Resolution)

WHEREAS, the Technical Education and Skills Development Authority (TESDA) intends to apply the sum of Four Million Six Hundred Twenty Seven Thousand Seven Hundred Thirty Eight Pesos and Twenty Centavos Only (Php4,627,738.20) being the total Approved Budget for the Contract (ABC) for the procurement of additional starter toolkits for the special training for employment

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program (STEP) for CY 2014 (Continuing Appropriation); (Annexes "B" and "C" of the BAC Resolution)

WHEREAS, the BAC upon receipt of the TOR for the procurement of additional starter toolkits for the special training for employment program (STEP) for CY 2014 (Continuing Appropriation) convened on 15 October 2015 at 10:10 a.m. at the CSA Conference Room located at 2nd Floor of 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; (Annex "D" of the BAC Resolution)

WHEREAS, pursuant to Section 21 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, TESDA advertised on 16 October 2015 the Invitation to Bid for the procurement of additional starter toolkits for the special training for employment program (STEP) for CY 2014 (Continuing Appropriation) in a newspaper of general circulation and posted the same in the PhilGEPS; (Annexes "E" and "F" of the BAC Resolution)

WHEREAS, responding to the abovementioned Invitation to Bid, three (3) prospective bidders signified their interest to participate in said bidding process by purchasing bidding documents, namely: 1) ACMI Office System Philippines, Incorporated, 2) JALS Trading and 3) East Pacific Industrial Trading; (Annexes "G", "H" and "I" of the BAC Resolution)

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 procurement of additional starter toolkits for the special training for employment program (STEP) for CY 2014 (Continuing Appropriation) 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



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several observers to attend the pre-bid conference on 26 October 2015 and the bid opening on 10 November 2015. (Annexes "J", "K", "L", "M", "N", "O" and "P" of the BAC Resolution)

WHEREAS, the pre-bid conference was held on 26 October 2015 at 2:00 p.m. at the CSA Conference Room located at 2nd Floor of TESDA Administration Building in Taguig City; (Annex "Q" of the BAC Resolution)

WHEREAS, accordingly, a Technical Evaluation Group (TEG) was created to conduct a 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 Rule X (Post-Qualification) of the Revised Implementing Rules and Regulations of Republic Act No. 9184; (Annexes "R" of the BAC Resolution)

WHEREAS, on 28 October 2015, East Pacific Industrial Trading filed its request for reconsideration requesting that the requirements under Clause 5.1 of Section III of the Bid Data Sheet as found on page 27 of the bidding documents for the procurement of additional starter toolkits for the special training for employment program (STEP) for CY 2014 (Continuing Appropriation) be changed into at least five (5) years in so far as the business existence of the bidder is concerned; (Annex "S" of the BAC Resolution)

WHEREAS, the issues and concerns of the bidders present during the pre-bid conference had been addressed to by the BAC through the issuance of Bid Bulletin No. 01 dated 03 November 2015 and Bulletin No. 02 dated 03 November 2015; (Annexes "T" and "U" of the BAC Resolution)



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WHEREAS, the bid opening was held on 10 November 2015 at 2:00 p.m. at the CSA Conference Room located at 2nd Floor of TESDA Administration Building in Taguig City; (Annex "V" of the BAC Resolution)

WHEREAS, East Pacific Industrial Trading was declared ineligible due to its non-compliance with the requirement that the bidder must have been in the business for five (5) years from the date of opening of bids. Hence, the BAC declared the bid of East Pacific Industrial Trading as ineligible. East Pacific Industrial Trading was given until 13 November 2015 within which to file its request for reconsideration pursuant to Section 55.1 of the Revised Implementing Rules and Regulations of Republic Act No. 9184;

WHEREAS, the BAC emphasized during the bid opening that it was East Pacific Industrial Trading which requested for the issuance of Bid Bulletin No. 02 dated 03 November 2015 changing the number of years in business existence from ten (10) years to five (5) years. As such, it is not anymore the fault of the BAC when East Pacific Industrial Trading committed an error or mistake in computing its number of years in existence in the business;

WHEREAS, only ACMI Office System Philippines, Incorporated and JALS Trading passed the eligibility requirements pursuant to Sections 23 and 25 of the Revised Implementing Rules and Regulations of Republic Act No. 9184; (Annexes "W" and "X" of the BAC Resolution)

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 Metropolitan Bank & Trust Company for the validation of the bank guarantee and Credit Line Certificate (CLC) submitted by ACMI Office System Philippines, Incorporated, BDO Unibank, Inc. for

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the validation of the CLC and bid security submitted by JALS Trading and to the Accounts Receivable Monitoring Division of the Bureau Internal Revenue (BIR) for the validation of the tax clearance issued by said office to ACMI Office System Philippines, Incorporated; (Annexes "Y", "Z" and "AA" of the BAC Resolution)

WHEREAS, East Pacific Industrial Trading filed its request for reconsideration on 11 November 2015. Said bidder requested to be given another leeway since it admitted committing a mistake in computing the number of years of its business existence. East Pacific Industrial Trading pointed out in its letter that it is registered with the Department of Trade and Industry (DTI) on 07 December 2010 and they lacked thirty-five (35) calendar days to reach the five-year business existence; (Annex "BB" of the BAC Resolution)

WHEREAS, the BAC, in its letter dated 16 November 2015, unanimously resolved to deny the request for request for reconsideration of East Pacific Industrial Trading; (Annex "CC" of the BAC Resolution)

WHEREAS, considering the abovementioned denial of the request for reconsideration by the BAC, East Pacific Industrial Trading did not file its protest in the form of a verified position paper to the Head of the Procuring Entity (HOPE) within seven (7) calendar days from receipt of BAC's denial of the request for reconsideration as provided in Section 55.1 of the Revised Implementing Rules and Regulations of Republic Act No. 9184;

WHEREAS, pursuant to Section 34.2 (a) of the Revised Implementing Rules and Regulations of Republic Act No. 9184, the BAC in its letter dated 16 November 2015 notified JALS Trading of its post-disqualification on Lot I (Service Small Engine System and Components [Leading to Motorcycle/Small Engine Servicing NC II]). While being the Lowest Calculated Bidder for said lot, JALS Trading failed to submit

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its tax clearance within three (3) calendar days from the date of the bid opening; (Annex "DD" of the BAC Resolution)

WHEREAS, the period within which to file the request for reconsideration had already lapsed and JALS Trading did not file any request for reconsideration;

WHEREAS, the abovementioned companies/offices had issued their respective confirmation letters regarding the documents submitted by ACMI Office System Philippines, Incorporated and JALS Trading to TESDA for the procurement of additional starter toolkits for the special training for employment program (STEP) for CY 2014 (Continuing Appropriation); (Annexes "EE", "FF" and "GG" of the BAC Resolution)

WHEREAS, upon careful examination, validation and verification of all the technical and financial proposals submitted by ACMI Office System Philippines, Incorporated, the TEG in its report found the bids offered by ACMI Office System Philippines, Incorporated to be compliant with the legal, technical and financial requirements set forth by the agency for Lot I (Service Small Engine System and Components [Leading to Motorcycle/Small Engine Servicing NC II]) and Lot II (Shielded Metal Arc Welding [SMAW] NC I) pursuant to Section 34 of Rule X (Post-Qualification) of the Revised Implementing Rules and Regulations of Republic Act No. 9184; (Annex "HH" of the BAC Resolution)

WHEREAS, according to the report of the Technical Evaluation Group (TEG), the BAC hereby resolves to adopt its findings and recommendations by way of recommending the award of the contract on a per lot basis to the bidders as follows:



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LOT NO.	QUALIFICATION	AMOUNT OF BID	WINNING BIDDER
I	Service Small Engine System and Components (Leading to Motorcycle/Small Engine Servicing NC II)	ACMI Office System Philippines, Incorporated	Php1,700,000.00
II	Shielded Metal Arc Welding (SMAW) NC I	ACMI Office System Philippines, Incorporated	Php2,900,000.00

WHEREAS, pursuant to Sections 34.4 and 34.5 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, if the BAC determines that the bidder with the Lowest Calculated Bid passes all the criteria for post-qualification, it shall declare the said bid as the Lowest Calculated Responsive Bid, and recommend to the Head of the Procuring Entity the award of contract to the said bidder at its submitted bid price. If, however, the BAC determines that the bidder with the Lowest Calculated Bid fails the criteria for post-qualification, it shall immediately notify the said bidder in writing of its post-disqualification and the grounds for it;

WHEREAS, on Lot I (Service Small Engine System and Components [Leading to Motorcycle/Small Engine Servicing NC II]), while the bid offer of JALS Trading is lower than the offer of ACMI Office System Philippines, Incorporated, its bid cannot be considered because of its failure to submit the tax clearance on time. Hence, it was post-disqualified;

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WHEREAS, on the basis of the TEG report, there were items offered by ACMI Office System Philippines, Incorporated which were found to be compliant with the requirements of the agency while the cost of each item as offered by said bidder reached beyond fifteen percent (15%) of the agency estimate for such items. However, the total bid offer of ACMI Office System Philippines, Incorporated per lot/qualification covering those items did not exceed the Approved Budget for the Contract (ABC) for such lot/qualification. The items are as follows:

LOT NO.	ITEM	AGENCY ESTIMATE	BID OFFER OF ACMI OFFICE SYSTEM PHILIPPINES, INCORPORATED	PERCENTAGE
I	1. T-Wrench	Php206,938.400	Php240,000.00	15.98%
	2. Thickness Gauge	Php75,968.800	Php100,000.00	31.63%

WHEREAS, ACMI Office System Philippines, Incorporated met all the legal, technical and financial requirements prescribed by the agency and its bid had been found to be the Lowest Calculated Responsive Bid pursuant to Section 34.6 of the Revised Implementing Rules and Regulations of Republic Act No. 9184;

WHEREAS, the BAC through BAC Resolution No. 13-2015 issued on 26 November 2015 declared the bids of ACMI Office System Philippines, Incorporated offered on the following lots/qualifications as the most responsive bids for the procurement of additional starter toolkits for the Special Training for Employment Program (STEP) for CY 2014 (Continuing Appropriation) as follows:

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LOT NO.	QUALIFICATION	WINNING BIDDER	AMOUNT OF BID
I	Service Small Engine System and Components (Leading to Motorcycle/Small Engine Servicing NC II)	ACMI Office System Philippines, Incorporated	Php1,700,000.00
II	Shielded Metal Arc Welding (SMAW) NC I	ACMI Office System Philippines, Incorporated	Php2,900,000.00

WHEREAS, during the 77th Finance Committee Meeting held last 03 December 2015 at 3:00 P.M., the TESDA Secretariat through the BAC recommended the award of contracts to ACMI Office System Philippines, Incorporated for Lot I (Service Small Engine System and Components [Leading to Motorcycle/Small Engine Servicing NC II]) and for Lot II (Shielded Metal Arc Welding [SMAW] NC I) for the procurement of additional starter toolkits for the Special Training for Employment Program (STEP) for CY 2014 (Continuing Appropriation) on the lots/qualifications identified above;

WHEREAS, it was presented during the 77th Finance Committee Meeting held last 03 December 2015 that the BAC through the Technical Working Group (TWG) arrived at the Approved Budget for the Contract (ABC) by canvassing the prices of the items for each lot in the market. The TWG canvassed four (4) prices in the market for thickness gauge ranging from Php165.00 to Php514.64. Considering that the bid offer of ACMI Office System Philippines, Incorporated for thickness gauge is Php500.00, such bid offer is within the range of the canvassed prices, compliant with the technical specifications of the agency and is found to be most beneficial to the interest of the government at this instance.

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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. 13-2015 and its attachments recommending the approval of the award of procurement of starter toolkits for the additional starter toolkits for the Special Training for Employment Program (STEP) for CY 2014 (Continuing Appropriation) on the lots/qualifications identified above (Annex A to Annex HH);
2. Duly Notarized Certification of the Agency Head Certifying that all Procedures are in Accordance with the Existing Laws;
3. Bidding Documents of ACMI Office Systems Philippine, Inc.; and
4. Bidding Documents of JALS Trading.

WHEREAS, in the 91st EXCOM-TESDA Board Meeting held last 14 December 2015 at 11:00 A.M., the members of the TESDA Board favorably endorsed the recommendation by the Finance Committee declaring the respective bids offered by ACMI Office System Philippines, Incorporated as the most responsive bids pursuant to Section 34 of the Revised Implementing Rules and Regulations of Republic Act No. 9184 and awarding the contracts to ACMI Office System Philippines, Incorporated for Lot I (Service Small Engine System and Components [Leading to Motorcycle/Small Engine Servicing NC II]) and Lot II (Shielded Metal Arc Welding [SMAW] NC I) relative to the procurement of starter toolkits for the Special Training for Employment Program (STEP) for CY 2014 (Continuing Appropriation);

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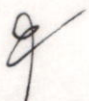
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NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to recommend the award of the contracts to **ACMI Office System Philippines, Incorporated** as the Lowest Calculated Responsive Bidder for the procurement of additional starter toolkits for the Special Training for Employment Program (STEP) for CY 2014 (Continuing Appropriation) on a per lot basis as follows:

LOT NO.	QUALIFICATION	WINNING BIDDER	AMOUNT OF BID
I	Service Small Engine System and Components (Leading to Motorcycle/Small Engine Servicing NC II)	ACMI Office System Philippines, Incorporated	Php1,700,000.00
II	Shielded Metal Arc Welding (SMAW) NC I	ACMI Office System Philippines, Incorporated	Php2,900,000.00

BE IT RESOLVED FURTHER, that the Board authorizes the Director General to sign the Notice of Award, the terms and conditions of the contract and the Notice to Proceed for and in behalf of the TESDA Board;



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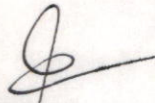
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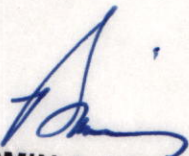
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BE IT RESOLVED FINALLY, that copy of this Resolution shall be disseminated to all concerned.

Approved this 16th day of December 2015.


RINALYN B. DUMOL
TESDA Board Secretary

Attested by:


BR. ARMIN A. LUISTRO FSC
Co-Chairperson, TESDA Board
Secretary, Department of Education