

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

**92<sup>nd</sup> TESDA BOARD MEETING**

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

**Resolution No. 2015-12**

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**APPROVING THE AWARD OF CONTRACTS TO ACMI OFFICE SYSTEM PHILIPPINES, INCORPORATED FOR LOT I (PRODUCE ORGANIC VEGETABLE [LEADING TO ORGANIC AGRICULTURE PRODUCTION NC II]) AND LOT III (PERFORM DIESEL/GAS ENGINE TUNE UP [LEADING TO AUTOMOTIVE SERVICING NC I]) AND JALS TRADING FOR LOT IV (PERFORM FACIAL MAKE-UP [LEADING TO BEAUTY CARE NC II]) AND DECLARING A FAILURE OF BIDDING FOR LOT II (RAISE SWINE [LEADING TO ANIMAL PRODUCTION NC II]) FOR THE PROCUREMENT OF STARTER TOOLKITS FOR THE SPECIAL TRAINING FOR EMPLOYMENT PROGRAM (STEP) – RE-BIDDING OF FOUR (4) LOTS**

**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 starter toolkits for the Special Training for Employment Program (STEP) – re-bidding of four (4) lots, 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 Seven Million Eighty One Thousand Four Hundred Sixty Eight Pesos and Fifty Four Centavos Only (Php7,081,468.54) being the total Approved Budget for the Contract (ABC) for the procurement of starter



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toolkits for the STEP – re-bidding of four (4) lots; (Annexes “B” and “C” of the BAC Resolution)

**WHEREAS**, the BAC upon receipt of the TOR for the procurement of starter toolkits for the STEP – re-bidding of four (4) lots convened on 15 October 2015 at 10:10 a.m. at the CSA Conference Room located at 2<sup>nd</sup> 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 the GPPB Resolution No. 03-2015 issued on 10 January 2015, the ABC of the previous competitive bidding which resulted in the failure of bidding cannot be adjusted unless the following conditions are present to wit:

- I. The ABC may be adjusted upwards only under the following conditions:
  1. There has been a failure of bidding for the second time due to all bids submitted exceeding the ABC or no bids have been submitted, or failure in the negotiated procurement after two failed biddings; and
  2. There has been previous modifications of the terms, conditions, and specifications of the project based on Section 35 of the IRR-A, except when the projects is indivisible,



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where the technical component is an integral part of the whole that cannot be reduced, and it constitutes the minimum requirement of the procuring entity for which there are no substitutes.

- II. The ABC may be adjusted downwards if there is a need to reflect the actual market prices and/or scope of work or suit actual field conditions of the project.
- III. Upon adjustment of ABC, the procuring entity must conduct re-bidding with re-advertisement/posting. Any succeeding adjustment of the ABC shall be in accordance with these guidelines.

**WHEREAS**, the ABC amounting to Seven Million Eighty One Thousand Four Hundred Sixty Eight Pesos and Fifty Four Centavos (Php7,081,468.54) which was used during the last bidding for the procurement of starter toolkits for the STEP – Phase II cannot be adjusted considering the conditions provided by GPPB Resolution No. 03-2015 issued on 10 January 2015 were not met. As such, the Director General approved the ABC amounting to Seven Million Eighty One Thousand Four Hundred Sixty Eight Pesos and Fifty Four Centavos (Php7,081,468.54) to be utilized for the procurement of starter toolkits for the STEP – re-bidding of four (4) lots subject of the failure of bidding of the last bidding for the procurement of starter toolkits for the STEP – Phase II;

**WHEREAS**, pursuant to Section 21 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, TESDA advertised on 20 October 2015 the



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Invitation to Bid for the procurement of starter toolkits for the STEP – re-bidding of four (4) lots 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, four (4) 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, 3) Bihis-Cruz Incorporated and 4) East Pacific Industrial Trading; (Annexes “G”, “H”, “I” and “J” 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 starter toolkits for the STEP – re-bidding of four (4) lots 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 03 November 2015 and the bid opening on 16 November 2015; (Annexes “K”, “L”, “M”, “N”, “O”, “P” and “Q” of the BAC Resolution)

**WHEREAS**, the pre-bid conference was held on 03 November 2015 at 10:20 a.m. at the CSA Conference Room located at 2<sup>nd</sup> Floor of TESDA Administration Building in Taguig City; (Annex “R” 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, Bid Bulletin No. 02 dated 03 November 2015 and Bid Bulletin No. 03 dated 03 November 2015; (Annexes “S”, “T” and “U” of the BAC Resolution)



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**WHEREAS**, on 28 October 2015, East Pacific Industrial Trading filed its request for reconsideration requesting that the additional 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 starter toolkits for the STEP – re-bidding of four (4) lots be changed into at least five (5) years in so far as the business existence is concerned; (Annex “V” of the BAC Resolution)

**WHEREAS**, on 28 October 2015, Bihis-Cruz Incorporated filed its request for reconsideration requesting that the additional 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 starter toolkits for the STEP – re-bidding of four (4) lots in so far as the business existence is concerned be changed into almost two (2) years instead of ten (10) years; (Annex “W” of the BAC Resolution)

**WHEREAS**, the BAC denied the request for reconsideration of Bihis-Cruz Incorporated in its letter dated 02 November 2015, which was received by said bidder on 04 November 2015 via LBC, and pointed out that the BAC had unanimously resolved to prescribe five (5) years business existence instead of ten (10) years considering the nature of the procurement at hand; (Annex “X” of the BAC Resolution)

**WHEREAS**, considering the abovementioned denial of the request for reconsideration by the BAC, Bihis-Cruz Incorporated 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;



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**WHEREAS**, the bid opening was held on 16 November 2015 at 2:00 p.m. at the TESDA Board Room located at 7<sup>th</sup> Floor of TESDA Administration Building in Taguig City; (Annex "Y" of the BAC Resolution)

**WHEREAS**, East Pacific Industrial Trading was declared ineligible due to their 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 23 November 2015 within which to file their respective requests for reconsideration pursuant to Section 55.1 of the Revised Implementing Rules and Regulations of Republic Act No. 9184;

**WHEREAS**, East Pacific Industrial Trading did not file its request for reconsideration within the prescriptive period provided for by Section 55.1 of the Revised Implementing Rules and Regulations of Republic Act No. 9184 within which to file the same;

**WHEREAS**, Bihis-Cruz Incorporated did not submit any bid on 16 November 2015 for reasons unknown to the BAC. It must be emphasized that Bihis-Cruz Incorporated did not officially inform the BAC of the reason/s of why it did not submit its bid on the date of the bid opening;

**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 "Z" and "AA" of the BAC Resolution)



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**WHEREAS**, the bid offers of ACMI Office System Philippines, Incorporated for Lot II (Raise Swine [Leading to Animal Production NC II]) and Lot IV (Perform Facial Make-Up [Leading to Beauty Care NC II]) amounting to One Million Five Hundred Fifty Four Thousand Pesos (Php1,554,000.00) and Four Hundred Seventy Two Thousand Five Hundred Pesos (Php472,500.00), respectively, exceeded the ABC of the abovementioned lots amounting to Nine Hundred Nineteen Thousand Six Hundred Sixty One Pesos and 27/100 (Php919,661.27) and Three Hundred Ninety Six Thousand Three Hundred Seventy Seven Pesos and 73/100 (Php396,377.73), respectively. As such, ACMI Office System Philippines, Incorporated for Lot II (Raise Swine [Leading to Animal Production NC II]) and Lot IV (Perform Facial Make-Up [Leading to Beauty Care NC II]) was automatically disqualified from bidding in those lots pursuant to Section 31.1 of the Revised Implementing Rules and Regulations of Republic Act No. 9184;

**WHEREAS**, since the bidding is done by lot, the BAC shall evaluate the bid offer of the participating bidder by lot. Considering the bid offers of ACMI Office System Philippines, Incorporated for Lot II (Raise Swine [Leading to Animal Production NC II]) and Lot IV (Perform Facial Make-Up [Leading to Beauty Care NC II]) exceeded the ABC for each lot, said bidder was automatically disqualified from bidding in those two (2) lots;

**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; (Annex "BB" of the BAC Resolution)



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**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 BDO Unibank, Incorporated for the validation of the Irrevocable Domestic Standby Letters of Credit submitted by JALS Trading, Metropolitan Bank & Trust Company for the validation of the bank guarantee and Credit Line Certificate (CLC) submitted by ACMI Office System Philippines, Incorporated and Accounts Receivable Monitoring Division of the Bureau Internal Revenue (BIR) for the validation of the tax clearances issued by said office to ACMI Office System Philippines, Incorporated and JALS Trading; (Annexes "CC", "DD" and "EE" of the BAC Resolution)

**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 starter toolkits for the STEP – re-bidding of four (4) lots; (Annexes "FF", "GG", "HH" and "II" 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 and JALS Trading, the TEG in its report found the bids offered by ACMI Office System Philippines, Incorporated and JALS Trading 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; (Annex "JJ" 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	Produce Organic Vegetable (Leading to Organic Agriculture Production NC II)	Php1,332,000.00	ACMI Office System Philippines, Incorporated
II	Raise Swine (Leading to Animal Production NC II)	Failure of Bidding	
III	Perform Diesel/Gas Engine Tune Up (Leading to Automotive Servicing NC I)	Php4,422,240.00	ACMI Office System Philippines, Incorporated
IV	Perform Facial Make-Up (Leading to Beauty Care NC II)	Php392,700.00	JALS Trading

**WHEREAS**, JALS Trading was post-disqualified on Lot I (Produce Organic Vegetable [Leading to Organic Agriculture Production NC II]), Lot II (Raise Swine [Leading to Animal Production NC II]) and Lot III (Perform Diesel/Gas Engine Tune Up [Leading to Automotive Servicing NC I]) for its failure to meet the agency requirements covering those lots;

**WHEREAS**, pursuant to Section 34.5 of the Revised Implementing Rules and Regulations of Republic Act No. 9184, the BAC in its letter dated 25 November 2015 notified JALS Trading of its post-disqualification on several lots/qualifications and the grounds for it. In Lot I (Produce Organic Vegetable [Leading to Organic Agriculture Production NC II]), Lot II (Raise Swine [Leading to Animal Production NC II]) and Lot III (Perform Diesel/Gas Engine Tune Up [Leading to Automotive Servicing NC I]), JALS Trading was post-disqualified; (Annex "KK" of the BAC Resolution)



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**WHEREAS**, on the basis of the TEG report, there were items offered by ACMI Office System Philippines, Incorporated for Lot I (Produce Organic Vegetable [Leading to Organic Agriculture Production NC II]) and JALS Trading for Lot IV (Perform Facial Make-Up [Leading to Beauty Care NC II]) 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 offers of ACMI Office System Philippines, Incorporated for Lot I (Produce Organic Vegetable [Leading to Organic Agriculture Production NC II]) and JALS Trading for Lot IV (Perform Facial Make-Up [Leading to Beauty Care NC II]) 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. steel rake	Php89,722.080	Php132,000.00	47.12%

LOT NO.	ITEM	AGENCY ESTIMATE	BID OFFER OF JALS TRADING	PERCENTAGE
IV	1. Eye brow pencils	Php12,622.260	Php21,000.00	66.37%
	2. Eye liner	Php17,130.540	Php21,000.00	22.59%
	3. Eye shadow	Php15,721.650	Php25,200.00	60.29%
	4. Eyebrow Tweezers	Php6,829.620	Php8,925.00	30.68%
	5. Lip gloss	Php12,802.860	Php15,225.00	18.92%



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**WHEREAS**, ACMI Office System Philippines, Incorporated and JALS Trading met all the legal, technical and financial requirements prescribed by the agency and its respective bids had been found to be responsive to the bidding requirements for Lot I (Produce Organic Vegetable [Leading to Organic Agriculture Production NC II]), Lot III (Perform Diesel/Gas Engine Tune Up [Leading to Automotive Servicing NC I]) and Lot IV (Perform Facial Make-Up [Leading to Beauty Care NC II]);

**WHEREAS**, during the 78<sup>th</sup> Finance Committee Meeting held last 09 December 2015 at 11:00 A.M., the TESDA Secretariat through the BAC recommended the award of contracts to ACMI Office System Philippines, Incorporated and JALS Trading for the procurement of starter toolkits for the Special Training for Employment Program (STEP) – re-bidding of four (4) lots on the lots/qualifications identified above;

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

1. BAC Resolution No. 14-2015 and its attachments recommending the approval of the award of procurement of starter toolkits for the Special Training for Employment Program (STEP) – re-bidding of four (4) lots on the lots/qualifications identified above (Annex "A" to Annex "KK");
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 System Philippines, Incorporated; and
4. Bidding Documents of JALS Trading;



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**East Service Road, South Superhighway, Taguig, Metro Manila**

**92<sup>nd</sup> TESDA BOARD MEETING**

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

**Resolution No. 2015-12**

**(Page 12 of 13 pages)**

**APPROVING THE AWARD OF CONTRACTS TO ACMI OFFICE SYSTEM PHILIPPINES, INCORPORATED FOR LOT I (PRODUCE ORGANIC VEGETABLE [LEADING TO ORGANIC AGRICULTURE PRODUCTION NC II]) AND LOT III (PERFORM DIESEL/GAS ENGINE TUNE UP [LEADING TO AUTOMOTIVE SERVICING NC I]) AND JALS TRADING FOR LOT IV (PERFORM FACIAL MAKE-UP [LEADING TO BEAUTY CARE NC II]) AND DECLARING A FAILURE OF BIDDING FOR LOT II (RAISE SWINE [LEADING TO ANIMAL PRODUCTION NC II]) FOR THE PROCUREMENT OF STARTER TOOLKITS FOR THE SPECIAL TRAINING FOR EMPLOYMENT PROGRAM (STEP) – RE-BIDDING OF FOUR (4) LOTS**

**WHEREAS**, in the 91<sup>st</sup> EXCOM-TESDA Board Meeting held last 14 December 2015 at 2:00 P.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 and JALS Trading 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 and JALS Trading as cited above relative to procurement of starter toolkits for the Special Training for Employment Program (STEP) – re-bidding of four (4) lots. Likewise, the members of TESDA Board favorably endorsed the failure of bidding for Lot II (Raise Swine [Leading to Animal Production NC II]) due to the failure of the bidder to comply with the agency requirements;

**NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED**, to recommend the award of the contracts to **ACMI Office System Philippines, Incorporated** and **JALS Trading** for the procurement of starter toolkits for the STEP – re-bidding of four (4) lots on a per lot basis as follows:

<b>LOT NO.</b>	<b>QUALIFICATION</b>	<b>WINNING BIDDER</b>	<b>AMOUNT OF BID</b>
I	Produce Organic Vegetable (Leading to Organic Agriculture Production NC II)	<b>ACMI Office System Philippines, Incorporated</b>	<b>Php1,332,000.00</b>
III	Perform Diesel/Gas Engine Tune Up (Leading to Automotive Servicing NC I)	<b>ACMI Office System Philippines, Incorporated</b>	<b>Php4,422,240.00</b>



**Republic of the Philippines**  
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<b>LOT NO.</b>	<b>QUALIFICATION</b>	<b>WINNING BIDDER</b>	<b>AMOUNT OF BID</b>
IV	Perform Facial Make-Up (Leading to Beauty Care NC II)	JALS Trading	Php392,700.00

**BE IT RESOLVED FURTHER**, that the Board authorizes the Director General to sign the Notices of Award, the terms and conditions of the contracts and the Notices to Proceed pertaining to Lot I (Produce Organic Vegetable [Leading to Organic Agriculture Production NC II]), Lot III (Perform Diesel/Gas Engine Tune Up [Leading to Automotive Servicing NC I]) and Lot IV (Perform Facial Make-Up [Leading to Beauty Care NC II]), and notice of failure of bidding to all bidders for and in behalf of the TESDA Board. The contracts shall be awarded respectively and the implementation thereof shall proceed despite the failure of bidding on Lot II (Raise Swine [Leading to Animal Production NC II]);

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

Approved this 16<sup>th</sup> day of December 2015.

Attested by:



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



**RINALYN B. DUMOL**  
TESDA Board Secretary