

BIDS AND AWARDS COMMITTEE
(CENTRAL OFFICE)

RESOLUTION NO. 14-2020

**RECOMMENDING THE AWARD OF CONTRACT TO PETRON CORPORATION FOR
THE PROCUREMENT OF FUEL AND LUBRICANTS (GASOLINE AND DIESEL)
THROUGH FUEL CARD SYSTEM FOR THE TESDA CENTRAL OFFICE SERVICE
VEHICLES FOR FY 2020 - REBIDDING**

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, the BAC declared a first failure of bidding for the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 pursuant to BAC Resolution No. 31-2019 dated 18 December 2019. A copy of said BAC Resolution is hereto attached as Annex "A";

WHEREAS, pursuant to Section 35.2 and 35.3 of the 2016 Revised Implementing Rules and Regulations (RIRR) of RA 9184 in order to determine the reason for the failed bidding, the BAC shall conduct a mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents, including its cost estimates. Based on its findings, the BAC shall revise the terms, conditions, and specifications, and if necessary, adjust the Approved Budget for the Contract (ABC), subject to the required approvals, and conduct a rebidding with re-advertisement and/or posting, as provided for in Section 21.2 of the 2016 RIRR of RA 9184;

WHEREAS, in its meeting on 15 January 2020, the BAC and the TWG conducted a mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents. A copy of the Minutes of Meeting is hereto attached as Annex "B";

WHEREAS, the BAC convened on 4 March 2020 and 6 March to conduct the pre-procurement conference with the end-user's representative in accordance with Section 20 of the RIRR of Republic Act No. 9184. The copies of the Minutes of the Meeting are hereto attached as Annexes "C" and "D", respectively;

WHEREAS, the BAC Chairperson created a Technical Working Group (TWG) for the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding that shall assist the BAC in the review of the technical specifications, scope of work, and terms of reference, review of bidding documents, evaluation of bids, post-qualification and resolution of request for reconsideration. A copy of the BAC Order No. 1, Series of 2020, issued on 6 March 2020 is hereto attached as Annex "E";

WHEREAS, the Technical Education and Skills Development Authority (TESDA) intends to apply the sum of Four Million Four Hundred Fifty-Three Thousand Nine Hundred Sixty-Six Pesos and 50/100 (₱4,453,966.50) as the Approved Budget for the Contract (ABC) for the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding. Copies of the Purchase Request (PR), Terms of Reference (TOR) and Certificate as to Availability of Funds (CAF) are hereto attached as Annexes "F", "G" and "H", respectively;

WHEREAS, pursuant to Section 13 of RIRR of Republic Act No. 9184, the BAC invited the Commission on Audit (COA) and four (4) other observers registered with the Securities and Exchange Commission (SEC) to witness the bidding activities on 17 March 2020 and 31 March 2020 particularly on the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding for purposes of transparency and good governance. The copies of the letters to observers are hereto attached as Annexes "I", "J", "K", "L" and "M", respectively;

WHEREAS, pursuant to Section 21 of the RIRR of Republic Act No. 9184, TESDA advertised the Invitation to Bid (ITB) for the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding in the websites of the Philippine Government Electronic Procurement System (PhilGEPS) and TESDA and posted the same at the bulletin board near TESDA Gate 1 on 9 March 2020. The proof of posting of the ITB is hereto attached as Annexes "N", "O" and "P", respectively;

WHEREAS, the BAC issued its first bid bulletin stating that the schedule for the pre-bid conference and opening of bids was postponed until further notice in view of the declaration of Enhance Community Quarantine (ECQ) over the entire Luzon, including Metro Manila, as part of a continuous push to contain the spread of the novel coronavirus disease. Copies of Bid Bulletin No. 01 dated 16 March 2020 and proof of posting of said document is hereto attached as Annex "Q";

WHEREAS, in view of the extension of the ECQ over the entire Luzon until 30 April 2020, the BAC issued its second bid bulletin stating the pre-bid conference will be held via videoconferencing using Zoom application on 20 April 2020. Likewise, the submission/opening of bid was scheduled on 7 May 2020 at the AS Conference Room located at the 2nd Floor, TESDA Administration Building in Taguig City. Copies of Bid Bulletin No. 02 dated 8 April 2020 and proof of posting of said document is hereto attached as Annex "R";

WHEREAS, pursuant to Section 13 of RIRR of Republic Act No. 9184, the BAC invited COA and four (4) other observers registered with SEC to witness the bidding activities on 20 April 2020 and 7 May 2020 particularly on the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding for purposes of transparency and good governance. The copies of the letters to observers are hereto attached as Annexes "S", "T", "U", "V" and "W", respectively;

WHEREAS, the pre-bid conference was held on 20 April 2020 via Zoom application. Likewise, the minutes of the meeting was posted at the website of TESDA on 20 April 2020 in compliance with Section 22.4 of the 2016 RIRR of Republic Act No. 9184 and Government Procurement Policy Board (GPPB) Resolution No. 03-2018 dated 09 March 2018. Copies of which are hereto attached as Annexes "X" and "Y", respectively;

WHEREAS, pursuant to Section 4.3.2.2. of the National Budget Circular No. 580 dated 22 April 2020 issued by the Department of Budget and Management (DBM) and the recommendation of the Financial and Management Service (FMS) to recompute the budget of the fuel based on the remaining six (6) months requirement only, the ABC was adjusted from Four Million Four Hundred Fifty-Three Thousand Nine Hundred Sixty-Six Pesos and 50/100 (₱4,453,966.50) to Two Million Eight Hundred Sixteen Thousand Eight Hundred Ninety-Eight Pesos and 40/100 (₱2,816,898.40). Copies of the TOR, PR, and CAF are hereto attached as Annexes "Z", "AA" and "BB", respectively;

WHEREAS, in its Resolution No. 10-2020 dated 30 April 2020, the BAC declared the postponement of the submission/opening of bids on 7 May 2020 to 26 May 2020, and approved the amendments to certain provisions in the Bidding Documents particularly in the Invitation to Bid, Bid Data Sheet, Special Conditions of Contract, Schedule of Requirements, and Technical Specifications. The revisions made were based on the NBC No. 580, and the revised PR and TOR submitted by the end-user for the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding. A copy of said BAC Resolution is hereto attached as Annex "CC";

WHEREAS, the BAC issued its third bid bulletin amending certain provisions in the Bidding Documents and rescheduling of the submission/opening of bids from 7 May 2020 to 26 May 2020. Copies of Bid Bulletin No. 03 dated 30 April 2020 and proof of posting of said document is hereto attached as Annex "DD";

WHEREAS, pursuant to Section 13 of RIRR of Republic Act No. 9184, the BAC invited COA and four (4) other observers registered with SEC to witness the submission and opening of bids, and bid evaluation on 26 May 2020 particularly on the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding for purposes of transparency and good governance. The copies of the letters to observers are hereto attached as Annexes "EE", "FF", "GG", "HH" and "II", respectively;

WHEREAS, in its Resolution No. 11-2020 dated 25 May 2020, the BAC declared the suspension of the schedule of the deadline of submission and opening of bids for the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding from 26 May 2020 until such time that the Modified General Community Quarantine (MGCQ) in Metro Manila has been declared or upon compliance with Item 4.2 of GPPB Resolution No. 09-2020 whichever comes earlier. A copy of said BAC Resolution is hereto attached as Annex "JJ";

WHEREAS, the BAC issued its fourth bid bulletin advising that the schedule of deadline of submission and opening of bids on 26 May 2020 was suspended until the Metro Manila has been placed to MGCQ or upon compliance with Item 4.2 of GPPB Resolution No. 09-2020 whichever comes earlier. Copies of Bid Bulletin No. 04 dated 25 May 2020 and proof of posting of said document is hereto attached as Annex "KK";

WHEREAS, pursuant to Section 13 of RIRR of Republic Act No. 9184, the BAC advised COA and four (4) other observers registered with SEC relative to the suspension of the schedule of the deadline of submission and opening of bids for the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding from 26 May 2020 until such time that the MGCQ in Metro Manila has been declared or upon compliance with Item 4.2 of GPPB Resolution No. 09-2020 whichever comes earlier for purposes of transparency and good governance. The copies of the letters to observers are hereto attached as Annexes "LL", "MM", "NN", "OO" and "PP", respectively;

WHEREAS, in its Resolution No. 12-2020 dated 4 June 2020, the BAC resolved to amend its Resolution No. 11-2020 dated 25 May 2020, to reschedule the submission/opening of bids for the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding on 15 June 2020 and to issue a supplemental bid bulletin relative to the abovementioned schedule for posting. A copy of said BAC Resolution is hereto attached as Annex "QQ";

WHEREAS, the BAC issued its fifth bid bulletin rescheduling of the submission/opening of bids on 15 June 2020. Copies of Bid Bulletin No. 05 dated 4 June 2020 and proof of posting of said document is hereto attached as Annex "RR";

WHEREAS, pursuant to Section 13 of RIRR of Republic Act No. 9184, the BAC invited COA and four (4) other observers registered with SEC to witness the bidding activities on 15 June 2020 particularly on the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding for purposes of transparency and good governance. The copies of the letters to observers are hereto attached as Annexes "SS", "TT", "UU", "VV" and "WW", respectively;

WHEREAS, responding to the amendments to certain provisions in the Bidding Documents as issued in Bid Bulletin No. 03 dated 30 April 2020, only Petron Corporation signified their interest to participate in said bidding process by purchasing bidding documents. A copy of the official receipt for the purchase of bidding documents is hereto attached as Annex "XX";

WHEREAS, the bid opening was held on 15 June 2020 at the AS Conference Room located at the 2nd Floor, TESDA Administration Building in Taguig City. A copy of the Minutes of the Meeting is hereto attached as Annex "YY";

WHEREAS, pursuant to Section 30.1 of the RIRR of RA 9184, the BAC shall check the submitted documents of each bidder against a checklist of required documents to ascertain if they are all present, using a non-discretionary "pass/fail" criterion. If a bidder submits the required document, it shall be rated "passed" for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed." Otherwise, the BAC shall rate the said first bid envelope as "passed";

WHEREAS, Petron Corporation passed the eligibility requirements pursuant to Sections 23 and 25 of the RIRR of RA 9184. A copy of the Eligibility Requirements Checklist and Abstract of Bids are hereto attached as Annexes "ZZ" and "AAA", respectively;

WHEREAS, the BAC evaluated the financial component of the bids to determine the Lowest Calculated Bid pursuant to Section 32.2 of the RIRR of RA 9184. A copy of the bid evaluation report is hereto attached as Annex "BBB";

WHEREAS, pursuant to Section 34.2 of the 2016 RIRR of RA 9184, a Notice of Single Calculated Bid (SCB) dated 16 June 2020 was issued to Petron Corporation. Said bidder was required to submit the documents stated in the Instruction to Bidders (ITB) Clause 29.2 of the Bid Data Sheet of the Bidding Documents in certified as true copy/ies from the original by the authorized representative for purposes of post-qualification within five (5) calendar days from receipt by the bidder of the notice from the BAC that the bidder is the Single Calculated Bid. A copy of the Notice of SCB dated 16 June 2020 which was received by Petron Corporation on 16 June 2020 is hereto attached as Annexes "CCC" and "DDD", respectively;

WHEREAS, Petron Corporation submitted the documentary requirements stated in the Notice of SCB on 18 June 2020;

WHEREAS, given the Bid Evaluation was done on 15 June 2020 and pursuant to Section 34.8 of the 2016 RIRR of RA 9184, the BAC has only twelve (12) calendar days or until 27 June 2020 to complete the post-qualification process. The post-qualification entails verification, validation, and ascertainment of all statements made on the documents submitted by the bidder with the SCB as stated in the Bidding Documents. Also, the TWG has to verify/check the performance of the bidders relative to their previous contracts with the government and/or private entities;

WHEREAS, considering that the BAC only received the post-qualification documents of the SCB last 18 June 2020, the BAC requested for the extension of the period within which to complete the post-qualification process for the abovementioned procurement until 10 July 2020. A copy of the approved memorandum dated 25 June 2020 for the Director General from the BAC is hereto attached as Annex "EEE";

WHEREAS, pursuant to Section 13 of RIRR of Republic Act No. 9184, the BAC invited COA and four (4) other observers registered with SEC to witness the presentation of the Post-Qualification Report of the TWG on 1 July 2020 for the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding for purposes of transparency and good governance. The copies of the letters to observers are hereto attached as Annexes "FFF", "GGG", "HHH", "III" and "JJJ", respectively;

WHEREAS, in its meeting on 1 July 2020, the Post-Qualification Report of the TWG on the technical and financial proposals submitted by Petron Corporation was presented to the BAC. However, the BAC expressed their observations on said Report. Hence, the TWG submitted their revised Post-Qualification Report on 2 July 2020;

WHEREAS, upon careful examination, validation and verification of all the technical and financial proposals submitted by Petron Corporation, the TWG in its report found the bid offered by Petron Corporation to be compliant with the requirements set forth by the agency pursuant to Section 34 of Rule X (Post-Qualification) of the RIRR of Republic Act No. 9184. A copy of the Post-Qualification Report is hereto attached as Annex "KKK";

WHEREAS, pursuant to Section 36 (a) of the RIRR of Republic Act No. 9184, Petron Corporation was found to have 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 Petron Corporation to be the Single Calculated and Responsive Bid;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to recommend the award of the contract to Petron Corporation as the bidder with a Single Calculated and Responsive Bid for the Procurement of Fuel and Lubricants (Gasoline and Diesel) through Fuel Card System for the TESDA Central Office Service Vehicles for FY 2020 - Rebidding in the amount of Two Million Eight Hundred Fourteen Thousand Nine Hundred Six Pesos and 29/100 (₱2,814,906.29) subject to procurement law and government accounting and auditing rules and regulations.

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Resolved this 2nd day of July, 2020 at TESDA, Taguig City, Metro Manila.


LINA C. SARMIENTO
BAC Chairperson

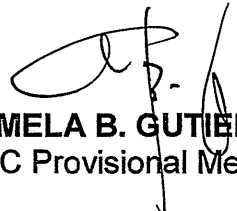
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DAVID B. BUNGALLON
BAC Vice Chairperson


MA. MAGDALENA P. BUTAD
BAC Member


ATTY. MARICHELE D. DE GUZMAN
BAC Member

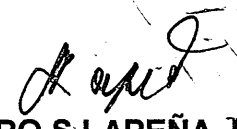
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RENATO L. GERON
BAC Member

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ADZHAR A. ALBANI
BAC Provisional Member


ARMELA B. GUTIERREZ
BAC Provisional Member

Approved

Disapproved


SEC. ISIDRO S LAPEÑA, PhD, CSEE
Director General