



**BIDS AND AWARDS COMMITTEE  
(CENTRAL OFFICE)**

**RESOLUTION NO. 42-2020**

**RECOMMENDING THE AWARD OF CONTRACT TO TECHGURU INCORPORATED  
FOR LOT 1 - SHIELDED METAL ARC WELDING (SMAW) NC I UNDER THE  
PROCUREMENT OF STARTER TOOLKITS FOR THE IMPLEMENTATION OF FY  
2020 SPECIAL TRAINING FOR EMPLOYMENT PROGRAM (STEP) - METALS AND  
ENGINEERING SECTOR**

**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 of TESDA Scholarship Programs, the Director General created a Technical Working Group (TWG) that shall assess and evaluate the requirements of the procurement of appropriate training tools and equipment on the basis of identified qualification (No Training Qualification and With Training Regulation) including the technical specifications and costing. A copy of the TESDA Order No. 283, Series of 2020, dated 6 August 2020 is hereto attached as Annex "A";

**WHEREAS**, in reference to Section 11.2 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (RA) No. 9184, the Director General as the Head of Procuring Entity (HoPE) designated an officer who has technical expertise relevant to the procurement at hand and a representative from the end-user or implementing unit as provisional members of the BAC for the for the Procurement of Starter Toolkits for the Implementation of FY 2020 STEP and FY 2020 UAQTEA. A copy of TESDA Order No. 405, Series of 2020, dated 7 October 2020 is hereto attached as Annex "B";

**WHEREAS**, the Technical Education and Skills Development Authority (TESDA) intends to apply the sum of One Hundred Nineteen Million Nine Hundred Thirty-Eight Thousand Five Hundred Sixty-One Pesos and 97/100 (P119,938,561.97) for the Procurement of Starter Toolkits for the Implementation of FY 2020 STEP - Metals and Engineering Sector. Copies of the Terms of Reference (TOR), Purchase Request and Certificate as to Availability of Funds (CAF) are hereto attached as Annexes "C", "D" and "E", respectively;

**WHEREAS**, pursuant to Section 20 of the RIRR of RA 9184, the BAC conducted series of pre-procurement conference with the end-user's representative on 1 October 2020, 5 October 2020 and 13 October 2020 at the AS Conference Room located at the 2<sup>nd</sup> Floor, TESDA Administration Building in Taguig City following the receipt of the approved TOR for the Procurement of Starter Toolkits for the Implementation of FY 2020 STEP - Metals and Engineering Sector. Copies of the Minutes of Meeting are hereto attached as Annexes "F", "G" and "H", respectively;

**WHEREAS**, pursuant to Section 13 of RIRR of RA 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 particularly on the Procurement of Starter Toolkits for the Implementation of FY 2020 STEP - Metals and Engineering Sector for purposes of transparency and good governance. The copies of the letters to the COA and other observers dated 20 October 2020 are hereto attached as Annexes "I", "J", "K", "L", "M" and "N", respectively;

**WHEREAS**, pursuant to Section 21 of the RIRR of RA 9184, TESDA advertised the Invitation to Bid (ITB) for the Procurement of Starter Toolkits for the Implementation of FY 2020 STEP - Metals and Engineering Sector 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 20 October 2020. Copies of the proof of postings are hereto attached as Annexes "O", "P" and "Q", respectively;

**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 ACMI Office Systems Philippines Inc., Welcome Export, Inc. and Techguru Incorporated. Copies of the official receipts for the purchase of bidding documents are hereto attached as Annexes "R", "S" and "T", respectively;

**WHEREAS**, the pre-bid conference was held on 26 October 2020 via Zoom application. Likewise, the minutes of the meeting was posted at the website of TESDA on 27 October 2020 in compliance with Section 22.4 of the 2016 RIRR of RA 9184. A copy of the minutes of meeting is hereto attached as Annex "U" while the proof of posting of the minutes of meeting is hereto attached as Annex "V";

**WHEREAS**, the BAC issued its first and second bid bulletins amending certain provisions in the Bidding Documents. A copy of Bid Bulletin No. 01 dated 28 October 2020 and Bid Bulletin No. 02 dated 5 November 2020 are hereto attached as Annexes "W" and "X", respectively;

**WHEREAS**, the BAC issued Notices of Postponement of the Submission and Opening of Bids due to Typhoon Ulysses and declaration of suspension of work in the government offices and classes in public schools at all levels in Regions I, II, III, CALABARZON, MIMAROPA, V, Cordillera Administrative Region and the National Capital Region. Copies of said Notices dated 11 November 2020 and 12 November 2020 are hereto attached as Annexes "Y" and "Z", respectively;



**WHEREAS**, the bid opening was held on 16 November 2020 at the Tandang Sora Hall, TESDA Women's Center, Gate 1, TESDA Complex, Building 2, East Service Road, South Luzon Expressway (SLEX), Fort Bonifacio, Taguig City. A copy of the Minutes of the Meeting is hereto attached as Annex "AA";

**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";

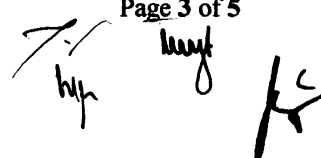
**WHEREAS**, ACMI Office Systems Philippines Inc., Welcome Export, Inc. and Techguru Incorporated passed the eligibility requirements pursuant to Sections 23 and 25 of the RIRR of RA 9184. Copies of the Eligibility Requirements Checklist and Abstract of Bids are hereto attached as Annexes "BB" and "CC", respectively;

**WHEREAS**, the BAC Chairperson created a Technical Working Group (TWG) for the Procurement of Starter Toolkits for the Implementation of FY 2020 STEP that shall assist the BAC in the evaluation of bids, post-qualification and resolution of request for reconsideration. Copies of the BAC Order Nos. 8 and 10, Series of 2020, issued on 16 November 2020 are hereto attached as Annexes "DD" and "EE", 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 "FF";

**WHEREAS**, pursuant to Section 34.2 of the 2016 RIRR of RA 9184, a Notice of Lowest Calculated Bid (LCB) dated 23 November 2020 was issued to Techguru Incorporated. Said bidder was required to submit the documents stated in the Instruction to Bidders (ITB) Clause 20.1 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 Lowest Calculated Bid. A copy of the Notice of LCB dated 23 November 2020 issued to Techguru Incorporated is hereto attached as Annex "GG", while Techguru Incorporated's acknowledgement of the receipt of the letter on 24 November 2020 is hereto attached as Annex "HH";

**WHEREAS**, Techguru Incorporated submitted the documentary requirements stated in the Notice of LCB on 1 December 2020;

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**WHEREAS**, given the Bid Evaluation was done on 23 November 2020 and pursuant to Section 34.8 of the 2016 RIRR of RA 9184, the BAC has only twelve (12) calendar days or until 5 December 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 LCB 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. Likewise, samples have to be presented and inspected to ensure compliance with the technical specifications for each lot;

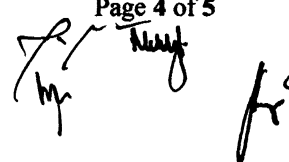
**WHEREAS**, considering that the BAC only received the post-qualification documents of the LCB last 1 December 2020, the BAC requested for the extension of the period within which to complete the post-qualification process for the abovementioned procurement on or before 28 December 2020. A copy of the approved memorandum dated 3 December 2020 for the Director General from the BAC is hereto attached as Annex "II";

**WHEREAS**, upon careful examination, validation and verification of all the technical and financial proposals submitted by Techguru Incorporated, the TWG in its report found that the bid offered by Techguru Incorporated is compliant with the legal, technical and financial requirements set forth by the agency pursuant to Section 34 of Rule X (Post-Qualification) of the RIRR of Republic Act No. 9184. Copies of the TWG Reports are hereto attached as Annexes "JJ" and "KK";

**WHEREAS**, pursuant to Section 34.4 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 and Responsive Bid, and recommend to the Head of the Procuring Entity the award of contract to the said bidder;

**WHEREAS**, Techguru Incorporated met all the eligibility requirements prescribed by the agency and its bid had been found to be responsive to the bidding requirements. Hence, the BAC finds the bid of Techguru Incorporated to be the Lowest Calculated and Responsive Bid;

**NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED**, to recommend the award of the contract to Techguru Incorporated as the bidder with a Lowest Calculated and Responsive Bid for Lot 1 - Shielded Metal Arc Welding (SMAW) NC I under Procurement of Starter Toolkits for the Implementation of FY 2020 STEP - Metals and Engineering Sector amounting to Seventy-Seven Million Seven Hundred Twelve Thousand Nine Hundred Thirty-Four Pesos and 65/100 (₱77,712,934.65) subject to procurement law and government accounting and auditing rules and regulations.

Handwritten signatures and initials in black ink, including a large signature on the left, a smaller signature in the middle, and initials on the right.

Signed this 28<sup>th</sup> day of December, 2020 at TESDA, Taguig City, Metro Manila.

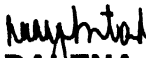
  
**LINA C. SARMIENTO**  
BAC Chairperson

ABSENT

**DAVID B. BUNGALLON**  
BAC Vice Chairperson

ABSENT

**ATTY. MARICHELLE D. DE GUZMAN**  
BAC Member

  
**MA. MAGDALENA P. BUTAD**  
BAC Member

  
**MARK ANGELO M. GERVACIO**  
BAC Member – Alternate

ABSENT

**MELANIE GRACE T. ROMERO**  
BAC Provisional Member

  
**RIZAL S. BAUTISTA**  
BAC Provisional Member

