



BIDS AND AWARDS COMMITTEE
(CENTRAL OFFICE)

RESOLUTION NO. 59-2021

**DECLARING A FAILURE OF BIDDING FOR LOT 8 UNDER THE
PROCUREMENT OF STARTER TOOLKITS FOR THE IMPLEMENTATION OF FY
2020 UNIVERSAL ACCESS TO QUALITY TERTIARY EDUCATION ACT
(UAQTEA) - SINGLE/BUNDLED PROGRAMS - AGRICULTURE, FORESTRY AND
FISHERY 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 Sixty-Six Thousand Four Hundred Ninety-Seven Thousand Five Hundred Four Pesos and 72/100 (P66,497,504.72) for the Procurement of Starter Toolkits for the Implementation of FY 2020 UAQTEA - Single/Bundled Programs – Agriculture, Forestry and Fishery 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 following the receipt of the approved TOR for the Procurement of Starter Toolkits for the Implementation of FY 2020 Universal Access to Quality Tertiary Education Act (UAQTEA) - Single/Bundled

BAC Resolution No. 59-2021 dated 5 May 2021

Programs – Agriculture, Forestry, and Fishery 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 five (5) 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 Universal Access to Quality Tertiary Education Act (UAQTEA) - Single/Bundled Programs – Agriculture, Forestry, and Fishery Sector for purposes of transparency and good governance. The copies of the letters to the COA and other observers dated 19 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 Universal Access to Quality Tertiary Education Act (UAQTEA)-Single/Bundled Programs – Agriculture, Forestry, and Fishery 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 19 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., Techguru Incorporated, and Welcome Export, Inc. 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 27 October 2020 via Zoom application. Likewise, the minutes of the meeting was posted at the website of TESDA 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., Techguru Incorporated, and Welcome Export, Inc. 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 TWG for the Procurement of Starter Toolkits for the Implementation of FY 2020 UAQTEA that shall assist the BAC in the evaluation of bids, post-qualification and resolution of request for reconsideration. Copies of the BAC Order Nos. 9 and 11, 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 Welcome Export, Inc. For purposes of post-qualification, the said bidder was required to submit in certified as true copy/ies from the original by the authorized representative the documents stated in the Instruction to Bidders (ITB) Clause 20.1 of the Bid Data Sheet of the Bidding Documents 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 Welcome Export, Inc. is hereto attached as Annex "GG", while Welcome Export, Inc.'s acknowledgement of the receipt of the letter on 24 November 2020 is hereto attached as Annex "HH";

WHEREAS, Welcome Export, Inc. submitted the documentary requirements stated in the Notice of LCB on 27 November 2020;

WHEREAS, a post-qualification was conducted by the TWG pursuant to Section 34 of the 2016 RIRR of RA 9184;

WHEREAS, during the conduct of the post-qualification, the TWG examined, verified, validated, and ascertained all statements and representations made including all documents submitted in relation to the bid of Welcome Export, Inc. vis-à-vis the requirements and conditions specified in the Bidding Documents for the said project;

WHEREAS, as stated in Instructions to Bidders (ITB) Clause No. 20.1 under Section III (Bid Data Sheet) of the Bidding Documents, to determine the compliance of the items with the requirements of the agency, the actual sample of each item being offered by the bidder together with the Technical Data Sheet will be submitted for purposes of post-qualification;

WHEREAS, the BAC conducted a post-qualification evaluation of the actual samples of the items being offered by Welcome Export, Inc. on 21 January 2021 at TESDA Multi-Purpose Gymnasium, Gate 1, TESDA Complex, East Service Road, South Luzon Expressway (SLEX), Fort Bonifacio, Taguig City for Lot 8 – Fish Capture NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 Universal Access to Quality Tertiary Education Act (UAQTEA) Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector;

WHEREAS, on the basis of the TWG report, the BAC found that the bid of Welcome Export, Inc. for the abovementioned lot failed to comply with, and be responsive to the requirements and conditions specified in the Bidding Documents specifically on the following technical specifications of the items:

Item	Lot No.	Agency Specifications	Brand/ Model	Technical Data Sheet	Actual Sample	Remarks
Marine GPS (Positioning Device)	8	<ul style="list-style-type: none"> Handheld Battery Operated Digital Color LCD Display Waterproof/water resistant 	-	-	-	Non-compliant Item not presented.
Radio Communication Device (two-way radio)	8	<ul style="list-style-type: none"> 12 volt, 5.0 watts Dimension: ± 6.5 x 6.7 x 2.5 inches 	Cignus	<ul style="list-style-type: none"> 12 volt, 5.0 watts Dimension: ± 6.5 x 6.7 x 2.5 inches 	<ul style="list-style-type: none"> 7.4 volt, 5.0 watts 4.5 x 2.5 x 1.5 inches 	Non-compliant
Calculator	8	<ul style="list-style-type: none"> double zero with rounding function support 	Casio	<ul style="list-style-type: none"> double zero with rounding function support 	None	Non-compliant

A copy of the TWG report is hereto attached as Annex "II";

WHEREAS, the bid of Welcome Export, Inc. for Lot 8 – Fish Capture NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 UAQTEA-Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector was post-disqualified pursuant to BAC Resolution No. 19-2021 dated 3 February 2021 hereto attached as Annex "JJ";

WHEREAS, pursuant to Section 34.5 of the RIRR of RA 9184, the BAC in its letter dated 30 March 2021 notified Welcome Export, Inc. of its post-disqualification and the grounds for it. A copy of the Notice of Post-Disqualification dated 3 February 2021 issued to Welcome Export, Inc. is hereto attached as Annex "KK";

WHEREAS, pursuant to Section 55.1 of Rule XVII (Protest Mechanism) of the 2016 RIRR of RA 9184, Welcome Export, Inc. had been given three (3) calendar days from 4 March 2021 or until 7 March 2021 within which to file its Request for Reconsideration. However, despite the lapse of the period to file such Request for Reconsideration, no request for reconsideration was filed by Welcome Export, Inc.;

WHEREAS, pursuant to Section 34.6 of the RIRR of RA 9184, immediately after the BAC has notified the first bidder of its post-disqualification, and notwithstanding any pending request for reconsideration thereof, the BAC shall initiate and complete the same post-qualification process on the bidder with the Second Lowest Calculated Bid.

WHEREAS, ACMI Office Systems Philippines Inc. was declared as the Second Lowest Calculated Bidder with a bid offer amounting to Six Hundred Thirty-Eight Thousand Pesos (P638,000.00);

WHEREAS, pursuant to Section 34.2 of the 2016 RIRR of RA 9184, a Notice of Second Lowest Calculated Bid (LCB) dated 3 February 2021 was issued to ACMI Office Systems Philippines Inc. For purposes of post-qualification, the said bidder was required to submit in certified as true copy/ies from the original by the authorized representative the documents stated in the Instruction to Bidders (ITB) Clause 20.1 of the Bid Data Sheet of the Bidding Documents 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 3 February 2020 issued to ACMI Office Systems Philippines Inc. is hereto attached as Annex "LL", while ACMI Office Systems Philippines Inc.'s acknowledgement of the receipt of the letter on 5 March 2021 is hereto attached as Annex "MM";

WHEREAS, ACMI Office Systems Philippines Inc. submitted the documentary requirements stated in the Notice of LCB on 10 March 2021;

WHEREAS, a post-qualification was conducted by the TWG pursuant to Section 34 of the 2016 RIRR of RA 9184;

WHEREAS, during the conduct of the post-qualification, the TWG examined, verified, validated, and ascertained all statements and representations made including all documents submitted in relation to the bid of ACMI Office Systems Philippines Inc. vis-à-vis the requirements and conditions specified in the Bidding Documents for the said project;

WHEREAS, as stated in Instructions to Bidders (ITB) Clause No. 20.1 under Section III (Bid Data Sheet) of the Bidding Documents, to determine the compliance of the items with the requirements of the agency, the actual sample of each item being offered by the bidder together with the Technical Data Sheet will be submitted for purposes of post-qualification;

WHEREAS, the BAC conducted a post-qualification evaluation of the actual samples of the items being offered by ACMI Office Systems Philippines Inc. on 22 March 2021 at Gabriela Silang Room, TESDA Women's Center, Gate 1, TESDA Complex, Building 2, East Service Road, South Luzon Expressway (SLEX), Fort Bonifacio, Taguig City for Lot 8 – Fish Capture NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 Universal Access to Quality Tertiary Education Act (UAQTEA) Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector;

WHEREAS, on the basis of the TWG report, the BAC found that the bid of ACMI Office Systems Philippines Inc. for the abovementioned lot failed to comply with, and be responsive to the requirements and conditions specified in the Bidding Documents specifically on the following technical specifications of the items:

Item	Lot No.	Agency Specifications	Brand/ Model	Technical Data Sheet	Actual Sample	Remarks
Electric Spray Gun	8	<ul style="list-style-type: none"> • 600 to 1000ml capacity • Corded (AC Power) • 500-700 watts 	Generic TNG1-003	<ul style="list-style-type: none"> • 600 to 1000ml capacity • Corded (AC Power) • 500-700 watts 	Item Presented is different from submitted	Non-compliant

	<ul style="list-style-type: none"> • Detachable paint container • Power plug: US type • 220-250V, 60Hz 		<ul style="list-style-type: none"> • Detachable paint container • Power plug: US type • 220-250V, 60Hz 	Technical Data Sheet	
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A copy of the TWG report is hereto attached as Annex "NN";

WHEREAS, ACMI Office Systems Philippines Inc. was post-disqualified for Lot 8 – Fish Capture NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 UAQTEA - Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector pursuant to BAC Resolution No. 50-2021 dated 30 March 2021. A copy of which is hereto attached as Annex "OO";

WHEREAS, pursuant to Section 34.5 of the RIRR of RA 9184, the BAC in its letter dated 30 March 2021 notified ACMI Office Systems Philippines Inc. of its post-disqualification and the grounds for it. A copy of the Notice of Post-Disqualification dated 30 March 2021 issued to ACMI Office Systems Philippines Inc. is hereto attached as Annex "PP";

WHEREAS, pursuant to Section 55.1 of Rule XVII (Protest Mechanism) of the 2016 RIRR of RA 9184, ACMI Office Systems Philippines Inc. had been given three (3) calendar days from 24 April 2021 or until 27 April 2021 within which to file its Request for Reconsideration. However, despite the lapse of the period to file such Request for Reconsideration, no request for reconsideration was filed by ACMI Office Systems Philippines Inc.;

WHEREAS, pursuant to Section 34.7 of the 2016 RIRR of RA 9184, if the second bidder, however, fails the post-qualification, the procedure for post-qualification shall be repeated for the bidder with the next Lowest Calculated Bid, and so on until the Lowest Calculated and Responsive Bid, as the case may be, is determined for award, subject to Section 37 of this IRR;

WHEREAS, Techguru Incorporated was declared as the Third Lowest Calculated Bidder with a bid offer amounting to Eight Hundred Eighty-Three Thousand Eight Hundred Eighty-Five Pesos and 20/100 (₱883,885.20);

WHEREAS, pursuant to Section 34.2 of the 2016 RIRR of RA 9184, a Notice of Third LCB dated 31 March 2021 was issued to Techguru Incorporated. For purposes of post-qualification, the said bidder was required to submit in certified as true copy/ies from the original by the authorized representative the documents stated in the ITB Clause 20.1 of the Bid Data Sheet of the Bidding Documents 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 31 March 2021 issued to Techguru Incorporated is hereto attached as Annex "QQ", while Techguru Incorporated's acknowledgement of the receipt of the letter on 27 April 2021 is hereto attached as Annex "RR";

WHEREAS, in response to Notice of LCB letter dated 31 March 2021, a letter from Techguru Incorporated was received on 28 April 2021 regarding non-submission of post-qualification documents for Lot 8 - Fish Capture NC II for reasons beyond their control. Likewise, Techguru Incorporated did not submit its post-qualification

[Handwritten signatures and initials]

documents within the prescriptive period from 28 April 2021 until 2 May 2021. A copy of the letter from Techguru Incorporated is hereto attached as Annex "SS";

WHEREAS, in its meeting dated 5 May 2021, the BAC declared Techguru Incorporated post-disqualified pursuant to Section 34.2 of the 2016 RIRR of Republic Act No. 9184, and advised the End-user to conduct a mandatory review of the terms, conditions, and specifications, and if adjustment of ABC is still necessary.

WHEREAS, pursuant to Sections 35.2 and 35.3 of the 2016 RIRR of Republic Act No. 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 ABC, subject to the required approvals, and conduct a rebidding with re-advertisement and/or posting, as provided for in Section 21.2 of 2016 RIRR of Republic Act No. 9184;

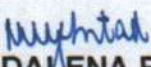
NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to declare a failure of bidding for Lot 8 - Fish Capture NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 UAQTEA - Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector pursuant to Section 35.1 (c) of the 2016 RIRR of RA 9184 and to conduct a rebidding subject to the instruction of the approving authority and provisions of Republic Act No. 9184 and its RIRR.

Signed this 5th day of May, 2021 at TESDA, Taguig City, Metro Manila.

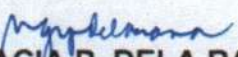
-Absent-
LINA C. SARMIENTO
BAC Chairperson


DAVID B. BUNGALLON
BAC Vice Chairperson


ATTY. MARICHELE D. DE GUZMAN
BAC Member


MA. MAGDALENA P. BUTAD
BAC Member


ARTEMIO C. DEL ROSARIO, JR.
BAC Member


MARIA GRACIA P. DELA RAMA
BAC Provisional Member

-Absent-
RIZAL S. BAUTISTA
BAC Provisional Member

Approved

Disapproved


SEC. ISIDRO S LAPENA, PhD, CSEE
Director General