

REPUBLIC OF THE PHILIPPINES **DEPARTMENT OF BUDGET AND MANAGEMENT**

GENERAL SOLANO STREET, SAN MIGUEL, MANILA

BIDS AND AWARDS COMMITTEE

MINUTES OF MEETING

December 1, 2020, 9:30 a.m.
Bids and Awards Committee Conference Room

I. Attendance

Chairperson Undersecretary Janet B. Abuel

Vice-Chairperson: Director Andrea Celene M. Magtalas

Members: Director Ryan S. Lita

Director Dante De Chavez OIC Director Rowel Escalante Mr. Virgilio Umpacan, Jr.

End-User Representatives/

Provisional Member: Dir. Thea Marie Corinne F. Palarca

Dir. Vivien Labastilla

Technical Working Group: Mr. Rainer Diaz

Ms. Jeanalyn Caceres Atty. Keith Francis Briones Atty. Madelaine Meris

Ms. Janina Papa Ms. Darlene Reyes Mr. George Sotelo

Secretariat: Joyce D. Labao

Ms. Rhonna Regina Puno

Ms. Abegail Igna

Bidders Present: For the Project:

"Cleaning Services for the Air-conditioning Units located at the

DBM Central Office and Arcache Building"

1. Mr. Edward Mendoza, EM Refrigeration and Air

Conditioning Services (EM RACS)

2. Christian F. Quidilig, Rose Aire Enterprise, Inc.

"Supply and Delivery of Executive Laptops"

1. Jeffery Collados, Advance Solutions Inc.

2. Maria Teresa Temena, Advance Solutions, Inc.

3. Marjorie Mercado, Quartz Business Products Corporation

II. Call to Order

The BAC Chairperson called the meeting to order after determining that there is a quorum at 9:30 a.m.

The agenda for December 1, 2020 BAC Meeting is as follows:

Agenda

- A. Submission and Opening of Bids
 - 1. Cleaning Services for the Air-conditioning Units located at the DBM Central Office and Arcache Building Early Procurement Activity
- B. Meeting with Interested Consultants
 - 1. Consultancy Services for the Development and Implementation of the Digital PFMCP Early Procurement Activity
- C. Pre-bid Conference
 - 1. Supply and Delivery of Executive Laptops
- D. Other Matters

III. Highlights of the Meeting

	Topics/Issues		Comments/Decisions/Instructions	
A.	A. Submission and Opening of Bids			
	the Un Ce	eaning Services for e Air-conditioning nits located at the DBM entral Office and ccache Building	 The BAC Secretariat provided the brief background for the project. The BAC Recognized Atty. Keith Briones, TWG in-charge to facilitate the bid opening, assisted by Ms. Darlene Reyes and the other TWG members. The summary of the proceedings is as follows: 	
				: EM RACS ber 1, 2020, 7:39 a.m.
			1st Envelope	Noted to be properly sealed, signed and marked.
				Submitted an envelope containing two (2) envelopes marked as Technical and Financial
			Technical Component	
			PhilGEPS Certificate of Registration	Presented a valid PhliGEPS Certification, Platinum Membership Valid until July 21, 2021
			2. Annex A	Present

Topics/Issues	Comments/Decisions/Instructions	
	DTI/ SEC Registration	DTI Certificate Number 05912625 Valid until March 18, 2024
	Mayor's Permit	Valid until December 31, 2019
	Tax Clearance	Valid until March 4, 2021
	Audited Financial Statement	Filed on February 20,2020
	3. Statement of all ongoing government and private contracts	Present Submitted One (1) government contract and Two (2) private contracts
	4. Statement of Single Largest Completed Contract	Present; presented a contract with Leisure World Commodities, Inc.
		Date of Contract December 27, 2016
		Nature Comprehensive preventive maintenance of split type and VRF air conditioning units
		Amount P2,195,600.00
		Date Delivered January 3, 2017-January 2, 2019
	5. Bid Security	Presented Submitted a notarized Bid Securing Declaration signed by Mr. Edward Mendoza
	6. Compliance with Section VI. Schedule of Requirements	Present Signed by Mr. Edward Mendoza
	7. Compliance with Section VII. Technical Specifications	Present

Topics/Issues	Comments/Decisions/Instructions	
		Submitted the Revised Technical Specification and Annex A
	8. Omnibus Sworn Statement (OSS)	Present Submitted a notarized OSS
	9. Authority of the Signatory	Mr. Edward Mendoza the signatory is the owner and General Manager of EMRACS
	Financial Document	
	10. Net Financial	Present
	Contracting Capacity (NFCC)	Submitted the Audited Financial Statement received by the BIR on February 20, 2020
		NFCC = P8,004,647.00
	"passed" having submitted the technical, legal, and fina - The BAC declared the subm	nission of EMRACS as "passed".
		ire Enterprise, Inc. ber 1, 2020, 8:19 a.m.
	1 st Envelope	Noted to be properly sealed, signed and marked.
		Submitted an envelope containing three (3) envelopes marked as Original, Copy 1, and Copy 2.
		The TWG opened the enveloped marked as "original".
	Technical Component	
	1. PhilGEPS Certificate of Registration	Presented a valid PhliGEPS Certification, Platinum Membership Valid until June 4, 2021
	2. Annex A	Present
	DTI/ SEC Registration	Sec Certificate registered on Dec. 1, 2015
	Mayor's Permit	Valid until Dec. 31, 2019

Topics/Issues	Comments/Decisions/Instructions	
	Tax Clearance	Valid until March 6, 2021
	Audited Financial Statement	Filed on April 24,2019
	3. Statement of all ongoing government and private contracts	Present Submitted Five pages of government contract and None on private contracts
	4. Statement of Single Largest Completed Contract	Present; presented a contract with New Bac Cooling System and Equipment Sales Inc.
		Date of Contract February 26, 2018
		Nature Cleaning and Preventive Maintenance of Aircon Units and Repair Services
		Amount P2,205,000.00
		Date Delivered March 2018 – August 2018
	5. Bid Security	
	6. Compliance with Section VI. Schedule of Requirements	-
	7. Compliance with Section VII. Technical Specifications	-
	8. Omnibus Sworn Statement (OSS)	-
	9. Authority of the Signatory	-
	Financial Document 10. Net Financial	-
	Contracting Capacity (NFCC)	-
		he submission of Rose Aire as nply with the requirements of a Contract.
	due to non-compliance wi for the Single Largest Com	mission of Rose Aire as failed" th the prescribed requirement pleted Contract (SLCC) similar d have been "completed within

Topics/Issues	Comments/Decisions/Instructions	
	two (2) years prior to the deadline for the submission and receipt of bids" as explicitly stated in Clause 10.2 of Section II. Instructions to Bidders (ITB), as reiterated in Section III. Bid Data Sheet, referring to Clause 5.3.b of the ITB, of the Bidding Documents.	
	- The BAC cited Section 30.1 of the 2016 Revised IRR of RA No. 9184 on the preliminary examination of bids, which provides: "[t]he 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, as stated in the Instructions to Bidders. 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.'"	
	- it was determined by the DBM-BAC that the submitted Statement of SLCC of Rose Aire Enterprise Inc. showed that the date of delivery of the SLCC indicated therein was August 2018, which is beyond two (2) years prior to the December 1, 2020 date of submission and receipt of bids for the subject Project as prescribed in the Bidding Documents. Hence, patently insufficient.	
	- The BAC also informed the bidders of the provisions of the law on Protests on the Decision on the BAC. The Chairperson stated that bidders may request for reconsideration within three (3) calendar days upon verbal notification which the BAC issued on the same day.	
	- The BAC proceeded in the opening of the Financial Component. EMRACS submitted the following proposal:	
	Bidder Financial Proposal EMRACS P 3,483,200.00	
	 Upon checking, the TWG in-charge recommended that the submission of EMRACS as Single Calculated Bid. The BAC declared EMRACS as the Single Calculated Bid for the project. EMRACS was advised to submit within five days non extendible period documents for the post qualification consistent with the bidding documents. 	
B. Meeting with Interested Bidders		
1. Consultancy Services for the Development and Implementation of Digital PFMCP (EPA)	 The BAC Secretariat informed the BAC that there are no prospective bidders attending the meeting. The BAC decided to defer the meeting with interested bidders with the advised to the end-user and the Secretariat to inform prospective bidders. Specially those 	

Topics/Issues	Comments/Decisions/Instructions	
	who downloaded/viewed the invitation and those who participated in the market research.	
C. Pre Bid Conference		
Supply and Delivery of Executive Laptops	 The BAC Secretariat provided the brief background for the project. The BAC Recognized Atty. Keith Briones, TWG in-charge to lead the pre-bid conference The summary of the discussion is as follows: 	
	Topic	Details
	The Objectives of the pre bid conference	 To address and clarify the bidder's questions to adequately prepare bids for the project To remind the bidders that any statement issued during the conference shall not modify the terms of bidding, unless reflected in a supplemental/bid bulletin.
	Project Background	Early Procurement Activity Approved budget for the contract: P3,120,000.00
	Requirements to be submitted during bid submission, after declaration of Lowest Calculated Bid, and After receipt of Notice of Award	I. During Bid Submission: (1 copy each) Technical Component (1st Envelope) a. Legal Documents consisting of PhilGEPS Registration Certificate, Platinum Membership with Annex A or Class A Legal Documents or their alternatives. If any of the document/s under Annex A is not updated, the bidders were reminded to submit updated document/s. b. Technical Documents 1. Statement of all ongoing
		contracts 2. Statement of Single Largest Completed Contract

Topics/Issues	Comments/Decisions/Instructions
Topics/Issues	Sid Security in any of the prescribed forms It was emphasized that: An un-notarized Bid Securing Declaration may be submitted during a State of Calamity, or implementation of community quarantine or similar restrictions declared or being implemented either in the locality of the Procuring entity of the bidder. (GPPB resolution No. 09-2020) 4. Compliance to Section VI. Schedule of Requirements 5. Compliance to Section VII. Technical Specifications 6. Omnibus Sworn Statement 7. Authority of the Signatory 8. Net Financial Contracting Capacity or Committed Line of Credit; and 9. Latest Audited Financial Statement (AFS) stamped received by the BIR
	Proposal 1. Bid Form, signed in all pages II. Additional Document if declared as Lowest Calculated Bidder 1. Income Tax Return 2. VAT Returns 3. Photocopy of Contract/s or Purchase Order for the SLCC and the corresponding proof of completion which could either be certificate of final acceptance or Official

Topics/Issues	Comments/Decisions/Instructions	
		Receipt/Sales Invoice.
		III. After receipt of Notice of Award (NOA) 1. Performance Security 2. Contract
	Sealing and Marking of Bids	Showed an illustration
	Post Qualification Documents	Must be submitted within non-extendible period of 5 calendar days from receipt of the notice. - Attachments to the SLCC - Latest income and business tax returns filed through
	Performance Security	EFPS Any of the form provided in the Bid Documents and must be valid until issuance by the PE of the Certificate of Final Acceptance
	Contract Signing Timeline	bidder shall enter into contract with the PE within ten (10) calendar days from receipt of the NOA
	The Contract	Parts of the Contract
	Schedule of Requirements	Discussed the Section VI
	Technical Specification	Discussed in detail the Technical Specification
	Common Reasons for Disqualification	1. Failure to submit or incomplete submission 2. Unsigned documents (when signature is required) 3. PhilGEPS Platinum Certificate submitted but Annex A showed expired document, and no updated/valid document is submitted (e.g., tax clearance certificate) 4. Class A documents submitted are incomplete or expired 5. Statement of All Ongoing Contracts is incomplete (Include)

Topics/Issues	Comments/Decisions/Instructions
Topics/Issues	Comments/Decisions/Instructions DBM projects, if applicable) 6. SLCC (Amount, Period, Similarity) 7. Schedule of Requirements and Technical Specifications not revised (if Revised version is prescribed in SBB) 8. Omnibus Sworn Statement is not consistent with the 6th Edition PBD (edited clause 3; additional clause 10) 9. NFCC/CLC is in the wrong envelope 10. Financial Proposal is not initialed in each
	and every page During Post Qualification and After NOA 1. Failure to submit complete documents within the prescribed period 2. Taxes (ITR and VAT/Percentage taxes) not paid through EFPS (if applicable)
	AFTER NOA 1. Failure to post proper performance security within the prescribed period 2. For Surety bond, failure to attach certification from the Insurance Commission 3. Failure to submit signed contract within the prescribed period
	Prospective Bidders are reminded to: 1. Exercise Extra Prudence in Preparing the Bid

Topics/Issues	Comments/Decisions/Instructions		
		Docs – Double Check; Triple Check (by different persons) 2. Refer to the Checklist in the Bid Docs 3. Use the Soft Copies Provided by the BAC Secretariat	
	Procurement Timelines	Periods for: - Request for Clarification Dec. 5, 2020 - Issuance of Supplemental / Bid Bulletin if any Dec. 9, 2020 - Submission of Bids On or before 10:30 a.m. of Dec. 15, 2020 - Opening of Bids Dec. 15, 2020 10:30 a.m.	
		representatives replied to the m the bidders. The summary of ws:	
	Questions/Clarifications	Replies	
	On the Technical Specification Will you accept 10 th Generation Model which is the current model in the market?	The end-user will discuss and consider the queries. Any decision will be reflected in the SBB.	
	On the Schedule of Requirements	Within 60 calendar days upon receipt of the NTP	
D. Other Matters 1. Request for		d the factual and legal aspects of	
Consideration of the People Dynamics, Inc. (PDI) For the projects Online Competency Assessment and the Psychometric Exams	 the reply to PDI on their request for reconsideration. The TWG recommended: (1) maintain the current stand that PDI is post-disqualified due to the failure to disclos 		

Topics/Issues	Comments/Decisions/Instructions	
- F/	included in the List of All On going Contracts for purpose	
	of the Bidding.	
	- The BAC adopted: the request for reconsideration is	
	DENIED, considering the following factual and legal	
	bases:	
	 PDI has an ongoing contract with the DBM for the 	
	"Administration of Psychometric Exams for DBM	
	Applicants and Employees" (DBM Contract No.	
	2020-15) which commenced upon PDI's receipt of	
	the relevant Notice to Proceed on April 24, 2020.	
	The implementation of DBM Contract No. 2020-15	
	is until December 2020, as defined in the contract's	
	"Tentative Number of Examinees and Project	
	Timeline" signed by Janina Rose Corpuz, Bianca	
	Marriz Gaela, and Mary Joy Eufracio, HR Solutions	
	Director/Consultants of PDI. After verification, validation, and ascertainment	
	of all statements made and documents submitted	
	by PDI using a non-discretionary criteria, the non-	
	inclusion of DBM Contract No. 2020-15 in the	
	Statement of All Ongoing Government and Private	
	Contracts including Contracts Awarded resulted	
	in PDI's post-disqualification.	
	 In similar subject matters, the Government 	
	Procurement Policy Board has consistently	
	reiterated in its issuances, particularly, Non-	
	Policy Matter Nos. 111-2013, 034-2014, 003-	
	2016, and 006-2018, that "failure to declare an	
	ongoing government and private contract,	
	including contracts awarded but not yet started, if	
	any, whether similar or not similar in nature and	
	complexity to the contract to be bid is a ground	
	for disqualification."	
	 The DBM negates PDI's assertion in the November 28, 2020 letter that "the [DBM] contract ended in 	
	June 2020 but was mutually agreed to be	
	extended until June 2021, i.e. for PDI to	
	continually provide psychometric assessment	
	services without price escalations, whenever the	
	service is needed by DBM." Per DBM records,	
	DBM Purchase Order No. 2019-126 or the	
	"Provision of Services for the Administration of	
	Psychometric Exams" with a contract period of	
	until December 31, 2019 was extended from	
	January 1, 2020 to June 30, 2020 unless sooner	
	terminated due to the award of a new contract.	
	Hence, when the Notice to Proceed for Contract	
	No. 2020-15 was duly received by your company	
	on April 24, 2020, the extension of the prior	
2 Pagus et ferr	contract was terminated.	
2. Request for	Mr. Coorgo Satalo the DAC TIMC in shares of the projects	
Reconsideration of Trends and	- Mr. George Sotelo, the BAC TWG in-charge of the projects presented the factual and legal bases of the reply to	
Technologies for the	Trends and Technologies on their request for	
"Maintenance and	reconsideration.	
Plantenance and	1 0001101101111111111111111111111111111	

Topics/Issues	Comments/Decisions/Instructions	
Support Services for Budget and Treasury Management System	ervices for d Treasury ent System - Based on the facts presented, the BAC resolved to: The subject request for reconsideration is DENIED	
(BTMS) Equipment and Licenses"		
3. Summary of BAC	<u> </u>	non-discretionary criteria, is
Action Items	Project	To Do
	Psychometric Exams and	Prepare the reply letter to
	Online Competency Assessment	PDI regarding its request for reconsideration.
	"Maintenance and Support	Prepare the reply letter to
	Services for Budget and	Trend and Technologies
	Treasury Management	regarding its request for
	System (BTMS) Equipment and Licenses"	reconsideration.
	Consultancy Services for the	The meeting with interested
	Development and	bidders is scheduled on
	Implementation of the Digital PFMCP	December 4, 2020. End-users shall coordinate with possible bidders and invite them to attend said
		meeting

meeting.

Topics/Issues	Comments/Decisions/Instructions			
	Supply and Delivery of	The TWG in-charge shall		
	Executive Laptops	coordinate with end users		
		for the Supplemental Bid		
		Bulletin.		

IV. Adjournment

There be	eing no	other	matters	to be	discussed.	, the meeting	was ad	iourned	at 2:00 i	n.m
THE E		Other	matters	to be	uiscusscu,	, this micetime	, was au	journeu	at 2.00	ρ .111

Prepared by: Noted by:

Joyce D. Labao Secretariat **Director ANDREA CELENE MAGTALAS**

Vice-Chairperson