

Republic of the Philippines
Power Sector Assets and Liabilities Management Corporation
24th Floor Vertis North Corporate Center 1, Astra corner Lux Drives
Vertis North, North Avenue, Quezon City
Telephone Number (02) 8248-4861
<https://www.psalm.gov.ph>

BAC RESOLUTION NO. SBAC-2021-055

- 1. DECLARATION OF FAILURE OF BIDDING; AND**
- 2. RECOMMENDATION FOR CONDUCT OF RE-BIDDING**

**FOR THE PROCUREMENT OF COMPREHENSIVE MAINTENANCE SERVICE
AGREEMENT FOR LOAD BALANCER
(PROJECT REFERENCE NO. 2021-SVP-LB-033-01)**

WHEREAS, the Power Sector Assets and Liabilities Management (PSALM) Corporation is a government-owned and -controlled corporation duly established under Republic Act (RA) No. 9136 to manage the privatization of assets of the National Power Corporation (NPC) transferred to PSALM with the objective of liquidating all NPC financial obligations in an optimal manner;

WHEREAS, RA 9184, otherwise known as the Government Procurement Reform Act, was enacted to modernize, standardize and regulate procurement activities governed by the principles on transparency, competitiveness, system of accountability, public monitoring and streamlined process;

WHEREAS RA 9184 likewise provides that all procurement should be within the approved budget and contained in the approved Annual Procurement Plan (APP);

WHEREAS, on 18 December 2020, the PSALM Board of Directors approved the APP for CY 2021 which includes the Procurement of Comprehensive Maintenance Service Agreement for Load Balancer (the "Project") with an estimated budget of Seven Hundred Thousand Pesos (PHP700,000.00);

WHEREAS, the Bids and Awards Committee (BAC), through BAC Resolution No. SBAC-2021-011, delegated the conduct of procurement for the Project to the Information Services Technology Division (ISTD) as the End-user;

WHEREAS, on 22 June 2021, the pre-procurement conference was conducted wherein the Bids and Award Committee (BAC) approved the Request for Proposal, Approved Budget for the Contract (ABC) of Five Hundred Seventy Thousand Pesos (PHP570,000.00) and the timeline for the Project;

WHEREAS, on 25 June 2021, the Invitation to Submit Proposal was posted at the websites of the Philippine Government Electronic Procurement System (<https://www.philgeps.gov.ph>) and PSALM (<https://www.psalm.gov.ph>) and at the PSALM Office for three (3) consecutive days. The Invitation to Submit Proposal was also sent to at least three (3) suppliers of known qualifications;

WHEREAS, on 29 June 2021, the online/electronic submission and opening of proposals was conducted and only one (1) bidder, ePLDT Inc., submitted its proposal before the deadline for the submission at 10:00 AM;

WHEREAS, ePLDT Inc. was rated “passed” during the preliminary examination of the eligibility and technical requirements as provided in the RFP;

WHEREAS, the price quotation of ePLDT Inc. in the amount of Three Hundred Ninety-Six Thousand Five Hundred Ninety-Two Pesos (PHP396,592.00) was likewise found to be compliant and within the ABC;

WHEREAS, the ISTD as End-User declared ePLDT Inc. as the bidder with the single quotation as read, subject to the detailed evaluation and post-qualification;

WHEREAS, the BAC, through the ISTD, conducted a detailed evaluation of the proposal and ePLDT Inc. has been rated “failed”;

WHEREAS, upon detailed evaluation of the submitted eligibility documents, it was found out that the submitted Annex D (Conformity with Annex A and Annex B) was notarized on 28 June 2021 but was signed by the authorized signatory on 29 June 2021, one (1) day after the notary date;

WHEREAS, on 01 July 2021, the ISTD sent a letter through electronic mail (email) to Mr. Elpidio M. Juan, Jr., the Authorized Representative of ePLDT Inc., informing them of the discrepancy and requested an explanation for the said discrepancy;

WHEREAS, on 02 July 2021, ePLDT Inc. sent a Request for Reconsideration (RR) addressed to the Manager of ISTD stating that the reason for the discrepancy was human error in the anticipation of the submission date;

WHEREAS, on 09 July 2021, the BAC denied ePLDT Inc.’s RR on the ground that the signing date must come earlier than or concurrent with the notarial date;

WHEREAS, no Protest was filed by ePLDT Inc. within seven (7) calendar days from receipt of the notice which lapsed on 16 July 2021;

WHEREAS, Section 35.1(c) of the 2016 Revised Implementing Rules and Regulations (IRR) of RA 9184 provides that the BAC shall declare the bidding a failure when all bids fail to comply with all the bid requirements;

NOW, THEREFORE, for and in consideration of the foregoing, **We**, the Members of the Bids and Awards Committee, **RESOLVE**, as it is hereby **RESOLVED**, to recommend for approval by the Head of the Procuring Entity the following:

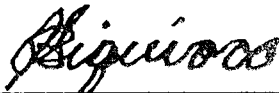
1. Declare a **FAILURE OF BIDDING** for the Procurement of Comprehensive Maintenance Service Agreement for Load Balancer; and
2. Conduct a re-bidding for the Project in accordance with the provisions of RA 9184 and its IRR.

- signatories on the following page -

RESOLVED, at the 24th Floor, Vertis North, Corporate Center 1, Astra corner Lux Drives, Vertis North, North Avenue, 1105 Quezon City this 19th day of July 2021.



FREDERICK R. TAMAYO
Member



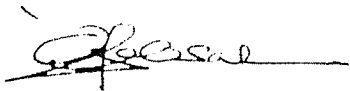
RONALD V. SIQUIOCO
Member



EDGAR C. CABRERA
Member

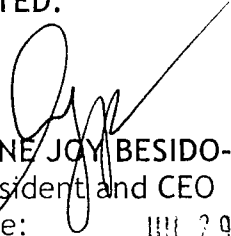


GLEND LEAH A. CARINGAL
Vice Chairperson



GLENN B. SANTOS
Chairperson
Bids and Awards Committee

NOTED:



IRENE JOY BESIDO-GARCIA
President and CEO
Date: JUL 29 2021



RUSH: Yes No

Document Control No. SBAC-21-07-101

Release/Receipt Date: 27-Jul-21 Time: 4:00 By: Diane N/A

Due Date: _____ Time: _____ By: _____ N/A

Purpose: For Signature For Instruction Meeting/Event
 For Clearance For Information

To/From: INTERNAL : _____
 EXTERNAL : _____

BAC RESOLUTION NO. SBAC-2021-055 re: DECLARATION OF FAILURE OF BIDDING AND CONDUCT OF RE-BIDDING FOR THE PROCUREMENT OF COMPREHENSIVE MAINTENANCE SERVICE AGREEMENT FOR LOAD BALANCER (PROJECT REFERENCE NO. 2021-SVP-LB-033-01)

Subject: IF: BAC

DATE	FROM	TO	INSTRUCTIONS/COMMENTS
21-Jul-21	BACSec	2021SBAC:	Attached is the BAC Resolution as per above subject for the BAC's approval/signature.
		FRT	approval sent thru email on 21 July 2021.
		RVS	approval sent thru email on 21 July 2021.
		ECC	approval sent thru email on 27 July 2021.
		GLAC	approval sent thru email on 21 July 2021.
		GBS	approval sent thru email on 21 July 2021.
27-Jul-21	BACSec	OPCEO	For the President and CEO's approval and signature, please. Thank you.
		<i>Diane 4:00</i>	<i>of 27/21</i>
07/28/21	CoP	PIB6	I reviewed the attached documents and found that the legal bases cited were sufficient and the process flow required has been followed. Thus we respectfully recommend the sign of the BAC resolution.
07/29/21	OP	BAC	sign.



MEMORANDUM

FOR : The President and CEO

FROM : The Chairperson
Bids and Awards Committee (BAC)

DATE : 27 July 2021

SUBJECT : Declaration of Failure of Bidding and Recommendation for Conduct of Rebidding for the Comprehensive Maintenance Service Agreement for Load Balancer

ACTION REQUESTED

The BAC respectfully requests the signature of the President and CEO on the attached BAC Resolution No. SBAC-2021-055 on the declaration of failure of bidding and recommendation to conduct a re-bidding for the Procurement of Comprehensive Maintenance Service Agreement for Load Balancer (Project Reference No. 2021-SVP-LB-033-01).

BACKGROUND

1. On 18 December 2020, the PSALM Board of Directors approved the APP for CY 2021 which includes the Procurement of Comprehensive Maintenance Service Agreement for Load Balancer (the "Project") with an estimated budget of Seven Hundred Thousand Pesos (PHP700,000.00).
2. The Bids and Awards Committee (BAC), through BAC Resolution No. SBAC-2021-011, delegated the conduct of procurement for the Project to the Information Services Technology Division (ISTD) as the End-user.
3. On 22 June 2021, the pre-procurement conference was conducted wherein the Bids and Award Committee (BAC) approved the Request for Proposal, Approved Budget for the Contract (ABC) of Five Hundred Seventy Thousand Pesos (PHP570,000.00) and the timeline for the Project.
4. On 25 June 2021, the Invitation to Submit Proposal was posted at the websites of the Philippine Government Electronic Procurement System (<https://www.philgeps.gov.ph>) and PSALM (<https://www.psalm.gov.ph>) and at the PSALM Office for three (3) consecutive days. The Invitation to Submit Proposal was also sent to at least three (3) suppliers of known qualifications.
5. On 29 June 2021, the online/electronic submission and opening of proposals was conducted and only one (1) bidder, ePLDT Inc., submitted its proposal before the deadline for the submission at 10:00 AM.
6. ePLDT Inc. was rated "passed" during the preliminary examination of the eligibility and technical requirements as provided in the RFP.
7. The price quotation of ePLDT Inc. in the amount of Three Hundred Ninety-Six Thousand Five Hundred Ninety-Two Pesos (PHP396,592.00) was likewise found to be compliant and within the ABC:

8. The ISTD as End-User declared ePLDT Inc. as the bidder with the single quotation as read, subject to the detailed evaluation and post-qualification.
9. The BAC, through the ISTD, conducted a detailed evaluation of the proposal and ePLDT Inc. has been rated "failed".
10. Upon detailed evaluation of the submitted eligibility documents, it was found out that the submitted Annex D (Conformity with Annex A and Annex B) was notarized on 28 June 2021 but was signed by the authorized signatory on 29 June 2021, one (1) day after the notary date.
11. On 01 July 2021, the ISTD sent a letter through electronic mail (email) to Mr. Elpidio M. Juan, Jr., the Authorized Representative of ePLDT Inc., informing them of the discrepancy and requested an explanation for the said discrepancy.
12. On 02 July 2021, ePLDT Inc. sent a Request for Reconsideration (RR) addressed to the Manager of ISTD stating that the reason for the discrepancy was human error in the anticipation of the submission date.
13. On 09 July 2021, the BAC denied ePLDT Inc.'s RR on the ground that the signing date must come earlier than or concurrent with the notarial date.
14. No Protest was filed by ePLDT Inc. within seven (7) calendar days from receipt of the notice which lapsed on 16 July 2021.
15. Section 35.1(c) of the 2016 Revised Implementing Rules and Regulations (IRR) of RA 9184 provides that the BAC shall declare the bidding a failure when all bids fail to comply with all the bid requirements.
16. Based on the information from ISTD, the existing contract for this Project will expire on 20 August 2021.

RECOMMENDATION

In view of the foregoing, we respectfully recommend the President and CEO's approval of and signature on the attached BAC Resolution.

Thank you.


GLENN B. SANTOS

Encl: a/s
BACSet/MARDC/RRO