

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-2021-056

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

**FOR THE PROCUREMENT OF COMPREHENSIVE MAINTENANCE SERVICE
AGREEMENT FOR CISCO BLADE SERVER, CHASSIS AND SWITCHES
(Project Reference No. 2021-SVP-CBSCS-012-03)**

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 CISCO Blade Server, Chassis and Switches (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 26 April 2021, the Request for Proposal (RFP) for the Project with Project Reference No. 2021-SVP-CBSCS-012-01 with an Approved Budget for the Contract (ABC) of Six Hundred Thirty Thousand Pesos (PHP630,000.00) 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 25 May 2021, the BAC, through BAC Resolution No. SBAC-2021-020, declared a failure of bidding for the Project with Project Reference No. 2021-SVP-

CBSCS-012-01 pursuant to Section 35.1(a) of the 2016 Revised Implementing Rules and Regulations (IRR) of RA 9184 and to conduct a re-bidding in accordance with RA 9184 and its IRR;

WHEREAS, on 28 May 2021, the RFP for the Project with Project Reference No. 2021-SVP-CBSCS-012-02 with an ABC of Six Hundred Thirty Thousand Pesos (PHP630,000.00) 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 07 June 2021, the BAC, through BAC Resolution No. SBAC-2021-025, declared a second failure of bidding for the Project with Project Reference No. 2021-SVP-CBSCS-012-02 pursuant to Section 35.1(c) of the 2016 Revised 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;

WHEREAS, on 22 June 2021, the pre-procurement conference was conducted wherein the BAC approved the RFP, ABC of Six Hundred Thirty Thousand Pesos (PHP630,000.00) and the timeline for the Project;

WHEREAS, on 25 June 2021, the RFP for the Project with Project Reference No. 2021-SVP-CBSCS-012-03 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, Trends & Technologies, Inc., submitted its proposal before the submission deadline at 10:00 AM;

WHEREAS, in the preliminary examination of the proposal, Trends & Technologies, Inc. was rated "passed";

WHEREAS, the price quotation of Trends & Technologies, Inc. in the amount of Five Hundred Sixty-Eight Thousand Eight Hundred Pesos (PHP568,800.00) was likewise found to be compliant and within the ABC;

WHEREAS, the ISTD as End-User declared Trends & Technologies, Inc. as 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 Trends & Technologies, Inc. has been rated "failed";

WHEREAS, upon detailed evaluation of the submitted eligibility documents, it was found out that the submitted Secretary's Certificate was notarized on 25 June 2021 by Atty. Joshua P. Lapuz. However, the Special Meeting of the Board of Directors of Trends & Technologies was held on 28 June 2021, three (3) days after the notary date. Moreover, the submitted Annex D (Conformity with Annex A and Annex B) was

notarized on 25 June 2021 but was signed by the authorized signatory on 28 June 2021, three (3) days after the notary date;

WHEREAS, on 01 July 2021, the ISTD sent a letter through electronic mail (email) to Ms. Patricia Nicole C. Domingo, the Authorized Representative of Trends & Technologies, Inc., informing them of the discrepancy and requested an explanation for the said discrepancy;

WHEREAS, on 05 July 2021, Trends & Technologies sent a Request for Reconsideration (RR) addressed to the Manager of ISTD stating that the reason for the discrepancy was an honest mistake and do not have any malicious intent;

WHEREAS, on 09 July 2021, the BAC denied Trends & Technologies' RR in accordance with Section 26.1 of the 2016 Revised IRR of RA No. 9184, which states as follows:

A bidder may modify its bid, provided that this is done before the deadline for the submission and receipt of bids. For manual submission and receipt of bids, where a bidder modifies its bid, it shall not be allowed to retrieve its original bid, but shall only be allowed to send another bid equally sealed, properly identified, linked to its original bid and marked as a "modification," thereof, and stamped "received" by the BAC. Bid modifications received after the applicable deadline shall not be considered and shall be returned to the bidder unopened."

WHEREAS, no Protest was filed by Trends & Technologies 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 **THIRD FAILURE OF BIDDING** for the Procurement of Comprehensive Maintenance Service Agreement for CISCO Blade Server, Chassis and Switches; and
2. Conduct a re-bidding for the Project in accordance with the provisions of RA 9184 and its 2016 Revised IRR.

- signatories on the following page -

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



FREDERICK R. TAMAYO
Member



RONALD V. SIQUIOCO
Member



EDGAR C. CABRERA
Member

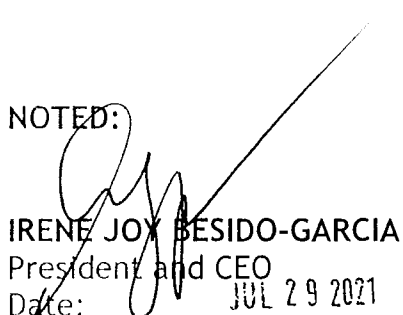


GLEND LEAH A. CARINGAL
Vice Chairperson



GLENN B. SANTOS
Chairperson
Bids and Awards Committee

NOTED:


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