

POWER SECTOR
ASSETS & LIABILITIES
MANAGEMENT CORPORATION



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-2021-062

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

**FOR THE PROCUREMENT OF COMPREHENSIVE MAINTENANCE SERVICE
AGREEMENT FOR ALCATEL INTERNET PROTOCOL (IP) PRIVATE AUTOMATIC
BRANCH EXCHANGE (PABX)
(Project Reference No. 2021-SVP-IPPABX-011-03)**

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 Alcatel Internet Protocol (IP) Private Automatic Branch Exchange (PABX) (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. SVP-IPPABX-011-01 with an Approved Budget for the Contract (ABC) of Seven Hundred Thousand Pesos (PHP700,000.00) 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-2021-021, declared a failure of bidding for the Project with Project Reference No. 2021-SVP-IPPABX-011-01 pursuant to Section 35.1(b) 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-IPPABX-011-02 with an ABC of Seven Hundred Thousand Pesos (PHP700,000.00) 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-2021-026, declared a second failure of bidding for the Project with Project Reference No. 2021-SVP-IPPABX-011-02 pursuant to 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;

WHEREAS, on 22 June 2021, the pre-procurement conference was conducted wherein the BAC approved the RFP, ABC of Seven Hundred Thousand Pesos (PHP700,000.00) and the timeline for the Project;

WHEREAS, on 25 June 2021, the RFP for the Project with Project Reference No. 2021-SVP-IPPABX-011-03 with ABC of Seven Hundred Thousand Pesos (PHP700,000.00) 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 29 June 2021, the online/electronic submission and opening of proposals was conducted and two (2) bidders, namely: Teledatcom Phils., Inc. and Trends & Technologies, Inc., submitted their proposals before the submission deadline at 10:00 AM;

WHEREAS, in the preliminary examination of the proposals, both bidders were rated "passed";

WHEREAS, the financial bids of both bidders were likewise found to be compliant and within the ABC, as follows:

Bidder Identification/Name	Bid as Read Amount (PHP)
	ABC = PHP700,000.00
Teledatacom Phils., Inc.	610,000.00
Trends & Technologies, Inc.	638,880.00

WHEREAS, the ISTD as End-User declared Teledatacom Phils., Inc. as the lowest bid as read, subject to the detailed bid evaluation and post-qualification;

WHEREAS, the BAC, through the ISTD, conducted a detailed evaluation of the submitted Detailed Bid Price Schedule by Teledatacom Phils., Inc., and found out that the total amount of Bid price in words as submitted by Teledatacom Phils. Inc. in its Detailed Bid Price schedule is "Six Hundred Ten Pesos" instead of Six Hundred Ten Thousand Pesos;

WHEREAS, the ISTD then conducted a detailed evaluation of the eligibility documents of Trends & Technologies, Inc. as the second lowest bidder as read. However, it was found out that the submitted Secretary's Certificate was notarized on 25 June 2021 by Atty. Joshua P. Lapuz, but the Special Meeting of the Board of Directors of Trends & Technologies, Inc. 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 02 July 2021, the BAC sent a Notice of Post-Qualification to Ms. Irene P. Acosta, the authorized representative of Teledatacom Phils. Inc., informing her that a post-qualification evaluation will be conducted. The BAC informed her further that Teledatacom Phils. Inc. was declared as the bidder with the Lowest Calculated Quotation (LCQ) with a bid of Six Hundred Ten Pesos (PHP610.00), as indicated in its Detailed Bid Price Schedule. In the said Detailed Bid Price Schedule, the total bid price of PHP610,000.00 in figures is indicated, but stated the same in words as "Six Hundred Ten Pesos." Pursuant to Section 32.2.3 of the IRR of RA 9184, in case of discrepancy between the bid prices in figures and in words, the latter shall prevail;

WHEREAS, on 05 July 2021, Ms. Irene Acosta, the Technical Manager-Adjuncts/MA Sales of Teledatacom Phils. Inc., sent a Request for Reconsideration (RR) through electronic mail (email) addressed to the BAC Secretariat stating that the reason for the discrepancy in the amount in figures and the amount in words was merely a typographical error. Teledatacom Phils. Inc. also submitted a revised Detailed Bid Price Schedule indicating the corrected bid price of "Six Hundred Ten Thousand Pesos" in words;

WHEREAS, on 08 July 2021, the ISTD sent a letter informing Trends & Technologies, Inc. of its findings and required Trends & Technologies, Inc. to explain why the date of notary is earlier than the conduct of the Special Meeting of the Board of Directors and the date of the signature of the authorized signatory in Annex D;

WHEREAS, on 12 July 2021, the BAC denied Teledatcom Phils. Inc.'s RR in accordance with Section 32.2.3 of the 2016 Revised IRR of RA No. 9184 which provides that in case of discrepancy between the bid prices in figures and in words, the latter shall prevail, and Section 26.1 which states that a bidder may modify its bid only if it is done before the deadline for the submission and receipt of bids. It also states that bid modifications received after the applicable deadline shall not be considered. The BAC informed the bidder that failure to submit any of the post qualification requirements on time shall disqualify the bidder for award of the Project;

WHEREAS, on 12 July 2021, the ISTD, through the BAC, submitted a request for extension until 27 July 2021 within which to complete the post-qualification activities for this procurement project;

WHEREAS, the request for extension was approved by the President and CEO as head of the procuring entity;

WHEREAS, on 14 July 2021, Trends & Technologies, Inc. informed the ISTD through an email that it will no longer file an explanation;

WHEREAS, on 20 July 2021, the ISTD presented to the BAC the results of the post-qualification of Teledatcom Phils. Inc.;

WHEREAS, on 27 July 2021, the BAC sent a Notice of Post-Disqualification to Ms. Acosta of Teledatcom Phils. Inc. through email, which was received on 28 July 2021, informing her that Teledatcom Phils. Inc. has been disqualified for this project due to non-compliance with the requirements and conditions as specified in the RFP and that a request for reconsideration may be filed within three (3) calendar days from receipt of notice or until 31 July 2021;

WHEREAS, on 02 August 2021, no request for reconsideration was received by the BAC;

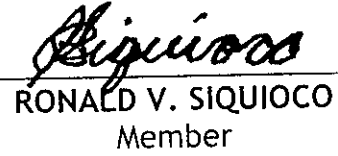
WHEREAS, Section 35.1(c) of the 2016 Revised Implementing Rules and Regulations (IRR) of RA 9184 provides that the BAC shall declare the bidding a failure when all bids fail to comply with all the bid requirements;

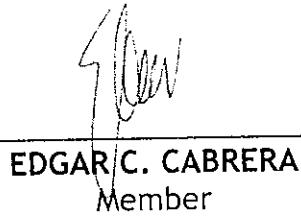
NOW, THEREFORE, for and in consideration of the foregoing, We, the Members of the Bids and Awards Committee, **RESOLVE**, as it is hereby **RESOLVED**, to recommend for approval by the Head of the Procuring Entity the following:

1. Declare a **THIRD FAILURE OF BIDDING** for the Procurement of Comprehensive Maintenance Service Agreement for Alcatel Internet Protocol (IP) Private Automatic Branch Exchange (PABX); and
2. Conduct a re-bidding for the Project in accordance with the provisions of RA 9184 and its 2016 Revised IRR.

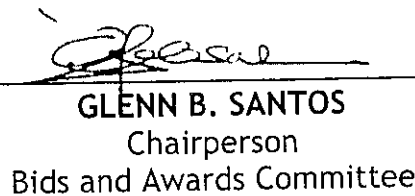
RESOLVED, at the 24th Floor, Vertis North, Corporate Center 1, Astra corner Lux Drives, North Avenue, 1105 Quezon City this 02th day of August 2021.


FREDERICK R. TAMAYO
Member

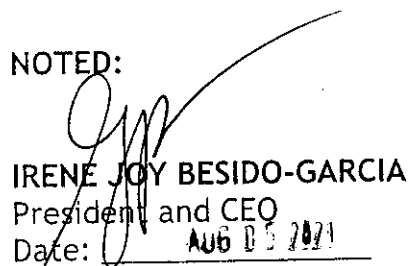

RONALD V. SIQUIOCO
Member


EDGAR C. CABRERA
Member


GLENDA LEAH A. CARINGAL
Vice Chairperson


GLENN B. SANTOS
Chairperson
Bids and Awards Committee

NOTED:


IRENE JOY BESIDO-GARCIA
President and CEO
Date: AUG 05 2021