



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-2021-076

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

**FOR THE PROCUREMENT OF AUDIO-VISUAL EQUIPMENT
(PROJECT REFERENCE NO. 2021-SVP-AVE-054-01)**

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 Audio-Visual Equipment (the "Project") with an estimated budget of One Million Pesos (PHP1,000,000.00);

WHEREAS, on 22 July 2021, the pre-procurement conference was conducted wherein the Bids and Awards Committee (BAC) approved the Request for Proposal, the Approved Budget for the Contract (ABC) in the amount of One Million Pesos (PHP1,000,000.00) and the timeline for the Project;

WHEREAS, on 28 July 2021, the Request for Proposal (RFP) for the Project was sent out to at least three suppliers of known qualifications and at the same time, 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;

WHEREAS, on 12 August 2021, two (2) interested bidders, namely: The Brain Computer Corporation and Pinnacle Technologies, Inc. submitted their bids before the deadline for submission at 1:00 PM;

WHEREAS, during the preliminary evaluation of bids, Pinnacle Technologies, Inc. was rated as “passed” while The Brain Computer Corporation was rated as “failed” due to non-submission of the 2550Q which refers to the latest business tax return for the 2nd Quarter of 2021;

WHEREAS, on 13 August 2021, The Brain Computer Corporation submitted its Request for Reconsideration (RR) through electronic mail (email);

WHEREAS, on 13 August 2021 during the detailed bid evaluation of the legal, technical, and financial documents submitted, the Technical Working Group (TWG) found that Pinnacle Technologies, Inc. did not comply with the Technical Specification Requirements as specified in the RFP. Upon examination of the submitted Annex D (Conformity with Annex A and Annex B), the notarial date was one day ahead of the signing date by the authorized representative;

WHEREAS, on 18 August 2021, the BAC denied the RR of The Brain Computer Corporation and informed them that they may file a protest within seven (7) calendar days from receipt of the BAC decision. The notice was acknowledged by the authorized representative through email on 20 August 2021;

WHEREAS, on 18 August 2021, the BAC served the Notice of Disqualification to Pinnacle Technologies, Inc. and informed the said bidder that it has three (3) days within which to file its RR from receipt of the notice. The notice was acknowledged by its Sales Representative, Ms. Sharmaine Tajantajan, on 20 August 2021. Pinnacle Technologies, Inc. also filed its RR on the same day;

WHEREAS, PSALM did not receive a protest from The Brain Computer Corporation within the seven (7) calendar days prescribed period;

WHEREAS, on 24 August 2021, the BAC denied the RR of Pinnacle Technologies, Inc. and informed them that they may file a protest within seven (7) calendar days from receipt of the letter. The letter was acknowledged through email on the same day by Ms. Tajantajan;

WHEREAS, PSALM did not receive a protest from Pinnacle Technologies, Inc., within the seven (7) calendar days prescribed period;

WHEREAS, Section 35.1 (b) of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184 provides that there shall be failure of bidding if the prospective bidder was declared ineligible;

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 Audio-Visual Equipment; 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 1st day of September 2021.



FREDERICK R. TAMAYO
Member




RONALD V. SIQUIOCO
Member



EDGAR C. CABRERA
Member

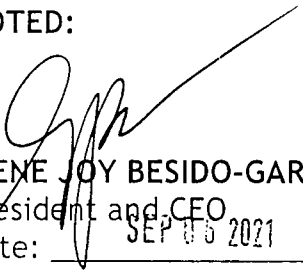


GLENDA LEAH A. CARINGAL
Vice Chairperson



GLENN B. SANTOS
Chairperson
Bids and Awards Committee

NOTED:


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