



Republic of the Philippines
Power Sector Assets and Liabilities Management Corporation
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Vertis North, North Avenue, Quezon City
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<https://www.psalm.gov.ph>

BAC RESOLUTION NO. SBAC-2021-081

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

**FOR THE PROCUREMENT OF SECURITY SERVICES FOR SAN ROQUE MULTI-
PURPOSE FACILITIES AND BOUNDARIES
(PROJECT REFERENCE NO. 2021-PB-SS-SRMFB-044-01)**

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 Security Services for San Roque Multi-Purpose Facilities and Boundaries (the "Project") with an estimated budget of Seven Million Four Hundred Eighteen Thousand Pesos (PHP7,418,000.00);

WHEREAS, on 13 July 2021, the pre-procurement conference was conducted wherein the Bids and Award Committee (BAC) approved the Bidding Documents, the Approved Budget for the Contract (ABC) in the amount of Seven Million One Hundred Thirty-Three Thousand Pesos (PHP7,133,000.00) and the timeline for the Project;

WHEREAS, on 16 July 2021, the Invitation to Bid for the Project 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 seven (7) consecutive days;

WHEREAS, on 27 July 2021, the pre-bid conference was held which was attended by twelve (12) interested bidders, namely: (1) Great Odysseus Security Agency, Inc.;

(2) Belgian Security Agency, Inc.; (3) Topcom Security Agency, Inc.; (4) Power Plus Security & Investigation Services Corp.; (5) Securiforce Security Services Inc.; (6) Northcom Security & Investigation Agency, Inc.; (7) Grand Meritus Security Agency, Inc.; (8) APL Security Services Corp.; (9) Karpa II Security Services; (10) MBZ Security Agency Specialists, Inc.; (11) Tough Guard Security & Investigation Agency; and (12) Hackett Security Agency;

WHEREAS, on 10 August 2021, the online/electronic submission and opening of bids was conducted and three (3) bidders, namely: (1) Great Odysseus Security Agency, Inc. (“GOSAI”); (2) Topcom Security Agency, Inc. (“TSAI”); and (3) Grand Meritus Security Agency Inc. (“GMSAI”), submitted their bids before the bid submission deadline at 9:00 AM, as follows:

Bidder	Date and Time of Submission
GOSAI	09 August 2021; 1:26 PM
TSAI	09 August 2021; 3:23 PM
GMSAI	09 August 2021; 3:28 PM

WHEREAS, GOSAI and GMSAI were rated “passed” during the preliminary examination of the bids and were found compliant with the eligibility and technical requirements as provided in the Bidding Documents. However, TSAI was rated as “failed” due to submission of expired Tax Clearance Certificate and no signature of the authorized signatory on the Conformity with the Technical Specification Form (Form No. TEC-04);

WHEREAS, the financial bid of GOSAI and GMSAI were likewise found to be compliant and within the ABC, as follows:

Bidder Identification/Name	Bid As Read	Rank
	ABC = PHP7,133,000.00	
GMSAI	PHP5,933,666.16	1
GOSAI	PHP6,250,391.28	2

WHEREAS, the BAC declared GMSAI as the bidder with the lowest bid as read, subject to the detailed bid evaluation and post-qualification;

WHEREAS, TSAI was informed that it has three (3) days within which to submit its request for reconsideration (RR) of the BAC decision. However, no RR was submitted during the reglementary period;

WHEREAS, the BAC, through the Technical Working Group (TWG), conducted a detailed evaluation of the bids with the following results:

Bidder Identification/Name	Bid As Calculated	Rank
	ABC = PHP7,133,000.00	
GMSAI	PHP5,933,666.16	1
GOSAI	PHP6,250,391.28	2

WHEREAS, the BAC declared GMSAI as the bidder with the lowest bid as calculated, subject to post-qualification;

WHEREAS, the BAC, upon the recommendation of the TWG, declared GOSAI as non-compliant with the requirements under the eligibility documents, because the NFCC computation failed to follow the NFCC formula. Based on the TWG's calculation, GOSAI's NFCC is negative (-PHP1,140,889,522.86);

WHEREAS, on 16 August 2021, the Notice of Disqualification was issued to GOSAI giving it three (3) days within which to submit its RR of the BAC decision. The notice was acknowledged on 17 August 2021 by Ms. Mary Christine Oliveros, the authorized representative of GOSAI. However, no RR was submitted during the reglementary period;

WHEREAS, on 12 August 2021, the Notice of Post-Qualification was sent through email to GMSAI to undergo post-qualification;

WHEREAS, upon post-qualification, GMSAI was found non-compliant with and non-responsive to all the requirements and conditions as specified in the Bidding Documents, as indicated in the Post-Qualification Evaluation Report dated 18 August 2021, particularly:

Per Section VII. Technical Specifications, Item II Security Agency Requirements, in addition to the requirements of RA 9184 and its IRR, the security agency must comply with the following requirement:

- D. Has an existing physical office either Head Office or Regional Office within the Region of the location of the project.

WHEREAS, GMSAI's Business Permit (for its Regional Office) was issued on 16 August 2021, showing that its Regional Office was established only after it was declared as the bidder with the lowest bid as read during the 10 August 2021 Bid Opening;

WHEREAS, on 23 August 2021, the BAC served the Notice of Disqualification to GMSAI and informed the said bidder that it has three (3) days to file its RR from receipt of the notice, which was acknowledged by its Authorized Representative, Ms. Dennis R. Mescallado on 24 August 2021;

WHEREAS, on 25 August 2021, GMSAI sent its RR arguing that, "xxx there is no provision under the Terms of Reference as to the duration of time when should the Business Permit or Mayor's Permit should be issued. Under **Number 12 of the BID DATA SHEET that is part of the Bidding Documents and Terms of Reference** *it is clear that the Agency must submit the same if applicable.* There is no provision that requires that the Mayor's or Business Permit should be issued prior to the Bidding";

WHEREAS, on 31 August 2021, the BAC denied the RR of GMSAI and informed them that they may file a protest within seven (7) calendar days from receipt of the letter which was acknowledged by Mr. Mescallado on 06 September 2021;

WHEREAS, PSALM did not receive a protest from GMSAI, 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;

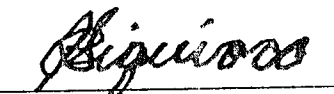
NOW, THEREFORE, for and in consideration of the foregoing, **We**, the Members of the Bids and Awards Committee, **RESOLVE**, as it is hereby **RESOLVED**, to recommend for approval by the Head of the Procuring Entity the following:

1. Declare a **FAILURE OF BIDDING** for the Procurement of Security Services for San Roque Multi-Purpose Facilities and Boundaries; 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, Vertis North, North Avenue, 1105 Quezon City this 13th day of September 2021.



FREDERICK R. TAMAYO
Member



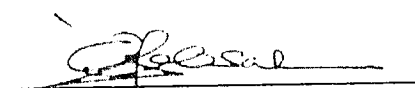
RONALD V. SIQUIOCO
Member



EDGAR C. CABRERA
Member




GLENDA LEAH A. CARINGAL
Vice-Chairperson



GLENN B. SANTOS
Chairperson
Bids and Awards Committee

APPROVED:


IRENE JOY BESIDO-GARCIA
President and CEO
Date: SEP 17 2021