

POWER SECTOR
ASSETS & LIABILITIES
MANAGEMENT CORPORATION



Republic of the Philippines
Power Sector Assets and Liabilities Management Corporation
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BAC RESOLUTION NO. SBAC-2021-111

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

**FOR THE PROCUREMENT OF SECURITY SERVICES FOR PULANGI IV HYDRO
ELECTRIC POWER PLANT AND GENERAL SANTOS LAND PROPERTY
(PROJECT REFERENCE NO. 2021-PB-SS-P4HPP/GLP-049-02)**

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 Pulangui IV Hydroelectric Power Plant and General Santos Land Property (the "Project") with an estimated budget of Twenty-Four Million Eight Hundred Seventy-Six Thousand Pesos (PHP24,876,000.00);

WHEREAS, on 21 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 Seventeen Million Seven Hundred Thirty-Eight Thousand Pesos (PHP17,738,000.00) and the timeline for the Project;

WHEREAS, on 27 July 2021, the Invitation to Bid for the Project was posted at the websites of PSALM (<https://www.psalm.gov.ph>) and at the Philippine Government Electronic Procurement System (<https://www.philgeps.gov.ph>) and at the PSALM office for seven (7) consecutive days;

WHEREAS, on 23 September 2021, the BAC, through BAC Resolution No. SBAC-2021-087, declared a failure of bidding for the Project with Project Reference No. 2021-PB-SS-P4HPP/GLP-049-01 pursuant to Section 35.1(c) 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 2016 Revised IRR;

WHEREAS, on 30 September 2021, the pre-procurement conference was conducted wherein the BAC approved the Bidding Documents, the ABC in the amount of Seventeen Million Seven Hundred Thirty-Eight Thousand Pesos (PHP17,738,000.00) and the timeline for the Project;

WHEREAS, on 05 October 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 14 October 2021, the pre-bid conference was held which was attended by six (6) interested bidders, namely: (1) VV Security Agency, Inc.; (2) Topcom Security Agency, Inc.; (3) Grand Meritus Security Agency, Inc.; (4) V8 Security Agency Corp.; (5) Bluforce Security Services, Inc.; and (6) MBG Security and Investigation Services, Inc.;

WHEREAS, on 28 October 2021, the online/electronic submission and opening of bids was conducted and two (2) bidders, namely: (1) VV Security Agency, Inc. ("VVSAL"); and (2) 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
VVSAL	27 October 2021; 5:45 PM
GMSAI	27 October 2021; 6:07 PM

WHEREAS, GMSAI was 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, VVSAL was rated "failed" for failure to submit the Conformity with Technical Specifications, as enumerated and specified in Sections VI and VII of the Bidding Documents (Form No. TEC-04);

WHEREAS, VVSAL was informed that it has three (3) days within which to submit its Request for Reconsideration (RR) of the BAC decision;

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

Bidder Identification/Name	Bid As Read	Rank
	ABC = PHP17,738,000.00	
GMSAI	PHP15,552,580.20	Single Bid As Read

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

WHEREAS, on 29 October 2021, VVSAI submitted its RR stating that most of the general forms for conformity with technical specifications need not be notarized;

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 = PHP17,738,000.00	
GMSAI	PHP15,552,580.20	Single Bid As Calculated

WHEREAS, on 02 November 2021, during the presentation of Bid Evaluation Report of the TWG, the BAC observed that GMSAI's submitted Form No. TEC-04 - Conformity with Section VI (Schedule of Requirement) and Section VII (Technical Specifications)'s notarial date was one day before the signing date by the authorized representative;

WHEREAS, the BAC, through the recommendation of the TWG, declared GMSAI as disqualified due to non-compliance with the requirement of the Bidding Documents;

WHEREAS, on 03 November 2021, the BAC served the Notice of Disqualification to GMSAI through electronic mail (email) giving it three (3) days within which to submit its RR from receipt of notice, which was acknowledged by its Authorized Representative, Ms. Dennis R. Mescallado, on 05 November 2021;

WHEREAS, on 03 November 2021, the BAC denied the RR of VVSAI and informed them that they may file a protest within seven (7) calendar days from receipt of the letter, which was acknowledged on the same day by VVSAI's authorized representative;

WHEREAS, on 08 November 2021, PSALM received GMSAI's RR dated 04 November 2021 arguing that it should not be disqualified outright since it had faithfully and substantially complied with the minimum requirements as prescribed by the Government Procurement and Policy Board and RA 9184 and its 2016 Revised IRR;

WHEREAS, on 10 November 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 delivered to GMSAI office and was received by its Authorized Representative on 11 November 2021;

WHEREAS, PSALM did not receive any protest from GMSAI and VVSAI within the seven (7) calendar days prescribed period from receipt of notice;

WHEREAS, Section 35.1 (b) of the 2016 Revised IRR of 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 **SECOND FAILURE OF BIDDING** for the Procurement of Security Services for Pulangui IV Hydroelectric Power Plant and General Santos Land Property; 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 19th day of November 2021.


(on sick leave)


FREDERICK R. TAMAYO
Member



RONALD V. SIQUIOCO
Member


EDGAR C. CABRERA
Member


GLENDALeah A. CARINGAL
Vice-Chairperson


GLENN B. SANTOS
Chairperson
Bids and Awards Committee

NOTED:


IRENE JOY BESIDO-GARCIA
President and CEO
Date: NOV 26 2021