



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-2022-023

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

**FOR THE PROCUREMENT OF JANITORIAL SERVICES FOR BAGAC PROPERTY
FOR CY 2022
(Project Reference No. 2022-PB-JSBP-008-01)**

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 27 October 2021, the PSALM Board of Directors approved the PSALM APP for CY 2022 which includes the Procurement of Janitorial Services for Bagac Property for CY 2022 (“the Project”) with an estimated budget of Sixteen Million Four Hundred Thirty-Four Thousand Pesos (PHP16,434,000,000.00);

WHEREAS, on 03 November 2021, the PSALM President and CEO, as authorized by the PSALM Board of Directors, signed the APP for CY 2022;

WHEREAS, on 15 March 2022, the pre-procurement conference was conducted wherein the Bids and Awards Committee (BAC) approved the Bidding Documents, the Approved Budget for the Contract (ABC) in the amount of Eleven Million Three Hundred Thousand Pesos (PHP11,300,000.00) and the timeline for the Project with Project Reference No. 2022-PB-JSBP-008-01;

WHEREAS, on 18 March 2022, 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 (“PhilGEPS”) (<https://www.philgeps.gov.ph>) and at the PSALM office for seven (7) consecutive days;

WHEREAS, on 31 March 2022, the pre-bid conference was held which was attended by four (4) interested bidders, namely: Servicio Filipino, Inc; Omniworx, Inc.; 3K.P Manpower Agency; and One Merit Global Janitorial Services, Inc.;

WHEREAS, 12 April 2022, the online/electronic submission and opening of bids were conducted, wherein three (3) bidders submitted their bids before the bid submission deadline on 12 April 2022 at 10:00 AM, as follows:

Bidder	Date/Time of Submission
One Merit Global Janitorial Services, Inc. (OMGJSI)	11 April 2022 04:54 PM
Omniworx, Inc. ("Omniworx")	11 April 2022 08:39 PM
3K.P Manpower Agency ("3KPMA")	12 April 2022 09:27 AM

WHEREAS, the BAC, through the Technical Working Group (TWG), opened the First Envelope of the three (3) bidders, namely: OMGJSI, Omniworx and 3KPMA, in order of their submission;

WHEREAS, OMGJSI, Omniworx and 3KPMA were all rated as "passed" during the preliminary examination of the bids and were found compliant with the eligibility and technical requirements as provided in the Bidding Documents;

WHEREAS, the BAC, through the TWG, opened the Second Envelope containing the financial bids of the three (3) bidders, namely: OMGJSI, Omniworx and 3KPMA;

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

Bidder Identification/Name	Bid As Read Amount (PHP)
	ABC = PHP11,300,000.00
OMGJSI	9,284,775.90
Omniworx	10,759,455.88
3KPMA	10,522,905.21

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

WHEREAS, the BAC informed all the bidders that that they may file a Request for Reconsideration (RR) on its decision during the Bid Opening, within three (3) calendar days from receipt of the verbal notice or until 15 April 2022;

WHEREAS, the BAC, through the TWG, conducted a detailed evaluation of the bids with the following results:

Bidder Identification/Name	Bid As Calculated Amount (PHP)	Rank
	ABC = PHP11,300,000.00	
OMGJSI	9,284,775.90	1
Omniworx	10,759,455.88	2
3KPMA	10,522,905.21	3

WHEREAS, during the detailed bid evaluation, the TWG found Omniworx and 3KPMA to be non-compliant with the technical requirements as provided in the Bidding Documents, with details as follows :

1. PSALM Form No. TEC-04 submitted by Omniworx, Inc. was signed by their authorized representative/official on 12 April 2022 which is four (4) days later than the notarial date which occurred to be 08 April 2022.
2. PSALM Form No. TEC-04 submitted by 3K.P Manpower Agency was signed by their authorized representative/official on 12 April 2022 which is six (6) days later than the notarial date which occurred to be 06 April 2022. **WHEREAS**, the BAC, upon the recommendation of the TWG, declared ARGOTEK, INC. as disqualified, as indicated in the Bid Evaluation Report dated 10 March 2022;

WHEREAS, OMGJSI was found to have met all the eligibility and financial requirements as specified in the Bidding Document, as follows:

Inquiry	TWG Response
Are all licenses permits valid?	Yes
Does the mayor's permit have annotation?	No
Are the relevant documents signed by the authorized representative and notarized?	Yes
Does it conform with the wordings of the document?	Yes
Do the documents submitted include the necessary attachments?	Yes
Is the NFCC sufficient?	Yes
Does the cost computation follow the required statutory amounts?	Yes
Is the cost computation the same with the detailed bid price?	Yes
Is the detailed bid price the same as the bid price?	Yes

WHEREAS, the BAC, upon the recommendation of the TWG, declared OMGJSI as the bidder with the Lowest Calculated Bid (LCB) subject to post-qualification, while Omniworx and 3KPMA were both declared as "disqualified", as indicated in the Bid Evaluation Report dated 19 April 2022;

WHEREAS, on 19 April 2022, a Notice of Post-Qualification was issued through electronic mail (email) to OMGJSI, which was acknowledged by its authorized representative on the same day;

WHEREAS, on 21 April 2022, the BAC served the Notice of Disqualification to Omniworx and 3KPMA through email, giving it three (3) days within which to submit its RR from receipt of notice, wherein both authorized representatives of Omniworx and 3KPMA acknowledged the receipt of the notice through email on 22 April 2022;

WHEREAS, on 25 April 2022, PSALM acknowledged the receipt of 3KPMA’s RR dated 22 April 2022, explaining that the notarial date of the submitted Form No. TEC-04 was mere typographical error on the part of the Notary Public;

WHEREAS, PSALM did not receive a RR from Omniworx within the three (3) days prescribed period which lapsed on 25 April 2022;

WHEREAS, upon post-qualification, OMJSI was found non-compliant and non-responsive to all the requirements and conditions specified in the Bidding Documents, as indicated in the Post-Qualification Evaluation Report dated 26 April 2022;

WHEREAS, the BAC, upon the recommendation of the TWG, declared OMJSI as post-disqualified due to the following:

1. The submitted Mayor’s Permit has notations, in which most of the ancillary clearances are for compliance. During the post-qualification activity conducted by the TWG, the Supplier has shown all the said clearances, which has been already complied with and was verified and found responsive.
2. The submitted Form No. ELIG-01 or OMGJSI’s Statement of all its ongoing and completed government and private contracts including contracts awarded but not yet started was found to be non-responsive due to the following observations/discrepancies:

Agency/Company	Issue
1) Philippine Deposit Insurance Corporation (PDIC)	<p>27 March 2022 is the indicated starting date as per Form ELIG-01.</p> <p>However, the corresponding Notice to Proceed issued by PDIC (dated 14 March 2022) states that <i>“your engagement as . . . Service Provider for (PDIC) will commence <u>within 7 days</u> after the date of receipt of this (NTP).”</i> The NTP was received by One Merit on 14 March 2022.</p> <p>Thus, the starting date is indicated in Form ELIG-01 (27 March 2022) does not follow or has exceeded the 7-day limit provided in the submitted NTP (21 March 2022).</p>
2) Social Security System (SSS)	<p>16 March 2022 is the indicated starting date as per Form ELIG-01.</p> <p>However, the corresponding Notice to Proceed issued by SSS (dated 03 March 2022) states that <i>“your company may now commence performing is obligation <u>effective upon receipt</u> of this notice.”</i> Further, the submitted NTP did <i>not</i> indicate a date</p>

	<p>of receipt.</p> <p>Thus, the proper starting date cannot be determined based on the supporting documents submitted.</p> <p>An alternative NTP was shown during the post-qualification activity, but the indicated date of receipt is 14 March 2022. Consequently, a discrepancy is still availing if the alternative document is considered (i.e. the 16 March 2022 starting date indicated in Form ELIG-01 does not follow the immediate effective date indicated in the alternative NTP).</p>
<p>3) Gov. Celestino Gallares Memorial Hospital</p>	<p>01 November 2021 is the indicated starting date as per Form ELIG-01. However, the same form indicated 31 September 2021 as the completion date. Thus, there is a discrepancy insofar as the completion date came <i>before</i> starting date. Thus, there is a clear discrepancy.</p> <p>During the post-qualification activity One Merit stated that the discrepancy arose from a mere typographical error and explained that the project's completion date is actually 31 October 2022. However, the contract presented does not provide for a period which would support the explanation.</p> <p>During the same post-qualification activity, One Merit presented a Memorandum of Agreement (MOA) which indicates a period running from 01 November 2021 to 31 October 2022. However, said MOA did not form part of the original submission.</p>

Based on the above, the representations/information provided by OMGJSI in its Form ELIG-01 do not match the documents submitted in support thereof. The explanations provided by OMGJSI relative to its project or the Gov. Celestino Gallares Memorial Hospital was also not supported by the documents originally submitted. The veracity of the starting and completion dates affects the qualifications of the bidder insofar it allows the TWG to determine whether or not said projects are completed on time or if there are delays in their completion or commencement (i.e. the ability of the bidder to perform projects on time). Therefore, the TWG, upon analysis of the said eligibility document, hereby, declares OMGJSI's Form No. ELIG-01 as "non-compliant" and that the said Supplier thereby rendered ineligible for the award of contract.

WHEREAS, on 29 April 2022, the BAC served the Notice of Post-Disqualification to OMGJSI through email and informed the said bidder that it has three (3) days to file its RR from receipt of the notice, which was acknowledged received on 02 May 2022;

WHEREAS, on 02 May 2022, the BAC denied the RR of 3KPMA and informed them that they may file a protest within seven (7) calendar days from receipt of the letter sent through email, which was acknowledged received by its authorized representative, Mr. Christopher Dilig on 04 May 2022;

WHEREAS, on 04 May 2022, PSALM acknowledged the receipt of OMGJSI's RR dated 04 May 2022, arguing that their Bid Proposal should not be disqualified outright;

WHEREAS, on 05 May 2022, through an email sent to the BAC Secretariat, 3KPMA manifested that they will not file any protest on the denial of their RR.

WHEREAS, on 11 May 2022, the BAC denied the RR of OMGJSI and informed them that they may file a protest within seven (7) calendar days from receipt of the letter sent through email, which was acknowledged and stamped received on 13 May 2022;

WHEREAS, on 17 May 2022, through an email sent to the BAC Secretariat, OMGJSI manifested that they will not file any protest on the denial of their RR.

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 or fail post-qualification;

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 Janitorial Services for Bagac Property for CY 2022; 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, Vertis North, North Avenue, 1105 Quezon City this 17th day of May 2022.

Signature Redacted

(not in the attendance during Post-Qua)

REY EVINCE R. VALENCIA
Alternate Member

SHERYL LYN S. POLICARPIO
Member

Signature Redacted

Signature Redacted

RENE A. FRANCISCO
Member

LORENZO JARED J. BRIONES
Member

Signature Redacted

FREDERICK R. TAMAYO
Vice-Chairperson

Signature Redacted

GLENN B. SANTOS
Chairperson
Bids and Awards Committee

NOTED:

Signature Redacted

IRENE JOY BESIDO-GARCIA
President and CEO

15 JUN 2022