

BAC RESOLUTION **E**



DEPARTMENT OF FOREIGN AFFAIRS
KAGAWARAN NG UGNAYANG PANLABAS

BIDS AND AWARDS COMMITTEE

BAC Resolution No. CPM-PB-24-2023

**RESOLUTION RECOMMENDING AWARD OF THE CONTRACT
ON SUPPLY AND INSTALLATION OF 1.5. MVA DISTRIBUTION TRANSFORMER
FOR THE OCA ASEANA BUILDING**

WHEREAS, the Department of Foreign Affairs (DFA), through the authorized appropriations under the Building Fund FY 2022 Continuing Appropriations, intends to apply the sum of **Seventeen Million Seven Hundred Ninety Seven Thousand Eight Hundred Sixty-Four Pesos (PhP 17,797,864.00) only**, being the Approved Budget for the Contract (ABC) for the **Procurement of Supply and Installation of 1.5. MVA Distribution Transformer for the OCA Aseana Building** (Procurement Project);

WHEREAS, the said ABC is chargeable against the Building Fund FY 2022 Continuing Appropriations;

WHEREAS, on 01 March 2023, the Bids and Awards Committee (BAC) in its Resolution CPM-PB-06-2023 declared a failure of bidding for the Procurement Project due to the bidders' failure to comply with Section 24 (b) of the IRR of RA 9184;

WHEREAS, on 17 April 2023, the BAC conducted a **Pre-Procurement Conference** to assess the readiness of the procurement by confirming the availability of funds and reviewing all relevant documents in relation to the Procurement Project;

WHEREAS, on 24 April 2023, the BAC Secretariat posted for seven (7) consecutive calendar days the **Invitation to Bid** for the Procurement Project on the DFA and PhilGEPS websites, and conspicuous places within the premises of the DFA, in accordance with Section 21.2 of the Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184;

WHEREAS, on 02 May 2023, the BAC held the **Pre-Bid Conference** to discuss the eligibility requirements and the technical and financial components of the contract to be bid, which was attended by *Power Equipment & Supplies, Inc., Danitech Power System, Inc., MCCD Engineering Services & Trading, Multi-Fold Links, Inc., V.B. Columna Construction Corp., Maximum Builders Development and Industrial Supplies Corp., KEMPAL Construction, and EESI Inc.*;

WHEREAS, on 16 May 2023, the deadline for the **submission and receipt of bids as well as the date of opening** thereof, *MCCD Engineering Services & Trading, Danitech Power System, Inc., EESI Inc., and Power Equipment & Supplies, Inc.*, submitted their bids, which the BAC determined to be as follows:

Bidder	Eligibility and Technical Component	Financial Component
MCCD Engineering Services & Trading	Non-Compliant with Sec. 23.1 of RA 9184 on the Declaration of Statement of All Ongoing Contract	Sealed
Danitech Power System, Inc.	Non-Compliant with the submission of the Statement of Compliance	Sealed
EESI Inc.	Non-Compliant with the submission of the Statement of Compliance	Sealed
Power Equipment & Supplies, Inc.	Non-Compliant with Section 8.5.2 of RA 9184 on the submission of updated PhilGEPS Certificate, specifically Annex A	Sealed

WHEREAS, the BAC declared a **failure of bidding** in view of the failure of bidders to satisfy the technical requirements for the Procurement Project;

WHEREAS, the BAC received **Requests for Reconsideration** from the following bidders. Below is the summary of the arguments and the reply of the BAC:

Bidder	Argument	BAC's reply
MCCD Engineering Services & Trading	All the projects are listed in the computation of the Statement of All Ongoing Contracts, but computation is wrong. The Net Financial Contracting Capacity (NFCC) is still sufficient to cover the project.	<p>The Statement of All Ongoing Contracts was computed at PhP145,410,827.91. The correct computation should be PhP 150,425,827.92.</p> <p>The difference of PhP 5,015,000.01 will have a significant effect to the computation of the company's NFCC.</p> <p>Section 3.1, Item IV of the IRR of</p>

		<p>RA 9184 requires the bidder to submit a statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid.</p> <p>Any erroneous calculations in the amount of ongoing projects, will therefore result in disqualification of the bidder for non-compliance with the eligibility requirement under Sections 23.1 of the revised IRR.</p> <p>Moreover, a mistake in calculation of the total amount of outstanding projects will yield to an erroneous computation or a misrepresentation of the NFCC required under Section 23.4.1.4.</p>
Danitech Power System, Inc.	Statement of Compliance is not required in the Checklist of requirements. Their experience in procurement dictates that the submission of the statement of compliance is done during the Post-Qualification.	In compliance with Section 6.1 of the IRR of RA 9184 to ensure a systematized procurement process, avoid confusion, ensure transparency, and in consideration of the bidder's compliance in the submission of the technical information/documents, at the least , as enumerated in Section 25.2 (B) of the IRR of RA 9184, the BAC shall schedule another round of meeting for the Opening of Bids to continue the evaluation of bid submission.
EESI Inc.	Statement of Compliance is not required in the Checklist of requirements.	In compliance with Section 6.1 of the IRR of RA 9184 to ensure a systematized procurement process, avoid confusion, ensure transparency, and in

		consideration of the bidder's compliance in the submission of the technical information/documents, at the least , as enumerated in Section 25.2 (B) of the IRR of RA 9184, the BAC shall schedule another round of meeting for the Opening of Bids to continue the evaluation of bid submission.
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WHEREAS, the BAC granted the Requests for Reconsideration of *Danitech Power System, Inc. and EESI Inc.* and issued a **Notice of Resumption of the Opening of Bids** dated 22 May 2023. The resumption of the opening of bids was held on 24 May 2023 which yielded the following results:

Bidder	Eligibility and Technical Component	Financial Component
<i>Danitech Power System, Inc.</i>	Compliant	PHP 17,781,036.28
<i>EESI Inc.,</i>	Non-Compliant with the submission of the required list of equipment as listed in the Technical Specifications	Sealed

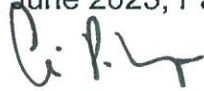
WHEREAS, during the Opening of Bids, **Danitech Power System, Inc. was declared "compliant" with the technical and financial component**, having the Lowest Calculated Bid, and was scheduled for **Post-Qualification**, pursuant to Section 34.2 of the IRR of RA 9184, to determine whether it complies with and is responsive to all the requirements and conditions specified in the Bidding Documents;

WHEREAS, a **Notice for Post-Qualification** was issued on 25 May 2023 scheduling the Post-Qualification on 29 May 2023. During the Post-Qualification and after careful consideration, the BAC determined that the bid of **Danitech Power System, Inc.** was compliant with the requirements and conditions specified in the Bidding Documents;

WHEREAS, after their evaluation, the Technical Working Group determined that the bid of **Danitech Power System, Inc.** complies with the technical requirements specified in the Bidding Documents;

NOW, THEREFORE, we, the Members of the Bids and Awards Committee, unanimously RESOLVE to RECOMMEND the award of the contract for the **Procurement of Supply and Installation of 1.5. MVA Distribution Transformer for the OCA Aseana Building to Danitech Power System, Inc.** for having submitted the Lowest Calculated and Responsive Bid in the amount of **Seventeen Million Seven Hundred Eighty One Thousand Thirty Six Pesos and 28/100 (PHP 17,781,036.28) only**, pursuant to Section 37 of the revised IRR of RA 9184.

ADOPTED this 5th day of June 2023, Pasay City.



CHARLIE P. MANANGAN
Chairperson



KERWIN ORVILLE C. TATE
Member

ARIZ SEVERINO V. CONVALECER
Member



CONRADO B. DEMDEM JR.
Member



JUDY B. RAZON
Alternate Member



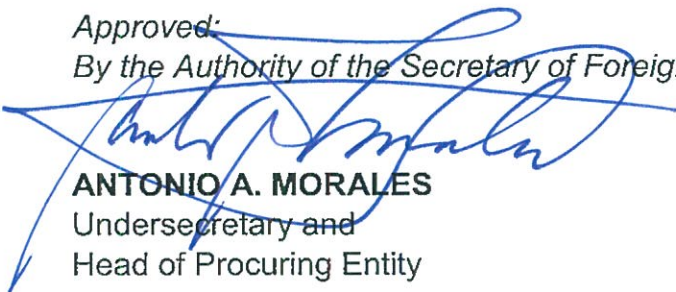
NOEL L. RODRIGUEZ
Alternate Member



GEORGE MARIANO A. SORIANO
End-user Representative

Approved:

By the Authority of the Secretary of Foreign Affairs:



ANTONIO A. MORALES
Undersecretary and
Head of Procuring Entity



DEPARTMENT OF FOREIGN AFFAIRS
KAGAWARAN NG UGNAYANG PANLABAS

BIDS AND AWARDS COMMITTEE

BAC Resolution No. CPM-PB-06-2023

**RESOLUTION DECLARING FAILURE OF BIDDING FOR THE
SUPPLY AND INSTALLATION OF 1.5 MVA DISTRIBUTION TRANSFORMER
FOR THE OCA ASEANA BUILDING**

WHEREAS, the Department of Foreign Affairs (DFA), through the authorized appropriations under the Building Fund FY 2022, intends to apply the sum of Seventeen Million Seven Hundred Ninety Seven Thousand Eight Hundred Sixty Four Pesos (PhP 17,797,864.00) only, being the Approved Budget for the Contract (ABC), for the Supply and Installation of 1.5. MVA Distribution Transformer for the OCA Aseana Building (Procurement Project);

WHEREAS, on 11 January 2023, the Bids and Awards Committee (BAC) conducted a **Pre-Procurement Conference** to discuss the Technical Specifications/Terms of Reference of the Procurement Project;

WHEREAS, on 24 January 2023, the BAC Secretariat posted for seven (7) consecutive calendar days the **Invitation to Bid** for the Procurement Project on the PhilGEPS website, the DFA Website, and conspicuous places within the premises of the DFA, in accordance with Section 21.2 of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184;

WHEREAS, the BAC held two (2) **Pre-Bid Conferences** on 31 January 2023 (1st Pre-Bid Conference) and on 07 February 2023 (2nd Pre-Bid Conference) to discuss the eligibility requirements and the technical and financial components of the contract to be bid. The meeting was attended by Trans Pilipinas Power & Automation Inc., Gega Engineering and Construction, MCCD Engineering Services & Trading, SmartTech Electro-Industrial Systems, Inc., KV Industrial Inc., Danitech Power System, Inc., and Power Systems & Supplies Inc.;

WHEREAS, on 31 January 2023, the BAC issued **Supplemental Bid No. 1** amending *Annex D- Bill of Quantities and Detailed Unit Price Analysis* of the Procurement Project;

WHEREAS, on 21 February 2023, the **deadline for the submission and receipt of bids** as well as the date of the opening thereof, two (2) prospective bidders namely, **SmartTech Electro-Industrial Systems, Inc. and MCCD Engineering Services & Trading**, submitted their bids, which the BAC determined to be as follows:

Bidders	Eligibility and Technical Component	Financial Component
SmartTech Electro-Industrial Systems, Inc.	Non-Compliant to the requirement to submit a statement that the company has no existing Joint Venture Agreement (JVA)	Sealed

	<p>Section 24 (b) of the IRR of RA 9184 in relation to Section 38 of RA 4566 on <i>Joint licenses states that "It is unlawful for any two or more licensees, each of whom has been issued a license to engage separately in the capacity of a contractor, to jointly submit a bid or otherwise act in the capacity of a contractor without first having secured an additional license for acting in the capacity of such a joint venture or combination in accordance with the provisions of this Act as provided for an individual, partnership or corporation."</i></p> <p>To determine the application of the abovementioned provision, the declaration of the presence or absence of JVA is necessary.</p>	
<p>MCCD Engineering Services & Trading</p>	<p>Mislabeled envelopes containing its technical and financial component.</p> <p>Section 25.1 of the IRR of RA 9184 mandates that the Bidders shall submit their bids through their duly authorized representative using the forms specified in the Bidding Documents in two (2) separate sealed bid envelopes, or two (2) password-protected Bidding Documents in compressed archive folders, in case of electronic bid submission, and which shall be submitted simultaneously. The first shall contain the technical component of the bid, including the eligibility</p>	<p>Unopened</p>

	<p>requirements under Section 23.1 of this IRR for the procurement of Goods and Infrastructure Projects, and the second shall contain the financial component of the bid.</p>	
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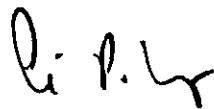
WHEREAS, during the **Opening of Bids** and after bid evaluation, the BAC declared both bidders, **SmartTech Electro-Industrial Systems, Inc. and MCCD Engineering Services & Trading** as non-compliant and not eligible to proceed to the Post Qualification Conference for their failure to comply with the above-stated provisions;

WHEREAS, on 27 February 2023 the BAC received a **Motion for Reconsideration (MR)** from SmartTech Electro-Industrial Systems, Inc. informing that its company does not have a JVA with any entities or partners;

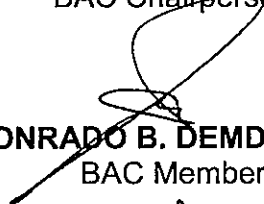
WHEREAS, the **BAC denied the MR** submitted by SmartTech Electro-Industrial Systems, Inc. noting Section 55.1 of the IRR stating that, "Decisions of the BAC at any stage of the procurement process may be questioned by filing a request for reconsideration within the three (3) calendar days upon receipt of written notice or upon verbal notification" and reiterating Section 24 (b) of the IRR of RA 9184 in relation to Section 38 of RA 4566 on the necessity to submit a statement of non-applicability of JVA to determine the application of the abovementioned provision;

NOW, THEREFORE, we, the members of the Bids and Awards Committee, resolve to recommend that the Head of the Procuring Entity not to award a contract, pursuant to Section 41(c)(i) the IRR of RA 9184, without prejudice to the conduct of another round of public bidding after a review of the project's Technical Specifications;

ADOPTED, this 1st day of March 2023, Pasay City.



CHARLIE P. MANANGAN
BAC Chairperson



CONRADO B. DEMDEM, JR.
BAC Member

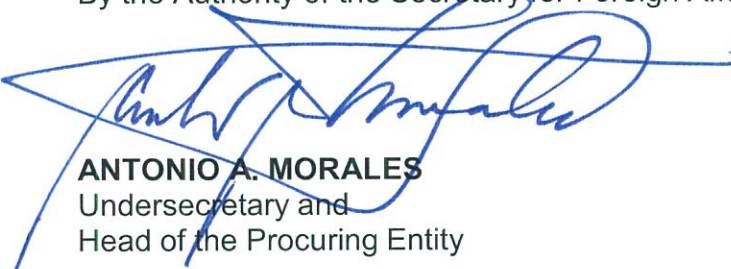


MARCO FREDERICK B. HARDER
BAC Member


KERWIN ORVILLE C. TATE
Provisional Member


MEDARDO G. MACARAIG
End-User Representative

Approved:
By the Authority of the Secretary for Foreign Affairs:


ANTONIO A. MORALES
Undersecretary and
Head of the Procuring Entity



DEPARTMENT OF FOREIGN AFFAIRS
KAGAWARAN NG UGNAYANG PANLABAS

BIDS AND AWARDS COMMITTEE

BAC Resolution No. CPM-MR-01-2023

**RESOLUTION ON THE REQUEST FOR RECONSIDERATION FOR THE
SUPPLY AND INSTALLATION OF 1.5 MVA DISTRIBUTION TRANSFORMER
FOR THE OCA ASEANA BUILDING**

WHEREAS, on 16 May 2023, the Bids and Awards Committee (BAC) conducted the Opening of Bids for the Supply and Installation of 1.5. MVA Distribution Transformer for the OCA Aseana Building (Procurement Project) based on the procurement schedule posted under PB-IN-04-2023-A with reference number 9684295;

WHEREAS, during the Opening of Bids, three companies submitted their bids for the Procurement Project, which the BAC determined to be as follows:

<i>Name of Bidder</i>	<i>Eligibility and Technical Component</i>	<i>Financial Component</i>
MCCD Engineering Services & Trading	<p>MCCD indicated in the Statement of all its Ongoing Government and Private Contract that the value of the contract is PhP145,410,827.91, which is inconsistent with the correct amount which should be PhP150,425,827.92. The difference of PhP 5,015,000.01 will have a significant effect to the computation of the Net Financial Contracting Capacity (NFCC).</p> <p>Section 3.1, Item IV of the IRR of RA 9184 requires the bidder to submit a statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid.</p> <p>Any erroneous calculations in the amount of ongoing projects, will</p>	Sealed

	<p>therefore result in disqualification of the bidder for non-compliance with the eligibility requirement under Sections 23.1 of the revised IRR.</p> <p>Moreover, a mistake in the calculation of the total amount of outstanding projects will yield an erroneous computation or a misrepresentation of the NFCC required under Section 23.4.1.4.</p>	
Electrical Equipment & System Integration Inc.	No Statement of Compliance	Sealed
Danitech Power System, Inc.	No Statement of Compliance	Sealed

WHEREAS, during the Opening of Bids, the BAC declared that the bidders were non-compliant to the technical requirements of the Procurement Project;

WHEREAS, on 18 May 2023, all the bidders submitted their requests for reconsideration, with the following explanation:

<i>Bidder</i>	<i>Explanation</i>
MCCD Engineering Services & Trading	<p>NFCC is still sufficient for the project even if there is an error in computing the Statement of All On-going Projects.</p> <p>MCCD submitted a Statement of Compliance and are responsive to the needs of the bidding project.</p>
Electrical Equipment & System Integration Inc.	EESI overlooked and missed to include a Statement of Compliance.
Danitech Power System, Inc.	<p>Statement of Compliance is not included in the checklist of the bidding documents.</p> <p>Submission of non-required documents may result to confusion. In previous biddings with other government agencies, the Statement of Compliance are submitted during the Post-Qualification Conference.</p>

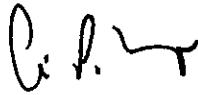
WHEREAS, the BAC grants the requests for reconsideration of Electrical Equipment & System Integration Inc. and Danitech Power System, Inc. noting that the Statement of Compliance was not included in the checklist of requirements posted in the PhilGEPS and DFA websites;

WHEREAS, the Statement of Compliance is not among those enumerated in Section 25.2 (b) of the revised IRR of RA 9184;

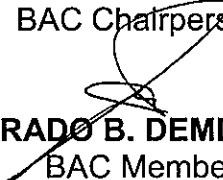
WHEREAS, the request for reconsideration of MCCD Engineering Services & Trading is not tenable considering its miscalculation in the Statement of its All Ongoing Contracts which will have an impact in the computation of the NFCC, both of which are requirements in the Opening of Bids;

WHEREAS, given the above, we, the Members of the Bids and Awards Committee, resolve to **resume the opening of bids on 24 May 2023, 1:30 P.M.** to allow further evaluation of the bid submissions of Electrical Equipment & System Integration Inc. and Danitech Power System, Inc. in relation to Section 55 of the revised IRR of RA 9184.

ADOPTED, this 22nd day of May 2023, in Pasay City.



CHARLIE P. MANANGAN
BAC Chairperson



CONRADO B. DEMDEM, JR.
BAC Member



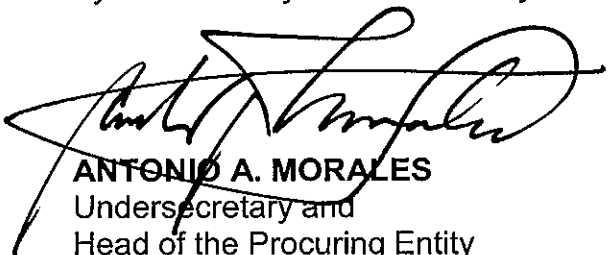
KERWIN ORVILLE C. TATE
Provisional Member



GEORGE MARIANO A. SORIANO
End-User Representative

Approved:

By the Authority of the Secretary for Foreign Affairs:



ANTONIO A. MORALES
Underscretary and
Head of the Procuring Entity



DEPARTMENT OF FOREIGN AFFAIRS
KAGAWARAN NG UGNAYANG PANLABAS

OFFICE OF THE UNDERSECRETARY FOR ADMINISTRATION

BIDS AND AWARDS COMMITTEE

22 May 2023

Dear Ms. Pueca,

This refers to your request for reconsideration dated 18 May 2023 of the Department of Foreign Affairs' (DFA) Bids and Awards Committee's (BAC) decision to disqualify Electrical Equipment & System Integration Inc. (EESI) from the bidding process for the Procurement of Supply and Installation of 1.5MVA Distribution Transformer for the OCA-Aseana Building.

Section 25.2 (b) of the Revised IRR of RA 9184 enumerates the list of technical information/documents to be contained in the first envelope for the procurement of Infrastructure Projects, *at the least*.

As such, the BAC grants your request and shall schedule the resumption of the Opening of Bids for the continuation of the evaluation of your bid submission.

The BAC will send a notice for the resumption of the Opening of Bids through email and will post the information at the DFA website and PhilGEPS.

Thank you very much.

Very truly yours,


CHARLIE P. MANANGAN
Chairperson
Bids and Awards Committee

Ms. LEA PUECA
Business Development Manager
Electrical Equipment & System Integration Inc.
#2-B General Ave., Brgy. Bahay Toro, Project 8,
Quezon City

OFFICE OF THE UNDERSECRETARY FOR ADMINISTRATION
BIDS AND AWARDS COMMITTEE

22 May 2023

Dear Ms. Pueca,

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Thank you very much.

Very truly yours,


CHARLIE P. MANANGAN
Chairperson
Bids and Awards Committee

Ms. LEA PUECA
Business Development Manager
Electrical Equipment & System Integration Inc.
#2-B General Ave., Brgy. Bahay Toro, Project 8,
Quezon City



DEPARTMENT OF FOREIGN AFFAIRS
KAGAWARAN NG UGNAYANG PANLABAS

OFFICE OF THE UNDERSECRETARY FOR ADMINISTRATION

BIDS AND AWARDS COMMITTEE

22 May 2023

Dear Engr. Barcibal,

This refers to your request for reconsideration dated 18 May 2023, of the Department of Foreign Affairs' (DFA) Bids and Awards Committee's (BAC) decision to disqualify Danitech Power System, Inc. from the bidding process for the Procurement of Supply and Installation of 1.5MVA Distribution Transformer for the OCA-Aseana Building.

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Thank you very much.

Very truly yours,


CHARLIE P. MANANGAN
Chairperson
Bids and Awards Committee

Engr. JOHN LAURENCE L. BARCIBAL
Sales and Service Engineer
Danitech Power System, Inc.
Block 11 Lot 15A Talisay St.
Amparo Subd., North Caloocan City

OFFICE OF THE UNDERSECRETARY FOR ADMINISTRATION

BIDS AND AWARDS COMMITTEE

22 May 2023

Dear Engr. Barcibal,

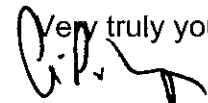
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The BAC will send a notice for the resumption of the Opening of Bids through email and will post the information at the DFA website and PhilGEPS.

Thank you very much.

Very truly yours,


CHARLIE P. MANANGAN
Chairperson
Bids and Awards Committee

Engr. JOHN LAURENCE L. BARCIBAL
Sales and Service Engineer
Danitech Power System, Inc.
Block 11 Lot 15A Talisay St.
Amparo Subd., North Caloocan City