



Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Agham Road, Diliman, Quezon City, 1104

**MINUTES OF THE PRE-BID CONFERENCE FOR THE REBIDDING OF
QUARTERLY CY 2018 GENERAL OFFICE SUPPLIES REQUIREMENT FOR
THE OFFICE OF THE OMBUDSMAN
(PB 2018-32)**

**APPROVED BUDGET FOR THE CONTRACT:
ONE MILLION SIX HUNDRED FIFTY EIGHT THOUSAND FOUR HUNDRED
PESOS (PHP 1,658,400.00)**

November 28, 2018, Hearing Room, 2:30 P.M.

The Pre-Bid Conference started at 2:30 p.m. with an invocation and introduction of the following parties in attendance by Ms. Marjorie Hazel R. Cofino, Member, BAC Secretariat, to wit:

The Bids and Awards Committee:

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| AO MARIBETH T. PADIOS | - Chairperson |
| DIR. ADORIE T. CORNITO | - Vice-Chairperson |
| ATTY. LORENZO G. VERGARA | - Member |
| ATTY. JANET CABIGAS-VEJERANO | - Member |

The Technical Working Group:

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| ATTY. SYLVIA A. SEVERO-PARAISO | - Chairperson |
| ATTY. ARBELLE S. DUMAYAG | - Vice-Chairperson |
| MR. CHRISTIAN L. NAVARRO | - Member |

BAC Secretariat:

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| MS. MARJORIE HAZEL R. COFINO | - Member |
| MR. ROMMEL T. NAKANOMI | - Member |
| MS. JOAN DC. ESCALADA | - Member |
| MS. RONALYN S. CALAYO | - Member |

Observer:

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| ATTY. EMILYN M. CASTILLO | - OMB Proper |
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Ms. Cofino announced that there were two (2) prospective bidders namely: 1) PHILCOPY CORPORATION represented by Ms. Gina Riosa, and 2) PBT TECHNOLOGY SOLUTIONS, INC. represented by Ms. Jean Nagaño.

The following activities were also reported in compliance with R.A. No. 9184:

- 1) The Invitation to Bid (ITB) was posted at the PhilGEPS, Ombudsman Website and BAC Bulletin Board on 16 November 2018.
- 2) Letters of Invitation for the Pre-Bid Conference, Opening of Bids and Post-Qualification were sent and received by the following Witnesses and Observers:
 - a. Hon. Melchor Arthur H. Carandang (Overall Deputy Ombudsman, OODO)
 - b. Atty. Kristine Joy M. Meñez-Macalalad (Assistant Ombudsman, OMB-Proper)
 - c. Mr. Crisanto S. Frianeza (Secretary General, Philippine Chamber of Commerce Industry)
 - d. Ms. Zenaida P. Alcantara (National President, Philippine Institute of Certified Public Accountants)

- e. Ms. Marilyn R. Laurente (State Auditor IV, Audit Team Leader, COA)
 - f. Mr. Gerhard G. Basco (OMBEA Representative).
- 3) Supplemental / Bid Bulletin No. 1 was issued on 22 November 2018, for the Postponement of the Pre-Bid Conference, Opening of Bids, Deadline of Submission of Bids and New Bidding Schedules.

With the presence of the Chairperson and three (3) Members of the Bids and Awards Committee and the Chairperson and three (3) Members of the Technical Working Group (TWG), a quorum to transact business was manifested by Ms. Cofino.

The Pre-Bid Conference was called to order by Atty. Lorenzo Vergara, BAC Member. He then turned over the floor to the Technical Working Group for the discussion of the eligibility, technical component, financial component and post-qualification documents.

The TWG Chairperson, Atty. Sylvia A. Severo-Paraiso, discussed the Invitation to Bid and eligibility requirements and also the requirements for post-qualification to be submitted by the bidder having the Lowest Calculated Bid.

Following this, AO Maribeth T. Padios, opened the floor to answer queries from the participants and encouraged ~~the~~ them to ask questions. She reminded them that any further question after the Pre-Bid Conference will have to be in writing and addressed to the BAC Secretariat.

| PARTICULARS | ISSUES RAISED BY THE BIDDERS | BAC/TWG REPLY |
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| ELIGIBILITY AND TECHNICAL COMPONENTS | <p>PHILCOPY CORPORATION (Ms. Gina Riosa): Philcopy is a distributor of Kyocera consumables. We noticed that the bidding is for one (1) lot, composed of different brands and we, as a distributor, do not have resellers that carry all the brands. Can we request that the different brands be in separate lots?</p> <p>PBT TECHNOLOGY SOLUTIONS, INC. (Ms. Jean Nagaño): Yes, the other bidder is correct that not all resellers carry the brand but per our experience we can deliver the whole lot. There would be no reason to change “per lot” requirement.</p> <p>PHILCOPY CORPORATION (Ms. Riosa): I am just concerned that this bidding would fail again especially on our case that we are distributors. Because of your requirement only resellers have the capacity to join. We do not appoint or assign any reseller.</p> | <p>TWG (Mr. Navarro): Based on our experience, the other suppliers can provide.</p> <p>BAC (Atty. Lorenzo Vergara): The comment of the representative of PHILCOPY is duly noted together with the comment of PBT TECHNOLOGY. However, as of now our procurement is for one lot and we would issue a Supplemental Bid Bulletin, if necessary.</p> |

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| | <p>PBT TECHNOLOGY SOLUTIONS, INC. (Ms. Jean Nagaño): Sir, one thing I noticed during the last Bidding. During the Pre-Bid Conference it was discussed that what should be offered are ORIGINALS. During the Opening of Bids, one bidder offered a COMPATIBLE product. The bidder should not have been considered as PASSED during the bidding.</p> <p>PBT TECHNOLOGY SOLUTIONS, INC. (Ms. Jean Nagaño): Yes.</p> <p>PHILCOPY CORPORATION (Ms. Riosa): You have a requirement that "all items</p> | <p>BAC (Atty. Vergara): Can we request the BAC Secretariat to refresh us on what happened during the previous bidding?</p> <p>BAC Secretariat (Ms. Joan Escalada): The failure of bidding was due to the bidder's failure to submit the schedule of prices which should have been included in the Financial Proposal.</p> <p>BAC (Atty. Vergara): It is duly noted. May we request the TWG's comment as to the requirement for ORIGINAL as against COMPATIBLE products.</p> <p>TWG (Atty. Severo): The requirement on whether the product is ORIGINAL or COMPATIBLE is indicated in the technical specifications and the requirement is that all the "comply" boxes should be ticked. The requirement under the law is only PASS or FAIL. Considering that all the "comply" boxes were ticked, there is no way for us to rule as to whether he (the bidder) is compliant or non-compliant. It is only after the thorough evaluation and post qualification that we will evaluate all the documents. During the Opening of Bids, the requirement under the law is only PASS or FAIL. If all the "comply" boxes were ticked, there is no way that we can thoroughly evaluate the documents. We are limited to the issue whether the boxes that indicate ORIGINAL were ticked or not. We do not have a reason to not declare him as PASSED. It is only during the Post Qualification stage that we will be able to evaluate or say that he will not be compliant with our technical specifications.</p> <p>BAC (AO Padios): Have we satisfied your query?</p> <p>TWG (Atty. Severo): That Certification (Manufacturer's Certificate) is whether he is the</p> |
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offered must be supported by a manufacturer's certificate or authorized reseller's certificate." What kind of certificate are you requiring – Certificate of Authenticity of the consumables or a Certificate that we are authorized to sell or carry such brand? I thought that this a certificate of toner authenticity since the requirement is original or authentic.

PBT TECHNOLOGY SOLUTIONS, INC. (Ms. Nagaño):

We are getting Kyocera products from them (PHILCOPY). They do not issue certificates from Distributor to Reseller. In order for us to prove that we are selling authentic products, can we just produce a Warranty Certificate?

PHILCOPY CORPORATION (Ms. Riosa):

Regarding what I stated a while ago that a certification from the manufacturer will prove that they will deliver authentic products, there is no guarantee that original products will be delivered to you because as we are all aware, there are resellers that produce refill or remanufactured or producers of compatible toners. There are resellers that are authorized to sell consumables but, they would not get from the principal or the distributor because the refills and remanufactured toners are open to the market. That is why we do not assign a reseller to participate in biddings because we go directly to the client. We can provide the after-sales. We hope you consider that.

We request directly from Kyocera, in Japan. We request certifications. We have an exclusive distributorship certificate with a red ribbon. When an agency requests for additional certificates, like certificates of authenticity, we also request so that we can be compliant with the requirements.

Manufacturer and for the Reseller's Certificate, coming from the (respective) brands. The mere fact that they have a Certification, for example from HP or Brother, will show that their products are authentic because they have been issued a Certificate of Distributorship or Resellership. Since they have been given a Certification and that they are legitimate sellers of HP, Kyocera, Brother or Samsung, will prove that they are selling original and authentic products.

TWG (Mr. Navarro):
Yes, that would suffice.


BAC (AO Padios):
What certificate do you issue?

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| | <p>PBT TECHNOLOGY SOLUTIONS, INC. (Ms. Nagaño): If that would be the case, it would then fall under exclusive distributorship since there are no other resellers. It would not be open to everyone.</p> | <p>TWG (Mr. Navarro): We will evaluate and take note of your suggestion for the next bidding, meanwhile for this bidding, we will retain our requirements.</p> <p>BAC (AO Padios): We will just take note of your suggestions. We will just issue a Supplemental Bid Bulletin if there are changes.</p> |
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After the open forum, Atty. Severo proceeded to explain the contents of Ombudsman Bid Form No. 2 (Financial Proposal). Then the BAC Secretariat showed a short video on how the bidders should prepare their bids for submission.

There being no more queries, the Pre-Bid Conference for the Rebidding of General Office Supplies Requirement for the Office of the Ombudsman (PB 2018-32) was adjourned at 3:03 P.M.

Prepared and attested by:


MARJORIE-HAZEL R. COFINO
Member, BAC Secretariat

BIDS AND AWARDS COMMITTEE


JANET CABIGAS-VEJERANO
Member


LORENZO G. VERGARA
Member


MARY RAWNSLE V. LOPEZ
Member


ADORIE T. CORNITO
Vice-Chairperson


MARIBETH T. PADIOS
Chairperson