



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

BIDS AND AWARDS COMMITTEE - MAIN
RESOLUTION NO. 2-09-035 s. 2022

RE: AWARD FOR NEGOTIATED PROCUREMENT (TWO FAILED BIDDINGS) OF ONE (1) YEAR RENTAL OF PHOTOCOPIING MACHINES FOR THE OFFICE OF THE OMBUDSMAN (QN 2022-2-099-AUG)

WHEREAS, the Office of the Ombudsman has programmed the procurement of One (1) Year Rental of Photocopying Machines for the Office of the Ombudsman (APP Code: 2021APP-105) with an Approved Budget for the Contract (ABC) of Ten Million Seven Hundred Thousand Pesos (₱10,700,000.00);

WHEREAS, Purchase Request (PR) No. PU-21-07-217 with an Approved Budget for the Contract (ABC) of Ten Million Seven Hundred Thousand Pesos (₱10,700,000.00) for the procurement of “One (1) Year Rental of Photocopying Machines for the Office of the Ombudsman” for the use of the Office of the Ombudsman, was approved;

WHEREAS, the Bids and Awards Committee-Main (BAC-Main), in an approved Memorandum dated 18 October 2021, was authorized to conduct its procurement through Public Bidding in accordance with the provisions of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (RA) No. 9184;

WHEREAS, the HOPE, upon the recommendation of the BAC-Main and the TWG in its Memorandum dated 18 October 2021, approved the ABC of this procurement project at ₱9,870,000.00;

WHEREAS, the BAC-Main conducted its first Public Bidding of One (1) Year Rental of Photocopying Machines for the Office of the Ombudsman (PB 2021-2-08) on 20 December 2021;

WHEREAS, RA No.11640¹ extends the availability of the 2021 Appropriation to December 31, 2022. Further, Department of Budget and Management (DBM) National Budget Circular No. 587, Section 3.5² states that the appropriation items authorized under RA No. 11518 for maintenance and other operating expenses as well as for capital outlay are valid for release, obligation and disbursement until December 31, 2022;

WHEREAS, the BAC-Main, in its BAC Resolution No. 2-03-001 s. 2022 dated 25 March 2022,³ approved by the Honorable Ombudsman Samuel R. Martires, resolved and recommended to declare a failure of the 1st Bidding; to adopt the TWG recommendation in its mandatory review to retain the same ABC and technical specifications; to conduct re-bidding with re-advertisement; and to extend the contract of OTUS COPY SYSTEMS, INC. for the rental of photocopying machines on a month-to-month basis, but not to extend beyond one year until such time that a contract is awarded to the winning bidder;

¹ “An Act extending the Availability of the 2021 Appropriation to December 31, 2022, amending for the purpose Section 62 of the General Provisions of Republic Act No. 11518, the General Appropriations Act of Fiscal Year 2021;” <https://www.officialgazette.gov.ph/downloads/2021/12dec/20211230-RA-11640-RRD.pdf>.

²Dated January 3, 2022, <https://www.dbm.gov.ph/wp-content/uploads/Issuances/2022/National-Budget-Circular/NATIONAL-BUDGET-CIRCULAR-NO-587.pdf>.

³ Annex “A.”

WHEREAS, the BAC-Main conducted the Re-Bidding of One (1) Year Rental of Photocopying Machines for the Office of the Ombudsman (PB 2022-2-01) on 30 May 2022 which failed because no bids were received;

WHEREAS, in its Memorandum dated 14 June 2022 for the mandatory review and evaluation of the terms, conditions of the project, the TWG recommended to retain the same ABC considering that the budget for the contract was not the reason for the failure of bidding, and that the technical specifications, terms and conditions, as clarified in Supplemental/Bid Bulletin No. 1 for PB 2022-2-01 be used as a reference and guide in the negotiation process;

WHEREAS, the BAC-Main, in its BAC Resolution No. 2-07-004 (PB) s. 2022 dated 05 July 2022, approved by the Honorable Ombudsman Samuel R. Martires, resolved and recommended to declare a failure of the Re-Bidding of One (1) Year Rental of Photocopying Machines for the Office of the Ombudsman (PB 2022-2-01); to adopt the TWG recommendation in its mandatory review to retain the ABC in the amount of Nine Million Eight Hundred Seventy Thousand Pesos (P9,870,000.00) and the technical specifications; and to conduct a negotiated procurement with re-advertisement and/or posting as provided for in Section 53.1 of the 2016 RIRR of RA 9184;

WHEREAS, on 08 August 2022, the Invitation for the Negotiated Procurement (QN 2022-2-099-AUG) was posted at the PhilGEPS website, Ombudsman website and OMB Bulletin Board;

WHEREAS, Letters of Invitation for the Negotiation Conference, Opening, Evaluation and Post-Qualification of Best and Final Offer were sent to and received by the following Witnesses and Observers:

- a. Hon. Warren Rex H. Liong (Overall Deputy Ombudsman, OODO)
- b. Assistant Ombudsman Pilarita T. Lapitan (OMB-Proper)
- c. Mr. Crisanto S. Frianeza (Secretary General, Phil. Chamber of Commerce and Industry)
- d. Mr. Paterno Menzon (Co-Chairman, Coalition Against Corruption – Bishops Business Conference – Laiko (Government Procurement Monitoring Committee)
- e. Mr. Joey I. Bernardino (OIC-Supervising Auditor, COA)
- f. Mr. Nolasco B. Ducay (OMBEA Representative)

WHEREAS, on 15 August 2022 at 1:30 p.m. a Negotiation Conference⁴ was conducted online via Zoom Application with the BAC-Main, Technical Working Group (TWG), three (3) prospective bidders/suppliers⁵ and witnesses/observers in attendance;

WHEREAS, on even date, Supplemental / Bid Bulletin No. 1⁶ was issued providing for the amendments to the bidding/negotiation documents;

WHEREAS, for the period 15 August 2022 to 22 August 2022, two (2) bidders/suppliers⁷ submitted their Best and Final Offers before the 2:00 p.m. deadline on 23 August 2022 and one (1) bidder/supplier⁸ submitted a Letter of Regret for not being able to join the negotiated procurement;

⁴ Annex "A" Minutes of the Pre-Bid Conference.

⁵ Otus Copy Systems, Inc., Quartz Business Products Corporation and E-Copy Corporation.

⁶ Posted at the PhilGEPS website, OMB Website and OMB Bulletin Board on 16 August 2022

⁷ 1) Quartz Business Products Corporation submitted on 22 August 2022, 11:15 a.m. and 2) U-Bix Corporation submitted on 22 August 2022, 1:00 p.m.

⁸ Otus Copy Systems, Inc.

WHEREAS, on 23 August 2022 at 1:30 p.m., the BAC-Main conducted the Opening of Best and Final Offer⁹ through Zoom Application (face-to-face for the BAC Secretariat-Main and the TWG);

WHEREAS, after the conduct of eligibility check and evaluation of the best and final offers,¹⁰ the BAC-Main, upon the recommendation of the TWG, rated QUARTZ BUSINESS PRODUCTS CORPORATION (QUARTZ) and U-BIX CORPORATION (U-BIX) as “PASSED” in all the eligibility requirements and declared them as “ELIGIBLE” to participate further in the opening of the best and final offer;

WHEREAS, after the Opening of Best and Final Offer,¹¹ a Bid Evaluation¹² was conducted to further evaluate the completeness of the bids and arithmetical calculations of the submitted Financial Components (Envelope No. 2) of the eligible bidders/suppliers, viz:

	NAME OF BIDDER	Financial Bid	Ranking	Remarks
1	QUARTZ BUSINESS PRODUCTS CORPORATION	₱ 9,156,000.00	2	“2 nd Lowest Best and Final Offer”
2	<u>U-BIX CORPORATION</u>	<u>₱8,862,000.00</u>	<u>1</u>	“Best and Final Offer”

WHEREAS, on 25 August 2022, a Notice of Post Qualification was issued and U-BIX CORPORATION was required to submit/present on 30 August 2022 the original copies and certified true copies of the required documents to the TWG/BAC during the post-qualification proceedings. Witnesses and Observers were likewise invited to attend the said activity;

WHEREAS, during the post-qualification proceeding on 30 August 2022 and after validation, verification and determination that U-BIX¹³ satisfactorily presented the documents required of them, complied with the Office’s technical specifications and are responsive to all the legal requirements and conditions for eligibility, the TWG recommends the award of contract to U-BIX CORPORATION;

NOW, THEREFORE, the undersigned members of the Bids and Awards Committee-Main hereby **RESOLVE** and **RECOMMEND** the award of contract to **U-BIX CORPORATION**, for tendering the Best and Final Offer for **QN 2022-2-099-AUG: Negotiated Procurement (Two Failed Biddings) for the One (1) Year Rental of Photocopying Machines for the Office of the Ombudsman** in the amount of **Eight Million Eight Hundred Sixty-Two Thousand Pesos (₱ 8,862,000.00)**, subject to the posting of a bond to guarantee performance.

SO RESOLVED.

08 September 2022, Quezon City, Philippines.

⁹ Annex “B” Minutes of the Opening of Bids

¹⁰ Annex “C” Summary of the Opening of Bids

¹¹ Annex “D” Abstract of the Opening of Bids

¹² Annex “E” Summary of the Bid Evaluation

¹³ TWG Post-Qualification Report on QN 2022-2-099-AUG dated 01 September 2022, received 05 September 2022

The dispositive portion reads, thus:

“NOW, THEREFORE, the undersigned members of the Bids and Awards Committee-Main hereby RESOLVE and RECOMMEND the award of contract to U-BIX CORPORATION, for tendering the Best and Final Offer for QN 2022-2-099-AUG: Negotiated Procurement (Two Failed Biddings) for the One (1) Year Rental of Photocopying Machines for the Office of the Ombudsman in the amount of Eight Million Eight Hundred Sixty-Two Thousand Pesos (₱ 8,862,000.00), subject to the posting of a bond to guarantee performance.

SO RESOLVED.”


(ON OFFICIAL LEAVE)
CORINNE JOIE M. GARILLO
Member


LORENZO G. VERGARA
Member


ZARNETTE E. SANCEDA
Member



JENNY CERA-BAYANGOS
Member


NELLIE P. BOGUEN-GOLEZ
Member

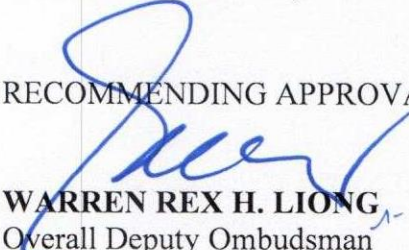

ADORIE T. CORNITO
Vice-Chairperson

(ON LEAVE)
ADORACION A. AGBADA
Chairperson

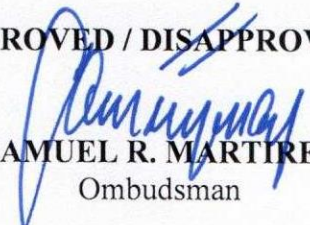
Certified Funds Available:


WEOMARK RYAN G. LAYSON
Assistant Ombudsman, FMIO / GAO

RECOMMENDING APPROVAL:


WARREN REX H. LIONG
Overall Deputy Ombudsman

APPROVED / DISAPPROVED:


SAMUEL R. MARTIRES
Ombudsman