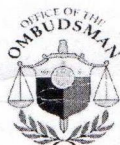
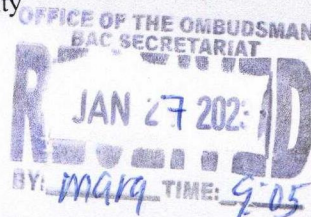


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Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Ombudsman Building, Agham Road, Diliman, Quezon City



**BIDS AND AWARDS COMMITTEE - MAIN
RESOLUTION NO. PB-22-07, s. 2022**

**RE: RE-BIDDING FOR THE SUPPLY AND DELIVERY OF BRAND
NEW ONE (1) UNIT 4X2 SPORTS UTILITY VEHICLE AND
ONE (1) UNIT VAN FOR THE OFFICE OF THE OMBUDSMAN
(PB 2022-2-05)**

WHEREAS, the Office of the Ombudsman has programmed and approved Purchase Request (PR) Nos. PU-22-05-197 and PU-22-05-225 for the procurement of Service Vehicles (APP Code: 2022APP-168)¹ with an Approved Budget for the Contract (ABC) in the total amount of Five Million Pesos (P 5,000,000.00);

WHEREAS, the Bids and Awards Committee-Main (BAC-Main), in an approved Memorandum dated 15 June 2022, was authorized to conduct its procurement through Public Bidding in accordance with the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (RA) No. 9184;

WHEREAS, the Head of the Procuring Entity (HoPE), upon the recommendation of the BAC-Main and the TWG,² approved the technical specifications and total ABC of this procurement project at P5,000,000.00;

WHEREAS, the BAC-Main conducted the first Public Bidding for the Supply and Delivery of Brand New One (1) Unit Sports Utility Vehicle and One (1) Unit Van for the Office of the Ombudsman (PB 2022-2-03) on 13 September 2022. However, the prospective bidder for Lot 1³ was declared ineligible due to its failure to comply with the prescribed form of the Omnibus Sworn Statement (OSS) which resulted to a failure of bidding pursuant to Section 35.1.b of the 2016 RIRR of RA 9184. Further, no bids were received for Lot 2 which also resulted to a failure of bidding pursuant to Section 35.1.a of the 2016 RIRR;

WHEREAS, after the conduct of a mandatory review of the terms, conditions and specifications, the BAC was authorized by the HoPE to conduct a re-bidding for the two (2) lots;⁴

WHEREAS, a Pre-Procurement Conference, through video-conferencing,⁵ was conducted on 26 October 2022 and was attended by the Chairperson and Members of the BAC-Main, Chairperson and Members of the TWG and the BAC Secretariat-Main;

WHEREAS, on 27 October 2022, the Invitation to Bid (ITB) for PB 2022-2-05: Re-bidding for the Supply and Delivery of Brand New One (1) Unit 4x2 Sports Utility Vehicle and One (1) Unit Van for the Office of the Ombudsman was posted at the PhilGEPS website, Ombudsman website and OMB Bulletin Board;

¹ One (1) unit Sports Utility Vehicle for the use of the ODO and one (1) Motor vehicle for the use of Deputy Ombudsman for OMB-MOLEO

² Per Memorandum dated 03 August 2022

³ Nissan Commonwealth, Inc.

⁴ Approved BAC-Main Resolution No. PB 22-06, s. 22 dated 10 October 2022

⁵ Through MS Teams Application which started at 1:30 pm.

WHEREAS, Letters of Invitation for the Pre-Bid Conference, Opening of Bids, Bid Evaluation and Post-Qualification were sent to and received by the following witnesses and observers:

- a. Hon. Warren Rex H. Liong (Overall Deputy Ombudsman, Office of the Ombudsman);
- 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. Ms. June L. Schoonneveldt (OIC, Supervising Auditor, COA); and,
- f. Mr. Nolasco B. Ducaay (President, OMBEA);

WHEREAS, on 03 November 2022 at 1:30 p.m. a Pre-Bid Conference⁶ was conducted via MS Teams Application with the BAC-Main, Technical Working Group (TWG), three (3) prospective bidders and witnesses/observers in attendance;

WHEREAS, for the period 27 October 2022 to 15 November 2022, two (2) bidders purchased and submitted their bidding documents for Lot 1 before the 2:00 p.m. deadline on 15 November 2022, while no bidder purchased and submitted its bidding documents for Lot 2;⁷

WHEREAS, the Opening of Bids⁸ was conducted on 16 November 2022 at 1:30 p.m., with the BAC-Main, bidders and observers attending via MS Teams Application, and with the BAC Secretariat and TWG in physical attendance;

WHEREAS, after the conduct of eligibility check and evaluation of the submitted bids,⁹ the BAC-Main, upon the recommendation of the TWG, rated MATTERHORN MOTOR, INC. (MATTERHORN) as “PASSED” in all the eligibility requirements and declared it as “ELIGIBLE” to participate further in the Opening of Bids;

WHEREAS, MARQUAY TRADING was rated as “INELIGIBLE” due to its failure to comply with the prescribed form of the Omnibus Sworn Statement (OSS);

WHEREAS, immediately after the Opening of Bids,¹⁰ a Bid Evaluation¹¹ was conducted to further evaluate the completeness of the bid and arithmetical calculation of the submitted Financial Components (Envelope No. 2) of MATTERHORN for Lot 1, viz:

Lot 1 – Supply and Delivery of Brand New One (1) Unit 4x2 Sports Utility Vehicle

	NAME OF BIDDER	Financial Bid	Ranking	Remarks
1	<u>MATTERHORN MOTOR, INC.</u>	<u>₱2,414,643.00</u>	<u>1</u>	<i>“Single Calculated Bid”</i>

⁶ Annex “A” Minutes of the Pre-Bid Conference.

⁷ MATTERHORN purchased and submitted for Lot 1 (SUV) on 15 November 2022, 12:26 p.m. and MARQUAY TRADING purchased and submitted for Lot 1 (SUV) on 15 November 2022, 1:51 p.m.

⁸ Annex “B” Minutes of the Opening of Bids.

⁹ Annex “C” Summary of the Opening of Bids

¹⁰ Annex “D” Abstract of the Opening of Bids

¹¹ Annex “E” Summary of the Bid Evaluation

WHEREAS, MARQUAY TRADING did not file any Request for Reconsideration within three (3) calendar days from the Opening of Bids after its duly authorized representative had been notified of its ineligibility;

WHEREAS, on 21 November 2022, a Notice of Post Qualification was issued and MATTERHORN was directed to submit/present, the original copies and certified true copies of the required documents to the TWG/BAC during the post-qualification proceedings held on 28 November 2022. Witnesses and observers were likewise invited to attend the said activity;

WHEREAS, the TWG, in its Memorandum dated 05 December 2022, recommended the award of the contract to MATTERHORN for Lot 1 after validating, verifying and determining that it complied with the Office's technical specifications and was responsive to all the legal requirements and conditions for eligibility;¹²

WHEREAS, with respect to Lot 2, the TWG, in its mandatory review and evaluation of the terms, conditions and specifications including its cost estimates, recommended to retain the technical specifications, terms and conditions, as reflected in Supplemental/Bid Bulletin No. 1 for PB 2022-2-03, and the ABC of Two Million Five Hundred Thousand Pesos (P2,500,000.00), since neither the budget for the contract nor the bidder's inability to comply with the technical specifications was the reason for the failure of bidding;

NOW, THEREFORE, the undersigned members of the Bids and Awards Committee-Main hereby **RESOLVE** and **RECOMMEND** the following:

- 1) To award the contract to **MATTERHORN MOTOR, INC.** for tendering the Single Calculated and Responsive Bid for **Lot 1 – Supply and Delivery of Brand New One (1) unit Sports Utility Vehicle** in the amount of **Two Million Four Hundred Fourteen Thousand Six Hundred Forty-Three Pesos only (₱ 2,414,643.00)**, subject to the posting of a bond to guarantee performance;
- 2) To declare a failure of re-bidding for the Supply and Delivery of Brand New One (1) Unit Van for the Office of the Ombudsman (Lot 2) (PB 2022-2-05) pursuant to Section 35.1.a of the 2016 RIRR of RA 9184;
- 3) To adopt the TWG's recommendation to retain the ABC in the amount of Two Million Five Hundred Thousand Pesos (P2,500,000.00) and the technical specifications for Lot 2 as indicated in Supplemental/Bid Bulletin No. 1 dated 05 September 2022¹³ in PB 2022-2-03, subject to the required approvals pursuant to Section 35.3 of the 2016 RIRR of RA 9184; and
- 4) To conduct a negotiated procurement with re-advertisement and/or posting pursuant to Section 53.1 of the 2016 RIRR of RA 9184 for Lot 2.

SO RESOLVED.

06 December 2022, Quezon City, Philippines.

¹² TWG Post-Qualification Report on PB 2022-2-02 dated 17 August 2022, received 18 August 2022


¹³ Also adopted in the Technical specifications for PB 2022-2-05 (Re-bidding).

The dispositive portion reads thus:

“NOW, THEREFORE, the undersigned members of the Bids and Awards Committee-Main hereby RESOLVE and RECOMMEND the following:

- 1) **To award the contract to MATTERHORN MOTOR, INC. for tendering the Single Calculated and Responsive Bid for Lot 1 – Supply and Delivery of Brand New One (1) unit Sports Utility Vehicle in the amount of Two Million Four Hundred Fourteen Thousand Six Hundred Forty-Three Pesos only (₱ 2,414,643.00), subject to the posting of a bond to guarantee performance;**
- 2) **To declare a failure of re-bidding for the Supply and Delivery of Brand New One (1) Unit Van for the Office of the Ombudsman (Lot 2) (PB 2022-2-05) pursuant to Section 35.1.a of the 2016 RIRR of RA 9184;**
- 3) **To adopt the TWG’s recommendation to retain the ABC in the amount of Two Million Five Hundred Thousand Pesos (P2,500,000.00) and the technical specifications for Lot 2 as indicated in Supplemental/Bid Bulletin No. 1 dated 05 September 2022¹⁴ in PB 2022-2-03, subject to the required approvals pursuant to Section 35.3 of the 2016 RIRR of RA 9184; and**
- 4) **To conduct a negotiated procurement with re-advertisement and/or posting pursuant to Section 53.1 of the 2016 RIRR of RA 9184 for Lot 2.**

SO RESOLVED.”


CORINNE JOIE M. GARILLO
Member


LORENZO G. VERGARA
Member


ZARNETTE E. SANCEDA
Member



JENNY CERA-BAYANGOS
Member

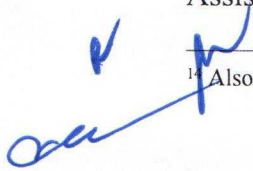

NELLIE P. BOGUEN-GOLEZ
Member

ON LEAVE
ADORIE T. CORNITO
Vice-Chairperson


ADORACION A. AGBADA
Chairperson

Certified Funds Available:


WEOMARK RYAN G. LAYSON
Assistant Ombudsman, FMIO/GAO


¹⁴ Also adopted in the Technical specifications for PB 2022-2-05 (Re-bidding).

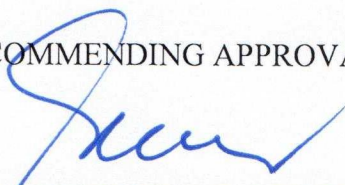
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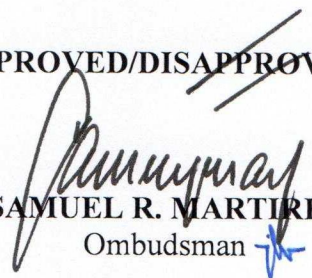
- 1) To award the contract to **MATTERHORN MOTOR, INC.** for tendering the Single Calculated and Responsive Bid for **Lot 1 – Supply and Delivery of Brand New One (1) unit Sports Utility Vehicle in the amount of Two Million Four Hundred Fourteen Thousand Six Hundred Forty-Three Pesos only (₱ 2,414,643.00)**, subject to the posting of a bond to guarantee performance;
- 2) To declare a failure of re-bidding for the Supply and Delivery of Brand New One (1) Unit Van for the Office of the Ombudsman (Lot 2) (PB 2022-2-05) pursuant to Section 35.1.a of the 2016 RIRR of RA 9184;
- 3) To adopt the TWG’s recommendation to retain the ABC in the amount of Two Million Five Hundred Thousand Pesos (P2,500,000.00) and the technical specifications for Lot 2 as indicated in Supplemental/Bid Bulletin No. 1 dated 05 September 2022¹⁵ in PB 2022-2-03, subject to the required approvals pursuant to Section 35.3 of the 2016 RIRR of RA 9184; and
- 4) To conduct a negotiated procurement with re-advertisement and/or posting pursuant to Section 53.1 of the 2016 RIRR of RA 9184 for Lot 2.

SO RESOLVED.”

RECOMMENDING APPROVAL:


WARREN REX H. LIONG
Overall Deputy Ombudsman

APPROVED/DISAPPROVED:


SAMUEL R. MARTIRES
Ombudsman

¹⁵ Also adopted in the Technical specifications for PB 2022-2-05 (Re-bidding).