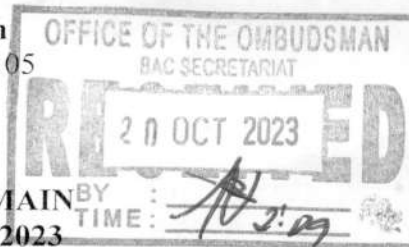




Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Bids and Awards Committee – Main
Agham Road, Diliman, Quezon City 1105



BIDS AND AWARDS COMMITTEE - MAIN
RESOLUTION NO. PB-23-05, series of 2023

**RE: AWARD OF CONTRACT FOR VARIOUS INFORMATION TECHNOLOGY (IT)
PROJECTS OF THE OFFICE OF THE OMBUDSMAN (PB 2023-06)**

WHEREAS, the Office of the Ombudsman has programmed and approved Purchase Request (PR) Nos. PU-22-04-078¹, PU-23-04-085², and PU-23-04-090³ for the procurement of “Various Information Technology (IT) Projects of the Office of the Ombudsman” (APP Code: 2022APP-132, 2023APP-045.b, and 2023APP-048) for the use of the Management Information System Service (MISS) with a total Approved Budget for the Contract (ABC) of Six Million Three Hundred Sixty-Three Thousand Five Hundred Sixty-Eight Pesos (PhP6,363,568.00);

WHEREAS, the Bids and Awards Committee-Main (BAC-Main), in an approved Memorandum dated 22 June 2023⁴, was authorized to conduct its procurement through public bidding in accordance with the Updated 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (RA) No. 9184;

WHEREAS, the BAC-Main constituted a Technical Working Group (TWG) to assist in the preparation/determination of the appropriate specifications and eligibility requirements for the said procurement project;⁵

WHEREAS, a Pre-Procurement Conference was conducted on 26 May 2023 through videoconferencing with the Chairperson and Members of the BAC-Main, Chairperson and Members of the TWG, and the BAC Secretariat in attendance;

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

WHEREAS, the Invitation to Bid (ITB) for the Public Bidding for various Information Technology (IT) Projects for the Office of the Ombudsman (PB 2023-06) was posted on the PhilGEPS and Office of the Ombudsman (OMB) websites, and BAC Bulletin Board on 24 July 2023;

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

- a. Hon. Dante F. Vargas (Officer-in-Charge, Overall Deputy Ombudsman for Finance and Administrative Matters, OODO);
- b. AO Pilarita T. Lapitan (Assistant Ombudsman, 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);

¹ Annual PM of Uninterruptible Power Supply (UPS) and Battery

² Annual Subscription of Antivirus Endpoint Security.

³ Supply, Delivery, Installation and Testing of UPS for Independent Distribution Frames (IDFs)/Main Distribution Frames (MDFs), copy of the Memo is attached for ready reference.

⁴ Proposed technical specifications and approved budget for the contract for PB 2023-06.

⁵ Memorandum dated 22 May 2023.

- e. Ms. Teresita S. Miguel (Supervising Auditor, COA); and
- f. Ms. Joanna Mae F. Alberto (President, OMBEA);

WHEREAS, a Pre-Bid Conference⁶ was conducted online via Google Meet on 02 August 2023 with the BAC-Main, TWG, BAC Secretariat, witnesses/observers, and ten (10) prospective bidders in attendance;

WHEREAS, on 03 August 2023, Supplemental/Bid Bulletin No. 1 for the schedule of a one-time ocular inspection was issued and posted on the PhilGEPS and OMB websites, and BAC Bulletin Board;

WHEREAS, on 07 August 2023, Supplemental/Bid Bulletin No. 2 amending the Bidding Documents/Invitation to Bid was issued and posted on the PhilGEPS and OMB websites, and BAC Bulletin Board;

WHEREAS, no prospective bidder purchased and submitted their bidding documents for Lot 1 before the 02:00 p.m. deadline on 14 August 2023;

WHEREAS, four (4) bidders purchased and submitted their bidding documents for Lot 2 and two (2) bidders purchased and submitted their bidding documents for Lot 3 before the 02:00 p.m. deadline on 14 August 2023;

WHEREAS, the Opening of Bids⁷ was conducted⁸ on 15 August 2023 at 01:30 p.m., with the BAC-Main, TWG, BAC Secretariat, bidders, witnesses and observers in attendance;

WHEREAS, after the conduct of eligibility check and evaluation of the submitted bids⁹ for Lots 2 and 3, the BAC-Main, upon the recommendation of the TWG, rated LSI LEADING TECHNOLOGIES, INC. (LSI), AUTOMATION SPECIALIST & POWER EXPONENT, INC. (ASPEX), UNIVERSAL ACCESS AND SYSTEMS SOLUTIONS, PHILIPPINES, AG DATACOM PHILS., INC. and AMERICAN TECHNOLOGIES, INC. (ATI) as "PASSED" in all their eligibility requirements and declared them as "ELIGIBLE" to participate further in the opening of bids;

WHEREAS, the BAC-Main, upon the recommendation of the TWG declared ASPEX as the bidder which submitted the lowest bid for Lot 2 while American Technologies, Inc. was declared as the bidder which submitted the lowest bid for Lot 3;

WHEREAS, on 16 August 2023, a Bid Evaluation for Lot 2¹⁰ 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, the results of which are as follows:

Lot 2- Supply, Delivery, Installation and Testing of UPS for Intermediate Distribution Frames (IDFs)/Main Distribution Frames (MDFs)

SEQ.	NAME OF BIDDER	FINANCIAL BID	RANKING	REMARKS
1	LSI LEADING TECHNOLOGIES, INC.	PhP1,148,069.90	2	2 nd Lowest Calculated Bid

⁶ Annex "A" - Minutes of the Pre-Bid Conference.

⁷ Annex "B" - Minutes of the Opening of Bids.

⁸ via Google Meet for BAC-Main, bidders, witnesses and observers while TWG and BAC Secretariat in physical attendance.

⁹ Annex "C"- Abstract of Bids.

¹⁰ Annex "D" – Summary of Opening of Bids and Bid Evaluation (Lot 2)

2	<u>AUTOMATION SPECIALIST & POWER EXPONENT, INC. (ASPEX)</u>	<u>PhP1,064,990.00</u>	<u>1</u>	<u>Lowest Calculated Bid</u>
3	UNIVERSAL ACCESS AND SYSTEMS SOLUTIONS	PhP2,845,525.99	4	4 th Lowest Calculated Bid
4	AG DATACOM PHILS., INC.	PhP2,843,680.00	3	3 rd Lowest Calculated Bid

WHEREAS, the Bid Evaluation for Lot 3 was suspended to give ample time for the TWG to further examine the bids submitted;

WHEREAS, on 18 August 2023, a Bid Evaluation for Lot 3¹¹ 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, therefor and, on even date, A.G. Datacom Phils., Inc. filed its Motion for Reconsideration (MR)¹² for Lot 3;

WHEREAS, the TWG recommended that there were no errors in the computations and no other bid modifications in the bid submitted by A.G. Datacom Phils. Inc. and was declared eligible;

WHEREAS, the BAC and TWG deliberated and examined the submitted Financial Component and Bid Form No. 2 of American Technologies, Inc. (ATI) and the MR filed by A.G. Datacom;

WHEREAS, the BAC declared ATI's bid as non-responsive considering that bidders were mandated to complete and submit its bid in accordance with the published Instruction to Bidders which the ATI failed to comply;

WHEREAS, the Bid Evaluation for Lot 3 was completed on 18 August 2023, the result of which are as follows:

Lot 3- Supply, Delivery, Installation and Testing of the One-Year Subscription of Antivirus Endpoint Security

SEQ.	NAME OF BIDDER	FINANCIAL BID	RANKING	REMARKS
1	AMERICAN TECHNOLIGIES, INC.	PhP838,713.00 ✓		Non-responsive bid
<u>2</u>	<u>AG DATACOM PHILS., INC.</u>	<u>PhP1,241,330.72</u> ✓		<u>Single Calculated Bid</u>

WHEREAS, on 23 August 2023, a Notice of Post Qualification for Lot 2 was sent to ASPEX, requiring it to submit/present, on 24 August 2023, the original copies and certified true

¹¹ Annex "E" – Summary of Opening of Bids and Bid Evaluation (Lot 3)
¹² Annex "F" – Motion for Reconsideration of A.G. Datacom.

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, after validation, verification and determination during the post-qualification proceeding conducted on 24 August 2023 on ASPEX,¹³ the TWG found that it had satisfactorily presented the documents required, complied with this Office's technical specifications and was responsive to all the legal requirements and conditions for eligibility; hence, the TWG recommended the award of contract to the said supplier;

WHEREAS, on 01 September 2023, a Notice of Post Qualification for Lot 3 was sent to A.G. Datacom Phils. Inc., requiring it to submit/present on 04 September 2023 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, after validation, verification and determination during the post-qualification proceeding conducted on 04 September 2023 on A.G. Datacom,¹⁴ the TWG found that it had satisfactorily presented the documents required, complied with this Office's technical specifications and was responsive to all the legal requirements and conditions for eligibility; hence, the TWG recommended the award of contract to the said supplier

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

- 1) To award the contract to **AUTOMATION SPECIALIST & POWER EXPONENT, INC. (ASPEX)**, for tendering the Lowest Calculated and Responsive Bid for Lot 2- **Supply, Delivery, Installation and Testing of UPS for Intermediate Distribution Frames (IDFs)/Main Distribution Frames (MDFs)** in the amount of One Million Sixty-Four Thousand Nine Hundred Ninety Pesos (Php 1,064,990.00), subject to the posting of a bond to guarantee performance;
- 2) To award the contract to **A.G. DATACOM PHILS., INC.**, for tendering the Single Calculated and Responsive Bid for Lot 3- **Supply, Delivery, Installation and Testing of the One-Year Subscription of Antivirus Endpoint Security** in the amount of One Million Two Hundred Forty-One Thousand Three Hundred Thirty Pesos and 72/100 (Php 1,241,330.72), subject to the posting of a bond to guarantee performance; and,
- 3) To declare a failure of bidding for Lot 1 and conduct a re-bidding with re-advertisement and/or posting pursuant to Sections 35.1 and 21.2, respectively, of the Updated 2016 RIRR of RA 9184.

SO RESOLVED.

25 September 2023, Quezon City, Philippines.

BIDS AND AWARDS COMMITTEE – MAIN


MARIA CRISTINA T. CAUSAPIN
Member


CORINNE JOIE M. GARILLO-ARELLANO
Member

¹³ TWG Post-Qualification Report on PB 2023-06 Lot 2 dated 04 September 2023, received on 04 September 2023.

¹⁴ TWG Post-Qualification Report on PB 2023-06 Lot 3 dated 08 September 2023, received on 11 September 2023.

The dispositive portions reads thus:

“NOW, THEREFORE, the undersigned members of the BAC - Main hereby **RESOLVE** and **RECOMMEND** the following:

- 1) To award the contract to **AUTOMATION SPECIALIST & POWER EXPONENT, INC. (ASPEX)**, for tendering the Lowest Calculated and Responsive Bid for Lot 2- **Supply, Delivery, Installation and Testing of UPS for Intermediate Distribution Frames (IDFs)/Main Distribution Frames (MDFs)** in the amount of One Million Sixty-Four Thousand Nine Hundred Ninety Pesos (Php 1,064,990.00), subject to the posting of a bond to guarantee performance; ✓
- 2) To award the contract to **A.G. DATACOM PHILS., INC.**, for tendering the Single Calculated and Responsive Bid for Lot 3- **Supply, Delivery, Installation and Testing of the One-Year Subscription of Antivirus Endpoint Security** in the amount of One Million Two Hundred Forty-One Thousand Three Hundred Thirty Pesos and 72/100 (Php 1,241,330.72), subject to the posting of a bond to guarantee performance; and, ✓
- 3) To declare a failure of bidding for Lot 1 and conduct a re-bidding with re-advertisement and/or posting pursuant to Sections 35.1 and 21.2, respectively, of the Updated 2016 RIRR of RA 9184.

SO RESOLVED.”


JENNY CERA-BAYANGOS
Member 9-28-23


ZARNETTE E. SANCEDA
Member


LORENZO G. VERGARA
Member


NELLIE P. BOCUÉN-GOLEZ
Vice Chairperson


ADORACION A. AGBADA
Chairperson

Certified Funds Available:



ADORIE T. CORNITO
OIC-FMIO
(Office Order No. 258 series of 2023)



RECOMMENDING APPROVAL:

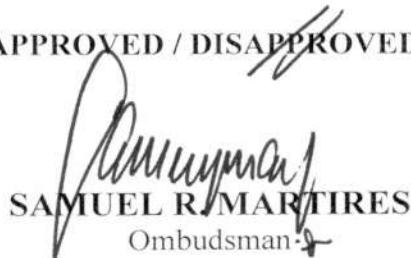


CAESAR D. ASUNCION
Assistant Ombudsman for Finance and Administrative Matters
(Office Order No. 123 series of 2023)



DANTE F. VARGAS
Deputy Ombudsman for Visayas
Officer-in-Charge, Overall Deputy Ombudsman
for Finance and Administrative Matters
(per Office Order No. 83, s. 2023)

APPROVED / DISAPPROVED:



SAMUEL R. MARTIRES
Ombudsman