



PAGASA BIDS AND AWARDS COMMITTEE (PBAC)

Resolution No. 2023-0042

**Resolution Denying the Motion for Reconsideration;
 1st Failure of Bidding; and Recommending Approval**

WHEREAS, the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA), through the PAGASA Bids and Awards Committee, advertised the Invitation to Bid (IB) at the PAGASA website, the MGEPS and PAGASA Bulletin board continuously for 7 days from **14 to 21 July 2023**, the procurement of the following goods/items described hereunder, with its corresponding Approved Budget for the Contract (ABC), under the reference, **P.R. No. 2023-06-0396 / I.B. No. 2023-009** to wit:

Lot	PARTICULARS	ABC (Php)	Contract Duration
B	Supply and Delivery of Digital Imaging and Printing Devices	440,900.00	60cd
C	Supply and Delivery of Mobile Communication Devices	1,699,500.00	60cd
D	Supply and Delivery of Backup UPS and Storage Devices	966,500.00	60cd

WHEREAS, in response to the above advertisement, **only one (1) prospective bidder, Bluebell Corp. of the Phils.**, expressed its intention to participate in the bidding of the aforesaid Project, on the scheduled **Pre-bid conference** conducted by the PBAC on **25 July 2023**;

WHEREAS, **two (2) other prospective bidders**, namely: (2) Optimus Blaze, Inc, and (3) Pronet System Integrated Network Solutions, Inc., also expressed their intention to participate in the bidding activities thereof by purchasing the required bidding documents;

WHEREAS, any and all noted amendments and deviations discussed during the above-mentioned Pre-bid conference, have been duly issued through a **Supplemental Bid Bulletin (SBB)**, with reference to **Addendum No. 2023-009-01** dated 18 July 2023 and herein made part of this Resolution as **Annex "A"**;

WHEREAS, on **07 August 2023**, the schedule for **Submission, Receipt and Opening** of Envelope I (Eligibility and Technical Components) and Envelope II (Financial Component), the participating bidder/s timely submitted their bid tenders per lot project as follows:

Lot	PARTICULARS	Participating Bidder/s
B	Supply and Delivery of Digital Imaging and Printing Devices	No bids were received.
C	Supply and Delivery of Mobile Communication Devices	1. Bluebell Corp. of the Phils. 2. Optimus Blaze Inc. 3. Pronet System Integrated Network Solutions, Inc.
D	Supply and Delivery of Backup UPS and Storage Devices	1. Bluebell Corp. of the Phils. 2. Optimus Blaze Inc.

WHEREAS, in **Lot C**, Optimus Blaze, Inc. failed to pass the preliminary evaluation of bids due to failure to comply with the technical documents to be submitted. The BAC observed that participating bidder Optimus Blaze's Envelope No. 1 failed to comply with the submission of the **"Audited Financial Statements duly stamped RECEIVED by the Bureau of Internal Revenue (BIR) or its duly accredited or authorized institutions for the Calendar Year 2022, showing among others the prospective bidder's total and current assets and liabilities."**

[Handwritten signatures and names of committee members]
 Theofina A. Cinco
 Interim Member / End user
 Sharon Juliet M. Arnejo
 Member
 Crisinel D. Sanvictores
 Member
 Willy F. Evangelista
 Member
 Atty. Eric Christopher Amegpo J. Aagsaoay
 2nd Vice-Chairperson
 Josef C. Rivera
 1st Vice-Chairperson
 Bonifacio G. Pajuelas, Ph.D.
 Chairperson

WHEREAS, Pronet System Integrated Network Solutions, Inc. passed the Eligibility and Technical Components using the non-discretionary "pass/fail criteria". In the subsequent opening of Envelope No. II, it was observed that the bidder failed to comply with the Financial Requirements on the submission of the "Digital Copy of Statement of Compliance (Section 7. Technical Component); detailed cost breakdown and bill of quantities of Goods/Services being offered IN EXCEL FORMAT including PDF files of all bidding documents submitted. Pdf files must be the exact replica of the original copy submitted";

WHEREAS, Bluebell Corp. of the Phils., failed to pass the preliminary evaluation of bids due to failure to comply with the instruction to bidders, particularly non-compliance with the 2004 Rules on Notarial Practice where the Bid Securing Declaration Form submitted by the bidder did not indicate the competent evidence of identity of the prospective bidder or his duly authorized representative;

WHEREAS, in Lot D, Bluebell Corp. of the Phils., requested the withdrawal of their bid for the project manifesting that the infirmity of their bidding documents submitted for the Lot C Project, which was declared ineligible, is similar to the documents they submitted for Lot D. The BAC approved the request;

WHEREAS, Optimus Blaze, Inc. passed the Eligibility and Technical Components using the non-discretionary "pass/fail criteria". In the subsequent opening of Envelope No. II, it was observed that the bidder failed to comply with the Financial Requirements on the submission of the "Digital Copy of Statement of Compliance (Section 7. Technical Component); detailed cost breakdown and bill of quantities of Goods/Services being offered IN EXCEL FORMAT including PDF files of all bidding documents submitted. Pdf files must be the exact replica of the original copy submitted";

WHEREAS, the PAGASA BAC declared the outright rejection of all of the bidders' documents for Lots C and D due to their failure to comply with the instruction to bidders. They were given a period of three (3) calendar days to file their respective requests for reconsideration should desire to do so;

WHEREAS, on 09 August 2023, the BAC received a letter from Optimus Blaze, Inc. requesting for reconsideration of the outright rejection of their bid documents;

WHEREAS, Rule IX of the Revised IRR of RA9184, requires that the preliminary examination of bids be conducted by merely checking for the presence or absence of documentary requirements using a non-discretionary "pass/fail" criterion.

"Section 30 Preliminary Examination of Bids. The BAC shall open the first bid envelopes to determine each bidder's compliance with the documents required to be submitted for eligibility and for the technical requirements, as prescribed in this IRR. For this purpose, the BAC shall check the submitted documents of each bidder against a checklist of required documents to ascertain if they are all present, using a non-discretionary "pass/fail" criterion, as stated in the Instruction to Bidders. If a bidder submits, the required document, it shall be rated "passed" for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed".

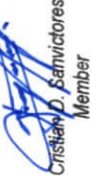
WHEREAS, Section II – Instruction to Bidders, particularly No. 6 Bidder's Responsibilities clearly state that the bidder should carefully read and comply with all the stated documentary requirements, otherwise the bidder will be disqualified;

WHEREAS, the PAGASA-BAC considered the above pertinent rules and regulations and Optimus Blaze's allegations in their request for reconsideration. After due deliberation, it has determined that there is no substantial reason to depart from the earlier decision to disqualify and reject the bidding documents of OPTIMUS BLAZE, INC.. Their request for reconsideration is denied;

WHEREAS, notwithstanding the fact that the bidders were advised that they can file their respective requests for reconsideration within three (3) calendar days, no such request was filed and was received from the bidders Pronet System Integrated Network Solutions, Inc. and Bluebell Corp. of the Phils. In view of the foregoing, the BAC decision disqualifying and rejecting their bids is undisputed and therefore remains;


Thelma A. Cinco
Interim Member / End User


Sharon Juliet M. Arriego
Member


Cristóbal D. Sanvictores
Member


Willy F. Evangelista
Member


Atty. Eric Christopher Alfredo J. Agsaraoy
2nd Vice-Chairperson


Job C. Rivens
1st Vice-Chairperson


Bonifacio G. Pajuelas, Ph.D.
Chairperson

NOW, THEREFORE, We, the Members of the Bids and Awards Committee, hereby **RESOLVE** as it is hereby **RESOLVED**:

- a) to **DENY**, the Motion for Reconsideration dated 09 August 2023 of Optimus Blaze Inc. for Lots C and D of the project
- b) to **DECLARE**, the **1st failure of bidding** for Lots B, C and D of the project;
- c) to **RECOMMEND**, the immediate **re-bidding/re-posting** thereof pursuant to Section 35.2 of the IRR of RA 9184;
- d) to **RECOMMEND**, finally, the **APPROVAL** of the foregoing findings and recommendations.

RESOLVED, this **15th day of August 2023** at the Amihan Conference Room, 2nd Floor PAGASA Main Building, Science Garden Complex, BIR Road Brgy. Central, Quezon City.


THELMA A. CINCO

Interim Member / End-user Representative


CRISTIAN D. SANVICTORES
Member


WILLY F. EVANGELISTA
Member


SHARON JULIET M. ARRUEJO
Member


JOEL C. RIVERA
1st Vice-Chairperson


Atty. ERIC CHRISTOPHER AMADO J. AGSAOAY
2nd Vice-Chairperson


BONIFACIO G. PAJUELAS, Ph.D.
Chairperson

APPROVED/DISAPPROVED:


NATHANIEL T. SERVANDO, Ph.D.
Officer-In-Charge, PAGASA

Approved on: 11 SEP 2023