



**BAC Resolution Declaring Failure of Bidding;
 Recommending the Mandatory Review of the Project's Terms of Reference
 (TOR) pursuant to Section 35 of the IRR of RA 9184; and, Recommending
 Approval**

Resolution No. 2018-071

WHEREAS, the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA), through the PAGASA Bids and Awards Committee (PAGASA-BAC), advertised the Invitation to Bid (ITB) with Reference No. 2018-014 at the PAGASA website, the G-EPS and PAGASA Bulletin board continuously for 7 days from **10 October 2018 to 16 October 2018** the procurement of the following goods/items and other related works described hereunder, with its corresponding Approved Budget for Contract (ABC), under **P.R. No. 2018-09-0650**, to wit:

PARTICULARS	ABC	Delivery Period
Supply, Delivery, Installation, Testing and Commissioning of End-to-End Telecommunication Network Using IP Over VSAT	Php402,000,000.00	310 c.d.

WHEREAS, the provisions of R.A. 9184 and its Revised Implementing Rules and Regulations (IRR), other pertinent guidelines and procedures relative to government procurement system are hereby observed and strictly implemented for the whole duration of this bidding activity;

WHEREAS, in response to the above advertisement, **nine (9) prospective bidders**, enumerated hereunder, expressed their intentions to participate in the bidding of the instant Project and attended the Pre-Bid Conference conducted by the PAGASA-BAC on **18 October 2018**:

Name of Company/Prospective Bidder

1. Philippine Long Distance Telecommunications (PLDT);
2. Enhanced Electronics and Communications Services, Inc.;
3. Globe Telecommunications Corporation;
4. One Resource Lab Software Technologies, Inc.;
5. We Are IT Philippines, Inc.;
6. Phil. Communications Satellite Corporation (Philcomsat);
7. Inventive Media, Inc.;
8. Infinivan Inc.; and
9. SMS Global Technologies, Inc.

WHEREAS, any and all amendments, revisions relative to the schedule of bidding activities, the Terms of Reference of the Project and pertinent Instructions to Bidders have been duly issued and posted as **Supplemental/Bid Bulletin (SBB)** and hereto attached and made integral part of this Resolution as, **Annexes "A," "B," "C" and "D,"** respectively;

WHEREAS, on **29 November 2018**, the amended schedule of submission and opening of Envelopes I (Eligibility and Technical Components) and II (Financial Component), **only two (2) prospective bidders**, namely, **(1) We Are IT Philippines, Inc.**; and, **(2) Joint Venture of SMS Global Technologies, Inc. and Telered Technologies & Services Corporation**, timely submitted their respective tender documents for the Project; however, bidder **We Are IT Philippines, Inc.**, has been outrightly declared by the PAGASA-BAC as 'disqualified' on the ground of "failure to comply with simple instructions to bidders," more specifically:

1. Failure to attach 'TAB "F"' referring to the Joint Venture Agreement (if applicable) or submit a statement that it is 'NOT APPLICABLE' (if bidder opted not to enter into Joint Venture Agreement); and,
2. Failure to use the prescribed bidding form (Manufacturer's Authorization Form) issued by the PAGASA-BAC.

On the other hand, the documentary submissions of the other participating bidder, **Joint Venture of SMS Global Technologies, Inc. and Telered Technologies & Services Corporation**, has been determined by the PAGASA-BAC to be complete and in accordance with the checklist of requirements; hence, the same has been declared as "Passed," using the non-discretionary 'Pass/Fail' criterion;

WHEREAS, in the subsequent opening of Envelope No. II (Financial component), the financial proposal of **Joint Venture of SMS Global Technologies, Inc. and Telered Technologies & Services Corporation** has been accepted by the PAGASA-BAC having been determined as compliant with the financial requirements of the Project. Its financial proposal, "**as Read**", is summarized as follows:

Name of Bidder	Bid Amount (As Read)	Rank
Joint Venture of SMS Global Technologies, Inc. and Telered Technologies & Services Corporation	Php259,864,650.00	1

WHEREAS, on 03 December 2018, **We Are IT Philippines, Inc.**, submitted its Request for Reconsideration which is within the reglementary period set under the Rules; however, upon careful and thorough discussion, the PAGASA-BAC unanimously resolved to uphold its previous declaration of the former's disqualification, the dispositive portion of the PAGASA-BAC's resolution thereof is quoted as follows:

"Wherefore, after considering the arguments raised in your letter and in as much as the Committee desires to give due consideration to this "simple" mistake in the preparation of your company's tender documents to establish more competition in this particular Project, to do so would run counter to the established medium in the examination and evaluation of bids, i.e., the non-discretionary "pass/fail" criterion. To say the least, to do so would create "injustice" among other participating bidders who painstakingly complied with every detail of the Instructions to Bidders in order to pass the rigorous bidding requirements."

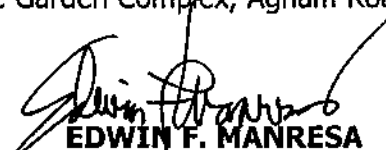
WHEREAS, upon careful examination, validation and verification of the eligibility, technical and financial components of **SMS Global Technologies, Inc. and Telered Technologies & Services Corporation Joint Venture**, the PAGASA-BAC likewise determined that the bidder "**failed**" to pass the process for "**failure to present a Single Largest Completed Contract (SLCC) that is similar in nature to the Project to be Bid as defined under the Terms of Reference (TOR) of the Project and duly clarified under Supplemental/Bid Bulletin No. 2018-014-04, issued for this purpose,**" resulting in non-responsiveness to the Project's specific requirements. As such, bidder, **SMS Global Technologies, Inc. and Telered Technologies & Services Corporation Joint Venture**, was likewise declared by the PAGASA-BAC as "Post-disqualified";

WHEREAS, the Request for Reconsideration of **SMS Global Technologies, Inc. and Telered Technologies & Services Corporation Joint Venture** which was submitted for resolution was also rejected by the PAGASA-BAC citing as legal basis the non-discretionary "**Pass/Fail**" criterion in the evaluation of bids.

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

- a) to **DECLARE**, a **Failure of Bidding** for the above-entitled Project;
- b) to **RECOMMEND** the mandatory review and evaluation of terms, conditions and specifications of the project pursuant to **Section 35** of the IRR of R.A. 9184; and the immediate **re-posting** thereof accordingly; and
- c) to **RECOMMEND**, finally, the **APPROVAL** of aforementioned finding and recommendations.

RESOLVED, this **12th day of December 2018** at the Office of the Deputy Administrator for Administration and Engineering Services (Conference Room), 4th Floor PAGASA Main Building, Science Garden Complex, Agham Road, Diliman, Quezon City.


EDWIN F. MANRESA
Interim Member/End-user

CESAR A. RAMOS
Member

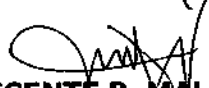

EDNA L. JUANILLO
1st Vice-Chairperson


JOEL C. RIVERA
Member


JESSIE B. ARCE
2nd Vice-Chairperson


CATALINO L. DAVIS
Chairperson

APPROVED/DISAPPROVED:


VICENTE B. MALANO, Ph.D.
Administrator
Approved on _____