

BAC-C RESOLUTION NO. BC2021-006

BAC-C Resolution Declaring a Second Failed Bidding

**REBIDDING OF CONSULTANCY SERVICES FOR
FOURTH PHASE OF TRANSFORMATION AND CORE VALUES PROGRAM**

WHEREAS, BCDA approved the procurement of the above consulting service with an Approved Budget for the Contract (ABC) inclusive of all applicable taxes and fees, to commence upon receipt of the Notice to Proceed (NTP) in the amount as follows:

Batch	Budget (in Php)
1	1,650,000
2	1,650,000
3	1,400,000
4	1,300,000

WHEREAS, On 6 November 2020, the Bids and Awards Committee for Consulting Services (BAC-C) advertised the Request for Expression of Interest for the CONSULTING SERVICES FOR THE FOURTH PHASE OF THE BCDA TRANSFORMATION AND CORE VALUES PROGRAM in the BCDA Website, PhilGEPS and in a conspicuous place in the premises of BCDA;

WHEREAS, on 20 November 2020, the Bids and Awards Committee for Consulting Services (BAC-C) issued **BAC-C RESOLUTION NO. BC2020-030**, declaring a failure of bidding as a result of the ineligibility and for not meeting the required minimum score to pass the eligibility stage of the bidders who submitted their Eligibility documents;

WHEREAS, the BAC-C endorsed the documents to the Corporate Planning Department (CPD) to conduct the mandatory review and evaluation of the terms and conditions contained in the Terms of Reference (TOR) of the intended procurement as required under Section 35.2 of the Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184;

WHEREAS, on 24 November 2020, the BAC-C conducted the re-bidding of the project and re-advertised the Request for Expression of Interest in the PhilGEPS website, BCDA website and premises, in compliance with the posting requirements of the Revised Implementing Rules and Regulations (IRR) of RA 9184;

WHEREAS, On 03 December 2020, the Bids and Awards Committee for Consulting Services (BAC-C) issued **BAC-C RESOLUTION NO. BC2020-037**, declaring Opulent Path Towards Innovative Minds Business Solutions, Inc. (OPTIMBSI) as SHORTLISTED and ELIGIBLE to proceed to the next stage of the bidding process;

WHEREAS, On 23 December 2020, the Bids and Awards Committee for Consulting Services (BAC-C) issued **BAC-C RESOLUTION NO. BC2020-047**, declaring OPTIMBSI as the bidder with the **Single Rated Bid (SRB)** and to proceed with the negotiations and post qualification of said bidder in accordance with Section 32.2.5 and Sec. 34 of the IRR of RA 9184, respectively.

WHEREAS, after the conduct of successful negotiation, pursuant further to RA 9184 revised IRR, the Technical Working Group (TWG) conducted post-qualification activities on 28 December 2020 to verify, validate and ascertain all statements made and the documents submitted by the HRB;

WHEREAS, on 29 December, 2020, the Bids and Awards Committee for Consulting Services (BAC-C) issued **BAC-C RESOLUTION NO. BC2020-051** declaring a Second Failed Bidding for the failure of OPTIMBSI to present proofs in compliance to labor laws, to wit:

- a. **SSS Membership with Employer No. 03-95239599** as the company did not submit proof of their remittances. Per inquiry, employees remit individually. Bidder has presented individual records of contribution of registered employees (as of 28 December 2020).
- b. **Philhealth Registration** – Bidder reported that due to the current transitioning of the company, they do not have an employer number since 2014. However, it is their company policy to do individual contributions. This is documented by individual remittance slips made by one of the employees (as of December 28, 2020). The rest of the members were not able to provide proof of remittance because of a system failure in the Philhealth website.
- c. **PAG-IBIG** - Bidder reported that due to the current transitioning of the company, they do not have an employer number. However, it is their company policy to do individual contributions. This is documented by individual remittance slips made by one of the employees (as of December 28, 2020).

WHEREAS, on 08 January 2021, the Notice of Post-Disqualification together with the BAC-C RESOLUTION NO. BC2020-051 was duly received by OPTIMBSI via email. Pursuant to the Revised Implementing Rules and Regulations (IRR) of RA 9184, they were given three (3) calendar days from receipt of the notice to file a written request for reconsideration before the BAC-C. However, they are not allowed to submit additional documents to correct any defects in the bid submitted.

WHEREAS, on 10 January 2021, OPTIMBSI submitted via email their Motion for Reconsideration asserting that lack of documentation and employer numbers should not be construed as non-compliance to labor laws. Per bidder, said documentation was submerged in flood during the onslaught of Typhoon Ulysses. Moreover, inconsistent with the TWG report that the bidder does not have Pag-IBIG and Philhealth employer numbers, the bidder provided their employer numbers for SSS, Pag-IBIG and Philhealth and invited the BAC-C to verify and validate the information they provided.

WHEREAS, Pursuant to Section 34.8 of the IRR, the post-qualification process shall be completed in not more than twelve (12) calendar days from the determination of the Lowest Calculated Bid/Highest Rated Bid. In exceptional cases, the post-qualification period may be extended by the HoPE, but in no case shall the aggregate period exceed thirty (30) calendar days in Consulting Services.

WHEREAS, on 15 January 2021, the Bids and Awards Committee for Consulting Services (BAC-C) issued BAC-C RESOLUTION NO. BC2021-004 granting the Motion for Reconsideration of OPTIMBSI, revoking the BAC-C RESOLUTION NO. BC2020-051 declaring a Second Failed Bidding, extending the

period of post-qualification activities and directed the bidder to furnish the documents required by TWG to complete the post qualification, respectively;

WHEREAS, on 20 January 2021, the Technical Working Group (TWG) conducted another post-qualification activity to further examine, validate and verify the information and documents submitted by OPTIMBSI;

WHEREAS, the TWG noted the following:

1. The bidder's representation when they submitted their Motion for Reconsideration dated 10 January 2021, was that they are compliant with labor laws during the 28 December 2020 post-qualification but were unable to present the documentation as a result of the recent flooding that affected their office. They provided their SSS, Philhealth and Pag-IBIG employer numbers and asked the BAC to validate and verify their claim of compliance with labor laws.
2. All proof of remittances submitted to the TWG during the 20 January 2021 post qualification activity show that payments and compliance were made after the 28 December 2020 post-qualification and after 10 January 2021 Motion for Reconsideration:
 - SSS - remitted on 13 January 2021 (for the period January 2020 until December 2020);
 - Pag-IBIG - remitted on 13 January 2021 (for the period January 2021) and 19 January 2021 (for the period January 2020 until December 2020);
 - Philhealth - remitted on 20 January 2021 (for the period January 2020 until January 2021)

WHEREAS, The TWG members find that the submitted documents of the OPTIMBSI are not responsive and that OPTIMBSI misrepresented to the BAC in its letter for Motion for Reconsideration. OPTIMBSI claimed in the Motion for Reconsideration that they are compliant with labor laws and there were remittances made to these agencies as required by the existing labor laws. However, it was evident that OPTIMBSI remitted payments to these agencies only after they submitted their Motion for Reconsideration. OPTIMBSI's false statements in the Motion for Reconsideration brought to disrepute the TWG's initial post-qualification report.

WHEREAS, The TWG recommends that Opulent Path Toward Innovative Minds Business Solutions, Inc. be declared post-disqualified.

NOW, THEREFORE, the BAC-C resolve, as it is hereby resolved to recommend the following:

1. To declare failure of bidding for the REBIDDING OF CONSULTANCY SERVICES FOR FOURTH PHASE OF TRANSFORMATION AND CORE VALUES PROGRAM;

Done in Taguig City this 28th day of January 2021.

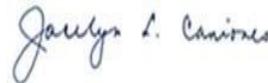
BIDS AND AWARDS COMMITTEE FOR CONSULTING SERVICES



JOSHUA M. BINGCANG
Chairperson



JOANNA EILEEN M. CAPONES
Vice-Chairperson



JOCELYN L. CANIONES
Member



VIRGIL M. ALVAREZ
Member



MADONNA M. CINCO
Member

Approved by:



AILEEN ANUNCIACION R. ZOSA
Executive Vice President

BACC2021-0023