Republic of the Philippines
Department of Health
FOOD AND DRUG ADMINISTRATION

SPECIAL BIDS AND AWARDS COMMITTEE
(SBAC)

RESOLUTION
For FDA-SBAC-ITB No. 2021-003-A-ICTMD

PROCUREMENT ON THE SUBSCRIPTION OF INTERNET PROTOCOL VIRTUAL PRIVATE NETWORK (IPVPN) CONNECTIVITY FOR ONE (1) YEAR

WHEREAS, the Food and Drug Administration (FDA) Special Bids and Awards Committee (SBAC) received a duly approved Purchase Request (PR) for the **Subscription of Internet Virtual Private Network (IPVPN) Connectivity for One (1) Year** with a total Approved Budget for the Contract (ABC) of **Eight million pesos (Php 8,000,000.00) under FDA-SBAC -ITB No. 2021-003-ICTMD.**

WHEREAS, on 29 July 2021, a Pre-Procurement Conference was held prior to the approval of the Purchase Request. The activity was presided by the SBAC Chairperson with BAC Members, End-user and SBAC Secretariat;

WHEREAS, the documentary requirements and technical specifications were evaluated by the FDA-SBAC, discussed the modality of procurement to be adopted and examined the readiness to proceed the conduct of Public Bidding activities for the above-mentioned procurement project;

WHEREAS, the FDA-SBAC posted an Invitation to Bid (ITB) FDA-SBAC ITB No. 2021-003-ICTMD which was duly published on 26 September 2021 and simultaneously posted in PhilGEPS and FDA websites as well as in the bulletin board at the lobby of the FDA main building;

WHEREAS, invitations were sent to NAMFREL, Phil. Chamber of Commerce, and FDA-Commission of Audit (COA) requesting their organization for representatives to observe the conduct of Public Bidding during the Pre-Bid Conference, Opening of Bids, Bid Evaluation and Post-Qualification proceedings;

WHEREAS, a quorum of FDA-SBAC-Members was established in every stage of Public Bidding activities and proceedings for the above-mentioned procurement;

WHEREAS, on 04 October 2021, a Pre-Bid Conference was held and attended by the SBAC Members, its Secretariat and one prospective bidder, PLDT INC.;

WHEREAS, the issue of site inspection was raised during the said Pre-Bid Conference and a verbal request from PLDT INC. was enunciated requesting for the extension of the Submission of Bids citing the health protocols being implemented in most parts of the Philippines brought about by the Covid-19 Pandemic;

WHEREAS, the SBAC Chairperson instructed the representative of PLDT INC. to submit a letter stating their request and to mention the proposed length of extension;

WHEREAS, the SBAC Secretariat received a letter from PLDT INC. on 06 October 2021 citing the reason for their request for extension, to wit:

> *"After thorough evaluation on Terms of Reference (TOR) and other vital conditions of the project, PLDT / team formed to work on the technical requirements assessed that we will need more time to be able to complete the required site inspection for each FDA office on the list provided in the bid documents. Due to the different COVID 19 Protocols per municipality, we have already encountered different challenges with deployment of technical personnel.*
>
> *The following are the possible challenges we may encounter:*
> - *Change of Quarantine Classification*
> - *LGU's border checkpoint requirements: o Negative RT-PCR or Antigen test with validity*
> - *Self-Quarantine period (7-14 days)*
> - *Medical Certificate from accredited Hospital*
>
> *With the current community quarantine guideline we have today, we would like to request that the date of submission extended to the first week of November 2021 "*

WHEREAS, on 11 October 2021, the FDA-SBAC Members convened, discussed and evaluated the timelines embodied in the proposal of extension request by PLDT INC. and unanimously agreed to grant the extension provided it is in accordance with the provision of RA 9184 and no violation will be committed thereof. Further, instructing the Head Secretariat to inquire with the GPPB regarding the ruling on the extension of Bid Submission;

WHEREAS, upon inquiry with the GPPB TSO-Legal, it was advised to strictly observe the recommended Earliest Time and Maximum period allowed for the Procurement of Goods and Services in Annex C of the 2016 Revised IRR of RA 9184, particularly the timelines between the Pre-Bid-Conference and the Deadline of Submission and Receipt of Bids and, that to effect the changes and modifications of bid documents, a Supplemental/Bid Bulletin should be issued in accordance with the provision under Section 22.5.2 of the 2016 RIRR of RA 9184 which provides that;

> *"Supplemental/Bid Bulletins may be issued upon the procuring entity's initiative for purposes of clarifying or modifying any provision of the Bidding Documents at least seven (7) calendar days before the deadline for the submission and receipt of bids."*

WHEREAS, on 13 October 2021, a second meeting was held to discuss the above-mentioned provisions with the end-user and decided that issuing a Supplemental/Bid Bulletin will no longer comply with the number of days of posting and with the Earliest Time and Maximum period allowed for the Procurement of Goods and Services under the rules provided in the 2016 Revised IRR of RA 9184

WHEREAS, after thorough evaluation and study of the circumstances surrounding the procurement of the aforementioned project, the SBAC deemed it necessary that a site inspection for all the FDA Office for this project be conducted and acknowledged the health protocols being implemented in most parts of the country due to Covid-19 Pandemic;

WHEREAS, pursuant to Section 35.6 of the same Rules, the provision states that:

"Without prejudice to Sec. 35.1 hereof, the BAC is authorized, upon consultation with the end-user unit, to cancel or terminate the conduct of procurement activities, for any justifiable reason such as but not limited to:

d. brought about by the declaration of a state of calamity or implementation of community quarantine or similar restrictions."

WHEREAS, on 14 October 2021 a Bid Bulletin / Notice of Cancellation was published in PhilGEPS and FDA Websites and the lobby Bulletin Board of the FDA Main Office and a copy was furnished to the Commission on Audit (COA), NAMFREL and PCCI;

WHEREAS, on 21 October 2021, FDA-SBAC reposted an Invitation to Bid (ITB) FDA-SBAC ITB No. 2021-003-A-ICTMD which was duly re-published and simultaneously reposted in PhilGEPS and FDA websites as well as in the bulletin board at the lobby of the FDA main building;

WHEREAS, invitations were re-sent to NAMFREL, Phil. Chamber of Commerce and Industry and FDA-Commission of Audit (COA) requesting their organization for representatives to observe the conduct of Public Bidding during the Pre-Bid Conference, Opening of Bids, Bid Evaluation and Post-Qualification proceedings;

WHEREAS, on 29 October 2021, a Pre-Bid Conference was held and attended by the SBAC Members, its Secretariat and one prospective bidder, PLDT INC.;

WHEREAS, the submission, opening and bid evaluation for the above ITB was held on 11 November 2021 through online submission and online bid opening via Zoom respectively;

WHEREAS, despite the invitation to observers mailed and sent through email, no observers were able to attend the Opening of Bids;

WHEREAS, before the Opening of Bids, the FDA-SBAC Secretariat informed the body that only one (1) bid proposal was received and the lone submission through online is from **PLDT INC**;

WHEREAS, the FDA-SBAC Chairperson instructed the SBAC Head Secretariat to open the bid proposal of **PLDT INC.** signaling the formal start of the Opening of Bids;

WHEREAS, the SBAC Head Secretariat started by asking the representative of **PLDT INC** for the password of the first envelope, Technical Component Envelope;

WHEREAS, the FDA-SBAC conducted the preliminary and eligibility screening of the bid documents of the aforementioned bidder through **PASSED** or **FAILED** criterion using the

latest checklist of technical and financial documents under the 6th edition of the Philippine Bidding Documents;

WHEREAS, the initial evaluation of the documents started with the technical components consisting of legal, technical and financial documents;

WHEREAS, during the course of bid documents evaluation of the bidder's NFCC, its liability is more than the current asset by Forty-Six Million Pesos (Php 46, 000,000.00);

WHEREAS, the bidder submitted a Committed Line of Credit (CLC) of Eight Hundred Thousand Pesos (Php 800,000.00) which 10% of the ABC;

WHEREAS, under Section 37.2.3.e of the IRR of RA 9184 requires credit line as part of the contract documents if the same is applicable. The applicability of such requirement depends on the document submitted by the bidder in compliance with Section 23.1 (a) (vi) of the IRR of RA 9184, i.e. NFCC computation or CLC. [A] bidder who submits a CLC for its financial eligibility must submit the actual credit line when it is awarded the contract in fulfillment of the universal or commercial bank's commitment. In the case of an NFCC computation, no such commitment is undertaken by the bidder.

As such, x x x a prospective bidder who submits a computation of its NFCC for purposes of complying with the financial eligibility requirement, and is post-qualified to be adequate, need not submit a CLC or credit line as part of its contract documents.

WHEREAS, the above-mentioned bidder **PASSED** the Technical Component documents;

WHEREAS, after the opening and evaluation of the technical components' eligibility of the bid documents, the Financial Component Envelope was opened and read sequentially by the SBAC Head Secretariat;

WHEREAS, the bid price proposal of the above-mentioned prospective bidder in words is **Seven Million Nine Hundred Eight Thousand Pesos (Php7,908,000.00)** while in figures, the bid proposal is **Seven Million Nine Hundred Eighty Pesos (Php 7,980,000.00);**

WHEREAS, the SBAC members cited the 2016 Revised IRR of RA 9184, Sec. 32.2.3 which states that in case of discrepancies between: (a) bid prices in figures and in words, the latter shall prevail;

WHEREAS, the bid proposal of the above-mentioned prospective bidder in words which is **Seven Million Nine Hundred Eight Thousand Pesos (Php 7,908,000.00)** did not exceed the Approved Budget for the Contract which is **Eight Million Pesos (Php 8,000,000.00);**

Hence, the aforementioned prospective bidder **PASSED** in the financial component evaluation. The bid price proposal as indicated in their bid forms was listed as read in the Abstract of Bids prepared by the SBAC Secretariat;

WHEREAS, the FDA-SBAC Members through the Chairperson, announced that the copy of the Bid Documents by the Bidder with the **SINGLE CALCULATED/RATED BID (SCRB)** will be forwarded to the TWG to conduct thorough Bid Evaluation and Post Qualification to determine the responsiveness of the bid proposal specifically on the compliance with the end-user's technical specifications;

WHEREAS, **PLDT INC.** proposal after being declared as having the Single Calculated/Rated Bid (SCRB), the bid documents of the same were forwarded by the FDA-SBAC Secretariat to FDA-SBAC Technical Working Group (FDA-SBAC-TWG) for validation and evaluation of bid documents and subsequent submission of Post Qualification Report;

WHEREAS, a Notice of Post-Qualification dated 12 November 2021 was issued to **PLDT INC** directing the same to submit post qualification documents for final validation;

WHEREAS, the FDA-SBAC-TWG submitted its Post Qualification Evaluation Report dated 16 November 2021 for the bid proposal of **PLDT INC.** with the findings that the said bidder's proposal complied with the end-user's technical specifications for the above procurement project;

WHEREAS, FDA-SBAC convened on 06 December 2021 to discuss and carefully review the Post Qualification Evaluation Report submitted by FDA-SBAC-TWG;

WHEREAS, during the deliberation, the TWG members reported that the bidder, **PLDT INC** submitted a corrected price schedule in compliance to what was instructed to them during the Opening of Bids;

WHEREAS, the SBAC Chairperson instructed its Secretariat to inquire with GPPB regarding the submission of the corrected copy of Price Schedule and asked for a second meeting;

WHEREAS, on 09 December 2021, a 2nd Post Qualification Conference was held to discuss the submission of the bidder of a new, corrected price schedule;

WHEREAS, the GPPB, upon consultation referred to NPM 113-2012 which states that *"the correction of bids by the procuring entity does not extend to correction of errors committed by bidders in complying with the itemized components and documentary requirements in the bidding documents"*

Furthermore, the GPPB mentioned Sec. 34.4 which states that If the BAC determines that *" the bidder with the Lowest Calculated Bid/Highest Rated Bid passes all the criteria for post-qualification, it shall declare the said bid as the LCRB or HRRB17, and recommend to the HOPE the award of contract to the said bidder at its submitted bid price or its calculated bid price, whichever is lower or, in the case of quality-based evaluation procedure, submitted bid price or its negotiated price, whichever is lower."*

WHEREAS, after a thorough deliberation of the SBAC-TWG's report, the SBAC members concluded that the bid documents/proposal submitted by **PLDT INC** as a duly

RESPONSIVE BID with the instruction to the TWG members to revised some minor areas of the report;

WHEREAS, on the same date, the FDA-SBAC, unanimously declared **PLDT INC** as the **SINGLE CALCULATED/RATED** and **RESPONSIVE BID** based on the submitted Post Qualification Report by FDA-SBAC-TWG;

WHEREAS, the FDA-SBAC made a final disposition instructing its Secretariat to prepare a Resolution recommending the award of the Contract to the HOPE;

NOW THEREFORE, We, the members of the FDA- Special Bids and Awards Committee hereby resolve as it is hereby **RESOLVED**;

1. To declare **PLDT INC** as the Single Calculated/Rated and Responsive Bid for this procurement project; and

2. To recommend the approval of the Head of Procuring Entity (HOPE) based on the submitted bid price proposal and the foregoing findings, the Award of Contract to **PLDT INC** in the amount of **Seven Million Nine Hundred Eight Thousand Pesos (Php 7,908,000.00)**

RESOLVED this 13th day of December 2021, FDA, Alabang, Muntinlupa City.

KENNETH L. DACALLOS
Member

RODERICK C. MATEO
Member

ATTY. KEVIN JARDINE LUCKY S. LOZANO
Member

Retired
CYNTHIA R. ROSUMAN, MD
Vice-Chairperson

ATTY. RONALD R. DE VEYRA, MBA, CESO II
Deputy Director General - IM
FDA-BAC Chairperson

Approved by:

ROLANDO ENRIQUE D. DOMINGO, MD
FDA Director General