



Republic of the Philippines
Department of Health
CENTRAL OFFICE BIDS AND AWARDS COMMITTEE

COBAC RESOLUTION NO. 2020-425
11 December 2020

**RECOMMENDING APPROVAL OF THE AWARD OF CONTRACT FOR THE
PROCUREMENT OF PNEUMOCOCCAL CONJUGATE VACCINE (PCV)
IB NO. 2020-244**

WHEREAS, Open Competitive Bidding for the Procurement of Pneumococcal Conjugate Vaccine (PCV) was conducted in accordance with Republic Act (RA) 9184 and its 2016 Implementing Rules and Regulations (IRR) through the General Appropriations Act (GAA) of 2020 with a Total Approved Budget for the Contract (ABC) of Three Billion Six Hundred Sixty-Six Million Philippine Pesos (PhP3,666,000,000.00):

| Item No. | Particular | Quantity | Unit | Total ABC (PhP) |
|----------|--------------------------------------|-----------|------|------------------|
| 1 | Pneumococcal Conjugate Vaccine (PCV) | 7,800,000 | Dose | 3,666,000,000.00 |

WHEREAS, a Purchase Request (PR) was received from Disease Prevention and Control Bureau (DPCB) – Expanded Program for Immunization (EPI);

WHEREAS, on 16 September 2020, a Pre-Procurement Conference was conducted at 10:30 AM at the COBAC Conference Room, Department of Health (DOH) to discuss the details of the procurement at hand;

WHEREAS, the Technical Working Group (TWG) was created through the issuance of Department Personnel Order (DPO) COBAC No. 2020-314 dated 16 September 2020;

WHEREAS, on 21 September 2020, the Invitation to Bid (IB) was subsequently posted in the PhilGEPS and DOH Websites and in conspicuous places within the premises of the DOH for a continuous period of seven (7) calendar days;

WHEREAS, on 25 September 2020, a letter requesting clarification was received through electronic mail (email) from Pfizer Inc. (PI) which was acknowledged through email on the same date;

WHEREAS, on 28 September 2020, a letter requesting clarification was received through email from Zuellig Pharmaceutical Corporation (ZPC) which was acknowledged on 02 October 2020;

WHEREAS, on 29 September 2020, a letter through email from PI was received requesting for the suspension of the procurement of the aforecited project given that PI had filed an Appeal to the Office of the President (OP) which was acknowledged on 03 October 2020;

WHEREAS, on the same date, Bid Bulletin No. 1 was issued to announce the postponement until further notice of the Pre-Bidding Conference and Submission and Opening of Bids. The Committee decided to discuss the requirements/specification with the End-user and HTAC/representative before conducting the said procurement activities:

WHEREAS, Bid Bulletin No. 2 dated 30 September 2020 was issued to announce the new schedule of the Pre-Bidding Conference and Submission and Opening of Bids.

WHEREAS, on 01 October 2020, a letter was received from Quisumbing Torres, counterpart of Pfizer Inc. (PI) requesting for Certified True Copies (CTC) of various documents relative to the cited project;

WHEREAS, on 02 October 2020, a Pre-Bidding Conference took place as re-scheduled at 9:00 AM at the COBAC Conference Room, DOH, and through videoconferencing via Cisco Webex with four (4) prospective bidders participating namely:

- 1) ACCRALAW;
- 2) Zuellig Pharma Corporation (ZPC);
- 3) GlaxoSmithKline (GSK); and,
- 4) PI.

WHEREAS, on 05 October 2020, the Minutes of the Pre-Bidding Conference was posted in the DOH website;

WHEREAS, on 06 October 2020, PI's letter was received on the summary of the discussion made during the Pre-Bidding Conference which was acknowledged on 09 October 2020;

WHEREAS, on 09 October 2020, the COBAC-A issued a memorandum to DPCB –EPI on the issues and concerns raised during the above cited procurement activity;

WHEREAS, on the same date, the COBAC-A through a memorandum endorsed the copy of the Notice of Appeal to Legal Service (LS) for appropriate action;

WHEREAS, on 12 October 2020, the COBAC-A issued its response relative to the request received from QT on the CTC of documents;

WHEREAS, on the same date, DPCB submitted its response on the request for clarification of ZPC regarding the delivery schedule and specification of the additional support;

WHEREAS, a Bid Bulletin No. 3 dated 13 October 2020 was issued to announce the new schedule of the Submission and Opening of Bids, clarify the issues and concerns raised during the Pre-Bidding Conference and respond to various clarifications from bidders;

WHEREAS, on 20 October 2020, the COBAC-A issued a notification to PI informing that its Notice of Appeal has been forwarded to LS;

WHEREAS, the Submission and Opening of Bids took place as re-scheduled on 21 October 2020 at 9:00 A.M. at the COBAC Conference Room, DOH and through videoconferencing via Cisco Webex with two (2) prospective bidders participating with their counterpart lawyers and observers in the Cisco Webex portal;

- 1) ACCRALAW;
- 2) ZPC Joint Venture (JV) with Interphil Laboratories Inc.;
- 3) QT; and,
- 4) PI.

Participants through Webex:

- 1) GSK
- 2) ACCRALAW;
- 3) ZPC
- 4) PI.

WHEREAS, due to number of representatives, the Committee allowed only two (2) representatives for each company to enter the COBAC Conference Room;

WHEREAS, the first envelopes containing the Eligibility and Technical documents were opened, and the presence, completeness and correctness of all the documents were verified by the COBAC-A in the presence of the bidders' representatives. Upon examination, ZPC JV with ILI and PI was declared "ELIGIBLE;"

presence of the bidders’ representatives. Upon examination, ZPC JV with ILI and PI was declared “ELIGIBLE;”

WHEREAS, the second envelopes containing the Financial Proposal were opened, and the presence, completeness and correctness of the documents were verified by the COBAC-A. Upon examination, the two (2) “ELIGIBLE” bidders were also rated “PASSED” and subsequently their respective bids were read out publicly and posted in the Abstract of Bids, to wit:

| Name of Company | | | | | PI | ZPC JV with ILI |
|-----------------|--------------------------------------|-----------|------|------------------|--------------------------|------------------|
| Bid Security | | | | | Bid Securing Declaration | |
| Amount | | | | | N/A | |
| Validity | | | | | 120 CALENDAR DAYS | |
| Remarks | | | | | ELIGIBLE/PASSED | |
| Item No. | Item Description | Qty. | Unit | TOTAL ABC (PHP) | BID PRICE AS READ (PHP) | |
| 1 | Pneumococcal Conjugate Vaccine (PCV) | 7,800,000 | Dose | 3,666,000,000.00 | 3,271,632,000.00 | 3,168,000,000.00 |

WHEREAS, ZPC JV with ILI was declared as the lowest bidder as read, subject to further review and correction of the financial bid and post-qualification, if necessary, to determine the bona fide Lowest Calculated Bid (LCB);

WHEREAS, on the same date, the evaluation of the financial proposals of ZPC JV with ILI and PI were undertaken by the designated TWG-Financial Evaluator;

WHEREAS, on the same date, the TWG-Financial submitted the Abstract of Bids as Calculated, to wit:

Item No. 1: 7,800,000 Doses of Pneumococcal Conjugate Vaccine (PCV)

| Bidder’s Rank | Name of Company | ABC (PhP) | Bid Price as calculated (PhP) | % Variance from ABC |
|-----------------------------|-----------------|------------------|-------------------------------|---------------------|
| Lowest Calculated Bid (LCB) | ZPC JV with ILI | 3,666,000,000.00 | 3,168,000,000.00 | 13.59% |
| Second (2nd) LCB | PI | | 3,271,632,000.00 | 10.75% |

WHEREAS, on 26 October 2020, PI filed its Request for Reconsideration (RFR) as to the decision of the Committee to declare ZPC JV with ILI “ELIGIBLE” during the Submission and Opening of Bids which was acknowledged thorough electronic mail (email) on 03 November 2020;

WHEREAS, on 28 October 2020, the Abstract of Bids as Calculated was presented to COBAC-A during its 43rd Regular Meeting. Upon deliberation, the Committee decided to proceed with the Post-qualification of the LCB, namely ZPC JV with ILI;

WHEREAS, on the same date, a notification was issued through email to ZPC JV with ILI requesting for the submission of the post-qualification documents within a non-extendible period of five (5) calendar days;

WHEREAS, on 30 October 2020, ZPC JV with ILI submitted its post-qualification requirements;

WHEREAS, on 04 November 2020, the detailed evaluation of the eligibility, technical requirements and post-qualification documents of the LCB was undertaken by the designated TWG to verify, validate and ascertain the documents submitted by the LCB;

WHEREAS, on the same date, the TWG found the LCB, ZPC JV with ILI “non-compliant” with the technical requirements as to the schedule of delivery;

WHEREAS, on the same date, the COBAC-A through email issued its response to PI denying its RFR;

WHEREAS, on the same date, the TWG evaluation report was presented to the COBAC-A during its 44th Regular Meeting and upon evaluation, and upon review and deliberation, the Committee concurred with the TWG recommendation and declared ZPC JV with ILI "Post-disqualified;"

WHEREAS, on 05 November 2020, a letter from PI was received inquiring on the status of the said procurement;

WHEREAS, on 09 November 2020, the COBAC-A issued a notice of post-disqualification to ZPC JV with ILI through email;

WHEREAS, on the same date, the COBAC-A issued its response through email to PI's letter inquiring the status of the said procurement;

WHEREAS, on 16 November 2020, ZPC JV with ILI filed its RFR which was considered within the prescribed timeline given that 10 and 11 November 2020 (Thursday and Friday) was suspended due to typhoon Ulysses;

WHEREAS, on the same date, PI filed its 2nd RFR including its Notice of Withdrawal of Appeal to the OP for the above project which was acknowledged through email on 18 November 2020;

WHEREAS, on 18 November 2020, COBAC-A through email issued its acknowledgement of the RFR to ZPC JV with ILI;

WHEREAS, on the same date, the above RFRs of ZPC JV with ILI and PI were presented to COBAC-A during its 45th Regular Meeting. Upon review and deliberation, the Committee instructed to acknowledge the said RFR pending the response/recommendation of TWG. Further, the TWG-Financial Report of the 2nd LCB, PI was also presented which the Committee decided to proceed with its post-qualification evaluation;

WHEREAS, on 20 November 2020, COBAC-A through email issued its response to ZPC JV with ILI on the denial of its RFR;

WHEREAS, on the same date, the COBAC-A through email issued its response denying PI's 2nd RFR pursuant to Sections 55.2, 55.3 and 55.4 of the 2016 IRR of RA9184;

WHEREAS, on the same date, a memorandum from LS was received regarding the Notice of Withdrawal of Appeal by PI to OP;

WHEREAS, on 23 November 2020, PI through a letter requested for the update of the above procurement;

WHEREAS, on 24 November 2020, a notification was issued through email to the 2nd LCB, PI requesting for the submission of the post-qualification documents within a non-extendible period of five (5) calendar days;

WHEREAS, on 25 November 2020, the memorandum from LS was presented to COBAC-A during its 46th Regular Meeting. Upon deliberation, the Committee noted the information;

WHEREAS, on 27 November 2020, PI submitted its post-qualification requirements;

WHEREAS, on 01 December 2020, the detailed evaluation of the eligibility, technical requirements and post-qualification documents of the 2nd LCB was undertaken by the designated TWG to verify, validate and ascertain the documents submitted by the 2nd LCB;

WHEREAS, on 02 December 2020, the COBAC-A issued its response to PI citing the "no contact" rule pursuant to Section 32.1 of the 2016 IRR of RA9184;

WHEREAS, on the same date, the TWG found the 2nd LCB, PI “complying” as to the technical, legal and financial aspect of their bids and is requesting for the following documents for validation/verification purposes;

| Requirements/Conditions | Action Needed |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Latest Annual Tax Return filed thru Electronic Filing and Payment Systems (EFPS) and must be duly validated with the tax payments made thereon for the preceding Tax Year be it on a calendar or fiscal year income (per Revenue Regulations 3-2005); | Clarification on the Tax Period indicated in the submitted Filling Reference No. for Annual Income Tax Return of 2019. |
| Articles of Incorporation and General Information Sheet (GIS), in case the Bidder has submitted a SEC registration as part of the Eligibility Documents, if applicable; | Submit the authenticated GIS and the 4th quarter Official Receipt (OR) as proof of payment for the Mayor’s/Business permit for validation purposes. |

WHEREAS, on the same date, the TWG Report was presented to COBAC-A during its 47th Regular Meeting. Upon review and deliberation, the Committee concurred with the TWG recommendation;

WHEREAS, on the same date, the COBAC-A requested the Head of the Procuring Entity (HoPE) through its Undersecretary of Health of Public Health Service Team (PHST) for the extension of the post-qualification evaluation in accordance with Section 34.8 of the RA 9184 and its 2016 IRR”

WHEREAS, on 04 December 2020, a letter was issued through email to PI relative to the cited TWG findings:

WHEREAS, on 07 December 2020, PI submitted its response which was subsequently forwarded to the designated TWG for further evaluation:

WHEREAS, on 11 December 2020, the TWG found PI “responsive” on all the bidding requirements based on the submitted response:

WHEREAS, on the same date, the TWG submitted the final Bid Evaluation and Post-Qualification Report (BEPQR) citing PI “Responsive” to all the requirements and conditions specified in the bidding documents;

WHEREAS, on the same date, the BEPQR were presented to the COBAC-A during its 49th Regular Meeting. The Committee reviewed and deliberated the TWG reports as well as the documents submitted by the 2nd LCB for the item listed below and the following are the salient points of the deliberation:

| Description | Name of Bidder | Bidder's Rank | ABC (PhP) | Bid Price (PhP) | TWG | | COBAC | |
|---------------------------------------------------------|----------------|---------------|------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| | | | | | Finding | Recommendation | Finding | Recommendation |
| 7,800,000 Doses of Pneumococcal Conjugate Vaccine (PCV) | PI | 2nd LCB | 3,666,000,000.00 | 3,271,632,000.00 | The 2nd LCB passed the post qualification and found to have complied with the legal, technical and financial requirements and submitted response | Responsive | <ul style="list-style-type: none"> COBAC-A conforms with the recommendation of the TWG. PI was determined to be responsive and post-qualified and recommended for the award of contract. | Lowest Calculated and Responsive Bidder (LCRB) |


WHEREAS, at the time of signing of this Resolution, there is no pending incident, no pending Request for Reconsideration, no pending protest and the COBAC-A followed the requirements set forth in RA 9184 and its IRR;

NOW THEREFORE, on the basis of the above, the herein members of the COBAC-A **HEREBY RESOLVE** to recommend the award of contract to **Pfizer Inc. (PI)** determined as the **Lowest Calculated and Responsive Bid** with a Total Contract Price of *Three Billion Two Hundred Seventy One Million Six Hundred Thirty Two Thousand Philippine Pesos (PhP3,271,632,000.00)* inclusive of other taxes for the item listed below:

| Item No. | Particular | Quantity | Unit | Total ABC (PhP) |
|----------|--------------------------------------|-----------|------|------------------|
| 1 | Pneumococcal Conjugate Vaccine (PCV) | 7,800,000 | Dose | 3,271,632,000.00 |

Signed this DEC 17 2020 day of _____ 2020 at the Department of Health, San Lazaro Compound, Sta. Cruz, Manila.


CENTRAL OFFICE BIDS AND AWARDS COMMITTEE (COBAC) - A


ALELI ANNIE GRACE P. SUDIACAL, MD, MPH, CESE
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 Assistant Secretary of Health
 Chairperson

Approved by:


FRANCISCO T. DUQUE, III, MD, MSc.
 Secretary of Health

MAR 17 2021