



Republic of the Philippines
Department of Health

CENTRAL OFFICE BIDS AND AWARDS COMMITTEE

COBAC RESOLUTION NO. 2019-189-B
OCTOBER 24, 2019

**RECOMMENDING APPROVAL FOR THE AWARD OF CONTRACT FOR THE
NEGOTIATED PROCUREMENT (TWO-FAILED BIDDING) FOR THE
PROCUREMENT OF ADDITIONAL STORAGE FOR BACKUP SOLUTION
NP NO. 2019-031**

WHEREAS, the Central Office Bids and Awards Committee (COBAC)-B received the request from the Knowledge Management and Information Technology Service (KMITS) for the Procurement of Additional Storage for Backup Solution in accordance with Republic Act (RA) 9184 and its 2016 Revised Implementing Rules and Regulations (IRR) through the General Appropriation Act (GAA) of 2019 with a Total Approved Budget for the Contract (ABC) of Four Million Six Hundred Thousand Philippine Pesos (PhP4,600,000.00) for the item listed below:

Lot No.	Item Description	Qty.	Unit	Total ABC (PhP)
1	Additional Storage for Backup Solution	1	Unit	4,600,000.00

WHEREAS, COBAC Resolution No. 2019-189, "Declaration of Failure of Bidding for the Procurement of Additional Storage for Backup Solution under IB No. 2019-156", was approved;

WHEREAS, COBAC Resolution No. 2019-189-A, "Declaration of Second Failure of Bidding and Recommending Approval for the Use of Negotiated Procurement (Two-Failed Bidding) for the Procurement of Additional Storage for Backup Solution-Rebid under IB No. 2019-156-A", was approved;

WHEREAS, the Technical Working Group (TWG) was created through the issuance of Department Personnel Order (DPO) COBAC No. 2019-336 dated September 3, 2019;

WHEREAS, on 06 September 2019, the Request for Best and Final Offer (RBFO) under NP No. 2019-031 was posted in the PhilGEPS website and conspicuous places within the premises of the DOH for a continuous period of three (3) calendar days;

WHEREAS pursuant to Annex "H" (D) (1) (i) (b) (ii), *the BAC shall invite at least three (3) suppliers including those disqualified in previous biddings for the project. Even if only one (1) bidder should respond to such invitation or posting, the BAC shall proceed with the negotiation subject to the rules prescribed hereunder;*

WHEREAS, the COBAC-B issued RBFOs to the following prospective bidders:

1. American Technologies Inc. (ATI);
2. Accent Micro Technologies, Inc. (AMTI); and
3. Trends and Technologies, Inc. (TTI).

WHEREAS, on 12 September 2019, the COBAC-B received a letter from ATI requesting assurance on the Delivery Schedule that the Notice to Proceed (NTP) will be issued until the end of September 2019 due to the Cash-Based Budgeting;

WHEREAS, on 13 September 2019, the Office of the President issued Executive Order (EO) 91 wherein Section 5, *Transitory Provision* states:

- a) Appropriation for infrastructure capital outlays, including subsidy releases to GOCCs for infrastructure projects, shall be valid for obligation until 31 December 2019. Meanwhile, the completion of construction, inspection, and payment shall be made not later than 31 December 2020; and,
- b) Appropriations for maintenance and other operating expenses as well as other capital outlays shall likewise be valid for obligation until 31 December 2019. On the other hand, delivery, inspection, and payment shall be made not later than 30 June 2020.

WHEREAS, on 17 September 2019, the COBAC-B sent a letter to ATI acknowledging the receipt of the request for clarification and informing ATI that all queries/recommendations of the prospective bidder will be addressed through issuance of a Bid Bulletin;

WHEREAS, a Bid Bulletin No. 1, dated 17 September 2019, was issued to clarify all issues and concerns raised by the prospective bidder and to announce the new schedule of the Submission and Opening of Bids scheduled on September 25, 2019, at 9:00 AM;

WHEREAS, an amendment to DPO No. 2019-336 was issued through DPO No. 2019-336-A dated September 25, 2019 excluding Mr. Richard Regino as TWG member;

WHEREAS, on 25 September 2019, the Submission and Opening of Bids took place as re-scheduled at 9:00 A.M. at the COBAC Conference Room, DOH. One (1) bidder submitted its proposal within the set deadline, namely, ATI:

WHEREAS, the Price Quotation of ATI was opened by the COBAC-B. Upon examination, ATI was declared "ELIGIBLE" and rated "PASSED";

WHEREAS, the bid of ATI was read out publicly and posted in the Abstract of Bid, to wit:

Name of Company					ATI
REMARKS					ELIGIBLE/ PASSED
Lot No.	Item Description	QTY	UNIT	TOTAL ABC (PhP)	BID PRICE AS READ (PhP)
1	Additional Storage for Backup Solution	1	Unit	4,600,000.00	4,526,206.00

WHEREAS, ATI was declared as the Single Bidder (SB) subject to further arithmetical review and corrections of the financial bid, if necessary;

WHEREAS, the bid for the item listed below was found to be substantially complying:

Lot No. 1. 1 unit of Additional Storage for Backup Solution

Bidder No.	Name of Company	ABC (PhP)	Bid as Calculated Amount (PhP)	% Variance from ABC
1	ATI	4,600,000.00	4,526,206.00	1.60%

WHEREAS, on the same date, the detailed evaluation of the submitted proposals on the legal, technical and financial aspects of the documents of ATI was undertaken by the designated TWG;

WHEREAS, on 25 and 30 September 2019, the TWG legal and financial submitted their evaluation report, to wit:

FINANCIAL	COMPLYING
LEGAL	Request to submit the following for validation purposes; 1. Updated Tax Clearance 2. Mayor's/Business Permit 3. 3 rd Official Receipt as proof of payment for the Mayor's/Business Permit

WHEREAS, on 02 October 2019, the COBAC-B, during its 37th Regular Meeting, upon review and deliberation, resolved to concur with the TWG recommendation and instructed the Secretariat to request ATI to clarify the findings once the TWG technical submitted its report;

WHEREAS, on 03 and 10 October 2019, the COBAC-B issued memoranda to the TWG technical following up the submission of the TWG report;

WHEREAS, on 11 October 2019, the TWG submitted their evaluation report, requesting ATI to submit the following documents for validation purposes:

DOH REQUIREMENTS IN THE TOR/PR	CONFIRMATION/CLARIFICATION
1. Updated Tax Clearance 2. Mayor's/Business Permit 3. 3 rd Official Receipt as proof of payment for the Mayor's/Business Permit	Request to submit for validation purposes.
4. The training shall be conducted by a Certified Commvault Training Center.	For clarification/confirmation.

WHEREAS, on 15 October 2019, the COBAC-B issued a letter to ATI requesting to clarify the cited TWG findings;

WHEREAS, on 16 October 2019, the COBAC-B, during its 38th Regular Meeting, instructed the Secretariat to proceed with the award of the contract once ATI's found to be "responsive" with the legal, technical and financial documents;

WHEREAS, on 17 October 2019, ATI submitted their response and this was subsequently forwarded to the TWG, for evaluation;

WHEREAS, on 23 October 2019, the TWG found ATI “responsive” and submitted its bid evaluation report;

WHEREAS, the cited TWG evaluation report was presented to the COBAC-B. Upon review and deliberation, resolved to concur with the TWG recommendation and decided to declare ATI as the Single Calculated and Responsive Bidder (SCRB);

WHEREAS, at the time of the signing of this resolution, there is no pending incident, no pending Request for Reconsideration, no pending Protest, and the COBAC-B strictly observed the requirements set forth in R.A. 9184;


NOW THEREFORE, on the basis of the above, the herein members of the COBAC-B **HEREBY RESOLVE** to recommend the award of contract to American Technologies, Inc. (ATI) determined as the SCRB with a Total Contract Price of **Four Million Five Hundred Twenty Six Thousand Two Hundred Six Philippine Pesos (PhP4,526,206.00)** inclusive of other taxes:

Lot No.	Item Description	Qty.	Unit	Total Bid Price (PhP)
1	Additional Storage for Backup Solution	1	Unit	4,526,206.00

Signed this _____ day of NOV 05 2019 2019 at the Department of Health, San Lazaro Compound, Sta. Cruz, Manila.


CENTRAL OFFICE BIDS AND AWARDS COMMITTEE-B


CHARITY L. TAN, MA
Regular Member



LESTER M. TAN, MD, MPH, MSc
Regular Member


MAYLENE M. BELTRAN, MPA, CESO III
Regular Member


MA. THERESA G. VERA, MD, MHA, MSc, CESO III
Vice-Chairperson


MARIA ROSARIO S. VERGEIRE, MD, MPH CESO IV
Assistant Secretary of Health
Chairperson

By Authority of the Secretary of Health:


ENRIQUE A. TAYAG, MD, PHSAE, FPSMID, CESO III
Director IV
Knowledge Management and Information Technology Service

NOV 18 2019