



Republic of the Philippines
PUBLIC ATTORNEY'S OFFICE
Tanggapan ng Manananggol Pambayan
DOJ Agencies Building, NIA Road corner East Avenue, 1104 Quezon City
Telephone Nos. 929-90-10 / 929-94-36 ; Fax Nos. 927-68-10 / 926-28-78

PAO BIDS AND AWARDS COMMITTEE (PBAC)

EXCERPTS FROM THE MINUTES OF THE MEETING OF THE PAO BIDS AND AWARDS COMMITTEE (PBAC) DATED 24 AUGUST 2023 **RE: MOTION FOR RECONSIDERATION OF T&E ENTERPRISES IN THEIR POST-DISQUALIFICATION FOR THE PROCUREMENT OF PHOTOCOPIER TONERS AS SPECIFIED UNDER PURCHASE REQUESTS NO. 402-05-2023**, HELD AT THE PAO-LIBRARY, PAO CENTRAL OFFICE AND VIA ZOOM VIDEO CALL

RESOLUTION

RECOMMENDING THE ADOPTION OF THE PAO-BAC TECHNICAL WORKING GROUP (TWG) REPORT TO DENY THE MOTION FOR RECONSIDERATION OF T&E ENTERPRISES (T&E) IN THEIR POST-DISQUALIFICATION FOR THE PROCUREMENT OF PHOTOCOPIER TONERS AS SPECIFIED UNDER PURCHASE REQUEST NO. 402-05-2023 FOR THE PAO-CENTRAL OFFICE FOR C.Y. 2023

WHEREAS, the Public Attorney's Office (PAO) is committed to adhere to the State's Policy of securing and maintaining the trust and confidence of every Filipino, by upholding transparency, good governance and anti-corruption measures;

WHEREAS, this committee previously resolved last 15 August 2023 to declare the post-disqualification T and E Enterprises (T&E) for failing its post-qualification due to non-compliance in the certification requirements for the subject procurement with order to the PBAC Technical Working Group (TWG) to conduct post-qualification of Jukeni Enterprises (JUKENI) as the next lowest calculated bidder in accordance with Sec. 34, Rule X of the IRR of RA 9184;

WHEREAS, this committee received a Motion for Reconsideration¹ from T&E on sent thru e-mail last 19 August 2023 for their post-disqualification which was thoroughly reviewed by this committee together with the TWG;

WHEREAS, after the review of the submitted Motion for Reconsideration, the TWG submitted its report and recommendation² to this committee recommending the denial of the said Motion based on their findings;

WHEREAS, after thorough review of the recommendation of the TWG, BAC Member Dir. Marilyn Boongaling moved to adopt the recommendation of the TWG to deny the Motion for Reconsideration of T&E, duly seconded by BAC Member Atty. Rigel Salvador;

¹ T&E Motion for Reconsideration received thru e-mail on 19 August 2023

² PAO-BAC TWG Report and Recommendation on Motion for Reconsideration of T&E dated 23 August 2023

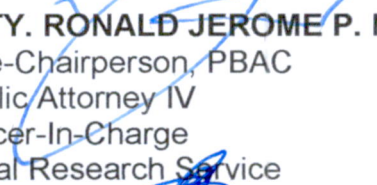
NOW THEREFORE, WE, the Members of the PAO Bids and Awards Committee (PBAC), by virtue of the powers vested on Us by Law, after duly considering the recommendations of the Technical Working Group (TWG), **hereby resolve to RECOMMEND TO THE HEAD OF PROCURING ENTITY TO ADOPT THE FINDINGS AND REPORT OF THE PBAC-TWG TO DENY THE MOTION FOR RECONSIDERATION OF T&E IN RELATION TO THEIR POST-DISQUALIFICATION FOR THE PROCUREMENT OF PHOTOCOPIER TONERS AS SPECIFIED UNDER PURCHASE REQUEST NO. 402-05-2023 FOR THE PAO-CENTRAL OFFICE FOR C.Y. 2023**

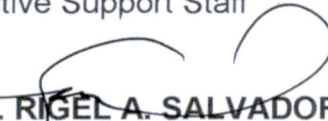
APPROVED this 24th day of August 2023 at the Public Attorney's Office (PAO) Central Office, 5th Floor DOJ Agencies Building, NIA Road corner East Avenue, Diliman, (1104) Quezon City, Philippines thru Zoom Video Conference.

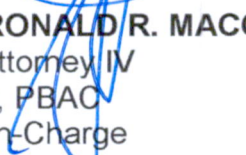
(Original Signed)

ATTY. JAN STEVEN S. DUNUAN
Chairperson, PBAC
Public Attorney V
Regional Public Attorney
PAO-NCR



ATTY. ALEM-EMAN CHISUM L. ABEYA
Public Attorney III
Member, PBAC
Executive Support Staff



ATTY. RONALD JEROME P. NIEVES
Vice-Chairperson, PBAC
Public Attorney IV
Officer-In-Charge
Legal Research Service


ATTY. RIGEL A. SALVADOR
Public Attorney IV
Member, PBAC
Officer-In-Charge
Field Operations and Statistics Service



ATTY. RONALD R. MACOROL
Public Attorney IV
Member, PBAC
Officer-In-Charge
Special Appealed Cases Unit

**Approved:
For and by the authority
Of the Chief Public Attorney**



DIR. MARILYN S. BOONGALING
Director II
PAO-Administrative Service


ANA LISA M. SORIANO
Deputy Chief Public Attorney

Acceded By: (The TWG)

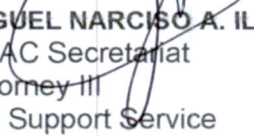

MS. ALMA E. DUMAGO-LATOSA
Head, Technical Working Group (TWG)
Director II
Financial Planning and Management Service


MR. THOR ARTHUR B. AVILLA
Member, Technical Working Group (TWG)
Administrative Officer V
Human Resource Management Service
Administrative Service



MR. MICHAEL M. MENDOZA
Member, Technical Working Group (TWG)
Administrative Assistant III
Cash Section
Administrative Service

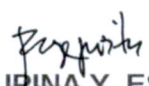
Prepared By: (The Secretariat)




ATTY. MIGUEL NARCISO A. ILAGAN
Head, PBAC Secretariat
Public Attorney III
Executive Support Service



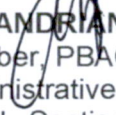
ENGR. ANGELA M. MARAMAG-PRADO
Member, PBAC Secretariat
Computer Programmer I
General Services Division
Administrative Service



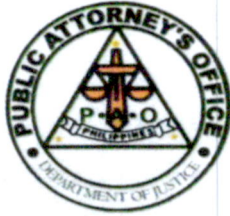
MS. FILIPINA Y. ESPIRITU
Member, PBAC Secretariat
Librarian III
Legal Research Service



MR. JULIUS DONIVAN F. BARSANA
Member, PBAC Secretariat
Planning Officer I
Field Operations and Statistics Service



MR. ANDRIAN H. MARASIGAN
Member, PBAC Secretariat
Administrative Officer II
Supply Section, Administrative Service



Republic of the Philippines
PUBLIC ATTORNEY'S OFFICE

Tanggapan ng Manananggol Pambayan
Kagawaran ng Katarungan

DOJ Agencies Building, NIA Road corner East Avenue, 1104 Quezon City

**Bids and Awards Committee
Technical Working Group**

**REPORT ON THE MOTION FOR RECONSIDERATION
SUBMITTED BY T AND E ENTERPRISES**

**INK TONERS FOR PUBLIC ATTORNEY'S OFFICE FOR FY 2023
PURCHASE REQUEST NO. 402-05-2023**

(Through Public Bidding Pursuant to 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184)

1. Approved Budget for the Contract

The bidder shall bid for the item described in this Terms of Reference, which shall not exceed the Approved Budget for the Contract in the amount of **SIX MILLION SEVEN HUNDRED FIFTY THOUSAND PESOS (Php 6,750,000.00)**, inclusive of all taxes applicable and bank and government charges payable.

Issues to be resolved:

Requirement	Remarks
Certification of Bidder issued by its authorized representative/official, identifying whether it is a manufacturer, supplier or distributor of the items subject of procurement. If Bidder is not the manufacturer, a certification from the manufacturer that the bidder is its authorized seller/distributor/dealer must also be submitted. If Bidder is a reseller, a certification from its MANUFACTURER that the bidder is its authorized dealer/reseller, must be both submitted	<p>Non- Compliant (Submitted by the bidder was Certification of Distributorship issued by Star Ink (not the manufacturer) to IQ Office Supplies and Equipment Trading (bidder's distributor) and Reseller Authorization issued by IQ Office Supplies and Equipment Trading to T and E Enterprises (bidder). Certification must be issued by the manufacturer.</p> <p>Note: Submitted Certifications were in different formats although issued by the same company.</p>
Certificate of authenticity from the manufacturer for the items to be supplied. If the Bidder is an authorized reseller, a certificate of authenticity from its distributor must also be submitted	<p>Non- Compliant (Certificate of authenticity was not issued by the manufacturer)</p>

T AND E Enterprises submitted their Motion for Reconsideration on August 19, 2023 and received by the Public Attorney's Office - Technical Working Group (PAO-TWG) on August 22, 2023.

T AND E Enterprises commented as follows:

"As stated in the letter from Zhongshan Kingway Image Tech Co. Ltd., dated August 4, 2023, Star Ink is the brand of the product, while the manufacturer's business name is Zhongshan Kingway Image Tech Co., Ltd. To clarify this matter, the distributor's Authorized Representative, together with our Purchasing Head, came to your office to personally explain the relationship of Star Ink and Zhongshan, and submitted the hard copy of the mentioned letter.

Along with other documents requested, we have already submitted to your good office a Certificate of Authenticity for the toners. Furthermore, we are attaching this Certificate of Authenticity with the Manufacturer's brand logo and complete company details. As you have previously noticed, there is a slight difference on the format of the certifications issued. This is attributable to the side of the manufacturer, wherein we as a bidder do not have any control. Rest assured that documents submitted are issued directly by the manufacturer."

It appears that the documents submitted and explanations made by T AND E were inconsistent. During the post qualification T AND E stated that Certifications submitted were the only documents given by the manufacturer. Also, certifications submitted by the same company have different formats, thus making the certifications doubtful.

During the post qualification, T AND E did not submit Certificate of Authenticity issued by the MANUFACTURER. They were claiming that the Certificate of Distributorship covers the Certificate of Authenticity as the distributorship certificate states, *"This is to certify that IQ OFFICE SUPPLIES AND EQUIPMENT TRADING is an AUTHORIZED DISTRIBUTOR of Toner Cartridge (CT203108/CT203109) suitable for Fuji Xerox M375z Machine."*

Additional Certificate of Authenticity was submitted through email on August 19, 2023. The document was submitted beyond the 5-calendar day period of post qualification which is a ground for disqualification in accordance with Sec. 34.2 Rule X of the Updated Revised 2016 IRR of RA 9184.

We find the Motion for Reconsideration filed by T AND E Enterprises unfounded, thus, hereby recommend to deny the MR of T AND E Enterprises.

August 24, 2023

TECHNICAL WORKING GROUP:


Head:


ALMA E. DUMAGO - LATOSA

Director II

Financial Planning and Management Service

Members:


THOR ARTHUR B. AVILA

Administrative Officer V

Human Resource Management and Development Division

Administrative Service


MICHAEL M. MENDOZA

Administrative Assistant III

Cash Section

Administrative Service



T and E
ENTERPRISES

*Business is all about
Relationship*

T and E Enterprises

Lot 6B Naga Road, Pulanglupa Uno, Las Pinas City
(02) 8571-0675; 0917-177-7982

tandebids@gmail.com

August 18, 2023

To: ATTY. JAN STEVEN S. DUNUAN

BAC Chairperson

Public Attorneys' Office

DOJ Agencies Bldg., NIA Rd., cor. East Ave., Quezon City

**Re: Motion for Reconsideration for Project - Ink Toners for Public Attorney's Office
for FY 2023**

Purchase Request No.: 402-05-2023

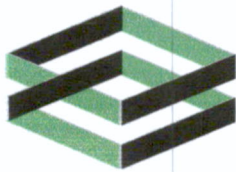
Sir/Ma'am;

We are writing to formally submit to your good office our Motion for Reconsideration in response to the Notice of Post-Disqualification we received via email last August 16.

Our company was post-disqualified due to the following reasons:

Documentary Requirement	Remarks
Certification of Bidder issued by its authorized representative/official, identifying whether it is manufacturer, supplier or distributor of the items subject of procurement. If Bidder is not the manufacturer, a certification from the manufacturer that the bidder is its authorized seller/distributor/dealer must also be submitted. If Bidder is a reseller, a certification from its Manufacturer that the Bidder is its authorized dealer/reseller, must be both submitted.	Non-Compliant Submitted by the bidder was Certification of Distributorship issued by Star Ink (not the manufacturer) to IQ Office Supplies and Equipment Trading (bidder's distributor) and Reseller Authorization issued by IQ Office Supplies and Equipment to T and E Enterprises (bidder). Certification must be issued by the manufacturer. Note: Submitted Certifications were in different formats although issued by the same company.
Certificate of Authenticity from the manufacturer for the items to be supplied. If the Bidder is an authorized reseller, a certificate of authenticity from its distributor must also be submitted.	Non-Compliant Certificate of authenticity was not issued by the manufacturer.

As stated in the letter from **Zhongshan Kingway Image Tech Co. Ltd.**, dated August 4, 2023, **Star Ink is the brand of the product, while the manufacturer's**



T and E
ENTERPRISES

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Relationship*

T and E Enterprises

Lot 6B Naga Road, Pulanglupa Uno, Las Pinas City
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tandebids@gmail.com

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Along with other documents requested, we have already submitted to your good office a Certificate of Authenticity for the toners. Furthermore, we are attaching this Certificate of Authenticity with the Manufacturer's brand logo and complete company details. As you have previously noticed, there is a slight difference on the format of the certifications issued. This is attributable to the side of the manufacturer, wherein we as a bidder do not have any control. Rest assured that documents submitted are issued directly by the manufacturer.

As a responsible bidder, we are assuring that the bid we are offering is of great advantage to the Procuring Entity. We are hoping that this gives light to the matters and be given careful reconsideration.

Thank you and God bless!

Sincerely,

Roderick Melendres
T and E Enterprises - Proprietor



No. 5 Tongyin Street, Yong Er
Village, Tanzhou Zhongshan

August 18, 2023

CERTIFICATE OF AUTHENTICITY

This is to certify that the product/s stated below are authentic and genuinely suitable for
Fuji Xerox M375z.

PRODUCT CODE: CT203109	
SUITABLE FOR:	FUJI XEROX M375z / M375 df DocuPrint P375 dw / P375 d
YIELD:	12,000 copies
BRAND:	STARINK
MANUFACTURER:	Zhongshan Kingway image Tech Co. Ltd

This certification is issued to IQ OFFICE SUPPLIES AND EQUIPMENT TRADING
for Philippine Territory. This certification is valid until December 31, 2023.


Hong Ming
Account Manager
Asia Pacific Channel

Zhongshan Kingway Image Tech Co. Ltd
Tanzhou Town, Zhongshan, China
Tel: +86-136-8021-8306



No. 5 Tongyin Street, Yong Er
Village, Tanzhou Zhongshan

August 4, 2023

TO: IQ OFFICE SUPPLIES AND EQUIPMENT TRADING

Zhongshan Kingway Image Tech Co. Ltd. is a company established in 2006 located at Guangdong, Zhongshan, China. Our company specializes in manufacturing toner cartridges and ink cartridges of all brands to major parts of the world for 15 years. STARINK brand was established by Zhongshan Kingway Image Tech Co. Ltd in 2006. STARINK is one the leading brand of compatible laser toner cartridges in the world. STARINK brand offers only the best quality with ISO certificates. As of date, STARINK is now available in over 40 agencies all over the world.

A handwritten signature in black ink, appearing to be "Hong Ming", written over the printed name.

Hong Ming
Account Manager
Asia Pacific Channel

Zhongshan Kingway Image Tech Co. Ltd
Tanzhou Town, Zhongshan, China
Tel: +86-136-8021-8306