



Republic of the Philippines
PUBLIC ATTORNEY'S OFFICE

Tanggapan ng Manananggol Pambayan
DOJ Agencies Building, NIA Road corner East Avenue, 1104 Quezon City
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PAO BIDS AND AWARDS COMMITTEE (PBAC)

EXCERPTS FROM THE MINUTES OF THE MEETING OF THE PAO BIDS AND AWARDS COMMITTEE (PBAC) DATED 01 AUGUST 2023 RE: **EXTENSION OF PERIOD FOR POST-QUALIFICATION AND REVIEW OF THE SUBMITTED BIDS OF T&E ENTERPRISES (T&E) AS SECOND LOWEST BIDDER IN 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 EXTENSION OF PERIOD FOR THE POST-QUALIFICATION OF THE SUBMITTED BIDS OF T&E ENTERPRISES (T&E) IN 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 20 July 2023 to declare the post-disqualification Photopro Trading & Gen. Merchandise (PHOTOPRO) for failing its post-qualification, with order to the PBAC Technical Working Group (TWG) to conduct post-qualification of T&E as the next lowest calculated bidder in accordance with Sec. 34, Rule X of the IRR of RA 9184;

WHEREAS, the TWG reported during the meeting that there were discrepancies in the certification requirements submitted by T&E that necessitates additional time for their thorough evaluation for the conduct of post-qualification;

WHEREAS, considering this along with upcoming scheduled Office activities requiring the presence of members of both TWG and the BAC, the TWG requested to this committee an additional period of until 15 August 2023 to complete their post-qualification report and present it to the PBAC;

WHEREAS, considering the foregoing, BAC Member Atty. Alem Abeya moved to recommend to the Head of Procuring Entity the extension of period of post-qualification until 15 August 2023, as allowed in accordance with Sec. 34 Rule X of the Revised Implementing Rules and Regulations of Republic Act No. 9184, duly seconded by BAC Member Dir. Marilyn Boongaling;

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), and all members here present, **hereby resolve to RECOMMEND TO THE HEAD OF PROCURING ENTITY THE EXTENSION OF PERIOD FOR POST-QUALIFICATION OF SUBMITTED BIDS OF T&E UNTIL 15 AUGUST 2023, IN ACCORDANCE WITH THE SEC. 34 RULE X OF THE REVISED IMPLEMENTING RULES AND REGULATIONS OF RA 9184.**

APPROVED this 1st 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.


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

(On Official Business)
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

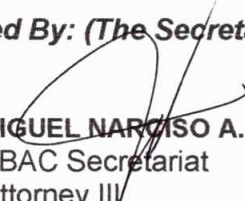

MR. THOR ARTHUR B. AVILLA


Member, Technical Working Group (TWG)
Administrative Officer V
Human Resource Management Service
Administrative Service

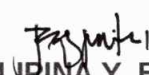

MR. MICHAEL M. MENDOZA

Member, Technical Working Group (TWG)
Administrative Assistant III
Cash Section
Administrative Service

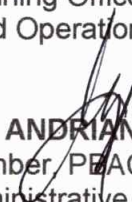
Prepared By: (The Secretariat)


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

(On Official Business)
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



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Tanggapan ng Manananggol Pambayan
Kagawaran ng Katarungan
DOJ Agencies Building, NIA Road corner East Avenue, 1104 Quezon City

Bids and Awards Committee

POST QUALIFICATION REPORT
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.

2. Specifications:

PHOTOCOPIER TONER 500 pcs.		
APPROVED BUDGET FOR THE CONTRACT (Php 6,750,000.00)		
Delivery: Within Fifteen (15) calendar days from the issuance of Notice to Proceed		
Payment terms: Immediately after the issuance of inspection and acceptance report for the complete delivery of goods.		
QUANTITY	PRODUCT	REMARKS
500 Pcs.	• Fuji Toner suitable, fit and compatible for use with FUJI photocopier (Docuprint M375z)	COMPLIANT
	• Product code: CT203109	COMPLIANT
	• Ink color: Black	COMPLIANT
	• New, not remanufactured, not refill	COMPLIANT
	• Toner Cartridge capacity o 12,000 pages (A4) or more	COMPLIANT
	• Strong infiltration capacity, no pore lines, no diffuse, no fade when it is wet on the print. Excellent fastness rate, printed graphics context will be kept for long time.	COMPLIANT

Documentary requirements:

Legal Documents	
Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages)	Compliant
Registration certificate from Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives or its equivalent document,	Compliant
Mayor's or Business permit issued by the city or municipality where the principal place of business of the prospective bidder is located, or the equivalent document for Exclusive Economic Zones or Areas;	Compliant
Tax clearance per E.O. No. 398, s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR).	Compliant
Technical Documents	
Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; and	Compliant
Statement of the bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided for in Sections 23.4.1.3 and 23.4.2.4 of the 2016 revised IRR of RA No. 9184, within the relevant period as provided in the Bidding Documents; and	Compliant
Original copy of Bid Security. If in the form of a Surety Bond, submit also a certification issued by the Insurance Commission; or Original copy of Notarized Bid Securing Declaration	Compliant
Conformity with the Technical Specifications, which may include production/delivery schedule, manpower requirements, and/or after-sales/parts, if applicable; and	Compliant
Original duly signed Omnibus Sworn Statement (OSS); and if applicable, Original Notarized Secretary's Certificate in case of a corporation, partnership, or cooperative; or Original Special Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder.	Compliant
Financial Documents	
The Supplier's audited financial statements, showing, among others, the Supplier's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission; and	Compliant
The prospective bidder's computation of Net Financial Contracting Capacity (NFCC); or A committed Line of Credit from a Universal or Commercial Bank in lieu of its NFCC computation.	Compliant

	<ul style="list-style-type: none"> • Low corrosion and long lifespan • Bidder or Manufacturer must be ISO,RoHS, or STMC Compliant 	<p>COMPLIANT</p> <p>NON-COMPLIANT</p> <p>Consumables offered by the bidder are being manufactured by Ninestar Image Tech Limited while the submitted STMC Certification by the bidder was issued by Zhuhai Ninestar InformationTechnology Co., Ltd. The attached certificate in the STMC Certificate states that "Zhuhai Ninestar Management Co., Ltd. and Zhuhai Ninestar Information Technology Co., Ltd are in one group of companies."</p> <p>This issue was discussed by the TWG to the representative of Photopro. Photopro's representative explanations do not give clarity to the said issue.</p> <p>The bidder did not comply with the requirement that the Bidder (Photopro) or the Manufacturer (Ninestar Image Tech Limited) must be ISO, RoHS or STMC Compliant.</p> <p>NON-COMPLIANT</p> <p>(Non- compliant with all the technical specifications)</p> <p>NON-COMPLIANT</p> <p>Submitted certification by the bidder does not specify the duration/ validity of after sales warranty. The document states that " Photopro comes a lifetime commitment to provide enough, reliable and immediate response to service calls from 8:00 am to 5:00 pm Monday to Saturday. Defective toners will be replaced without additional cost."</p>
	<ul style="list-style-type: none"> • Bidder must provide proof/s that the item offered is in compliance with the technical specifications. <ul style="list-style-type: none"> o Eg. <ul style="list-style-type: none"> ▪ Brochure; ▪ Manual; ▪ Technical datasheet; or ▪ Any other equivalent document • 1 year warranty, shipping of defective and/or replacement toners at the expense of Bidder 	

Lowest Calculated and Responsive Bidder:
PHOTOPRO TRADING AND GENERAL MERCHANDISE CO.

PHOTOPRO TRADING	T AND E ENTERPRISE	JUKENI ENTERPRISES	DELSAN
1,244,000.00	2,140,000.00	2,590,000.00	4,400,000.00

Financial Component Envelope	
Original of duly signed and accomplished Financial Bid Form; and	Compliant
Original of duly signed and accomplished Price Schedule(s).	Compliant
Bid Data Sheet	
Company profile	Compliant
List of Existing and previous clients	Compliant
Certificate of compatibility with Fuji Photocopier (Docuprint M375z)	Compliant
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	Compliant
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	Compliant
VAT Registration	Compliant
Latest Income Tax Return	Compliant

Remarks: Upon verification and validation of the Technical Working Group (TWG) the bid of **PHOTOPRO TRADING AND GENERAL MERCHANDISE CO.** failed the post qualification as it appears to be **non-compliant** with the specifications and to the documentary requirements of the bids. It is hereby recommended that the second lowest calculated bid be subjected to Post qualification.

July 20, 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