



**PAO BIDS AND AWARDS COMMITTEE (PBAC)**

EXCERPTS FROM THE MINUTES OF THE MEETING OF THE PAO BIDS AND AWARDS COMMITTEE (PBAC) DATED 15 AUGUST 2023 **RE: RESULT OF POST-QUALIFICATION OF THE BID OF T AND E ENTERPRISES (T&E) 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**

**DECLARING THE POST-DISQUALIFICATION OF THE SUBMITTED BID OF T AND E ENTERPRISES (T&E) AND CONDUCT OF POST-QUALIFICATION OF THE NEXT LOWEST BIDDER, JUKENI ENTERPRISES (JUKENI), FOR THE PROCUREMENT OF PHOTOCOPIER TONERS AS SPECIFIED UNDER PURCHASE REQUEST NO. 402-05-2023 FOR THE PAO-CENTRAL OFFICE FOR F.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 direct the PBAC Technical Working Group (TWG) to conduct the post-qualification of the submitted bid of T&E as the Second Lowest Calculated Bid, after the post-disqualification of Photopro Trading and Gen. Merchandise (PHOTOPRO);

**WHEREAS**, after the conduct of post-qualification and thorough review by this committee, with consultation and report<sup>1</sup> from the TWG presented to the committee today, it appear that there are several non-compliance by T&E in its submitted documentary requirements particularly with its Manufacturer's Certificate and Certificate of Authenticity;

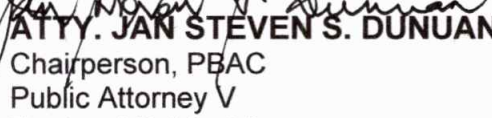
**WHEREAS**, considering the foregoing, BAC Member Dir. Marilyn Boongaling moved to adopt the recommendation of the TWG to post-disqualify the submitted bid of T&E and thereafter require the TWG to conduct post-qualification of JUKENI as the next lowest calculated bidder for the subject procurement in accordance with Sec. 34.6, Rule X of the updated Revised Implementing rules and Regulations of Republic Act No. 9184, duly seconded by BAC Member Atty. Ronald Macorol;


**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

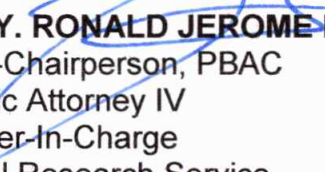
<sup>1</sup> Post-Qualification Report of the PAO-BAC Technical Working Group, dated 09 August 2023, presented to the BAC on 15 August 2023

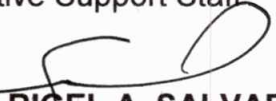
present, hereby resolve to DECLARE THE POST-DISQUALIFICATION OF T AND E ENTERPRISES (T&E) AND ORDER THE TWG TO CONDUCT THE POST-QUALIFICATION OF THE NEXT LOWEST BIDDER, JUKENI ENTERPRISES (JUKENI), IN ACCORDANCE WITH SECTION 34.6, RULE X OF THE IRR OF RA 9184, FOR THE PROCUREMENT OF PHOTOCOPIER TONERS, AS SPECIFIED UNDER PURCHASE REQUEST NO. 402-05-2023 FOR THE PAO-CENTRAL OFFICE FOR F.Y. 2023..

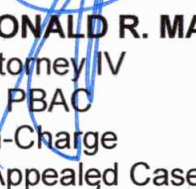
**APPROVED** this 15th day of August 2023 at the Public Attorney's Office (PAO) Central Office, 5th Floor DOJ Agencies Building, NIA Road corner East Avenue, Diliman, (1104) Quezon City, Philippines thru Zoom Video Conference.

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


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

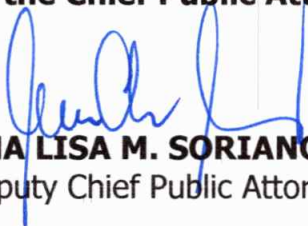
  
**ATTY. RONALD JEROME P. NIEVES**  
Vice-Chairperson, PBAC  
Public Attorney IV  
Officer-In-Charge  
Legal Research Service

  
**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**

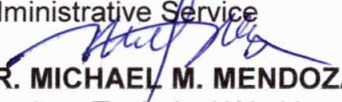
  
**DIR. MARILYN S. BOONGALING**  
Director II  
PAO-Administrative Service

  
**ANA LISA M. SORIANO**  
Deputy Chief Public Attorney

**Acceded By: (The TWG)**

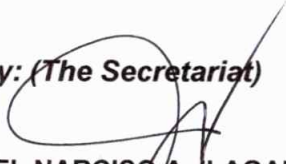
  
**MS. ALMA E. DUMAGO-LATOSA**  
Head, Technical Working Group (TWG)  
Director II  
Financial Planning and Management Service

  
**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**

**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:**

<b>PHOTOCOPIER TONER</b>		
<b>500 pcs.</b>		
<b>APPROVED BUDGET FOR THE CONTRACT</b> <b>(Php 6,750,000.00)</b>		
<b>Delivery:</b> <b>Within Fifteen (15) calendar days from the issuance of Notice to Proceed</b>		
<b>Payment terms:</b> <b>Immediately after the issuance of inspection and acceptance report for the complete delivery of goods.</b>		
<b>QUANTITY</b>	<b>PRODUCT</b>	<b>REMARKS</b>
500 Pcs.	• Fuji Toner suitable, fit and compatible for use with FUJI photocopier (Docuprint M375z)	COMPLIANT
	• <b>Product code: CT203109</b>	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

	<ul style="list-style-type: none"> <li>• Low corrosion and long lifespan</li> </ul>	COMPLIANT
	<ul style="list-style-type: none"> <li>• Bidder or Manufacturer must be ISO,RoHS, or STMC Compliant</li> </ul>	COMPLIANT
	<ul style="list-style-type: none"> <li>• Bidder must provide proof/s that the item offered is in compliance with the technical specifications. <ul style="list-style-type: none"> <li>o Eg. <ul style="list-style-type: none"> <li>▪ Brochure;</li> <li>▪ Manual;</li> <li>▪ Technical datasheet; or</li> <li>▪ Any other equivalent document</li> </ul> </li> </ul> </li> </ul>	COMPLIANT
	<ul style="list-style-type: none"> <li>• 1 year warranty, shipping of defective and/or replacement toners at the expense of Bidder</li> </ul>	COMPLIANT

Second Lowest Calculated and Responsive Bidder:  
**T AND E ENTERPRISE**

<i>PHOTOPRO TRADING</i>	<i>T AND E ENTERPRISE</i>	<i>JUKENI ENTERPRISES</i>	<i>DELSAN</i>
<b>1,244,000.00</b>	<b>2,140,000.00</b>	<b>2,590,000.00</b>	<b>4,400,000.00</b>

**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	Compliant



the relevant period as provided in the Bidding Documents; and	
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
<b>Financial Documents</b>	
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
<b>Financial Component Envelope</b>	
Original of duly signed and accomplished Financial Bid Form; and	Compliant
Original of duly signed and accomplished Price Schedule(s).	Compliant
<b>Bid Data Sheet</b>	
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	<p><b>Non- Compliant</b>            (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	Non- Compliant (Certificate of authenticity was not issued by the manufacturer)
VAT Registration	Compliant
Latest Income Tax Return	Compliant

**Remarks:** Upon verification and validation of the Technical Working Group (TWG) the bid of **T AND E ENTERPRISE 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 third lowest calculated bid be subjected to Post qualification.

**August 9, 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**  
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Administrative Service