



Republic of the Philippines
Professional Regulation Commission
Manila



BIDS AND AWARDS COMMITTEE

Resolution No. 2019 - 14(F)

RECOMMENDING TO THE CHAIRMAN OF THE PROFESSIONAL REGULATION COMMISSION, FOR HIS APPROVAL, THE AWARD OF CONTRACT FOR THE PROCUREMENT OF ONE (1) YEAR SUBSCRIPTION OF ANTIVIRUS FOR 900 USERS TO TIGER CONSULTING AND SOFTWARE DEVT, INC. WITH TOTAL BID AMOUNT OF NINE HUNDRED EIGHTY-EIGHT THOUSAND THREE HUNDRED SEVENTEEN PESOS (Php988,317.00)

WHEREAS, the Bids and Awards Committee (BAC) caused the posting of the invitation to apply for eligibility and to bid through Public Bidding in the Professional Regulation Commission (PRC) website and in the Philippine Government Electronic Procurement System (PhilGEPS), and BAC Bulletin Board for the project: Procurement of One (1) Year Subscription of Antivirus for 900 Users with approved budget of Nine Hundred Ninety Thousand Pesos (Php990,000.00).

WHEREAS, on February 12, 2019, the BAC issued Resolution No. 2019-07 (**ANNEX "A"**) granting the Motion for Reconsideration (MR) of Tiger Consulting & Software Development (Tiger Consulting) and denying the MR of Maxcor Inter-Ventures Co. (Maxcor).

WHEREAS, on February 19, 2019, BAC opened the financial bid requirement of Tiger Consulting after having passed the eligibility and technical evaluation, with an amount of Nine Hundred Eighty-Eight Thousand Three Hundred Seventeen Pesos (Php988,317.00) and was declared to be the Single Calculated Bidder.

WHEREAS, due to conflict of schedule of BAC members, the scheduled February 26, 2019 post-qualification of Tiger Consulting was moved to March 4, 2019.

WHEREAS, on March 4, 2019, a post-qualification was conducted at Tiger Consulting office located at 17Q Burgundy Corporate Tower 252 Sen Gil Puyat Avenue, Makati City to verify, validate, and ascertain all statement made in its Eligibility and Technical Bid Envelopes submitted during the submission and opening of bids, including the additional requirements submitted by the bidder.

WHEREAS, Tiger Consulting having passed the post-qualification was declared to be the Single Calculated and Responsive Bidder.

WHEREFORE, the **BIDS AND AWARDS COMMITTEE RESOLVES**, as it hereby **RESOLVED**, to recommend to the Chairman of the Professional Regulation Commission, for his approval, the award of contract for the **PROCUREMENT OF ONE (1) YEAR SUBSCRIPTION OF ANTIVIRUS FOR 900 USERS to TIGER CONSULTING AND SOFTWARE DEVT, INC.** with bid amount of **NINE HUNDRED EIGHTY-EIGHT THOUSAND THREE HUNDRED SEVENTEEN PESOS (Php988,317.00)**

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[Handwritten signatures]

Done in the City of Manila, Philippines, this 2nd day of April 2019.

BIDS AND AWARDS COMMITTEE


ARISTOGERSON T. GESMUNDO
Chairman


OMAIMAH E. GANDAMRA
Vice-Chairman


MARIA PINKY M. DE PANO
Member


CRESALINE S. BAGSIT
Member


KHEMLE JANE T. VISCA-MARTINO
Member


RICHARD M. ARANIEGO
Provisional Member, IT Projects

APPROVED:


TEOFILO S. PILANDO, JR.
Chairman



Republic of the Philippines
Professional Regulation Commission
Manila



BIDS AND AWARDS COMMITTEE

Resolution No. 2019 - 07

RESOLUTION ON THE MOTIONS FOR RECONSIDERATION OF TIGER CONSULTING & SOFTWARE DEVELOPMENT, INC. AND MAXCOR INTER VENTURES CO. FOR THE PROJECT: PROCUREMENT OF ONE (1) YEAR SUBSCRIPTION OF ANTIVIRUS FOR 900 USERS

WHEREAS, the Bids and Awards Committee (BAC) caused the posting of the invitation to apply for eligibility and to bid through Public Bidding in the Professional Regulation Commission (PRC) website and in the Philippine Government Electronic Procurement System (PhilGEPS), and BAC Bulletin Board for the project: Procurement of One (1) Year Subscription of Antivirus for 900 Users with approved budget of Nine Hundred Ninety Thousand Pesos (Php990,000.00).

WHEREAS, on January 22, 2019, a pre-bid conference was held, to explain and clarify the bidding documents and to accommodate any inquiry which the bidders may have. This was attended by five (5) prospective bidders, namely: Tiger Consulting & Software Development, Inc. (Tiger Consulting), S1 Technologies, Inc. (S1), Quartz Business Products Corporation (Quartz), Maxcor Inter-Ventures Co. (Maxcor), and The Value Systems Phils, Inc. (Value Systems). However, only Tiger Consulting and Maxcor purchased the Bid Documents.

WHEREAS, as a result of the pre-bid conference, the BAC issued Bid Bulletin No. 1 on January 22, 2019 reflecting the modification/amendment to the bidding documents (Annex "A").

WHEREAS, on February 4, 2019, during the Submission and Opening of Bids, Tiger Consulting and Maxcor submitted their eligibility, technical, and financial requirements.

WHEREAS, during the evaluation of the eligibility and technical documents submitted by the bidders, Tiger Consulting and Maxcor failed to comply with the eligibility requirements for Single Largest Completed Contract (SLCC) similar to the contract to be bid. Tiger submitted similar contract pertaining to One Year Subscription of Anti-Virus for 700 Users, instead of 900 Users, as required in the posted bid bulletin for the project. On the other hand, Maxcor submitted similar contract showing bundled subscription but the duration and the number of users were not mentioned in the contract. Further, one of the attached contracts for the Statement of All On-Going Contract (Government and Private) of Maxcor was not duly notarized. Thus, both bidders were given a failed mark corresponding to the aforementioned requirement, and were given three (3) days to file their respective Motions for Reconsideration (MR) on the decision of the BAC.

WHEREAS, Section 30, Rule IX of the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184, known as the Government Procurement Reform Act, requires that the preliminary examination of the bids be conducted by merely checking for the presence or absence of documentary requirements using a non-discretionary "pass/fail" criterion. If a bidder submits the required document, it shall be rated "passed" for the particular requirement. In this regard, ***bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed"***.

WHEREAS, on February 6, 2019, Tiger Consulting and Maxcor had submitted their respective motions for reconsideration. Tiger Consulting maintained that pursuant to GPPB Non-Policy Opinion, the word "Similar" in the SLCC similar to the contract to be bid, should be interpreted liberally in the sense that it should not refer to an exact parallel. Maxcor, on the other hand, argued that subscription is already embedded in the all procurement for Anti-Virus License hence, there is no need to include the term subscription in the contract.

WHEREAS, on February 12, 2019, the BAC consulted the End-User to determine if the number of user for the anti-virus subscription is material in the performance of the said subscription. The end user issued a Certification dated February 12, 2019 (**Annex "B"**) certifying that the submitted eligibility requirement for the "Supply and Delivery of Various Information Technology Software which includes One Year Subscription of Enterprise Anti-Virus for 700 Users License" with National Kidney and Transplant Institute (NKTI) as SLCC of Tiger Consulting is compliant and will not affect the requirement stated for the project: Procurement of One (1) Year Subscription of Antivirus for 900 Users.

WHEREAS, in the case of Maxcor, the company submitted as SLCC similar to the contract, was their bid with Philippine National Police (PNP) for the "Supply and Delivery of Various ICT Equipment which includes Antivirus of eScan Corporate Licenses". It is worthy to note that in the pre-bid conference, it was raised therein that a bundle subscription may be accepted provided that the duration of subscription shall not be less than one (1) year. In this regard, while Maxcor submitted bundle subscription contract with PNP, it was not able to show the duration prescribed by the end-user which is one (1) year.

WHEREAS, after a careful study of their respective motions, the BAC found reasonable ground to grant the Motion for Reconsideration of Tiger Consulting and to proceed with opening of its Financial Bid on February 19, 2019 at 9:00 o'clock in the morning at BAC Conference Room at 4th Floor PRC Annex Building. On the other hand, Maxcor is hereby declared disqualified.

WHEREFORE, the **BIDS AND AWARDS COMMITTEE RESOLVES**, as it is hereby **RESOLVED**, to **GRANT** the Motion for Reconsideration of Tiger Consulting & Software Development, Inc. and to **DENY** the Motion for Reconsideration of Maxcor Inter-Ventures Co.


Done in the City of Manila, Philippines, this 12th day of February 2019.

BIDS AND AWARDS COMMITTEE


ARISTOGERSON T. GESMUNDO
Chairman


OMAIMAH E. GANDAMRA
Vice-Chairman


MARIA PINKY M. DE PANO
Member


CRESALINE S. BAGSIT
Member

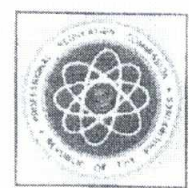
KHEMLE JANE T. VISCA-MARTINO
Member


RICHARD M. ARANIEGO
Provisional Member, IT Projects



Bids and Awards Committee

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BID BULLETIN NO. 1
January 22, 2019

PROJECT: PROCUREMENT OF ONE (1) YEAR SUBSCRIPTION OF ANTIVIRUS FOR 900 USERS

Please be advised of the following modifications/amendments to the Bidding Documents.

1. Section III. Bid Data Sheet shall now read as follows:

5.4	The Bidder must have completed, within the period specified in the Invitation to Bid and ITB Clause 12.1 a (i), a single contract that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC. For this purpose, similar contracts shall refer to contracts for the Procurement of One (1) Year Subscription of Antivirus for 900 Users. Note: Contracts pertaining to Desktops and Laptops bundled with Subscription of Antivirus may be accepted provided that the duration of the subscription shall not be less than one year.
12.1(a)(ii)	The bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid should have been completed within January 2008 prior to the date of the submission and receipt of bids. Note: Contracts pertaining to Desktops and Laptops bundled with subscription of Antivirus may be accepted provided that the duration of the Subscription shall not be less than one year.
29.2(a)	Only tax returns filed and taxes paid through the BIR Electronic Filing and Payment System (EFPS) shall be accepted. Note: The latest income and business tax returns shall refer to the 2 nd and 3 rd Quarter of year 2018.

Please be guided accordingly.

ATTY. ARISTO GERSON T. GESMUNDO
Assistant Commissioner
BAC Chairman

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Member
- LEONARDO F. BURAGA
Member
- JOSELYN ARANZANO
Member
- ELMER C. LUYCO
Member

CERTIFICATION

This is to certify that the Eligibility Requirement for the Subscription of Antivirus submitted by the TIGER CONSLUTING & SOFTWARE DEVELOPMENT, INC. is compliant with the requirement stated for the project: Procurement of One (1) Year Subscription of Antivirus for 900 Users for CY 2019 – ITB No. 2019-11.

This is to certify further that the submitted contract "Supply and Delivery of Various Information Technology Software which includes One Year Subscription of Enterprise Anti-Virus for 700 Users License" with National Kidney and Transplant Institute (NKTi) as Single Largest Completed Contract (SLCC) similar to the contract to be bid of Tiger Consulting & Software Development, Inc. will not affect the Professional Regulation Commission's requirement for the procurement of One (1) year subscription of antivirus for 900 users and may be considered as analogues, as mentioned in the Government Procurement Policy Board (GPPB) Non-Policy Matter Opinion No. 150-2017.

Done in the City of Manila this 12th day of February 2019.


RICHARD M. ARANIEGO
BAC Provisional Member, IT Projects