



Republic of the Philippines
Professional Regulation Commission
Manila



**BIDS AND AWARDS COMMITTEE
RESOLUTION NO. 33(A)
Series of 2018**

**DENYING THE MOTION FOR RECONSIDERATION OF GOCOM SYSTEMS AND
SOLUTIONS CORPORATION FOR THE PROCUREMENT OF WEB APPLICATION
FIREWALL WITH WEB ACCELERATOR**

WHEREAS, on July 23, 2018, at 1:00 o'clock in the afternoon, the Bids and Awards Committee (BAC) conducted the opening of bids for the project: Procurement of Web Application Firewall with Web Accelerator at the PRC Conference Room, located at the 2nd floor, PRC Main Building. Three bidders namely: Nera Philippines, Inc. (NERA) joint venture with Secur Links Networks & technologies, Inc. (SECUR), PLDT, Inc. (PLDT) and Gocom Systems & Solutions Corporation (GOCOM) submitted their bid proposals in a sealed envelope containing its eligibility and technical documents, and the financial bid proposal.

WHEREAS, upon evaluation of the eligibility and technical documents submitted by the bidders only PLDT, Inc. passed the eligibility and technical requirements for the project.

WHEREAS, NERA and SECUR failed to submit supporting document to establish authority of NERA and SECUR partners to engaged in joint venture, and failure to submit a duly acknowledged copy of the Technical Specifications in the official form. On the other hand, GOCOM failed to submit any supporting evidence/s to their list of ongoing contract, such as but not limited to copies of its Notice of Award, Contract and Notice to Proceed, and they failed to submit the copy of the issued Bid Bulletin No. 1 complying with the amendments in Sections VI and VII of the bidding documents or the Schedule of Requirements and Technical Specifications as part of their official bid proposal. Thus, both bidders were given a failed mark corresponding to the aforementioned requirements and they were given three (3) days to file their respective motion for reconsideration.

WHEREAS, on July 25, 2018, NERA has submitted an email letter to the BAC withdrawing their intention to file their Motion for Reconsideration.

WHEREAS, on July 26, 2018 the BAC received an email letter from GOCOM requesting for consideration for their failed mark for the said bidding.

WHEREAS, Section 30, Rule IX of the Revised Implementing Rules and Regulations of Republic Act No. 9184, known as the Government Procurement Reform Act requires that the preliminary examination of 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 that particular requirement. In this regard, ***bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed"***.

WHEREAS, No. 6 of Section II of the bidding documents or the Instructions to Bidders clearly state that the bidder should have carefully read and comply with all the stated documentary requirements, otherwise the bidder will be disqualified.

WHEREAS, for the failure of GOCOM to submit a supporting evidence to its statement of ongoing contract and to submit the duly complied amendments to the Schedule of requirements and Technical Specifications as stated in Bid Bulletin No. 1, the BAC finds no cogent reason to reverse its decision.

WHEREFORE, the BAC RESOLVES, as it is hereby RESOLVED, to **DENY** the Motion for Reconsideration of Gocom Systems & Solutions Corporation for the Procurement of Web Application Firewall with Web Accelerator.

Done in the City of Manila, Philippines, this 2nd day of August 2018.

BIDS AND AWARDS COMMITTEE


ARISTOGERSON T. GESMUNDO
Chairman


ARJAY R. ROSALES
Vice-Chairman


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Member


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