



Republika ng Pilipinas  
**KAGAWARAN NG KATARUNGAN**  
*Department of Justice*  
*Manila*

**NO. 2021-05-033**

## **RESOLUTION**

### **RECOMMENDING THE AWARD OF CONTRACT TO R BROS ENTERPRISES FOR THE SUPPLY, DELIVERY AND INSTALLATION OF AIR-CONDITIONING UNITS**

**WHEREAS**, there is a need to procure the project: supply, delivery and installation of air-conditioning units;

**WHEREAS**, the Department of Justice (DOJ) posted its Invitation to Bid (ITB) for the aforesaid project in its website and that of PhilGEPS and in a conspicuous place in the DOJ for more than seven (7) calendar days starting 20 April 2021;

**WHEREAS**, the procurement of this project is included in the CY 2021 Supplemental Annual Procurement Plan No. 2 (SAPP 2) with an Approved Budget for the Contract of Two Million Nine Hundred Seventy-Three Thousand One Hundred Fifty Pesos (P2,973,150.00);

**WHEREAS**, in response to the said ITB, the following prospective bidders submitted bids with the corresponding amount stated below and were subject to bid evaluation held *via google meet* on 10 May 2021, at 10:00 a.m., to wit:

Name of Bidder	Amount of Bid/As Submitted	Remarks/Technical Evaluation
R Bros Enterprises	P2,972,648.00 / Two Million Nine Hundred Seventy-Two Thousand Six Hundred Forty-Eight Pesos	Passed
Amigotek Corporation		<b>Disqualified</b> – (i) no proof of identity presented before notary public; (ii) failure to indicate whether or not it will enter into a JVA;
ACMI Office Philippines Inc.		<b>Disqualified</b> – (i) Non-submission of Certificate of Site Inspection

**WHEREAS**, on 11 May 2021, Amigotek Corporation (Amigotek), filed a request for reconsideration of the decision of the Bids and Awards Committee (BAC) declaring the company ineligible to participate in the bidding due to the following findings, to wit:

1. Submitting an improperly notarized Bid Securing Declaration (BSD) and Omnibus Sworn Statement (OSS); and
2. Failure to submit a separate paper stating that “*JVA is not applicable*”.

**WHEREAS**, after thorough deliberation of the BAC, it decided to consider and accept the improperly notarized BSD and OSS of Amigotek, subject to the submission of duly notarized ones, in accordance with Government Procurement Policy Board Resolution No. 09-2020 dated 7 May 2020 entitled “**Approving Measures for the Efficient Conduct of Procurement Activities during a State of Calamity, or Implementation of Community Quarantine or Similar Restrictions**”. However, it was noted that the company also failed to indicate in the bid submission whether or not it will enter into any JVA;

**WHEREAS**, Section 23.2 of the 2016 Revised IRR of RA 9184 provides that if any of the required documents stated in the checklist was not submitted or if the one submitted was patently insufficient, the BAC shall consider the concerned bidder to have failed that particular eligibility requirement. The same section expressly states that in determining a prospective bidder’s eligibility, the BAC exercises no discretion and must use a non-discretionary “pass/fail” criteria. The foregoing is reiterated in Section 30.1 of the 2016 Revised IRR of RA 9184;

**WHEREAS**, the BAC-Technical Working Group (TWG), after the BAC’s denial of Amigotek’s request for reconsideration, proceeded with the evaluation and post-qualification of R Bros Enterprises, the other bidder, and noted the following findings:

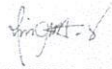
Bidder	Bid As Read	Bid As Calculated	% ABC Variance
R Bros Enterprises	P2,972,648.00	P2,972,648.00	.016%

**WHEREAS**, after review and evaluation, the BAC-TWG finds that R. Bros Enterprises submitted the single calculated and responsive bid and is legally, financially and technically capable to undertake the subject procurement;

**NOW THEREFORE**, the Bids and Awards Committee **RESOLVES**, as it hereby resolve, to **RECOMMEND** the award of contract to **R. Bros Enterprises** for the supply, delivery and installation of air-conditioning units in the amount of **Two Million Nine Hundred Seventy-Two Thousand Six Hundred Forty-Eight Pesos (P2,972,648.00)**, following the procedures prescribed in R.A. No. 9184 and its 2016 Revised Implementing Rules and Regulations.

DONE in the City of Manila, this 19<sup>th</sup> day of May, 2021.

  
**Assistant Secretary MARGARET V. CASTILLO-PADILLA**  
*Chairperson*

  
Digitally signed by Laborte-  
Cuevas Rosario Elena Arenas  
Date: 2021.05.24 21:13:13 +08'00'  
**SSC ROSARIO ELENA A. LABORTE-CUEVAS**  
*Vice-Chairperson*

  
**ASP ALEJANDRO C. DAGUIO**  
*Member*

  
**Dir. LIZA B. DE LEON**  
*Member*

  
**Dir. MARIA LUISA DV. OLITOQUIT**  
*Member*

  
**Atty. JO-ANN R. ALCID**  
*Member*

  
**Dir. MARIA ELISA B. GERMAR**  
*Member*

Approved/Disapproved:  


**ADRIAN FERDINAND S. SUGAY**  
*Undersecretary*  
As per DO No. 640  
Dated 28 September 2018