



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

BIDS & AWARDS COMMITTEE

(Primary)

RESOLUTION NO. 10 SERIES OF 2019

RESOLUTION RECOMMENDING FAILURE OF BIDDING FOR THE PROCUREMENT OF SECURITY SERVICES FOR CY 2019 FOR THE DEPARTMENT OF AGRARIAN REFORM-CENTRAL OFFICE (DARCO) AND THE EXTENSION OF THE EXISTING CONTRACT OF TOPWATCH SECURITY AND INVESTIGATION SERVICES, INC. FROM MARCH 16 TO APRIL 30, 2019

WHEREAS, the Department of Agrarian Reform (DAR), through the proposed 2019 General Appropriations Act (GAA) intends to apply the sum of Philippine Pesos Twenty-Two Million Six Hundred Fifteen Thousand Two Hundred Fifty-Eight and 80/100 Only (₱22,615,258.80) being the Approved Budget for the Contract (ABC), inclusive of taxes, to payments under the contract for the procurement of Security Services for CY 2019 for the DAR Central Office;

WHEREAS, on December 29, 2018, the Department of Agrarian Reform-Bids and Awards Committee-Primary (DAR-BAC) posted the Invitation to Bid (ITB) in the DAR website, DAR bulletin board, and the Philippine Government Electronic Procurement System (PhilGEPS) website with reference no. 5939175;

WHEREAS, on January 21, 2019, the deadline of submission of bids, only two (2) bids were received based on the records of the BAC Secretariat and these are from: 1) Achievers Security Agency Philippines; and 2) Topwatch Security and Investigation Services, Inc.;

WHEREAS, the bid of Achievers Security Agency Philippines was rejected during the bid opening for failure to comply with the submission of the required individual profile/resume of personnel to be deployed and the retirement fund/trust fund agreement which is indicated under ITB Clause 12.1(b) Technical Documents of the Philippine Bidding Documents;

WHEREAS, the other bidder, Topwatch Security and Investigation Services, Inc., was declared as the Single Calculated Bidder (SCB) which was subjected to detailed evaluation and post-qualification evaluation;

WHEREAS, on February 13, 2019, during the BAC-Primary meeting, the BAC-TWG reported that Topwatch Security and Investigation

Services, Inc. passed the detailed evaluation and was recommended for post-qualification evaluation;

WHEREAS, on February 20, 2019, the BAC-TWG conducted post-qualification evaluation of the SCB and reported on February 26, 2019 that said security agency did not comply with the submission of the PNP License to Operate required to be submitted during post-qualification;

WHEREAS, on February 26, 2019, the BAC-Primary resolved to issue a notice of post-disqualification to Topwatch Security and Investigation Services, Inc.;

WHEREAS, on March 6, 2019, Topwatch Security and Investigation Services, Inc. filed a Motion for Reconsideration on the Notice of Post-disqualification which was resolved to be denied by the BAC-Primary in its meeting on March 11, 2019 and formalized in its letter dated March 12, 2019;

WHEREAS, Topwatch Security and Investigation Services, Inc. did not file a protest on the denial of its Motion for Reconsideration within the period prescribed (March 19, 2019) in the revised Implementing Rules and Regulations of R.A. 9184;

WHEREAS, on March 20, 2019, Topwatch Security and Investigation Services, Inc. submitted a letter appealing to the BAC-Primary to revert its denial of the motion for reconsideration which was duly noted by the BAC to be not in accordance with the protest mechanism, as provided for under Section 55.2 of the revised Implementing Rules and Regulations of R.A. 9184 which states that:

"In the event that the request for reconsideration is denied, decision of the BAC may be protested in writing to the HOPE
.....";

NOW THEREFORE, premises considered, the BAC resolved to recommend to the HOPE the following:

1. Declaration of failure of bidding and the conduct of rebidding for this procurement after the conduct of mandatory review and evaluation of the terms, conditions, and specifications in the bidding documents, including its ABC; and
2. The extension for the security services contract of the current Service Provider from March 16-31 and April 1-30, 2019 to maintain status quo in the operations of DAR and give ample time for the conduct of the rebid.

Done this 25th day of March, 2019 at the DAR Central Office,
Diliman, Quezon City.


PRIMO C. LARA

Director

End-user Representative,
Provisional Member


NESTOR C. BAYONETO

Director

Alternate Provisional Member,
BAC-Primary for Goods and Services


SUSANA E. LEONES

Director

Regular Member, BAC- Primary


ATTY. JIM G. COLETO

Board Member, DARAB

Vice-Chair, BAC-Primary


ATTY. DAVID D. ERRO

Undersecretary

Chairperson, BAC-Primary

Approved by:


ATTY. LUIS MEINRADO C. PAÑGULAYAN

Undersecretary

Head of Procuring Entity