

Republic of the Philippines  
**COURT OF TAX APPEALS**  
Quezon City

**BIDS AND AWARDS COMMITTEE 1**

BID PROJECT NO. CTABAC1-2018-06  
NEGOTIATED PROCUREMENT FOR SECURITY SERVICES IN THE CTA  
COMPOUND FOR THREE (3) YEARS

**OPENING OF SEALED DOCUMENTS AND FINANCIAL PROPOSAL  
THROUGH RFQ/RFP**

January 7, 2019, 11:00 a.m.  
5/F, Multi-Purpose Hall, CTA Bldg. II

**Present were:**

Chairperson	:	Atty. Danilo B. Fernando
Vice-Chairperson	:	Dir. Elsie R. Tiauzon-Forteza
Regular Member	:	Atty. Jesus P. Inocando, Jr.
Provisional Members	:	Atty. Ma. Victoria P. Dural
	:	Mr. Vicente G. Clemente
Secretariat-Head	:	Ms. Soledad R. Ho
Secretariat-Members	:	Engr. Leopoldo P. Pablo II
	:	Mr. Glenn A. Javeñar
	:	Ms. Hilaria Theresa M. Soriano
	:	Mr. Frederick L. Salamat
TWG-Head	:	Atty. Danilo C. Ballesteros
TWG Members	:	Ms. Rosario R. Escaño
	:	Engr. Gabriel G. Soriano
	:	Engr. John C. Reyno
	:	Ms. Mary Ann V. Miralles

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**I. Call to Order**

After recital of the opening prayer, Atty. Danilo B. Fernando, Chairperson, called the meeting to order at 11:05 a.m.

**II. Agenda**

- Opening of Sealed Documents and Financial Proposal Through RFQ/RFP for Bid Project No. CTABAC1-2018-06

### III. Minutes

Atty. Danilo B. Fernando acknowledged the presence of the BAC members, the Technical Working Group (TWG), the Secretariat, as well as the participants, as follows:

Name	Security Agency
1. Mr. Manuel V. Cabrea	Sunnybelle Security Agency
2. Mr. Nelio V. Balcueva	Sunnybelle Security Agency
3. Mr. Alejandro Delluta	Care Best Int'l Security Services
4. Ms. Robelyn Garcia	Lifeguard Gabriel Security Agency
5. Mr. Rocinian B. Gecosala	Lifeguard Gabriel Security Agency
6. Mr. Jonathan C. Pe	Giant Eagle Security Services, Inc.
7. Mr. Alfredo Jacobe	Giant Eagle Security Services, Inc.

Before the commencement of the opening of the offers, Atty. Fernando reminded the BAC Secretariat regarding the submission of Monitoring Report which is every 14<sup>th</sup> calendar day after end of each semester per GPPB Circular 03-2015.

The Chairperson requested Ms. Elsie R. Tiauzon-Forteza, Vice-Chairperson, to facilitate the opening of sealed documents and financial proposals. Ms. Forteza mentioned that they sent several invitations to the following: 1) Mr. Crisanto S. Frianeza, Secretary General, Philippine Chamber of Commerce and Industry, 2) Mr. Coco Alcuaz, Executive Director, Makati Business Club, and 3) Ms. Sherelie C. Banate, Team Leader of the Commission on Audit assigned to this Court, as observers but they all failed to attend today's Opening of Sealed Documents and Financial Proposal. She also acknowledged the bidders' representatives and welcomed them. She informed the bidders regarding the manner by which the Opening of Sealed Documents, which is similar to the Opening of Bids conducted in public bidding. She added that the eligibility check shall be on a "pass/fail" criterion and after all the eligibility documents have been rated, the financial component of the bids shall then be opened.

Pursuant to R.A. 9184 and its IRR, the envelopes containing the eligibility and technical documents of the bidders were opened in accordance with the time of submission of their respective offers, as follows: 1) Sunnybelle Security Agency (Sunnybelle); 2) Care Best International Security Services, Inc. (CBISSI); 3) Lifeguard Gabriel Security Agency Corporation (Lifeguard); 4) Giant Eagle Security Services, Inc. (GESSI).

Before the offers were opened, Atty. Fernando raised the issue as to whether or not to allow the offer submitted by CBISSI. The Chairperson stated that the latter did not attend the initial negotiation on January 3, 2019 and did not even submit an initial offer. Mr. Delluta, CBISSI's

representative, explained that he was on vacation and was only advised last January 4, 2019 of the said initial negotiation.

Atty. Fernando then asked the other participants to comment on the submission of CBISSI.

Representatives from Sunnybelle, Lifeguard, and GESSI were all in agreement to let the BAC 1 members decide on the matter whether or not to exclude CBISSI's offer but mentioned that they too were on vacation but had to do their assignments at home just to comply with the requirements of the procuring entity and negotiate on the scheduled dates.

Afterwards, Atty. Fernando asked the Technical Working Group (TWG)'s opinion on the matter. Atty. Ballesteros, TWG Head, cited Annex "H", D.1.b.iii to iv of the 2016 Revised Implementing Rules and Regulations which provides that:

*"iii. Any requirements, guidelines, documents, clarifications, or other information relative to the negotiations that are communicated by the BAC to a supplier, contractor, or consultant shall be communicated on an equal basis to all other suppliers, contractors, or consultants engaging in negotiations with the BAC relative to the procurement. The prospective bidders shall be given equal time and opportunity to negotiate and discuss the technical and financial requirements of the project to be able to submit a responsive quotation or proposal.*

*iv. Following completion of the negotiations, the BAC shall request all suppliers, contractors, or consultants in the proceedings to submit on a specified date, a best offer based on the final technical and financial requirements. Pursuant to Section IV(G) of this Guidelines, the Procuring Entity shall require the submission of a Certificate of PhilGEPS Registration in accordance with Section 8.5.2 of the IRR of RA 9184."*

Atty. Ballesteros stressed that based on the above-cited provisions, it is presumed that in order for the service providers to be eligible to participate and submit their final offer, they should have participated in the initial negotiation. Unfortunately, CBISSI failed to do so. CBISSI's non-compliance with the requirement prescribed by the 2016 IRR makes them ineligible. The TWG recommended that CBISSI be declared ineligible to participate in the Opening of Offers.

Atty. Fernando then asked the BAC members to vote on the matter reminding everyone that as BAC Chairperson he is not entitled to vote.

The BAC members unanimously concurred with the TWG's recommendation and voted to disallow CBISSI to participate in the Opening of Sealed Documents and Financial Proposals. There being a unanimous vote not to allow CBISSI to participate in today's proceedings, the Chairperson announced the ruling of the BAC 1 and asked CBISSI representative whether CBISSI will file a Motion for Reconsideration.

Considering that CBISSI representative manifested that CBISSI will no longer file a Motion for Reconsideration, the offer envelop submitted by CBISSI was returned to its representative, Mr. Delluta. He, however, requested to stay put and observe the proceedings, which was granted by the Chairperson.

The Committee then proceeded with the opening of Sunnybelle's offer.

Upon scrutiny of the eligibility documents, it appeared that Sunnybelle's Certificate of No Pending Case issued by PNP SOSIA is already expired, being issued on the 27<sup>th</sup> of November 2018 and has a validity of one month from the date of issuance. Its representative explained that they have already requested for the renewal of the same as evidenced by the attached letter-request addressed to PNP SOSIA dated January 4, 2019. However, the BAC members noticed that the said letter has no receiving stamp by PNP SOSIA. Atty. Ma. Victoria P. Dural said they are strictly observing the pass/fail criteria in the opening of offers and that the required documents must be present during the opening of offer.

Atty. Fernando sought the TWG's comment on the said matter. Atty. Ballesteros expounded that in *Republic v. Capulong, G.R. No. 93359, July 12, 1991*, the Supreme Court held that the documents submitted must be present on the exact date and exact hour of the opening of bids. It is either here or not here. The TWG recommended to declare Sunnybelle ineligible for non-compliance with the submission of the PNP SOSIA Certificate of No Pending Case.

The Chairperson then requested the BAC members to comment and vote on the TWG's recommendation.

The BAC members concurred with TWG's recommendation and unanimously voted to declare Sunnybelle ineligible to negotiate for failure to submit the PNP SOSIA Certificate of No Pending Case or show proof that a request for renewal of the same has been applied for and duly received by the concerned agency.

The offer of Lifeguard was opened next.

Lifeguard's representative manifested that they have submitted their documents during the initial negotiation on December 27, 2018 which was

received by the BAC Secretariat. Their understanding was that the documents they submitted during the initial negotiation is sufficient and compliant as their final offer of documents.

Atty. Dural explained that the documents submitted on December 27, 2018 was intended for the initial negotiation and that another offer as their best offer has to be submitted on the opening of sealed documents. Atty. Fernando likewise seconded the manifestation of Atty. Dural stressing that they have been instructed during the January 3, 2019 negotiation of the need to submit their best offer or final offer on the January 7, 2019, the date of the opening of sealed offers.

Atty. Fernando asked the TWG to comment on the concern of Lifeguard.

Atty. Ballesteros said that the IRR requires all suppliers, contractors, or consultants in the proceedings to submit, on a specified date, a best offer based on the final technical and financial requirements (Annex "H", D.1.b.iv). The TWG Head added that Lifeguard is not eligible to participate for non-submission of their best offer as provided in the 2016 IRR.

The Chairperson then asked the BAC members to comment and vote on the recommendation of the TWG.

The BAC members unanimously concurred with the recommendation of the TWG and declared Lifeguard ineligible.

The offer of GESSI was the last to be opened.

Upon scrutiny of the eligibility documents and additional requirements submitted by GESSI, all were rated "passed".

As to the amount of offer, GESSI offered **P6,920.957.71**.

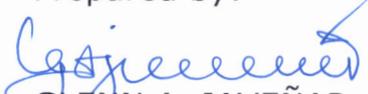
Representatives of GESSI were informed that the Committee will further evaluate/screen all the documents submitted and they will be notified of the result of the offer evaluation.

Atty. Fernando inquired from the representatives of Sunnybelle and Lifeguard whether they intend to file a Motion for Reconsideration. The Chairperson explained that, if they wish to file a motion for reconsideration, they have three (3) calendar days from receipt of the written notice or upon verbal notification. All of them manifested that they will forego the filing of a Motion for Reconsideration.

**IV. Adjournment**

There being no other matters to discuss, the meeting was adjourned at 1:25 o'clock in the afternoon.

Prepared by:

  
**GLENN A. JAVEÑAR**  
Secretariat, Member

Certified Correct:

  
**SOLEDAD R. HO**  
Head, Secretariat

Approved by:

  
**ATTY. DANILO B. FERNANDO**  
Chairperson

  
**DIR. ELSIE R. TIAUZON-FORTEZA**  
Vice-Chairperson

  
**ATTY. JESUS P. INOCANDO, JR.**  
Regular Member

  
**ATTY. MA. VICTORIA P. DURAL**  
Provisional Member

  
**MR. VICENTE G. CLEMENTE**  
Provisional Member