



Office of the President of the Philippines
PRESIDENTIAL MANAGEMENT STAFF
Malacañang

PMS-BIDS AND AWARDS COMMITTEE

Resolution No. 36, Series of 2018

RECOMMENDING THE AWARD OF CONTRACT TO THE LBP SERVICE CORPORATION FOR THE PROCUREMENT OF JANITORIAL AND OTHER ALLIED SERVICES FOR THE PRESIDENTIAL MANAGEMENT STAFF FOR A PERIOD OF ONE (1) YEAR

WHEREAS, the Administrative Service prepared the Terms of Reference and purchase request for the procurement of janitorial and other allied services for the PMS for a period of one (1) year (**Tab A**), which is included in the Annual Procurement Plan (APP) of the PMS for Calendar Year (CY) 2018 with an Approved Budget for the Contract (ABC) amounting to Php 9,215,000.00 (**Tab B**);

WHEREAS, from 17 March 2018 to 10 April 2018, the PMS-Bids and Awards Committee (PMS-BAC) invited all interested service providers to participate in the competitive bidding for the aforesaid procurement activity¹ (**Tab C**);

WHEREAS, three bidders purchased bid documents for the said procurement, namely: (a) Ultimate Care Janitorial and Allied Services (Ultimate Care); (b) LBP Service Corporation (LBPSC); and (c) Starcom Manpower & Allied Services, Inc (Starcom).

WHEREAS, during the submission and opening of bids on 10 April 2018, the PMS-BAC after using a non-discretionary “pass/fail” criteria declared the Ultimate Care and the LBPSC “eligible” for having submitted all the required eligibility documents and complied with the specifications as indicated in the bidding documents (**Tab D**).² Thus, their respective financial proposals were opened. The Starcom, on the other hand, was declared “ineligible” for its failure to submit the required financial statements for FY 2014;

WHEREAS, the Ulimate Care submitted its bid in the amount of Php 8,576,210.28, while the LBPSC submitted a bid amounting to Php 9,213,888.24 (**Tab E**);

WHEREAS, considering that the bid offer of Ultimate Care is the lowest calculated bid, said bid was subjected to post-qualification to determine its compliance and responsiveness to all the requirements and conditions specified in the bidding documents;

WHEREAS, during the conduct of post-qualification, the BAC Secretariat and the Technical Working Group for Janitorial Services (TWG-JS)³ validated the track record of Ultimate Care with other government agencies as indicated in their

¹ The Invitation to Bid was posted in the following: (a) Philippine Government Electronic Procurement System (Reference No. 5234519); (b) PMS bulletin boards; and (c) PMS website in accordance with Section 21.2 of the Revised Implementing Rules and Regulation (IRR) of Republic Act (RA) No. 9184.

² Pursuant to Section 30.1, Rule X of RA No. 9184 and its Revised IRR.

³ The post-qualification evaluation was conducted by Ms. Luchie S. Agustin and Engr. Dennis R. Zapata, respectively.

statement of on-going, completed or awarded contracts including the PMS. The following are the summary of issues raised by the government agencies⁴ and the PMS, viz (Tab F):

Acts committed by Ultimate Care which are violative of its contractual obligations with other government agencies, viz:	Acts committed by Ultimate Care which are violative of its contractual obligations with the PMS such as delays in the following:
<ul style="list-style-type: none"> (a) Payment of salaries below minimum wage; (b) Delayed/not updated payment of mandatory government contributions; and (c) Timeliness and completeness of supplies delivered. 	<ul style="list-style-type: none"> (a) Payment of salary differentials; (b) Release of 13th month and Service Incentive Leave pay; (c) Remittance of mandatory government contributions; and (d) Issuance of payslips.

WHEREAS, considering that the aforementioned acts are not only violative of the Ultimate Care’s contractual obligation but more importantly of labor laws and social legislation, the BAC-Secretariat and TWG-JS recommended its post-disqualification;

WHEREAS, on 05 May 2017, the BAC, through its Chairperson, notified the Ultimate Care of its post-disqualification citing the abovementioned grounds (Tab G). Consequently, the Ultimate Care filed a letter requesting reconsideration;

WHEREAS, the PMS-BAC issued Resolution No. 35 (s. 2018) denying the request for reconsideration of the Ultimate Care for lack of merit pursuant to Section 34.3 of the 2016 Revised IRR of Republic Act (RA) No. 9184⁵ (Tab H);

WHEREAS, pursuant to Section 34.5 and in relation to Section 34.6 of the 2016 Revised IRR of RA No. 9184, the PMS-BAC initiated and completed the same post-qualification process on the LBPSC as the second lowest calculated bid to determine its compliance and responsiveness to all the requirements and conditions as specified in the bidding documents;

WHEREAS, per evaluation, the proposal of the LBPSC is found to be compliant with the bidding documents, and its bid offer amounting to Php 9,213,888.24 is the most economical and advantageous to the Government, thereby rendering the same as the lowest calculated and responsive bid (Tabs I, J and K)⁶;

WHEREAS, the PMS-BAC finds the recommendation of the BAC Secretariat and the TWG-JS in accordance with RA No. 9184 and its 2016 Revised IRR; and

WHEREAS, Section 12 of RA No. 9184 provides that the BAC shall, among other things, recommend the award of contracts to the Head of the Procuring Entity or his duly authorized representative.

⁴ Namely: (1) Jose Reyes Memorial Medical Center; (2) National Housing Authority; (3) Social Security System; and (4) University of the Philippines.

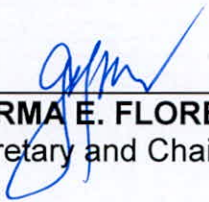
⁵ Entitled “Denying the Letter-Request for Reconsideration of the Ultimate Janitorial and Allied Services Pursuant to Section 34.3, Rule X of the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184.”

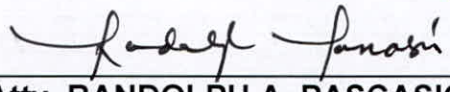
⁶ Please see attached results submitted by Engrs. Ricardo M. Panizales, Jr and Dennis R. Zapata, and Mr. Oscar A. Pacapac (TWG-JS/end-user), Mr. Ryan-John L. Rivero and Ms. Luchie S. Agustin (BAC Secretariat Members).

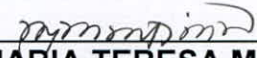
NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the PMS-BAC, hereby **RECOMMEND** to the Acting Deputy Head pursuant to Office Order No. 2018-011⁷ the following:


- (1) **AWARD OF CONTRACT** via competitive bidding to the LBSC which submitted the lowest calculated responsive bid for the procurement of janitorial and other allied services for the PMS for a period of one (1) year in the amount of Php 9,213,888.24, inclusive of all appropriate taxes and fees; and
- (2) **GRANT OF AUTHORIZATION** for the BAC Chairperson to sign the Notice of Award and Notice to Proceed to implement this Resolution.


DONE in Quezon City this 30th day of May 2018.


GUILLERMA E. FLORES
Assistant Secretary and Chairperson


Atty. RANDOLPH A. PASCASIO
Director and Vice-Chairperson


MARIA TERESA M. ANTIMANO
Assistant Director and Member


Atty. WILBURN L. TAN JR.
Assistant Director and Provisional Member
(End-user Representative for Administrative Services)


JOAQUIN ROMEO S. SANTIAGO
Assistant Director and Provisional Member (Technical Expert for Administrative Services)

APPROVED/DISAPPROVED:


ASEC. MARIETTA T. TAMONDONG
Date: _____ *q*

⁷ Entitled "Updating the Signing Authorities for Various Matters in the PMS."