



Presidential Communications Office
Philippine Information Agency
Ahensiyang Pang-impormasyon ng Pilipinas



BAC RESOLUTION NO. 057
Series of 2024

Ref. No 057_PIAADMIN2024

**RESOLUTION RECOMMENDING THE AWARD OF THE CONTRACT
via PUBLIC BIDDING FOR GOODS TO TOYOTA MARILAO, BULACAN INC.
FOR THE PROCUREMENT OF MOTOR VEHICLES FOR PIA CENTRAL AND
REGIONAL OFFICES WITH ITB NO. 2024-08**

WHEREAS, the Philippine Information Agency – Administrative Division (Admin), submitted its Purchase Request for the **PROCUREMENT OF MOTOR VEHICLES FOR PIA CENTRAL AND REGIONAL OFFICES ITB NO. 2024-08** with an Approved Budget for the Contract (ABC) of **TWENTY-FIVE MILLION EIGHT HUNDRED THOUSAND PESOS ONLY (Php 25,800,000.00)** inclusive of tax and included in the Annual Procurement Plan of the Agency;

WHEREAS, pursuant to the rules of Competitive Bidding, the BAC together with its Secretariat, Members of the Technical Working Group (TWG) and End-User Representative conducted a Pre-Procurement Conference on 09 October 2024 at 1:30 PM;

WHEREAS, on **10 October 2024**, Invitation to Bid (ITB 2024-08): **Public Bidding for Goods for the Procurement of Motor Vehicles for PIA Central and Regional Offices with ITB NO. 2024-08** was published on the Philippine Government Electronic Procurement System (PhilGEPS), in the PIA website (www.pia.gov.ph), PIA official social media account and in the Bids and Awards Committee Bulletin Board within the premises of PIA consistent with Section 21, Rule VII of the 2016 revised IRR of RA 9184;

WHEREAS, for purposes of transparency and good governance, the BAC through its Secretariat invited observers from the Commission on Audit (COA) and two (2) other non-government organizations namely Philippine Rural Reconstruction Movement (PRRM) and Philippine Chamber of Commerce and Industry (PCCI) to witness the Pre-Bid Conference and Bid Opening. However, no representative attended the said activities. Copies of the letter of invitations are hereto attached;

WHEREAS, the End-User raised concerns regarding the technical specifications; and during the BAC meeting convened on 15 October 2024, which was attended by the End-User and the members of the Technical Working Group (TWG). The BAC issued Supplemental Bid Bulletin No. 01, dated 15 October 2024, to resolve these concerns;

WHEREAS, on 18 October 2024 at 10:00 AM, the BAC conducted a Pre-Bid Conference via a hybrid setup. The conference was attended by supplier representatives onsite from 1) Toyota North Edsa, 2) Toyota Otis, Inc., 3) Toyota Marilao, 4) Toyota Quezon Ave, Inc. 5) Autokid, and via video conferencing (*Google Meet Link: meet.google.com/yin-xwmf-gzd*) from 6) Toyota Global City and 7) Toyota Balintawak, Inc.;

WHEREAS, as a result of discussion and clarifications, the BAC issued and published Supplemental Bid Bulletin No.02 dated 21 October 2024;

WHEREAS, in response to the published Invitation to Bid, two (2) bidders purchased the bidding documents and submitted their bid proposals prior to the deadline for submission on 30 October 2024, 12:00 PM. Below is a summary of the submissions, with copies of the Official Receipts (ORs) attached herewith;

Bidder Name	Official Receipt No.	Time and date of Submission
Toyota Quezon Ave, Inc.	6760241	Oct. 30, 2024 – 11:22 AM
Toyota Marilao Bulacan Inc.	6760242	Oct. 30, 2024 – 11:47 AM

WHEREAS, on 30 October 2024, at 1:30 P.M., the opening of bids was conducted in the presence of the Bids and Awards Committee (BAC) in quorum, with its Secretariat, the End-User Representative, the designated Technical Working Group (TWG), and the representative of the bidders. The BAC proceeded with the opening of the bids and the preliminary evaluation thereof, and the following results were obtained;

BIDDER NAME	TECHNICAL COMPONENT
Toyota Quezon Ave, Inc.	“PASSED”
Toyota Marilao Bulacan Inc.	“PASSED”

WHEREAS, the opening of the financial proposals of the two (2) bidders took place subsequent to their successful completion of the preliminary evaluation and their declaration of eligibility;

WHEREAS, following the assessment by the Bids and Awards Committee (BAC) of the bidders' Bid Price and Bid Form, the results were read as follow as follows:

BIDDER NAME	FINANCIAL COMPONENT BID OFFER	RANK	REMARKS
Toyota Quezon Ave, Inc.	“PASSED” PHP 23,756,175.00	1	Form of Bid Security : <i>Bid Securing Declaration</i>
Toyota Marilao Bulacan Inc.	“PASSED” PHP 24,074,000.00	2	Form of Bid Security : <i>Bid Securing Declaration</i>

WHEREAS, the BAC declared Toyota Quezon Ave, Inc as having the Lowest Calculated Bid (LCB) and was subjected to Post Qualification Evaluation, pursuant to Section 34.2 of the Revised Implementing Rules and Regulations (RIRR) of RA 9184, to determine whether it complies and is responsive to all requirements and conditions specified in the Bidding Documents;

WHEREAS, on 06 November 2024, pursuant to the instruction of the BAC, the designated TWG together with the End-User Representative

Inc. with registered business address at 728 Quezon Avenue, Quezon City Metro Manila to verify and validate the bidder's submitted documents;

WHEREAS, during the PIA COBAC meeting on 08 November 2024, the Committee found a reasonable ground to believe, based on records and documents, that the Toyota Quezon Avenue, Inc. has not conformed with the Technical Specifications of ITB 2024-08 and is thus **DISQUALIFIED**. Consequently, the PIA COBAC issued a Notice of Disqualification for Toyota Quezon Avenue, Inc.;

WHEREAS, on 11 November 2024, Toyota Quezon Avenue, Inc. submitted its formal Appeal citing the following points: (i) acknowledgment and compliance with supplemental bid bulletin and technical specifications; (ii) detailed adherence to technical requirements; and (iii) commitment to full compliance and openness to rectify ambiguities;

WHEREAS, the PIA COBAC during its meeting on 12 November 2024 resolved to deny the appeal of Toyota Quezon Avenue, Inc., to wit;

“PIA COBAC issued two (2) Supplemental Bid Bulletins dated 15 October 2024 and 21 October 2024, respectively, which amends the technical specifications for the procurement project. However, there are items that do not correlate with the issued Supplemental Bid Bulletin dated 15 and 21 October 2024. To be specific:

TECHNICAL SPECIFICATIONS ITB 2024-08	Supplemental Bid Bulletin	Toyota Quezon Ave Statement of Compliance
<i>Supplemental Bid Bulletin 1 issued on 15 October 2024</i>		
b) ONE (1) UNIT BRAND NEW SPORTS UTILITY VEHICLE (SUV) MODEL 2024 7. Seating Capacity: 8 pax (c) ONE (1) UNIT BRAND NEW PASSENGER VAN MODEL 2024 11. Tires/Wheels: 195 R15 Alloy	b) ONE (1) UNIT BRAND NEW SPORTS UTILITY VEHICLE (SUV) MODEL 2024 7. Seating Capacity: 7 pax (c) ONE (1) UNIT BRAND NEW PASSENGER VAN MODEL 2024 11. Tires/Wheels: Steel Reels	(b) ONE (1) UNIT BRAND NEW SPORTS UTILITY VEHICLE (SUV) MODEL 2024 7. Seating Capacity: 8 pax (c) ONE (1) UNIT BRAND NEW PASSENGER VAN MODEL 2024 11. Tires/Wheels: 195 R15 Alloy
<i>Supplemental Bid Bulletin 2 issued on 21 October 2024</i>		
I. (a) SIXTEEN (16) UNITS BRAND NEW MULTI-PURPOSE VEHICLE MODEL 2024 6. Compliance Rating: Euro 4	I. (a) SIXTEEN (16) UNITS BRAND NEW MULTI-PURPOSE VEHICLE MODEL 2024 6. Compliance Rating: Atleast Euro 4	I. (a) SIXTEEN (16) UNITS BRAND NEW MULTI-PURPOSE VEHICLE MODEL 2024 6. Compliance Rating: Euro 4

10.Fuel Tank Capacity: Maximum 60 Liters b) ONE (1) UNIT BRAND NEW SPORTS UTILITY VEHICLE (SUV) MODEL 2024 11.Tires/Wheels: 265/65 R17 Alloy with full cap	10.Fuel Tank Capacity: Minimum 55 Liters b) ONE (1) UNIT BRAND NEW SPORTS UTILITY VEHICLE (SUV) MODEL 2024 11.Tires/Wheels: 265/65 R17 Alloy with full cap	10.Fuel Tank Capacity: Maximum 60 Liters (b) ONE (1) UNIT BRAND NEW SPORTS UTILITY VEHICLE (SUV) MODEL 2024 11.Tires/Wheels: 265/65 R17 Alloy with full cap
IX. OTHER REQUIREMENTS c. Provide at least three (3) free Periodic Maintenance Service (PMS) for every 1,000 km, 5,000 km, 10,000 km, nationwide. 3-5 Years Warranty and Maintenance	IX. OTHER REQUIREMENTS c. Provide at least three (3) free Periodic Maintenance Service (PMS) for every 1,000 km, 5,000 km, 10,000 km, nationwide (Labor Only) . 3-5 Years Warranty and Maintenance.	IX. OTHER REQUIREMENTS c. Provide at least three (3) free Periodic Maintenance Service (PMS) for every 1,000 km, 5,000 km, 10,000 km, nationwide. 3-5 Years Warranty and Maintenance

WHEREAS, as per Toyota Quezon Avenue, Inc.'s appeal, its duly authorized representative mentioned that signing of each page and submission of the documents signify their commitment to fully adhere to all the specified requirements. Thus, thereby confirming their intent to meet all technical and procedural standards set forth in ITB 2024-08;

WHEREAS, the PIA COBAC, however, takes note of a case precedent as per Government Procurement Policy Board-Technical Support Office (GPPB-TSO) Non-Policy Matter (NPM) No. 118-2015, which states that:

"Under ITB Clause 19.4. of the PBD, the bid, except for unamended printed literature shall be signed, and each and every page shall be initialed, by duly authorized representative/s of the bidders. This requirement is anchored on the definition of a bid under Section 5(d) of the Republic Act (RA) No. 9184, thus:

*"(d) **Bid** - refers to a **signed offer or proposal** submitted by a supplier, manufacturer, distributor, contractor or consultant in response to the Bidding Documents." (Emphasis supplied)*

The value and importance of the signature in the bid is of no question. The signature signifies the offer of the bidder to enter into contract with the Government. In relation to this, the Supreme Court, in the case of Desierto and Vigilar v. Ocampo, held that unless the bid form is signed by the duly authorized official, the bid is only a scrap of paper. In the case of Republic v. Judge Capulong, the High Tribunal made a pronouncement that if there

bidding committee, there is nothing to accept on the part of the government agency.”

WHEREAS, out of the said case precedent, it is observed that the signature in each and every page being adverted to by the representative of Toyota Quezon Avenue, Inc., cannot be taken and considered as a direct statement of compliance to the issued two (2) Supplemental Bid Bulletins dated 15 October 2024 and 21 October 2024, respectively, because the same is a mere formality in Toyota Quezon Avenue, Inc.’s bid itself;

WHEREAS, the PIA BAC further noted that in the submitted statement of compliance of Toyota Quezon Avenue, Inc., there are marked differences in the original and supplemental bid (*Please see attached Annex “A”, as a reiteration of the foregoing*) resulting from the pre-bid conference of which there was an active participant. Strict compliance is mandated and mere attachment of the bid bulletin bearing a signature will not suffice as compliance mandated by the rules. On another point, if the other bidder was able to comply, we see no reason why movant failed to comply especially so that this is something not new to the latter;

WHEREAS, consequently, the BAC issued the Resolution denying the appeal of the Toyota Quezon Avenue Inc.;

WHEREAS, on 14 November 2024, pursuant to the instruction of the BAC, the designated TWG conducted the necessary Post Qualification proceedings to Toyota Marilao Bulacan Inc. with registered business address at Lot 1505, McArthur Highway, Abangan Sur Marilao Bulacan Region III to verify and validate the bidder’s submitted documents;

WHEREAS, pursuant to Section 36 of the Revised Implementing Rules and Regulations of RA 9184 states that;

A Single Calculated and Responsive Bid (SCRB) or a Single Rated and Responsive Bid (SRRB) shall be considered for award if it falls under any of the following circumstances:

- b) If after advertisement, more than one prospective bidder applies for eligibility check, in accordance with the provisions of this IRR, but only one bidder meets the eligibility requirements or criteria, after which it submits a bid which is found to be responsive to the bidding requirements;*

WHEREAS, after careful examination, validation and verification of all the eligibility, technical and financial requirements, the bid of TOYOTA MARILAO, BULACAN INC. was found to conform to the requirements of the PIA and the law, and its bid proposal of **TWENTY-FOUR MILLION SEVENTY-FOUR THOUSAND PESOS ONLY (PHP 24,074,000.00)** inclusive of tax is within the ABC, is economical and advantageous to the government, thereby rendering the same as the *Single Calculated and Responsive Bid (SCRB)*;

WHEREAS, Section 12 of RA 9184 mandates that the BAC shall recommend the award of contract to the Head of the Procuring Entity or his/her duly authorized representative;

NOW, THEREFORE, for all and in consideration of the foregoing, WE, the Members of the PIA BIDS AND AWARDS COMMITTEE, by virtue of the powers vested on us by law, hereby RECOMMENDS to award via PUBLIC BIDDING to **TOYOTA MARILAO, BULACAN INC.** for the **PROCUREMENT OF MOTOR VEHICLES FOR PIA CENTRAL AND REGIONAL OFFICES ITB NO. 2024-08** in the amount of **TWENTY-FOUR MILLION SEVENTY-FOUR THOUSAND PESOS ONLY (PHP 24,074,000.00)** inclusive of appropriate taxes and fees.

This resolution shall take effect immediately.

APPROVED this **21ST** of **NOVEMBER 2024** at Quezon City, Philippines.

MARK FOR REDACTION

ATTY. ALLAN VINCENT B. LORENZO
Chairperson, BAC

MARK FOR REDACTION

GIRLIE G. BANGUNAN
Vice-Chairperson, BAC

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MARIE ANCEL T. ABRENICA
Member, BAC

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BRADLEY S. DE LEON
Member, BAC

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JASMINE JOY G. JUAN
Member, BAC

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ATTY. JULIUS S. DE PERALTA
End-User Representative

APPROVED:

MARK FOR REDACTION

WILSON T. BUERANO JR.
*Deputy Director-General for Finance
and Alternate Head of Procuring Entity (HoPE)*