



Department of Budget and Management
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE

NPM No. 07-2014

28 March 2014

MR. REYNALDO Q. BIRUNG

Manager

ARGUS MANPOWER AGENCY (ARGUS)

2nd Flr. Maddela Building, Luna St., Ugac Norte,
Tuguegarao City

Re: Disclosure of Relations

Dear Mr. Birung:

This is in response to your letters dated 3 and 22 February 2014, seeking clarification whether the conduct of bidding activities by the Department of Agriculture Regional Field Office No. 2 (DA-RFO2) for the procurement of janitorial services is in consonance with the procedures provided in Republic Act No. (RA) 9184, and whether the prohibition in Section 47 of RA 9184 and its revised Implementing Rules and Regulations (IRR) on disclosure of relations applies when the proprietor of a bidder is related by consanguinity to an officer of the end user agency.

As represented, Argus was one of the two bidders that responded to the Invitation to Bid issued by the DA-RFO2 for its procurement of janitorial services. During the scheduled pre-bid conference, a member of the Bids and Awards Committee (BAC) Secretariat informed you that no one from the BAC was available, but you may raise your questions to him. You inquired whether the other bidder, Region Manpower Agency (Region), whom to your knowledge is owned by a brother of one of the BAC members, Mr. Jaime M. Pagalilauan, is eligible to bid. The BAC Secretariat representative replied in the affirmative, as long as Mr. Pagalilauan inhibits from the bidding activity. Argus and Region submitted their bids and were both declared "eligible" by the BAC. On 28 January 2014, DA-RFO2 notified Argus that the contract has been awarded to Region. On the same date, Argus sent a letter to DA-RFO2 signifying its intent to question the actions of the BAC. DA-RFO2 explained that Mr. Pagalilauan is not considered a BAC member for the particular procurement after he signified his intention for temporary relief to function as BAC member for the procurement activity concerned. Argus then filed its motion for reconsideration on 30 January 2014, which has remained unanswered as of the date of your request to this office. It is in this context that you are seeking clarification on the abovementioned concerns.

At the outset, we wish to emphasize that this office does not have the authority to pass upon the validity of decisions of the BAC. Our function is limited to issuing clarifications on the proper interpretation of procurement rules and regulations. In this regard, we shall limit

our response by clarifying the effect of the decision of a BAC member to inhibit from a procurement activity where it has a relative participating.

For your guidance, we have had the opportunity to clarify this matter in a previous opinion¹, as follows:

The predicament of a bidder [who falls within the prohibition provided in Section 47 of RA 9184 and its IRR] is not salvaged by the inhibition of his relative from participating in the procurement proceedings. We stress, the wisdom behind the provision is to avoid the imminent evil of the project being tailored to favor the interest of a pre-determined bidder or the danger of allowing room for collusion or influence peddling to advance the bid of a particular bidder. This evil or danger is not averted by the mere act by the officers or employees of inhibiting themselves from the procurement process.

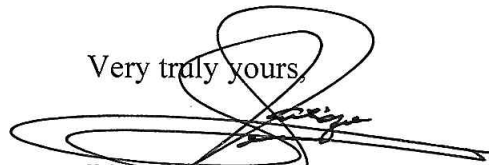
Significantly, the inhibition of an officer or employee from the bidding process in view of paving way for the bid of a relative usually takes place after the opening of bids. By then, the participation of the officer or employee in the bidding process has commenced or his direct access to any information relative to the bidding process had already taken place. In this case, the presence of the evil or danger being avoided has preceded the remedy of inhibition; and the latter comes, virtually, as a futile measure.

Moreover, the context of Section 47 of IRR-A is clear as to the legal import of relationship in the cases and conditions therein mentioned. The bidder is disqualified by mere fact of relationship. Thus, notwithstanding the inhibition made by the officers or employees, the cause-and-effect link between relationship and disqualification is not severed by the supposed corrective measure.

Based on the foregoing, we wish to reiterate that the disqualification of bidders by reason of relationship under Section 47 of RA 9184 and its IRR applies even if the conflicted member of the BAC, Technical Working Group, or BAC Secretariat, inhibits from such procurement activity.

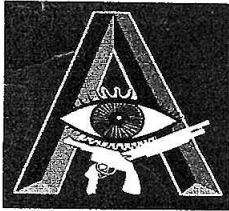
We hope this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this opinion is being issued on the basis of facts and particular situations presented, and may not be applicable given a different set of facts and circumstances. Should you have other concerns, please do not hesitate to contact us.

Very truly yours,



DENNIS S. SANTIAGO
Executive Director

¹ Non Policy Matter No. 12-2005, dated 15 February 2005.



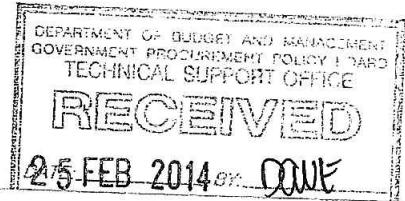
ARGUS MANPOWER AGENCY

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+63917-565-5015
(078) 304-2456
NO FAX

February 22, 2014

Mr. Dennis Lorne S. Nacario

Deputy Executive Director
Department of Budget and Management
Government Procurement Policy Board
Technical Support Office



Dear Sir,

*Dennis,
Kindly attend to this.
DOWE*

We received your letter dated 06 February 2014 on 18 February 2014.

Anent your request, hereunder is a recital and summary of factual circumstances surrounding our query and issues for clarification; to wit:

By virtue of the Invitation to Bid by the Department of Agriculture, RFO No. 02, Tuguegarao City (see attached marked as Annex "A"); we were able to purchase our Bid Documents on December 10, 2013. On the basis of the procuring entity's "Bid Bulletin No. 25", the scheduled Pre-Bid Conference was postponed for December 19, 2013; then was again re-scheduled on December 26, 2013.

During the scheduled pre-bid conference on 26 December 2013, the BAC Secretariat informed us that no one from among the BAC Members were available and he advised us that if ever we have questions to raise, then we could just ask it from him.

Since there were only two prospective bidders, our agency and the "Region Manpower Agency", whom we are aware that the proprietor is Mr. Romeo S. Pagalilauan, a brother of one of the members of the BAC, in the person of Mr. Jaime M. Pagalilauan; this representation who is knowledgeable of the Disclosure of Relations, under Section 47 of the IRR-A of RA 9784; then asked the BAC Secretariat, "Is Region Manpower Agency qualified or eligible to bid, inspite of the owner of the agency being a brother of one of your BAC Members?". The BAC Secretariat replied; "As long as Mr. Jaime M. Pagalilauan inhibits himself from this bidding activity, "Yes".

We admit ignorance on the validity of the informal pre-bid conference conducted on 26 December 2013, so we raised no discussion regarding our query.

We therefore submitted our Bid Proposal on 03 January 2014, however, the opening of bids was declared postponed by the BAC Secretariat to January 07, 2014; due to the unavailability of the BAC.

On January 07, 2014; our respective bids were finally opened and we were both declared "Eligible" by the BAC; and the Region Manpower Agency posted a lower Financial Bid.

"This representation failed to raise up the issues regarding the Disclosure of Relations, to the BAC during the opening of bids, however, the BAC Chairman, declared after the bidding that, "Post Qualification and Evaluation will be conducted by the TWG".

After the bidding on 07 January 2014, we were able to gain access on the GPPB book. From there, we started to get enlightened with the manner by which the DA-REQ2 conducted



Republic of the Philippines
DEPARTMENT OF AGRICULTURE

Regional Field Office No. 02

Tuguegarao City, Cagayan

Tel. Nos. (078) 844-1324/1312 Fax Nos: (078) 844-1031/846-9131

TIN: 0000-845-895 Website: <http://rfu02.da.gov.ph>



"ANNEX A"

BIDS AND AWARDS COMMITTEE (BAC)

INVITATION TO BID

The Department of Agriculture – Regional Field Office No. 02 (DA-RFO 02) through its Bids and Awards Committee (BAC) invites PhilGEPS- registered and licensed janitorial agencies to apply for eligibility and to bid for the hereunder contract:

Name of Contract	: PROVISION OF JANITORIAL SERVICES		
Brief Descriptions/Approved Budget for the Contract (ABC)	: Brief Descriptions		ABC
	No. of Janitors	: 35	₱3,700,000.00
PLACES OF DEPLOYMENT:			
I. CAGAYAN:			
	- Office of the RED (ORED)	1	
	- RDAT Bldg.	1	
	- Operations Bldg. & COA	2	
	- Organic Bldg.	2	
	- Soils and Feed Lab.	1	
	- RAEG Bldg.	1	
	- Finance Group	1	
	- AMAD Bldg.	1	
	- RADDL Bldg.	2	
	- R&D Bldg.	1	
	- AgCom & Archives Bldg.	1	
	- SCRC (APC)	4	
	- NCES (ASF)	3	
	- CBS	1	
	Sub-Total:	22	
II. ISABELA:			
	- CVRC	3	
	- IES (IBS), Gamu	3	
	- RCPC	1	
	- SWMS	1	
	Sub-Total	8	
III. NUEVA VIZCAYA EXPERIMENT STATION			
		2	
IV. QUIRINO EXPERIMENT STATION			
		2	
V. BATANES EXPERIMENT STATION			
		1	
	Grand Total:	35	

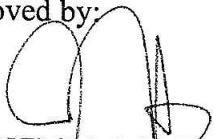
Bid documents shall be issued by the BAC Secretariat to prospective bidders upon payment of the non-refundable amount of P5,000.00 to the DA-RFO 02 Cashier.

Only prospective bidders who have purchased the Bidding Documents shall be allowed to participate in the Pre-bid Conference and raise or submit written queries or clarifications.

The DA-RFO 02 reserves the right to reject any or all bids at any time prior to the award of the contract, waive any minor formal requirements in the bid documents, and accept such bid which may be considered to be the most advantageous to the DA-RFO 02.

Under the rules, the DA-RFO 02 BAC may declare a failure of bidding, not award the contract and make no assurance that a contract shall be entered into as a result of this Invitation to Bid, without thereby incurring any liability to the affected bidders.

Approved by:




ORLANDO J. LORENZANA
Chairman, BAC/Regional Technical Director

Date of Publication: December 05-11, 2013
ITB No.: 11-09-2013

<i>original copy of bid</i>	<p>providing all the required janitors, and all components of the Detailed Cost Estimates.</p> <p>A Bid Price that is higher than the ABC shall be automatically disqualified, or partial/incomplete bids shall be rejected.</p>
Period for Validity of Bids	Bids shall remain valid within one twenty (120) days from the date of the opening of bids.
Additional Documents Required if a bidder is declared LCB	1. Tax Clearance; 2. Latest Income and Business Tax Returns; 3. PhilGEPS Certification 4. Other documents as may be required.
Amount and Form of Bid Security	The Bid Security shall be in the form of cash or manager's/cashier's check or bank guarantee equivalent to 2 % of ABC; or 5% of the ABC if in the form of surety bond or Bid-Securing Declaration.
Bid Security Validity	One Twenty (120) days from the date set for Bid Opening.
Deadline for Submission of Bids	December 26, 2013; 12:00 noon @ BAC Secretariat Office, DA-RFO 02, San Gabriel, Tuguegarao City.
Opening of Bids	Organic Bldg. Conference Room, San Gabriel, Tuguegarao City, Cagayan @ 2:00 p.m., December 26, 2013.
Performance Security	Form: Cash or manager's/cashier's check Amount: 5% (five percent) of Total Contract Price or any approved combination of cash and surety bond.
Warranty Security/bond	Not Applicable

Approved by:


ORLANDO J. LORENZANA
 Chairman, BAC/Regional Technical Director

- d) Disposing of trash, rubbish and garbage contained in the garbage collection pit provided for the purpose and located in every workstation and other areas within the premises;
- e) Cleaning of waste paper containers, pencil sharpeners, trash cans, plant boxes, drinking fountains, directional signs and stands and the like, as well as office and lobby wall directories;
- f) Sweeping and vacuuming of carpeted areas;
- g) Spraying of certain areas (lobby, function rooms, Executive Offices, Department Heads and Supervisor's Office among others) with deodorants and freshener;
- h) Perform such services usually necessary or desirable for the maintenance of the office premises
- i) Checking of water faucets, water apparatus, lights and electrically run equipment, and closing of windows and doors at the close of office hours;
- j) Assisting in hauling, moving of tables, chairs, cabinets, etc. upon instruction of authorized officials of concerned unit/department.
- k) Ensure cleanliness and maintain landscaped areas and lawns.
- l) Perform such other relevant duties that may be assigned by authorities.

II. WEEKLY PERIODIC OPERATIONS

- a) Washing, scrubbing, waxing and polishing of all floors;
- b) Dusting of lighting fixtures, light and air-con diffusers hanging lamps, and paging
- c) speakers;
- d) Washing and cleaning of inside and outside glass doors, inside windows and panels;
- e) Cleaning, waxing and polishing of office furniture, fixtures, counters and shelves;
- f) Re-touching and vacuuming of carpeted areas and upholstered office furniture;

III. MONTHLY PROJECT OPERATIONS

- a) Thorough general cleaning by way of washing and scrubbing, especially of deep-seated grime and dirt, removal of stains and others as well as waxing and polishing of all floors;
- b) Thorough cleaning and washing of inside walls, ceilings, and stairways;
- c) Thorough cleaning, sanitation and disinfection of all washrooms and toilet fixtures and removal of deep-seated stains, grime and dirt;
- d) Thorough inspection and removal of stain marks and deep seated grime and dirt on carpeted areas and upholstered furniture;
- e) Thorough washing and cleaning of light diffusers, vertical blinds, aircon diffusers, ceilings, outside walls and other areas that require thorough washing, cleaning and removal of deep seated grime and dirt; and
- f) Cleaning of outside windows and glass panels.

QUALIFICATIONS OF JANITORS :

The Janitors/janitress deployed by the AGENCY in the DA-RFO 02 shall possess the following qualification:

- a) Of good moral character and reputation, courteous, alert and without any criminal or police record;
- b) Physically fit, between twenty-five (25) and forty (40) years of age;
- c) At least a elementary graduate and with at least one (1) year experience as a janitor/janitress;
- d) Must pass the neuro-psychiatric and standard drug tests; and

ACCEPTANCE/REPLACEMENT OF JANITORS:

DA-RFO 02 shall have the exclusive right to accept, reject or have the janitors/janitress deployed by the AGENCY changed/replaced, if in its opinion or standards, their performance is considered below par or unsatisfactory; or where their actions tend to prejudice the interest of DA-RFO 02 whereby any decision arrived on the matter shall be final and binding. Failure on the part of the AGENCY to take appropriate action thereon within forty-eight (48) hours from receipt of formal advice from DA-RFO 02 shall be considered a cause for the termination of the Contract.

SUPERVISION AND CONTROL:

The AGENCY shall exercise and provide direct supervision, control and administration over the janitors/janitress that it will deploy in the DA-RFO 02.

BILLING AND PAYMENT:

- 1) The AGENCY shall advance from its own funds the wages of the janitors/janitress;
- 2) The AGENCY shall bill the DA-RFO 02 corresponding amount of janitorial fees on monthly basis not earlier than (3) working days after the billing period;
- 3) The AGENCY shall sufficiently accompany all billings with the complete set of support documents particularly and specifically all of the following;
 - a. Payroll record of the janitors/janitress with their names, hours of work rendered duly a certified by the authorized signatory of the Agency to be those who actually and truly rendered the services for the particular billing period;
 - b. Individually pay-slips or payroll-sheet originally signed by the janitors/janitress as proof of receipt; and,
 - c. Proof of remittances of previous month's deductions/payments due to the SSS/PHealth/PAGIBIG
- 4) The AGENCY respects and acknowledges the right of the DA-RFO 02 to hold/disallow the payment of bills not accompanied/supported with the complete set of documents;
- 5) Any falsehood or misrepresentation in the certification shall constitute breach of the Contract, which is a ground for termination thereof.


xxx

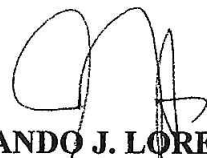
Prepared by:

Recommending Approval:

Approved by:


RUBEN B. CUBERO, JR.
Administrative Officer III


JOSELYN P. BOSITO
Administrative Officer V/
Vice-Chairman, BAC


ORLANDO J. LORENZANA
Regional Technical Director/
Chairman, BAC



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BIDS & AWARDS COMMITTEE (BAC)

BID DATA SHEET

Procuring Entity	Department of Agriculture-Regional Field Office No. 02 (DA-RFO 02)
Contract Name	PROVISION OF JANITORIAL SERVICES
Contract ID No.	ITB No. 11-09-2013
Approved Budget of the Contract (ABC)	₱ 3,700,000.00
Funding Source	DA-RFO 02 2014 Fund
Eligible Bidders	<ul style="list-style-type: none"> a. Duly licensed Filipino citizens/sole proprietorship; b. Partnership duly organized under the laws of the Philippines, and of which at least sixty percent (60%) of the interest belongs to citizens of the Philippines; c. Corporations duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the outstanding capital stock belongs to the citizens of the Philippines; d. Persons/entities forming themselves into a joint venture that intend to be jointly and severally responsible or liable for a particular contract; e. Cooperatives duly registered with the Cooperative Development Authority (CDA) <p>Eligibility is further limited to those Bidders who will be declared eligible by the DA-RFO 02-BAC during the opening of bids.</p>
Pre-bid Conference	Date and Time: December 12, 2013 @ 2:00 P.M. Venue : Organic Bldg. Conference Room, San Gabriel, Tuguegarao City, Cagayan
Procuring Entity's Address	Bagay Road, Nursery Compound, San Gabriel, Tuguegarao City
Contact Person	Ruben B. Cubero, Jr. Head, BAC Secretariat
Telefax No.	(078) 304-0560/846-9131/844-1330
Email Addresses	June1061@yahoo.com / darfu2000@yahoo.com / bac_darfu02@yahoo.com.ph
Eligibility documents: <i>1 set - original copy of bid</i> <i>3 sets - photocopy of the original copy of bid</i>	Credit Line or Bank Deposit Certificate, at least 10% of ABC or NFCC must be at least equal to the ABC.
Technical Documents: <i>1 set - original copy of bid</i> <i>3 sets - photocopy of the original copy of bid</i>	Omnibus certification is allowed from requirements no. 4 to 7; however, the essential facts must be stated by the Affiant. Additional Document: Certificate of Site Inspection N/A <i>4 waived based on testimony of Ruben Cubero 12/26/13 - 2:12 pm</i>
Financial Proposals: <i>1 set - original copy of bid</i> <i>3 sets - photocopy of the</i>	Bid Prices shall be fixed , adjustable Financial Proposals will be rejected, and therefore not subject to price escalation during contract implementation. Partial bids are not allowed: bids not

BIDS AND AWARDS COMMITTEE (BAC)

ELIGIBILITY REQUIREMENT FOR THE PROCUREMENT OF GOODS AND EQUIPMENTS
(Section 23.1 and 25.2, Revised IRR, RA 9184)

Name of Bidder : _____
Address of Bidder : _____

Rating : _____
(Eligible/Ineligible)

I. CLASS "A" DOCUMENTS		PASSED	FAILED
A. LEGAL DOCUMENTS			
✓ 1	Registration certificate from SEC, DTI for sole proprietorship, or CDA for cooperative.		
✓ 2	Mayor's Permit issued by the city or municipality where the principal place of business of the prospective bidder is located.		
B. TECHNICAL DOCUMENTS			
✓ 3	Statement of the prospective bidder of all its ongoing and completed government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid, within the relevant period as provided in the Bidding Documents.		
X 4	In the case of procurement of infrastructure projects, a valid Philippine Contractors Accreditation Board (PCAB) license and registration for the type and cost of the contract to be bid. <i>N/A</i>		
C. FINANCIAL DOCUMENTS			
✓ 5	The prospective bidder's audited financial statements, showing, among others, the prospective bidder's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding year which should not be earlier than two (2) years from the date of bid submission.		
✓ 6	The prospective bidder's computation for its Net Financial Contracting Capacity (NFCC) or a commitment from a Universal or Commercial Bank to extend a credit line in favor of the prospective bidder if awarded the contract to be bid (CLC).		

BIDS AND AWARDS COMMITTEE (BAC)

COMPLIANCE CHECK FOR THE FINANCIAL PROPOSAL DOCUMENTS

Name of Bidder : _____ Rating : _____
 Address of Bidder : _____ (Eligible/Ineligible)

FINANCIAL INFORMATION/DOCUMENTS (SECOND BID ENVELOPE)		PASSED	FAILED
A. FOR THE PROCUREMENT OF GOODS AND EQUIPMENTS:			
1	Bid prices in the Bill of Quantities in the prescribed Bid Form.		
2	The recurring and the maintenance costs, if applicable.		
B. FOR THE PROCUREMENT OF INFRASTRUCTURE PROJECTS:			
1	Bid prices in the Bill of Quantities in the prescribed Bid Form.		
2	Detailed estimates including a summary sheet indicating the unit prices of construction materials, labor rates and equipment rentals used in the coming up with the bid; and		
3	Cash flow by the quarter and payments schedule.		

Certified Correct:

Technical Working Group (TWG)

Member, TWG

Member, TWG

Member, TWG

End-user Representative

Approved:

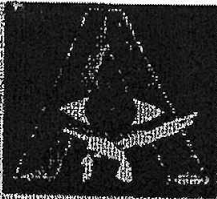
JAIME M. PAGALILAUAN
Member, BAC

ISAIAS M. FRANCISCO
Member, BAC

ERNESTO D. GUZMAN
Member, BAC

JOSELYN P. BOSITO
Vice Chairman, BAC

ORLANDO J. LORENZANA
Chairman, BAC

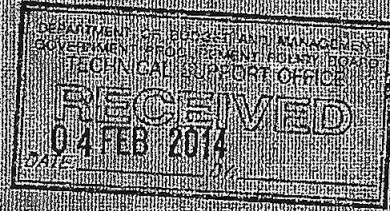


ARGUS MANPOWER AGENCY

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☎ +63917-565-5015
☎ (078) 304-2456

February 3, 2014

ATTY. Dennis S. Santiago
Executive Director III
Government Procurement Policy Board
Technical Support Office
Unit 2506 Raffles Corporate Center
R. Ortigas Jr. Road, Ortigas Center
Pasig City



Tharc Ma. Shari Cabulat
Procurement Management Officer-III

Dear Sir/Ma'am,

Greetings in the holy name of the Imme God!

We are currently operating an agency engaged in Security and Manpower Services, based in Tuguegarao City. We started the business on May 2010, and we are duly registered with the DTI-DOLE (D/O 18-A), and a religious compliant of the existing mandate of the government agencies, i.e. SSS, Philhealth, PAG-ibig, BIR and Philgeps.

We started participating in government biddings for the procurement of security and manpower services on December 2013.

In one of the various biddings we participated was the procurement for "The Provision of Janitorial Services, (IFB No. 11-09-13) with an ABC of P3,700,000.00 for 35 Manpower Personnel by the Department of Agriculture, Regional Field Office No. 02 (DA-RFO-02)".

We observed some irregularities during the conduct of the bidding activities, however, we complied with the opening of bids on January 07, 2014, and unfortunately our opponent was declared the Lower Calculated Bidder (LCB).

This representation prior to the receipt of the "Notification of Bidding Result", sent a letter to the procuring entity with regard to the irregularities we observed during the bidding activities, see attached letter dated January 28, 2014, addressed to the BAC Chairman, marked as "Annex A". We received a reply for our letter on January 30, 2014, marked as "Annex B", and a "Notification of Bidding Result", marked as "Annex C".

On the same day, 30 January 2014, we filed for a "Motion for Reconsideration", see attached marked as "Annex D".

Prior to the filing for our "Motion for Reconsideration", I consulted the matter to your office. Hereby, we noted your opinion that:

"The temporary relief of one of the BAC Members in the person of Mr. Jaime M. Pagalliuhan, does not relinquish him from his appointment as a member of the BAC essentially before, during, and after the bidding activities.

This opinion of yours was our basis for seeking a "Motion for Reconsideration".

Premises considered, may we respectfully seek for your formal opinion on the matter.

It will be our basis for our future actions.

Hoping for your favorable and most preferential attention.

Thank you and more power!

Very truly yours,


REYNALDO Q. BIRUNG
Manager

For: **ATTY. CRISCELYN B. CARAYUGAN**
Procurement Officer

Secondly:

"Under the Government Procurement Policy Board (GPBB), which includes Revised Implementing Rules and Regulations of RA 9184, Rule XV-Section 47 "Disclosure of Relations", all provisions thereof, applies in your concluded bidding for the Provision of Janitorial Services on January 07, 2014."

Lastly:

According to Mr. Bosito, Mr. Jaime M. Pagalilauan, inhibited himself in the bidding process, but, There were no stipulation to this particular Rule XV-Section 47 of the GPBB, that will substitute, relax or soften the requirement even with the presence of any form or letter of inhibition from any members of the Bids and Awards Committee and its Technical Working Group.

With all due respect to the Bids and Awards Committee, this letter was initiated based on the verbal disclosure of Mr. Jocelyn Bosito, and we have no intentions whatsoever to dictate, or influence the course of action to be undertaken by the BAC and its Technical Working Group.

Thank you and more power.



Cordoba

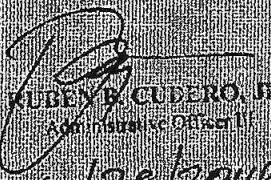
REYNALDO Q. BIRUNG
Manager

Noted By:

ATTY. CRISCELYN B. CARAYUGAN
Proprietress

CL. GPBB
LBM

DA - RFO NO. 02
RECORDS UNIT
TUGUEGARAO CITY, CAGAYAN
Received by: 
Date: 01-28-14 Time: 3:01
Control No. 

received

RUBEN B. CUDERO, JR.
Administrative Officer II
01/28/2014
9:30 A.M.



Republic of the Philippines
DEPARTMENT OF AGRICULTURE
Regional Field Office No. 02
Tuguegarao City, Cagayan
Tel. Nos. (078) 844-1324/1312 Fax Nos. (078) 844-1021/846-9131
TIN: 0000-845-895 Website: <http://rfo02.da.gov.ph>

"ANNEX C"



NOTIFICATION OF BIDDING RESULT

28 January 2014

MR. REYNALDO Q. BIRUNG

Manager

ARGUS MANPOWER AGENCY

2nd Floor Maddela Bldg., Luna St., Ugac Norte,
Tuguegarao City, Cagayan

Dear Mr. Birung:

We regret to notify you that the **Contract of Janitorial Services** has been awarded to a competing bidder, **REGION MANPOWER SERVICES** at its bid of **Three Million Four Hundred Eight Thousand Five Hundred Eighty One and 96/100 Pesos Only (P3,408,581.96)**, which has been determined to be the **Lowest Calculated Responsive Bid** for the Contract.

Thank you and we look forward to your participation again in our future bidding.

Very truly yours,


ORLANDO J. LORENZANA
Chairman, BAC/Regional Technical Director

Received January 30, 2014
9:30 am



We believe in the position of the BAC as an independent body and that cannot be influenced by anybody, even the Head of the Procuring Entity.

However we are seeking for a Motion for Reconsideration, under our inherent and absolute privilege, regarding the procedures and the conduct of the bidding process for the procurement of janitorial services based on the following, to wit:

First, based on Article VII-Section 22 of the GPPB, "There were no formal pre-bid conference conducted by the BAC, and therefore the procedure should have been declared void, for there was no quorum on December 26, 2013."

Secondly, in your response from your letter dated 28 January 2014, Mr. Jaime Pagalileuan had signified his intentions for "temporary relief to function as BAC Member" in the procurement of Janitorial Services for the DA-FRC02, to avoid any conflict of interest or to exert any undue influence to favor any prospective bidder.