



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

MA. TERESA S. PABULAYAN
Executive Clerk of Court IV

BIDS AND AWARDS COMMITTEE

MINUTES OF THE MEETING

Date: October 9, 2019
Time: 2:00 P.M.
Venue: Budget and Finance Conference Room

Attendance

- Refer to attached Attendance Sheet.

Purpose/s

- Pre-Bid Conference for the Procurement of Janitorial Services for Sandiganbayan Centennial Building for One (1) Year

Minutes

- Upon determination of a quorum, the Chairperson called the meeting to order.
- Atty. Pabulayan inquired from BAC Secretariat whether notices were sent to the prospective observers. Ms. Chamagne Guerrero replied that the observers were duly notified of today's pre-bid conference but none of the attendees appeared.
- Atty. Pabulayan acknowledged the presence of the prospective bidders and requested them to identify their names and the names of the company they are representing. The prospective bidders are the following, to wit:
 - (1) Ivy Macalalad of *M8 Manpower Services ("M8 Manpower")*;
 - (2) Criselda Paragas of *Mc Collins General Services ("Mc Collins")*;
 - (3) Mamerto Ancheta and Jerald Tabuzo of *Sparrow Integrated Services, Inc. ("Sparrow")*;
 - (4) Jodel Gonzales of *Starcom Manpower and Allied Services, Inc. ("Starcom")*;
 - (5) Elvin Rubiso of *D'Triumph Cleaners and Allied Services, Inc ("D'Triumph")*.

- Atty. Pabulayan informed the prospective bidders that the BAC is now ready to accept and/or answer any clarification from the prospective bidders about the Bidding Documents of the subject procurement.
- *M8 Manpower* sought clarification regarding Eligibility Requirements. It stated that there is a sample form in the attachments for Statement of All On Going Contracts. *M8 Manpower* inquired if attachments are required to be submitted or filling up the matrix is sufficient. Atty. Decano replied that in Single Largest Completed Contract (SLCC), there should be an attachment. Atty. Decano stated that in pages 16-17 of the Bidding Documents, both SLCC and On-going Contracts, if the project is completed already, the acceptance of end user/official receipt or sales invoice should be attached. *M8 Manpower* reiterated whether the Notice of Award (NOA) and Notice to Proceed (NTP) should be attached in on-going projects or filling up the required details in the matrix is sufficient. Atty. Decano replied that the attachments are not required for on-going contracts. The same are required only if the project is already completed.
- *D'Triumph* sought clarification regarding PhilGEPS Registration. It inquired whether Platinum Certificate is sufficient or the Platinum Certificate uploaded in PhilGEPS website should be attached. Atty. Pabulayan replied that the BAC requires the attachment of Platinum Certificate uploaded in the PhilGEPS website.
- *D'Triumph* likewise sought clarification on page 77 of the Bidding Documents referring to Cost Distribution Form. Atty. Yancha-Po replied that there is a footnote which pertains to the policy of the BAC as to the determination of the administrative cost. *D'Triumph* stated that its administrative cost is 10% in compliance with DOLE issuance. It stated that it followed DOLE issuance since there is a tendency that DOLE will conduct random checking and if the latter found out that *D'Triumph* is not compliant, its registration might be cancelled. Mr. Laggui, Jr. inquired whether *D'Triumph's* administrative cost is "at least 10%." Atty. Yancha-Po stated that the GPBB does not set a standard for administrative cost. She suggested that *D'Triumph* may harmonize the rules of GPPB with DOLE as regards the imposition of administrative cost. Likewise, *D'Triumph* explained that it will execute a sworn statement attesting that it complied with labor laws. Non-compliance with DOLE issuance regarding administrative cost means that *D'Triumph* violated labor laws. *D'Triumph* inquired whether the administrative cost is 10%, not lower than 10%. Atty. Decano stated that the issue on administrative cost has been clarified already by the BAC with GPBB.
- *D'Triumph* stated that based on computation of cost distribution for twelve (12) janitorial personnel, excluding the cost of supplies and materials, the Approved Budget for the Contract (ABC) of 2,832,000.00 is not sufficient. Mr. Laggui, Jr. inquired from *D'Triumph* how did it determine that the ABC is insufficient. (*D'Triumph* presented its copy of computation to Mr. Laggui, Jr.). Mr. Laggui, Jr. inquired whether the computation of VAT is based on gross or based on basic pay. *D'Triumph* replied that the computation is based on gross. Atty. Pabulayan inquired the basis of computing VAT on gross. Mr. Laggui, Jr. replied that *D'Triumph* imposed the 12% VAT after adding the amount of basic pay, SSS premiums, and administrative cost. Atty. Decano stated that the BAC will discuss the issue on ABC, and thereafter, the BAC will issue a Supplemental Bulletin, if necessary.

- *M8 Manpower* stated that it has same observation with *D'Triumph* based on Department Order (D.O) No. 174, Series of 2017 issued by DOLE. It also stated that there is a circular issued by Bureau of Internal Revenue (BIR) wherein the 12% VAT should be imposed on gross. Mr. Laggui, Jr. requested from *D'Triumph* to photocopy the said computation to which the latter agreed. Atty. Decano inquired whether its computation is based on 10% pursuant to D.O. No. 174. *D'Triumph* replied in the affirmative and stated that the supplies are not included.
- Atty. Pabulayan inquired from the other prospective bidders if it has inquiry regarding the ABC. *Sparrow* replied that the ABC is acceptable.
- *Sparrow* inquired whether the supplies are not included in the cost distribution. Mr. Laggui, Jr. replied that the same is included in the 10% administrative cost.
- There being no other questions and/or clarifications from prospective bidders, Atty. Pabulayan declared that the Pre-Bid Conference is terminated.
- Atty. Pabulayan stated that the Bid Opening is set on October 23, 2019, 2 p.m. at Budget and Finance Conference Room. Atty. Yancha-Po informed the prospective bidders that they can submit their written questions or clarifications until October 16, 2019. Atty. Decano suggested to the prospective bidders to check also the Bid Bulletin for advisory.

Discussion with BAC Members (Re: ABC):

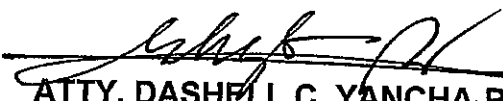
- The BAC requested Mr. Laggui, Jr. to verify whether the ABC for this procurement project is sufficient or not. Atty. Decano likewise suggested to check whether the computation of VAT should be imposed on basic pay or gross. Mr. Laggui, Jr. opined that Philhealth and SSS contributions are not vatable. He stated that he will check the ABC of the previous biddings for this procurement project.

The pre-bid conference adjourned at 2:45 in the afternoon.

Prepared by:


MS. EMELITA A. CARAIG
 Member, BAC Secretariat

Noted by:


ATTY. DASHELL C. YANCHA-PO
 Head, BAC Secretariat