



BIDS AND AWARDS COMMITTEE
Procurement of Goods and Consultancy Services (BAC-PGCS)
Resolution No. 028-2019
Series of 2019

**RESOLUTION TO REVOKE THE AWARD OF CONTRACT AND TO RECALL THE NOTICE
OF AWARD FOR THE PROCUREMENT OF MULTI-SITE REMOTE SURVEILLANCE
EQUIPMENT AND ANCILLARY SERVICES
BAC-PGCS-09-2019**

WHEREAS, during the opening of bids for the Procurement of Multi-Site Remote Surveillance Equipment and Ancillary Services on 28 January 2019, KIT Properties/Beyondsight Philippines, Inc./IPointeast, Inc./Joint Venture was declared as the Single Calculated and Responsive Bidder;

WHEREAS, the BAC for the Procurement of Goods and Consultancy Services (BAC-PGCS), in BAC-PGCS Resolution No. 004-2019 Series of 2019, dated 08 February 2019, recommended for the Award of Contract for the Procurement of Multi-Site Remote Surveillance Equipment and Ancillary Services to KIT Properties/Beyondsight Philippines, Inc./IPointeast, Inc./Joint Venture, in the amount of Four Hundred Seventeen Million Nine Hundred Sixty Three Thousand Four Hundred Ninety Pesos (P417,963,490.00), inclusive of taxes, copy attached as Annex "A;"

WHEREAS, a Notice of Award dated 13 February 2019, was issued by the Head of the Procuring Entity, awarding the Procurement of Multi-Site Remote Surveillance Equipment and Ancillary Services, in the amount of Four Hundred Seventeen Million Nine Hundred Sixty Three Thousand Four Hundred Ninety Pesos (P417,963,490.00), inclusive of taxes, to KIT Properties/Beyondsight Philippines, Inc./IPointeast, Inc./Joint Venture, and to formally enter into contract with the PPA and to post the required Performance Security in the form and the amount stipulated in the Instructions to Bidders, copy attached as Annex "B;"

WHEREAS, a Contract Review was conducted by the Legal Services Department (LSD), and in a Memorandum dated 21 March 2019, addressed to the Chairman, Head Office Bids and Awards Committee, LSD commented that Beyondsight, Philippines, Inc., one of the Joint Venture partners, submitted only a Sworn Application for Tax Clearance and a Certification from Revenue District No. 043 of the Bureau of Internal Revenue certifying that it has no pending tax liabilities, instead of the required Tax Clearance, copy of the Memorandum attached as Annex "C;"

WHEREAS, LSD further averred that "GPPB Resolution No. 05-2016 states that "only a Tax Clearance shall be accepted for purposes of government procurement in accordance with Executive Order No. 398. Moreover, GPPB Non-Policy Matter (NPM) No. 128-2015 clarifies that (a) a "Certificate of No Outstanding Tax Liability" from BIR Regional Office cannot be a substitute to a Tax Clearance Certificate issued by the Accounts Receivable and Monitoring Division at the BIR Central Office, and (b) the BAC can only require its bidders to submit a Tax Clearance Certificate issued by the Accounts Receivable Monitoring Division as a legal eligibility documents, copies of GPPB Resolution No. 05-2016 and GPPB NPM No. 128-2015 attached as Annexes "D and E;"

WHEREAS, acting on the comments of LSD, the BAC-PGCS deliberated on the matter and discussed the issues involved therein, and after a motion duly made and properly seconded, adopted LSD's comments and ordered the revocation of BAC-PGCS Resolution No. 004-2019 Series of 2019 on the Award of Contract for the Procurement of Multi-Site Remote Surveillance Equipment and Ancillary Services and to recommend to the Head of the Procuring Entity to recall the Notice of Award dated 13 February 2019 issued to KIT Properties/Beyondsight Philippines, Inc./IPointeast, Inc./Joint Venture;

NOW, THEREFORE, for and in consideration of the foregoing premises, the BAC hereby RESOLVE as it is hereby RESOLVED, as follows:

1. To revoke BAC-PGCS Resolution No. 004-2019 Series of 2019 for the Award of Contract for the Procurement of Multi-Site Remote Surveillance Equipment and Ancillary Services to KIT Properties/Beyondsight Philippines, Inc./IPointeast, Inc./Joint Venture, in the amount of Four Hundred Seventeen Million Nine Hundred Sixty Three Thousand Four Hundred Ninety Pesos (P417,963,490.00), inclusive of taxes.
2. To recommend to the Head of the Procuring Entity for the recall of the Notice of Award dated 13 February 2019, issued to KIT Properties/Beyondsight Philippines, Inc./IPointeast, Inc./Joint Venture, in the amount of Four Hundred Seventeen Million Nine Hundred Sixty Three Thousand Four Hundred Ninety Pesos (P417,963,490.00), inclusive of taxes.
3. To immediately notify KIT Properties/Beyondsight Philippines, Inc./IPointeast, Inc./JV of their disqualification and the grounds for the recall of the Notice of Award dated 13 February 2019 and the revocation of the Resolution of Award No. 004-2019 Series of 2019 dated 08 February 2019.
4. To conduct a re-bidding with re-advertisement and/or posting, as provided for in Section 21.2 of the 2016 Revised IRR of RA 9184.

ADOPTED AND APPROVED by the BAC on 08 April 2019.



DANAH S. JARAMILLO
Regular Member



JOSEPHINE M. NAPIERE
Regular Member



JAN PEARL F. PORTUGAL
Regular Member

FROILAN U. CATURLA
Provisional Member



ANGELINA A. LLOSE
Vice-Chairperson



MARK JON S. PALOMAR
Chairperson



17 April 2019

MEMORANDUM

F O R : The General Manager

F R O M : The Chairperson, HO-BAC-PGCS

SUBJECT : **BAC-PGCS Resolution No. 028-2019 Series of 2019 on the Revocation of the Award of Contract and Recall of the Notice of Award for the Procurement of Multi-Site Remote Surveillance Equipment and Ancillary Services**

=====

This has reference to BAC-PGCS Resolution NO. 004-2019 on the Award of Contract to KIT Properties/Beyondsight Philippines, Inc./IPointeast, Inc./Joint Venture for the Procurement of Multi-Site Remote Surveillance Equipment and Ancillary Services and the issuance of the Notice of Award dated 13 February 2019 to the said Joint Venture.

It is informed that during the conduct of the Contract Review for the said project, the Legal Services Department (LSD) commented that Beyondsight, Philippines, Inc., one of the Joint Venture Partners, submitted only a Sworn Application for Tax Clearance and a Certification from Revenue District No. 043 of the Bureau of Internal Revenue certifying that it has no pending tax liabilities, instead of the required Tax Clearance. Pursuant to GPPB Non-Policy Matter (NPM) No. 128-2015, "a Certificate of No Outstanding Tax Liability from BIR Regional Office cannot be a substitute to a Tax Clearance Certificate issued by the Accounts Receivable and Monitoring Division at the BIR Central Office.

Acting on the comments of LSD, the BAC-PGCS, after a motion duly made and properly seconded, adopted LSD's comments and ordered the revocation of BAC-PGCS No. 004-2019 Series of 2019 on the Award of Contract for the Procurement of Multi-Site Remote Surveillance Equipment and Ancillary Services and recommended for the recall of the Notice of Award dated 13 February 2019 issued to KIT Properties/Beyondsight Philippines, Inc./IPointeast, Inc./Joint Venture and to conduct a re-bidding with re-advertisement and/or posting, as provided for in Section 21.2 of the 2016 Revised IRR of RA 9184.

In view thereof, we are submitting herewith BAC Resolution No. 028-2019 Series of 2019 on the Resolution to Revoke the Award of Contract and to Recall the Notice of Award for the Procurement of Multi-Site Remote Surveillance Equipment and Ancillary Services, for consideration and approval of the General Manager as Head of the Procuring Entity.


MARK JONS S. PALOMAR

APPROVED/DISAPPROVED:


JAY DANIEL R. SANTIAGO
General Manager