

## **OTC-BIDS AND AWARDS COMMITTEE**

**Resolution No.: 002, Series of 2022**

### **RECOMMENDING THE AWARD OF CONTRACT TO MANUEL JOSE D. CAMAGAY FOR THE PROCUREMENT OF INDIVIDUAL CONTRACT OF SERVICE PERSONNEL (PROJECT MANAGER I) UNDER NEGOTIATED PROCUREMENT- HIGHLY TECHNICAL CONSULTANT.**

**WHEREAS**, the End-User, the OTC Administrative and Finance Division, Personnel Administration and Human Resource Section, prepared the Terms of Reference (ToR) and Purchase Request (PR) for the Procurement of Individual Contract of Service Personnel (Project Manager) with an Approved Budget for the Contract (ABC) amounting to Php 593,316.00 for six (6) months (January 01 to June 30, 2022), source of fund is RA 11518 or the General Appropriations Acts (GAA) for FY 2021 PUV Modernization Program Budget of the DoTr (Php 44,985,492.20) (**Annex A**) which is included in the Annual Procurement Plan (APP) NEW APP Format (RA-11469) of OTC for FY 2022 (**Annex B**);

**WHEREAS**, on 04 January 2022, the OTC-Bids and Awards Committee (OTC-BAC) called for a meeting because the Accountant has finally signed the funds availability wherein this document (Terms of Reference or ToR) is lacking (the said fund was transferred through check last December 27, 2021), the rest of the approved documents such as: the Purchase Request (PR), Project Procurement Management Plan (PPMP), Supplemental/Addendum of APP for FY 2022, the draft PhilGEPS Posting and the DoTr-OTC MoA were already signed/approved;

**WHEREAS**, the OTC Legal Officer was asked for his opinion if the posting to the PhilGEPS is still allowed considering that the Procurement of the Project Manager 1 begins on January 3 and ends on June 30, 2022. He said that if the Mode of Procurement to be used is Competitive Bidding (Selection Based on Consultants Qualification), it is already too late but when the Mode of Procurement to be used is Negotiated Procurement-Highly Technical Consultant this would be allowed and have it evaluated internally;

**WHEREAS**, he continued that the PhilGEPS posting will only be the Notice of Award (NoA), Contract and Notice to Proceed (NtP) as per Sec. (IV)(L) of RA 9184 Alternative Modes of Procurement Annex H and the BAC may directly negotiate with the individual consultant based on the ToR prepared by the End-User, and it needs not to elaborate, only to validate the legal, technical and financial capability will suffice;

**WHEREAS**, the OTC Legal Officer said that the End-User shall recommend and justify through the ToR the engagement of the Consultant and that the Mode of Procurement to be used shall be the hiring of a highly technical consultant, the Committee resolved to properly prepare all the documents particularly the APP and the PPMP in coordination with the End-User due to its inconsistencies and the ToR to revised and justified;

**WHEREAS**, on 28 January 2022, the OTC-BAC again called for a meeting regarding the update/status of the procurement documents, the Secretariat informed that up to this date, the End-User Representative, Ms. Frias has no knowledge regarding the justification and has no coordination with the Secretariat with only Ms. Palma coordinated with;

**WHEREAS**, the Committee resolved to formally write a letter to justify the hiring of a Highly Technical Consultant through Negotiated Procurement and to amend the

ToR as basis of the Committee for its evaluation and will appreciate the submission on or before 31<sup>st</sup> of January 2022;

**WHEREAS**, on 31 January 2022, the End-User submitted the justification via electronic mail (e-mail) and immediately, the OTC-BAC called for a meeting on 04 February 2022, the BAC with the assistance from the Technical Working Group (TWG) reviewed and suggested some revision especially in the accomplishment of the PUVMP-PMO for FY 2021, regular functions of OTC were included and data were not accurate;

**WHEREAS**, the Committee resolved for the submission of the PUVMP-PMO Work Plan for FY 2022 and legal basis with the permission of the OTC Legal Officer as signatory on the revised justification letter;

**WHEREAS**, on 07 February 2022, the End-User promptly submitted its revised justification for the procurement project together with the legal basis signed by the OTC Legal Officer, and the OTC-BAC set the meeting on 11 February 2022, Ms. Palma submitted electronically the PUVMP-PMO Work Program for FY 2022 and the Committee with the assistance of the TWG evaluated the submitted documents;

**WHEREAS**, on 15 February 2022, the Committee resolved, that the procurement will proceed after the perfection of documents needed for this project, thus, the contract will start on February 16, 2022 and ends on June 30, 2022, in align with the proper procurement process of this project;

**WHEREAS**, after careful deliberation and evaluation of the OTC-BAC and the TWG during its committee meetings (through Online Meetings), Mr. Manuel Jose D. Camagay passed all the eligibility/technical/financial requirements and compliant to all the requirements of OTC as indicated in the ToR, and its submitted price proposal amounting to Ninety-Eight Thousand Eight Hundred Eighty-Six Pesos per month (**Php 98,886.00/mo.**), inclusive of appropriate EWT and VAT withholding taxes is within the ABC (**Annex C**);

**WHEREAS**, the OTC-BAC finds the recommendation and action in strict compliance and in accordance with the Republic Act (RA) No. 9184 and its 2016 Revised Implementing Rules and Regulations (RIRR) and worthy to be elevated to the Head of the Procuring Entity for final action;

**WHEREAS**, Section 12 of R.A No. 9184 mandates that the OTC-BAC shall recommend the award of contract to the Head of the Procuring Entity or to his/her duly authorized representative;


**NOW, THEREFORE**, for and in consideration of the foregoing, **WE**, the members of the OTC-BAC hereby **RECOMMEND** to the Officer-in-Charge, Office of the Chairman, as the recognized authority pursuant to DoTr Special Order No. 2020-168 the following:

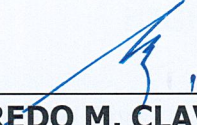
(1) **AWARD OF CONTRACT** via Negotiated Procurement – Highly Technical Consultant (Sec. 53.7) to Manuel Jose D. Camagay for the Procurement of Individual Contract of Service Personnel (Project Manager I) in the amount of **Ninety-Eight Thousand Eight Hundred Eighty-Six Pesos** per month (**Php 98,886.00/mo.**), inclusive of appropriate EWT and VAT withholding taxes, the Contract will start on **February 16, 2022** and Ends on **June 30, 2022**); and

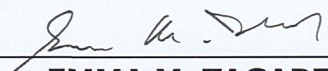
(2) **SIGN AS HEAD OF THE PROCURING ENTITY** the corresponding Notice of Award and Notice to Proceed to implement this Resolution.



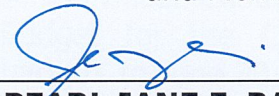
DONE in Quezon City this 15<sup>th</sup> day of February 2022.

  
**CRESENCIANA E.S. GALVEZ**  
Chief, Operations Division and  
Chairperson

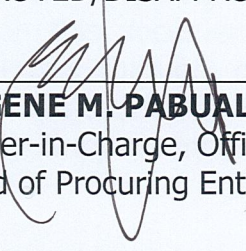
  
**WILFREDO M. CLAVE, JR.**  
Chief, Administrative and Finance  
Division and Vice-Chairperson

  
**EMMA M. TAGADTAD**  
Senior Cooperative Development  
Specialist and Member

  
**ROMMEL EFREN C. LAURENA**  
Planning Officer IV  
and Member

  
**PEARL JANE F. BACULI**  
Project Evaluation Officer III  
and Member

APPROVED/~~DISAPPROVED~~:

  
**EUGENE M. PABUALAN**  
Officer-in-Charge, Office of the Chairman  
Head of Procuring Entity

Date: \_\_\_\_\_