



27 August 2019

MEMORANDUM NO. 328
Series of 2019

T O: Dr. Edgardo E. Tulin - Chairperson
Prof. Francisco G. Gabunada, Jr. - Member
Dr. Ma. Juliet C. Ceniza - Member
Dr. Myrna M. Avila - Member
Ms. Aster A. Sevilla - Secretary

R E: Conduct of Investigation on BAC-2 Resolution No. 1 s. 2019 and BAC-1 Resolution No. 4. s. 2019

With the undersigned as Chairperson and the rest as Members and Secretary, you are hereby directed to constitute the Investigation Committee to re-examine the above-mentioned resolutions of BAC 1 and 2 pertaining to the blacklisting complaints on the Electrocomputer Data Systems (EDS) filed by Mr. Nello P. Roa IV against the two (2) Bids and Awards Committees of the university.

Attached are the BAC documents relative to the case, as well as the letter from Mr. Daniel M. Tudtud, Jr. informing the undersigned of the BOR order to remand for investigation by the University President before it is lodged with the Board.

The committee is will have it its initial meeting on **August 30, 2019, 9:00AM** at **OVPPRGEA Conference Room**.

For your compliance.


EDGARDO E. TULIN
President

cc: Board of Regents
Mr. Daniel M. Tudtud, Jr.

**MATRIX FOR THE SEQUENCE OF EVENTS
OF BIDDING NO. GOODS-18-33 (Supply and Delivery of I.T. and Office
Equipment & Supplies)**

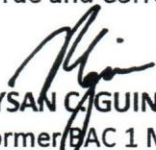
ANNEX	Date	Particulars	Remarks
A		54 PRs submitted to the BAC were consolidated and was prepared with a final list of items for bidding	See attached Purchase Requests (PRs)
B	September 26, 2018	The BAC conducted Pre-procurement Conference with the end-users and TWG	See attached minutes of the conference
C	October 4, 2018	The BAC thru the Secretariat published the project in the PhilGEPS website	See attached Bid Notice
C.1			See attached Bidding Documents
D	October 12, 2018	The BAC conducted Pre-Bidding Conference	See attached minutes of the conference
E	October 17, 2018	The BAC thru the Secretariat published Bid Bulletin in the PhilGEPS	See attached Bid Bulletin
F	October 24, 2018	The BAC conducted the Opening of Bids participated by two (2) bidders – Electrocomputer Data Systems (EDS) and Baybay Printshop	See attached minutes of the meeting
F.1			See attached Technical Documents of Baybay Printshop
F.2			See attached Technical Documents of Baybay Printshop
F.3			See attached Financial Proposals of Baybay Printshop
F.4			See attached Financial Proposals of EDS
F.5			See attached Abstract of Proposals
F.6			See attached Checklist of Eligibility Requirements
<p>The conduct of Bid Evaluation & Post-Qualification were put on hold pending the decision of the BOR of the BAC Resolution #69 Series of 2018, titled "BAC Resolution Finding Electrocomputer Data Systems for giving false additional information in its BoQ when it copied in toto the VSU specifications in addition to its offered brand and/or model but said action is not sufficient to warrant blacklisting since said false information has no bearing to BAC during the conduct of the post qualification and in making the decision to award and therefore, is recommending instead stern warning not to do the same in the future", which is the recommendation of the BAC on the first blacklisting complaint filed on November 5, 2018 by Baybay Printshop against EDS for the bidding no. GOODS-18-28. However, the BOR during its meeting on December 7, 2018, which was attended by Atty. Guinocor, was advised to proceed with the awarding of contracts of all projects bid out, which was put on hold due to the undecided BAC Resolution #69 S-2018.</p>			
G	December 10, 2018	The BAC conducted Bid Evaluation and Post-Qualification of the bids submitted by the bidders with the TWG and recommended award of contract	See attached BAC Resolution #76 Series of 2018
H	December 19, 2018	The BAC thru the Secretariat issued the Notice of Award (NOA) to EDS	See attached NOA
I	December 28, 2018	The BAC thru the Secretariat issued the NOA to Baybay Printshop	See attached NOA


J	January 17, 2019	The BAC received from Baybay Printshop another complaint for Suspension and Blacklisting against EDS pertaining to bidding no. GOODS-18-33	See attached complaint
K	January 21-28, 2019	The BAC thru the Secretariat issued the Purchase Orders (POs) to Baybay Printshop	POs of items are prepared by the Secretariat per fund source or per PR. POs are not received on the same date since issuance of POs to the Suppliers are on an "as approved" basis. See attached POs of Baybay Printshop
L	January 22-30, 2019	The BAC thru the Secretariat issued the POs to EDS	See attached POs of EDS
M	January 22, 2019	The BAC informed EDS regarding the complaint filed by Baybay Printshop and advised to show cause as to why it should not be recommended for suspension & blacklisting	See attached letter to EDS
N	January 24, 2019	The BAC informed Baybay Printshop that the complaint was already deliberated and already notified EDS to submit an answer within 5 calendar days	See attached letter to Baybay Printshop
O	January 25, 2019	EDS submitted to the BAC its answer to the complaint	See attached answer to the complaint
P	January 25, 2019	The BAC thru the Secretariat issued the Notice To Proceed to EDS	See attached NTP of EDS
Q	January 29, 2019	The BAC thru the Secretariat issued the NTP to Baybay Printshop	See attached NTP of Baybay Printshop
R	February 6, 2019	The BAC with the TWG deliberated the complaint of Baybay Printshop and answer of EDS and finally came up with a recommendation	See attached BAC Resolution #04 Series of 2019, which was received by the Office of the University Secretary on February 13, 2019.
S	February 26, 2019	BAC Resolution #04 Series of 2019 was discussed by the UADCO during its meeting	See attached notice of meeting
T	July 3, 2019	BAC Resolution #04 Series of 2019 was discussed by the BOR Finance Committee during its meeting	See attached notice of meeting


Prepared by:


JESSAMINE C. ECLEO
 Former BAC 1 Secretariat

Certified True and Correct:


RYSAN C. GUINOCOR
 Former BAC 1 Member


MARIO LILIO P. VALENZONA
 Former BAC 1 Member


LOUELLA C. AMPAC
 Former BAC 1 Member


Note: Former BAC 1 Chairman & Vice Chairman are on sick leave.

MATRIX OF PROCUREMENT ACTIVITIES
SUPPLY AND DELIVERY OF I.T. AND OFFICE EQUIPMENT & SUPPLIES (BAC2-GOODS-18-19)

DATE	PROCUREMENT ACTIVITIES	DOCUMENT/RECORD	REMARKS
	Consolidation of PR's 75 PRs with a total of 623 items	a) Purchase Requests b.) Bill of Quantities/Bid Proposal	Annex A1 Annex A2
Sept. 11, 2018	Pre-Procurement Conference	Minutes of Pre-Procurement Conference	Annex B
Sept. 16, 2018	Posting of Invitation to Bid in the PhilGEPS	a.) Invitation to Bid (ITB) b.) Bid Notice Abstract (PhilGEPS)	Annex C1 Annex C2
Sept. 24, 2018	Pre-Bidding Conference	Minutes of Pre-Bidding Conference	Annex D
October 1, 2018	Published Bid Bulletin in the PhilGEPS (Amendments made during pre-bid)	Bid Bulletin (Amendments)	Annex E
October 8, 2018	Bid Opening	a.) Eligibility Checklist and Requirements b.) Attendance Sheet c.) Minutes of Bid opening d.) Bid Form (Financial Component) e.) Bidding documents	Annex F1 Annex F2 Annex F3 Annex F4 Annex F5
October 8-15, 2018	Bid Evaluation, Post Qualification and Recommendation for Award	a.) Abstract b.) Post Qualification Report and supporting documents c.) Notice of Post Disqualification d.) Minutes of Bid Evaluation and Post Qualification e.) BAC Resolution No. 20 series of 2018 recommending award	Annex G1 Annex G2 Annex G3 Annex G4 Annex G5

Nov. 27, 2018	Issuance of Notice of Award	NOA	Annex H
Nov. 29, 2018	Issuance of Notice Proceed	NTP	Annex I
January 17, 2019	Received letter of complaint from Baybay Printshop for suspension and blacklisting EDS	Letter of complaint for suspension and blacklisting of Baybay Printshop	Annex J
January 24, 2019	BAC informed EDS of the complaint for suspension and blacklisting filed by Baybay Printshop and given opportunity to show cause and submit written answer	Letter to EDS dated Jan. 23, 2019	Annex K
January 25, 2019	BAC received from EDS letter reply to the complaint for suspension and blacklisting	Letter from EDS-Reply to the complaint for suspension and blacklisting (note with attachments) dated Jan. 24, 2019	Annex L
	BAC recommendation to the HOPE	BAC Resolution recommending suspension (BAC Res. No. 01 series of 2019) dated Feb 6, 2019	Annex M

Prepared by:


ALICIA M. FLORES
Former Head, BAC2 Secretariat

Certified Correct:


OTHELLO B. CAPUNO
Former Chairman, BAC2



VISAYAS
STATE UNIVERSITY

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OFFICE OF THE BOARD SECRETARY

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29 July 2019

Dr. Edgardo E. Tulin
University President
Visayas State University
Visca, City of Baybay, Leyte

Mr. President,

I am writing this letter to clarify matters pertaining to the investigation to be conducted on BAC-2 Resolution No. 1, s. 2019 and BAC-1 Resolution No. 4, s. 2019, both of which are Blacklisting Complaints filed by Mr. Nello P. Roa IV against the Electrocomputer Data Systems (EDS) in the two (2) Bids and Awards Committees of the University.

Mr. President, please be informed that in the case of the bidding for BAC-2 GOODS-18-19 (*Supply and Delivery of I.T. Equipment and Supplies*), the BAC-2 verified that the EDS had "contracts but not yet awarded" with the VSU Main Campus as well as the Southern Leyte State University. Based on this non-disclosure which is part of the eligibility requirements for the Bidders on "Statement of On-Going Government and Private Contracts," the BAC-2 declared EDS ineligible and disqualified EDS from the bidding for BAC-2 GOODS-18-29.

On the other hand, in the case of the bidding for BAC-1 GOODS-18-33 (*Supply and Delivery of I.T. Equipment and Supplies*), the BAC-1 issued BAC-1 Resolution No. 4, s. 2019 dated 6 February 2019 which indicated in the 4th paragraph, to quote: "In the evaluation of Item No. 25 (UPS, Back-UPS, 750 VA), the BAC-1 found out that the offer of EDS, although the LCB is not responsive because the TWG informed the BAC that 'WisePower' does not contain 'Back-UPS' specifications, leading to the BAC-1 decision to declare failure of bidding of the particular item due to non-conformance to the required specifications."


Mr. President, during the 92nd BOR Meeting held at the CHED Central Office last 12 July 2019, Regent Milo D. Delos Reyes, motioned that the two Blacklisting Complaints filed by Mr. Nello P. Roa IV against EDS be remanded for Investigation by the University President before it is lodged with the Board. The motion was unanimously approved by the Governing Board.

As yet, this Office has not received any order from the Governing Board that the said investigation has been delegated to other parties.

I am furnishing your Office a copy of all the documentation pertaining to BAC-2 Resolution No. 1, s. 2019 as well as BAC-1 Resolution No. 4, s. 2019 in conformity with the BOR decision to remand the Investigation to the University President.

Hoping that you find everything in order.

Respectfully,


DANIEL M. TUDTUD, JR.
Board Secretary V

Members of the VSU Board of Regents