



Republic of the Philippines  
**VISAYAS STATE UNIVERSITY**  
Visca, Baybay, Leyte

**BOR RESOLUTION NO. 139, s. 2019**

**A RESOLUTION DELEGATING AUTHORITY TO VSU PRESIDENT EDGARDO E. TULIN TO REVIEW AND DECIDE WHETHER OR NOT THE REPORTS OF BAC2 ON THE BIDDING OF GOODS-18-19 AND BAC1 ON THE BIDDING OF GOODS-18-33 ARE SUFFICIENT FOR THE SUSPENSION AND BLACKLISTING OF ELECTROCOMPUTER DATA SYSTEMS (EDS)**

**WHEREAS**, the Leyte State University was created by virtue of Republic Act 9158 which converted the then Visayas State College of Agriculture (ViSCA) into a state university last 11 August 2001, and was later renamed Visayas State University (VSU) by virtue of R.A. 9437;

**WHEREAS**, Section 7 of R.A. 9158 specifically empowers the Board of Regents of the University to “*exercise all the powers granted to the Board of Directors of a corporation under Section 36 of Batas Pambansa Blg. 68, otherwise known as the Corporate Code of the Philippines*”;

**WHEREAS**, Section 7, Paragraph (f) of R.A. 9158 empowers the Board of Regents of the University “*To authorize the construction or repair of its buildings, machineries and equipment and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment...*”;

**WHEREAS**, in accordance with R.A. 9184, otherwise known as the Government Procurement Act, the Board of Regents is the Head of Procuring Entity (HOPE);

**WHEREAS**, on 17 January 2019, the Bids and Awards Committee 1 (BAC1) received a Complaint (*for Suspension and Blacklisting*) from Mr. Nello P. Roa, IV of Baybay Printshop against Electrocomputer Data Systems (EDS) for “*alleged willful and malicious submission of false information in the submitted bid specially in the Bill of Quantities (BoQ) wherein EDS indicated wrong technical specifications in some of its offers*”;

**WHEREAS**, on the same date (17 January 2019), the Bids and Awards Committee 2 (BAC2) received a Complaint (*for Suspension and Blacklisting*) from Mr. Nello P. Roa, IV of Baybay Printshop against Electrocomputer Data Systems (EDS) on the ground of “*submission of eligibility requirements containing false information*”;

**WHEREAS**, on 06 February 2019, the Bids and Awards Committee 1 (BAC1) deliberated on the complaint of Baybay Printshop and the corresponding answer of EDS, then issued and submitted to the Board BAC1 Resolution No. 4, s. 2019, recommending to the VSU HOPE for a one-year suspension of EDS from participation in any bidding activity in VSU in accordance with Paragraph 4.1, Appendix 17 of the Handbook on Philippine Government Procurement (2016);

**WHEREAS**, on the same date (06 February 2019), the Bids and Awards Committee 2 (BAC2) deliberated on the complaint of Baybay Printshop and the corresponding answer of EDS,

then issued and submitted to the Board BAC2 Resolution No. 1, s. 2019 expressing that BAC2 was not convinced on the defense of EDS, and recommending to the VSU HOPE for a one-year suspension of EDS from participation in any bidding activity in VSU;

**WHEREAS**, during the 92<sup>nd</sup> VSU BOR 12 July 2019, the Board discussed the complaints of Mr. Nello P. Roa, IV of Baybay Printshop and decided that the matter be turned over to the VSU President subject to confirmation by the Board because the amounts involved are within his delegated authority;

**WHEREAS**, during the same meeting, VSU President Tulin requested that the Board would attest that since the matter has just been formally turned over to him, its resolution would be realized beyond the mandatory reglementary period of 15 days from receipt of the complaint;

**WHEREAS**, on 28 August 2019, President Tulin issued OP Memorandum 328 s. 2019, constituting an Investigation Committee that would conduct an investigation in order to assess and thresh out the details of the two (2) BAC resolutions, and come up with recommendations;

**WHEREAS**, the Investigation Committee submitted a report to the Board on the results of the investigation on 30 September 2019;

**WHEREAS**, on 07 October 2019, Mr. Nello P. Roa, IV of Baybay Printshop submitted an urgent ex-parte motion to resolve complaints for suspension and blacklisting to the VSU Board of Regents and respectfully praying that the Board immediately issue, for both cases, a decision suspending EDS from participating in any bidding process of the agency, and further declaring that the EDS bid security shall be forfeited, and that the decision shall clearly and distinctly state the facts, evidence and the law on which it is based, as well as the date of effectivity of the penalty, if any, in accordance with Section 5.4 of the Revised Uniform Guidelines of Blacklisting of Manufacturers, Suppliers, Distributors, Contractors and Consultants;

**WHEREAS**, during the deliberation of the Investigation Committee report on the 95<sup>th</sup> BOR Meeting held on 24 October 2019, the Board decided to give full authority to President Tulin to decide whether or not the reports of BAC2 on the bidding of Goods-18-19 and BAC1 on the bidding of Goods-18-33 are sufficient for the suspension and blacklisting of Electrocomputer Data System (EDS);

**THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED** to delegate authority to VSU President Edgardo E. Tulin to review and decide whether or not the reports of BAC2 on the bidding of Goods-18-19 and BAC1 on the bidding of Goods-18-33 are sufficient for the suspension and blacklisting of Electrocomputer Data System (EDS).

**IN WITNESS** of our approval thereof, we hereby affix our signatures this 24<sup>th</sup> day of October 2019 at CHED Central Office, Pres. C.P. Garcia Avenue, U.P. Diliman, Diliman, Quezon City.



**VSU BOARD OF REGENTS**



**HON. J. PROSPERO E. DE VERA III**  
*CHED Chairperson and Chairperson  
VSU-Board of Regents*

**HON. EDGARDO E. TULIN**  
*Vice Chairman and President, VSU*

**HON. EMMANUEL JOEL J. VILLANUEVA**  
*Chair, Committee on Education, Arts & Culture  
Senate of the Philippines*

**HON. MARK O. GO**  
*Chair, Committee on & Tech. Educ.  
House of Representatives*

*Represented by:*

*No Representative*


*Not Present*

**HON. CARL NICOLAS C. CARI**




**HON. MEYLENE C. ROSALES**  
*Regional Director  
National Economic & Dev. Authority-RO8  
Government Center, Palo, Leyte*

*Not Present*  
**HON. MILO D. DELOS REYES**  
*Regional Executive Director  
Department of Agriculture-RO8  
Tacloban City*



**HON. DENNY J. CATINDOY**  
*Faculty Regent - VSU Faculty Association  
VSU, Visca, City of Baybay, Leyte*

*Not Present*  
**HON. DEOGRACIAS E. PERNITEZ**  
*President, VSU Federated Alumni Assn.  
VSU, Visca, City of Baybay, Leyte*



**HON. CHAD CHRISTIAN D. WALES**  
*Student Regent - VSU System  
VSU, Visca, City of Baybay, Leyte*