

**MARITIME INDUSTRY AUTHORITY  
PRIMARY BIDS AND AWARDS COMMITTEE**

**IN RE: INVITATION TO APPLY FOR ELIGIBILITY  
AND TO BID FOR THE PROCUREMENT OF JANITORIAL  
SERVICES 2017 FOR THE MARITIME INDUSTRY AUTHORITY**

X ----- X

**RESOLUTION**

(On the Motion for Reconsideration filed by **Power Clean Building Care and General Services**)

**Facts of the Case:**

This Resolution pertains to the MOTION FOR RECONSIDERATION OF POWER CLEAN BUILDING CARE AND GENERAL SERVICES assailing the findings of the Bids and Awards Committee (BAC) that the company is not eligible in that bidding for failing to submit authenticated copy of the Eligibility Documents during the bid opening.

On 17 April at 10:00 A.M. following the published schedule for the opening of bids, the BAC upon examination of the contents of the first envelop tendered by Power Clean Building Care and General Services, one of the three bidders, found that the herein bidder only submitted Eligibility Documents not certified by the company nor by the issuing agency. However, Power Clean Building Care and General Services, through its authorized representative presented the original copy of the subject documents during the bid opening period. It was not accepted since the requirement under the Bidding Documents is submission of original or certified true copy of the eligibility documents by the issuing agency. Hence the Committee declared LBP Service Corporation as non-eligible to submit a bid proposal. Forthwith, Power Clean Building Care and General Services filed this Motion for Reconsideration.

**Issue :**

The central issue to be resolved now is whether or not Power Clean Building Care and General Services can be considered eligible?

**Ruling:**

**AFFIRMATIVE.**

The issue will be resolved based on the provisions of Rule VIII Sections 24.1, 25.3 (c) and 29 of the 2016 Revised IRR of RA 9184, to wit:

## **"Section 24. Eligibility Requirements and Short Listing for Consulting Services**

**24.1.** For purposes of determining the eligibility and short list of bidders in accordance with Sections 24.4 and 24.5 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:

a) Class "A" Documents

Legal Documents

- i) Registration certificate from SEC, DTI for sole proprietorship, or CDA for cooperatives.
- ii) Mayor's/Business permit issued by the city or municipality where the principal place of business of the prospective bidder is located, or the equivalent document for Exclusive Economic Zones or Areas.

In cases of recently expired Mayor's/Business permits, it shall be accepted together with the official receipt as proof that the bidder has applied for renewal within the period prescribed by the concerned local government unit: Provided, That the renewed permit shall be submitted as a post-qualification requirement in accordance with Section 34.2 of this IRR.

For individual consultants not registered under a sole proprietorship, a BIR Certificate of Registration shall be submitted, in lieu of DTI registration and Mayor's/Business permit.

- iii) Tax clearance per E.O. 398, s. 2005, as finally reviewed and approved by the BIR.

### **Section 25.3 (c)**

(c) Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;

In the instant case, it is worthy to give emphasis that the herein bidder submitted the required documents prescribed under Section 24.1 of the 2016 Revised Implementing Rules and Regulations of RA 9184. However, additional requirement such as authentication of the Legal Documents by the issuing agency was not satisfied.

Further to the granting of the instant motion based on substantial compliance, the BAC deemed it necessary to reconsider its decision pursuant to Section 25.3 as above stated. The Eligibility Documents submitted in the bids of Power Clean Building Care and General Services are authenticated copies of the original pursuant to the submitted Omnibus Sworn Statement as part of the herein bidder's bid. Again, this satisfies the



requirement set by the law. The company officer who attested the authenticity of the documents will remotely lie in his statement because he is under the pain of perjury. Furthermore, the law requires Post-Qualification evaluation. The purpose of which is to verify the authenticity of the documents. All these legal mechanisms are set to ensure that the authenticity and veracity of documents submitted are checked.

Wherefore, premises considered, the Committee hereby **GRANTS** the motion for reconsideration and declares Power Clean Building Care and General Services and declares it to be compliant with the requirements.

Let the continuance of the reading and consideration of Bid Offer be scheduled on April 24, 2017 at 2:00 o'clock in the afternoon at MARINA Board Room, this Agency.


Let the BAC Secretariat immediately furnish Power Clean Building Care and General Services and all bidders of this Resolution which also serves as an invitation to attend the continuation of the reading and consideration of Bid Offer, and post a copy of this notice in the agency website.

SO ORDERED.

20 April 2017, Manila, Philippines.

  
**DIR. EFREN JUAN B. BORCI, JR.**  
Member

  
**DIR. JEFFREY A. BANGSA**  
Member

  
**MR. JOSE LOUIE B. BANUA**  
Member

  
**MS. MA. SOTERANIA M. SIÑEL**  
Vice Chairperson

**ATTY. MAXIMO I. BAÑARES JR.**  
Chairman  
Primary Bids and Awards Committee