



Republic of the Philippines
OFFICE OF THE PRESIDENT
COMMISSION ON HIGHER EDUCATION
BIDS AND AWARDS COMMITTEE
BAC Secretariat Office: G/F Higher Education Development Center (HEDC) Bldg., CP
Garcia Avenue, UP Diliman, Quezon City
Website: <http://www.ched.gov.ph> email: chedbac@ched.gov.ph

BAC RESOLUTION NO. 2022-017

"Disqualification of MCLINK COPY SERVICES PHILIPPINES INC. for the Procurement of Rental of Photocopying Machines for FY 2022 and conduct post qualification to OTUS COPY SYSTEMS, INC., the second Lowest Calculated Bidder"

WHEREAS, as per BAC Resolution No. 2021-182 dated December 17, 2021, the Bids and Awards Committee (BAC), recommended for approval by the Commission en Banc (CEB) the award of the contract to **MCLINK COPY SERVICES PHILIPPINES INC.** in the total amount of **Nine Hundred Fifty Nine Thousand Four Hundred Pesos (P959,400.00)** for the **Procurement of Rental of Photocopying Machines for FY 2022;**

WHEREAS, the Commission en Banc (CEB), through CEB Resolution No. 009-2022 dated January 11, 2022 with concurrence of the Management Committee approved the award of the contract to **MCLINK COPY SERVICES PHILIPPINES INC.** in the total amount of **Nine Hundred Fifty Nine Thousand Four Hundred Pesos (P959,400.00)** for the **Procurement of Rental of Photocopying Machines for FY 2022;**

WHEREAS, on February 18, 2022, **MCLINK COPY SERVICES PHILIPPINES INC.** submitted a letter to the BAC with the following information:

a. McLink Copy Services Phils, Inc. cannot receive the Notice to Proceed for the Rental of Photocopying Machines for FY 2022 from CHED due to the challenges they are encountering on customs clearance
b. McLink Copy Services Phils, Inc. have encountered the same back in 2020 which until now the machines have not been released yet from the Customs
c. McLink Copy Services Phils, Inc. is afraid that this is going to be the same problem they encountered before which in effect will cause CHED to further delay its new photocopier project implementation
d. As much as McLink Copy Services Phils, Inc. would love to fulfill the project, their hands were tied by these unforeseen circumstances
e. It is their big regret informing CHED about this as this is also their 1st and biggest project deployment in the public sector industry here in the Philippines
f. McLink Copy Services Phils, Inc. would also like to know if there were something that they need to do to assist CHED while it is on its transition process

WHEREAS, on February 21, 2022 Special BAC meeting, the BAC deliberated on the submitted letter of **MCLINK COPY SERVICES PHILIPPINES INC.;**

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WHEREAS, the BAC considered Section 40.1 of the 2016 Revised IRR of R.A 9184 which states:

"If the bidder with the LCRB, HRRB, SCRB or SRRB fails, refuses or is unable to submit the documents required under Section 37.1 of this IRR or to make good its bid by entering into a contract with the Procuring Entity or post the required Performance Security within the period stipulated in this IRR or in the Bidding Documents, the bid security shall be forfeited and the appropriate sanctions provided in this IRR and existing laws shall be imposed, except where such failure, refusal or inability is through no fault of the said bidder"

WHEREAS, Section 40.2 of the 2016 Revised IRR of R.A 9184 further states:

"In the case of the failure, refusal or inability of the bidder with LCRB or HRRB to submit the documents required under Section 37.1 of this IRR or to enter into contract and post the required Performance Security, as provided in this Section, the BAC shall disqualify the said bidder, and shall initiate and complete the post qualification process on the bidder with the second Lowest Calculated Bid/Highest Rated Bid: Provided, however, That in the case of Consulting Services, the second Highest Rated Bid has successfully undergone the negotiation stage in accordance with Section 33.2.5 of this IRR. This procedure shall be repeated until the LCRB or HRRB is determined for award. However, if no bidder passes post-qualification, the BAC shall declare the bidding a failure and conduct a re-bidding with re-advertisement. Should there occur another failure of bidding after the conduct of the contract's re-bidding, the Procuring Entity concerned may enter into a negotiated procurement"

WHEREAS, the BAC, considering the above provisions, resolved to declare **MCLINK COPY SERVICES PHILIPPINES INC.** as **disqualified** and further resolved to conduct **post qualification** to **OTUS COPY SYSTEMS, INC.**, the **second Lowest Calculated Bidder**;

WHEREAS, the BAC, upon deliberation, moved, and duly seconded declared **MCLINK COPY SERVICES PHILIPPINES INC.** as **disqualified** and further resolved to conduct **post qualification** to **OTUS COPY SYSTEMS, INC.**, the **second Lowest Calculated Bidder**;

WHEREFORE, RESOLVE AS IT IS HEREBY RESOLVED, that the Bids and Awards Committee hereby resolved to declare **MCLINK COPY SERVICES PHILIPPINES INC.** as **disqualified** and further resolved to conduct **post qualification** to **OTUS COPY SYSTEMS, INC.**, the **second Lowest Calculated Bidder**.

BAC RESOLUTION NO. 2022-017

Done this 21st day of February 2022, in accordance with Memorandum from the Office of the Executive Director dated May 28, 2020 re CHED Office Operations Beginning 01 June 2020.

Bids and Awards Committee


DIR. CORINNA FRANCES CABANILLA
Member


DR. MARIVIC V. IRIBERRI
Member


ATTY. FREDERICK MIKHAIL I. FAROLAN
Member


ATTY. CHRISTIAN E. RIVERO
Member

(on official business)
ATTY. RYAN L. ESTEVEZ
Vice-Chair


ATTY. CINDERELLA FILIPINA BENITEZ-JARO
Chairperson



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BAC RESO NO 2022-017
Prepared by YMadrigalby

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