



Republic of the Philippines
COMMISSION ON ELECTIONS
Special Bids and Awards Committee

MINUTES OF PRE-BID CONFERENCE

27 March 2009

Bureau of the Treasury Convention Hall
3rd Floor Palacio del Gobernador
Intramuros, Manila

Present:

(1) SBAC Members:

Dir. Ferdinand T. Rafanan, *Chairman*
Dir. Adolfo A. Ibañez, *Vice-Chairman*
Dir. Divina E. Blas-Perez, *Member*
Dir. Rey D. Doma, *Member*
Ms. Elizabeth D. Balbacal, *Member*

(2) Members of the SBAC Secretariat

Atty. Margaret C. Ching, *Head*
Atty. Efraim Q. Bag-id, *Assistant Head*
Atty. Allan Contreras
Ms. Cora R. Danao
Lolita H. Garcia
Aggy Christine Glindo
Mary Fritzie V. Bontia
Elmer Saluta
Noemi Rita Salita
Joseph Arive
Ma. Vina Taleon Zamora

(3) Support Staff:

Ernie Jun Bernales	Noelito Cortez
Camila Ramirez	Lhida A. Espiritu
Rachelle Mae Sagadraca	Aleli Geronimo
Merlinda Dela Cruz	Francis Perida
Nenita Alfonso	Romulo Abaylon
Jean Catherine Rodriguez	

(4) Members of the Technical Working Group:

Engr. Ernesto R. del Rosario, *Head*
Dir. Jeannie V. Flororita, *Assistant Head*

Representatives of:

Chairman Jose A.R. Melo:

Atty. Melchor G. Magdamo
Ramon P. Aquino

Commissioner Rene V. Sarmiento:

Atty. Abigail Claire Carbero
Ma. Rocio B. Dela Cruz

Commissioner Nicodemo T. Ferrer:

Atty. Magellan P. Ferrer
Sweet Dionne G. Putong

Commissioner Lucenito N. Tagle

Atty. Barry Boy Salvador
Ana Marie Quilala

Commissioner Armando C. Velasco

Atty. Modesto Bahol, Jr.
Ryan Rene T. Allas

Commissioner Leonardo L. Leonida

Atty. Jennifer G. Siron
Ma. Fe Bailon

Commissioner Elias R. Yusoph

Alberto O. Romoros
Janessa Pangcoga

Internal Audit Office

Concordia M. Buniel
Carlito V. Puato

ITD

Eden Bolo

National Computer Center

Dandy Catabona
Manuel Odilon P. Fortes

(5) Regular Observers:

Mr. Nelson C. Talabucon, *Commission on Audit*
Mr. Alijandro F. Millete II, *Commission on Audit*
Atty. Miriam A. Candelaria, *Resident Ombudsman*

(6) Other Observers:

Ms. Dimpina O. Lejos, *GPPB*
Ms. Jocelyn Centeno, *DBM*
Ms. Julie Abrigo, *DBM*
Atty. Sixto Brillantes
Ms. Farah Sevilla, *Transparency and Accountability Network*
Mr. Trix Cerna, *Transparency and Accountability Network*
Edgar Beltran, *AZ Com*
Elmer Montero, *AZ Com*
Lito Vitug, *Epson*
Emmy Windy, *E-Bay*
Fidel dela Torre, *Center for People Empowerment and Governance*
Louie Almario, *DVS Korea*
Bobit Suarez, *DVS Korea*
Alex Calderon, *(IT Observer)*
Toti Casiño, *Philippine Computer Society*
Ed S. Marquez, *Philippine Computer Society*
Frances Caerina A. Sy, *Procurement Watch, Inc.*
Laarni P. Tejome, *Procurement Watch, Inc.*

(7) Bidders' Representatives:

All Data Hub International Inc.:

Dan Barrameda	Jose Michael Meo R. Barrida
Emerson A. Brion	Julius Tolentino
Arthur S. Gastilo	Mark Halili
Joel Tolentino	Ismael Itum
Alex Deluyas	

AMA Group Holdings/ES & S

Atty. Edilberto Castañeda	Atty. Niel Veloso
Juanito G. Ramos, Jr.	James Schmidt
Steve Beyer	Kirk Douglas
Edwin Ching	Paulo Paje
Mark Lamson	Jun Z. Velasco

Avante International Technology

Kevin Chung	Pinky Mañalac
Leo Querubin	Trisha Manlangit
Ivy Reyes-Fajardo	Jomie Edos

DVS-SAMSUNG

Kim Hongduk	Chung Yang-Uan
Kim Gee-Jong	Renante G. Sanre, Jr.
Neilstor Jon S. Asiuas	

GILAT Satellite Network

Ziu Tac	Augusto Austria
Yair Sharram	
Haim Lerran	

Indra Sistema S.A.

Gerard Cerveus	Mario Favila
Marcus Macneill	Aris Batuhan
Jim Suver	Aries Supremo
Boj Bunnell	Rommel Jumilla
Vince Dizon	Al Adlawan
Jonathan Aguirre	Javier Fernandez
Mick Escano	Jon Esculon
Ma. Loreta Navarro	Mike Maligut
Norman Pe	Mike (Unreadable)

Mega Data Corporation

Alfred Pack	Jose Avedillo
Terence Chong	Terry Su

Syrex/Scantron

Myra Sy	Brian Hsich
Marlo Bautista	

Total Information Management/Smartmatic

Lamberto Lorenzo
Steven Morales
Cesar Flores
Gerard Manalo
Alberto Castro

Bob Coor
Ian Mac (unreadable)
Ana Salazar Solomon
Rowena Piñate

USSC/Sequoia:

Jack Blaine
Kevin Hurst
Joey (Unreadable)

Eric Coomer
David (Unreadable)
B.L. Domingo

AGENDA:
PRE-BID CONFERENCE

At 10:30 in the morning, Dir. Ferdinand T. Rafanan, SBAC Chairman, called to order the Pre-Bid Conference for the Automation of the Counting, Transmission and Canvassing of Votes for the May 10, 2010 Elections.

During the roll call, the following companies/suppliers who obtained the *Request for Proposal for the 2010 Elections Automation Project* for the period March 18-25, 2009, namely: (1) Smartmatic-Total Information Management; (2) Avante International Technology Inc.; (3) Syrex Corporation-Scantron; (4) DVS-Samsung; (5) Indra Systemas S.A.; (6) Sequoia-Universal Storefront Services Co.; (7) All Data Hub International Inc.; (8) Gilat Satellite Networks Ltd.; (9) AMA Group Holdings Corp.-Election Systems and Software International Inc.; and, (10) Mega Data Corporation, **were duly represented.**

Atty. Margaret C. Ching, Secretariat Head, presented to the public SBAC Bid Bulletin Nos. 1, 2 and 3. Bid Bulletin No. 1 pertains to the change of venue for the issuance of the *Request for Proposal, i.e.,* from the BAC Secretariat, Property Division of the Administrative Services Department, to the SBAC Secretariat, Information Technology Department, 7th Floor, Palacio del Gobernador, Intramuros, Manila. On the other hand, Bid Bulletin No. 2 refers to the change of venue of Pre-Bid Conference and Submission and Opening of Sealed Bids, from the COMELEC Session Hall to the Bureau of the Treasury Convention Hall, 3rd floor, Palacio del Gobernador. And lastly, Bid Bulletin No. 3 is the amendment to Clause 2.2.6.1.2.2, Title IX-B (Terms, Conditions and Instructions to Bidders) on the requirement for single largest contract, as approved by the Commission *En Banc*, per Minute Resolution No. 09- No. 09-0197 (*In the Matter of the Requirement on Single Largest Contract for the 2010 Elections Automation Project (RFP)*) dated 24 March 2009, to wit:

- “1. to adopt the GPPB Resolution No. 007-2006 on the requirements for single largest contract to the procurement at hand; and

“2 to amend Clause 2.2.6.1.2.2, Title IX-B (Terms, Conditions and Instructions to Bidders) on the 50% requirement on single largest contract, to now read as follows:

“2.2.6.1.2.2 Statement that the business/company of the prospective bidder has been in existence for at least three (3) consecutive years prior to the advertisement of the IAEB and that it has completed at least three (3) similar contracts and the aggregate contract amounts is equivalent to at least fifty percent (50%) of the approved budget for the contract; Provided, That the largest of these similar contracts must be equivalent to at least twenty-five percent (25%) of the approved budget for the contract of the project to be bid.”

Before such amendment, Clause 2.2.6.1.2.2 was worded as follows:

“Statement of the value of the prospective bidder’s single largest contract for the last three (3) years, adjusted to current (prices) using the wholesale consumer price index and similar to the contract to be bid, which must be at least fifty percent (50%) of the approved budget for the contract to be bid.”

Before officially opening the floor for discussion or clarification on the terms, conditions and requirements of the automation project, the Chairman informed the public of the purposes of the Pre-Bid Conference, citing pertinent provisions of Section 22 of the Implementing Rules and Regulations of Republic Act No. 9184. He also announced the submission of clarifications or queries from some bidders which were sent through *e-mail* and received by the SBAC Secretariat before the commencement of the Pre-Bid Conference, in response to his letter-request of 25 March 2009.

Thereafter, Atty. Aris Batuhan of Indra Sistemas, S.A., inquired whether Bid Bulletin No. 3 was issued by the SBAC without securing the official opinion of the Government Procurement Policy Board (GPPB) on the matter. The Chairman replied that Bid Bulletin No. 3 was issued *motu proprio* to prevent monopoly. To support such stance, he read before the public the following text of Section 23.11.1(2), IRR, RA 9184, as amended by GPPB Resolution No. 007-2006 dated 20 January 2006, viz:

“2. The prospective bidder must have an experience of having completed within the period specified in the IAEB concerned a single contract that is similar to the contract to be bid, and whose value adjusted to current prices using the wholesale consumer price index, must at least fifty percent (50%) of the approved budget for the contract to be bid.

However, (a) when failure of bidding has resulted because no single bidder has complied with the said requirement; or (b) imposing the same will likely result to monopoly that will defeat the purpose of public bidding, the procuring entity, in lieu of the above, may instead require the following:

- a) The prospective bidder should have completed at least three similar contracts and the aggregate contract amounts should be equivalent to at least fifty percent (50%) of the ABC of the project to be bid;

- b) The largest of these similar contracts must be equivalent to at least twenty-five percent (25%) of the ABC of the project to be bid; and
- c) The business/company of the prospective bidder willing to participate in the bidding has been in existence for at least three (3) consecutive years prior to the advertisement and/or posting of the IAEB.

For this purpose, the similar contracts mentioned in 2(a) and 2(b) above must have been completed within the period specified in the Invitation to Apply for Eligibility and to Bid. The procuring entity can clarify in the bidding documents the similar contracts that can be considered in the bidding.

Provided, further, that when the item/good to be procured is novel or its procurement is otherwise unprecedented, or is unusual, and compliance to the requirement on a largest single similar contract is impracticable, the prospective bidder will only have to comply with requirement (c) above.”

Atty. Batuhan requested the SBAC to ask for an official ruling from the GPBB on such amendment or any amendment to eligibility requirements, to prevent future legal suits and derailment of the procurement process. In response, the Chairman stated that the SBAC will confer such request with the Commission *En Banc* whether to seek an official advice from the GPBB on said amendment to eligibility requirement.

On the other hand, Mr. Eric Coomer of Sequoia, asked when the COMELEC will provide the specified test plan that will be used for the “end to end test plan”. Director Jeannie Flororita, Assistant Head of the SBAC Technical Working Group, answered that the COMELEC will not provide for any test plan. Mr. Croomer sought clarification on the term “half-shading” of the special ballots. Dir. Flororita answered that “half-shading” means “partial” or “incomplete” shading.

Thereafter, Dir. Rafanan averred that queries on the terms and conditions of the RFP for the Php11.2 billion poll automation project should be in writing and submitted before the SBAC not later than April 17, 2009. Inquiries may be sent thru *e-mail* to the following addresses: sbac2009_comelec@yahoo.com and itd_systems@comelec.gov.ph. Dir. Rafanan further advised the bidders that answers to their inquiries shall be made through bid bulletins or supplemental bid bulletins within the prescribed period before the opening of sealed bids on 27 April 2009.

There being no other matters to discuss and clarify, the pre-bid conference adjourned at 11:30 in the morning.

This is to certify that the foregoing is a true excerpt of the Pre-Bid Conference conducted by the Special Bids and Awards Committee on 27 March 2009 at the Bureau of the Treasury Convention Hall, 3rd floor, Palacio del Gobernador, Intramuros, Manila.

Atty. Margaret Cokehyeng-Ching
Head of the Secretariat

By: _____
Atty. Efraim Q. Bag-id
Assistant Head of the Secretariat

Cc: Chairman & All Commissioners

Executive Director

SBAC members

DEDA

DEDO

ITD

OIA

NCC

CICT

CAC