

**BIDS AND AWARDS COMMITTEE****Resolution No. 20-03-051**

-01-20001-PR-2020-02-00255-

**RECOMMENDING THE USE OF DIRECT CONTRACTING WITH PHILCOPY CORPORATION FOR THE PROCUREMENT OF KYOCERA BRANDED CONSUMABLES AND SPARE PARTS FOR KYOCERA PHOTOCOPIERS AND/OR PRINTERS OF HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT SERVICE (HRMDS)**

**WHEREAS**, the Procurement Management Service (PMS), through the Procurement Planning and Management Division (PPMD), forwarded a referral to the Bids and Awards Committee (BAC) on March 12, 2020 requesting for the issuance of a resolution recommending the use of Direct Contracting as an alternative procurement modality for the procurement of consumables and spare parts for Kyocera copiers and/or printers of Human Resource Management and Development Service (HRMDS). The said procurement was requested through approved Purchase Request (PR) Nos. 01-20001-PR-2020-02-00255. Copies of the referral memorandum and approved PRs are hereto attached and marked as **Annexes "A"** and **"B"**, respectively, and are made integral parts hereof;

**WHEREAS**, Philcopy Corporation, submitted a Sworn Certificate of Guarantee, Exclusive Distributorship Agreement from KYOCERA Document Solutions Asia Limited indicating therein that the former, is appointed as an exclusive distributor for all Kyocera products in the Philippines. The Certification is hereto attached and marked as **Annex "C"** and made an integral part hereof;

**WHEREAS**, Philcopy Corporation, presented an Authentication Certificate of Distributorship from Ms. Fatima G. Quintin, Consul of the Republic of the Philippines in Hong Kong executed on May 16, 2019. A copy of the said authentication certificate together with the price quotation are hereto attached and marked as **Annexes "D"** and **"E"**, respectively, and are made integral parts hereof;

**WHEREAS**, pursuant to Section 50 (c) of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 (RA 9184) otherwise known as the Government Procurement Reform Act (GPRA) provides that Direct Contracting may be resorted to by the concerned Procuring Entities when the goods are sold by an exclusive dealer or manufacturer which does not have sub-dealers selling at lower prices and for which no suitable substitute can be obtained at more advantageous terms to the Government of the Republic of the Philippines (GoP);

**NOW THEREFORE**, in view of the foregoing and on the basis of the documents presented, the Bids and Awards Committee (BAC) resolves, as it is hereby resolved, to recommend the following:

1. Adopt **Direct Contracting** as an alternative method of procurement, pursuant to **Section 50 (c) of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 (RA 9184)**, for the procurement of **spare parts, accessories and consumables for Kyocera branded copiers and/or printers of DSWD**; and
2. **Award of contract to Philcopy Corporation** for the procurement of consumables and spare parts for Kyocera copiers and/or printers of the DSWD. Provided further that this resolution shall be the basis of award in all subsequent procurement request and shall be valid only until December 31, 2020, unless the certificate of the latter as the exclusive distributor is earlier terminated by its foreign principal. Provided further that it shall continue to have no sub-dealers selling at a lower price.


Resolved, this 13<sup>th</sup> day of **March 2020** in Quezon City, Philippines.

  
**EMMANUEL P. PRIVADO**  
*Director IV, National Response and  
Logistics Management Bureau  
Regular Member*


**FELIX M. ARMEÑA**  
*Division Chief, Information and Communication  
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**RENE GLEN O. PAJE\***  
*Undersecretary for Inclusive and  
Sustainable Peace  
Regular Member*

  
**FELICISIMO C. BUDIONGAN**  
*Undersecretary for Disaster Response  
Management  
Chairperson*

**Approved**

**Disapproved**

  
**JOSE ERNESTO B. GAVIOLA**  
*Undersecretary for General Administration and Support Services Group  
Per Special Order No. 3242 series of 2019  
(Head of the Procuring Entity / Authorized Representative)*

\* Designated as Vice-Chairperson in the absence of the Chairperson