

BIDS AND AWARDS COMMITTEE (BAC)

Resolution No. 20-05-102

RECOMMENDING THE USE OF DIRECT CONTRACTING WITH PHILCOPY CORPORATION FOR THE PROCUREMENT OF KYOCERA BRANDED CONSUMABLES AND SPARE PARTS FOR KYOCERA PHOTOCOPIER AND/OR PRINTER OF FINANCE AND MANAGEMENT SERVICE (FMS)

(PR Nos. 01-20001-PR-2019-08-00157 & 01-20001-PR-2019-09-00027)

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 November 29, 2019 requesting 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/printers of Department of Social Welfare and Development (DSWD). The said procurement was requested through the approved Purchase Request (PR) Nos. 01-20001-PR-2019-08-00157 & 01-20001-PR-2019-09-00027. Copies of the referral memorandum and approved PRs are hereto attached, marked as **Annexes "A"**, **"B-1"**, and **"B-2"**, respectively, and are made integral parts hereof;

WHEREAS, Philcopy Corporation submitted a price quotation together with the Sworn Certificate of Guarantee (Exclusive Distributorship Agreement) from Kyocera Document Solutions Asia Limited confirming the appointment of the former as the exclusive distributor in marketing and servicing Kyocera Document Solutions brand copiers, laser printers and multi-functional peripheral, software solutions, including related consumables and spare parts in the Philippines. The certification was signed by Mr. Satoru Kyogoku, Director of Kyocera Document Solutions Asia Limited. A copy of the price quotations and certification are hereto attached, marked as **Annexes "C-1"**, **"C-2"**, and **"D"**, respectively, and are made integral parts hereof;

WHEREAS, Philcopy Corporation submitted an Acknowledgement dated 16 May 2019 from Ms. Fatima G. Quintin, Consul of the Republic of the Philippines in Hong Kong SAR. Copy of the Acknowledgement is hereto attached, marked as **Annex "E"**, and made an integral part 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) provided 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



- Award of contract to Philcopy Corporation** for the procurement of Kyocera branded consumables and spare parts for Kyocera branded copiers and/or printers of Finance and Management Service (FMS). This resolution shall be the basis of award in all subsequent procurement request for spare parts, accessories, and consumables for Kyocera branded copiers and/or printers of FMS and shall be valid only until December 31, 2020, unless the certificate of Philcopy Corporation 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 22nd day of **June 2020** at Quezon City, Philippines.

EMMANUEL P. PRIVADO

*Director, National Resource and Logistics
Management Bureau
Regular Member*

FELIX M. ARMEÑA

*Division Chief, Information and
Communication Technology Management
Service
Alternate Member*

ERNESTINA Z. SOLLOSO

*Director, Pantawid Pamilyang Pilipino
Program
Regular Member*

IRENE B. Dumlao

*Officer-in-Charge, Social Marketing Service
Alternate Member*

RENE GLEN O. PAJE*

*Undersecretary for Inclusive and
Sustainable Peace
Regular Member*

NOEL M. MACALALAD

*Assistant Secretary for Standards and
Capacity Building
Alternate Member*

FELICISIMO C. BUDIONGAN

*Undersecretary for Disaster Response
Management
Chairperson*

WAYNE C. BELIZAR

*Director IV, Finance and Management
Service
Provisional Member*

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