

BIDS AND AWARDS COMMITTEE (BAC)
Resolution No. 20-09-191**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 SOCIAL MARKETING SERVICE (SMS)**

(PR No. 01-20001-PR-2020-06-00040)

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 August 10, 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 copier and/or printer of the Social Marketing Service (SMS). The said procurement was requested through approved Purchase Request (PR) No. 01-20001-PR-2020-06-00040. Copies of the referral memorandum and approved PR 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 Mr. Frederick Ka-Chong Kan, Notary Public in Hongkong executed on May 6, 2020. 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) 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 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 copier and/or printer of Social Marketing Service (SMS); and
2. **Award of contract to Philcopy Corporation** for the procurement of Kyocera branded consumables and spare parts for Kyocera branded copier and/or printer of the DSWD. This resolution shall be the basis of award in all subsequent procurement request for spare parts, accessories and consumables for Kyocera Branded Copier and/or printers of SMS and shall be valid only until December 31, 2020, unless the certificate of Philcopy Corporation as the exclusive distributor is



is earlier terminated by its foreign principal and provided that, it shall have no sub-dealers selling at a lower price.

RESOLVED, this 10th day of **September** | 2020 at Quezon City, Philippines.

ATTY. SITTIE RAIFAH M. PAMALOY-HASSAN
Officer-in-Charge, Legal Service
REGULAR MEMBER

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RENE GLEN O. PAJE
Undersecretary for Inclusive and Sustainable Peace
CHAIRPERSON

IRENE B. DURLAO
Officer-in-Charge, Social Marketing Service
PROVISIONAL MEMBER

Approved

Disapproved

DANILO G. PAMONAG
Undersecretary for Social Welfare and Development
(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