



Republic of the Philippines  
**CIVIL AVIATION AUTHORITY OF THE PHILIPPINES**

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**MINUTES OF THE BAC-BRAVO MEETING**  
**20 June 2019 (Thursday)**  
**Assembly Hall, CATC**

**1. Attendance**

1.1 The BAC-Bravo Meeting was held on 20 June 2019, 01:00 p.m. at the Assembly Hall, CATC, Merville Access Road, Pasay City.

1.2 In attendance were the following:

- Atty. Joseph Ray P. Gumabon, Chairperson
- Atty. Angelica Rose Dimalanta, Member
- Mr. Jose J. Luna, Member
- Col Gil R. Maglaque PAF (Ret), CSIS Provisional Member
- Mr. Ariel Carabeo, ATS provisional Member
- Atty. Edeliza Iruguin, Chairperson, TWG
- Mr. Jose Marie Anthony Eligio, Member, TWG
- Mr. Emerson S. Pagkaliwangan, Head, Secretariat
- Ms. Carmelynda Samoy, Asst. Head, Secretariat
- Ms. Dulce B. Peña, Member, Secretariat
- Ms. Eugene G. Parcasio, Member, Secretariat
- Ms. Annaliza Torre Franca, Member, Secretariat
- Ms. Rita Linda Peleo, Member, Secretariat
- Ms. Sandra Serdan, Member, Secretariat
- Mr. Romar Palovino, IT Staff
- Mr. Manuel de Guzman, FICG/End-user
- Ms. Iionah Diangco, CSIS
- Ms. Odessa Cortez, CSIS
- Mr. Antero B. Butial, BGMS
- Mr. John Paul Aquino, Internal Audit, Observer
- Mr. Alfredo V. Destura, ATS/End-user

**Absentees:**

- Atty. Roberto Martin S. Buenaventura, Vice Chairperson
- Mr. Wilmar Jones Montero, Vice-Chairperson, TWG
- Ms. Jamaica Gregorio, Member, TWG
- Mr. Florian Atienza, Member, TWG
- Mr. Armando Magsipoc, Member, TWG
- Mr. Joel Gavina, Member, TWG
- Ms. Madonna Orocio, Member, Secretariat
- Ms. Romela Villarín, Member, Secretariat

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Bidders:

- Mr. Danyboy Otto, Priority Security Agency, Inc.
- Mr. Edwin B. Ortego, Priority Security Agency, Inc.
- Mr. Elpidio A. Tan, Priority Security Agency, Inc.
- Mr. Michael Alexander Tan, Priority Security Agency, Inc.
- Mr. Raul Rendon, GDS Security Agency, Inc.
- Mr. Bernard Philip Claustro, Eaglematrix Security Agency, Inc.
- Mr. Malcolm Ong, Evercon
- Ms. May Ross Morales, Eaglematrix Security Agency, Inc.
- Mr. Roderick Santos, Hi-Tone Security Agency
- Ms. Arlynn Figuracion, BWPSI Security Agency
- Ms. Cecile Dagat, Eagleone Security Agency
- Ms. Em Ramiro, Eagleone Security Agency
- Ms. May Ros C. Morales, Eaglematrix Security Agency
- Mr. Ronald Ulanday, Renjamel Security Agency
- Ms. Marjorie Anne Sun-ng, GDS Security Agency, Inc.
- Mr. John Gabriel L. Sy, Elite Blue Security Specialist, Inc.
- Mr. Michael Danda, Elite Blue Security Specialist, Inc.
- Ms. Maricris Bacuyag, Philand Security Agency, Inc.
- Mr. Edgar Molina, Philand Security Agency, Inc.

## 2. Meeting Proper

Atty. Gumabon called the meeting to order at 01:00 p.m.

### **Pre-Bid Conference for the Provision of Security Services Requirements for CAAP Area Centers V, VI and VIII under a Three (3)-Year Service Agreement (Re-bid)**

Atty. Gumabon said that the second bidding of the above projects is due to the failure of bidding in the last published procurement activity.

Atty. Gumabon said that the Pre-Bid Conference will have the same set of dates and requirements. The differences are only in terms of location, manpower requirement and the Approved Budget of the Contract. Other than that, all the terms and conditions for each Area are already similar.

Atty. Gumabon requested the representative from each Security Agency to sit in front and introduce themselves and the company they are representing.

The Invitation to Bid (ITB) for the Security Services for Area Center V was flashed on the screen. The Approved Budget for the Contract (ABC) is Php 26,572,750.20 for a total of 135 security guards. The deadline of submission of bid is on 11 July 2019, 10:00 a.m., at the CATC. The opening of the bids is at 01:00 p.m. of the same date.

91 The Invitation to Bid (ITB) for the Security Services for Area Center VI was flashed on the  
92 screen. The Approved Budget for the Contract (ABC) is Php 83,373,049.68 for a total of  
93 355 security guards. This is a 3-year/multi-year contract. The approved budget is only for  
94 the first year. All bids must be submitted on or before 10:00 a.m., 11 July 2019, but the  
95 opening of bid is scheduled at 02:00 p.m. of the same day at the CATC.

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97 The Invitation to Bid (ITB) for the Security Services for Area Center VIII was flashed on  
98 the screen. The Approved Budget for the Contract (ABC) is Php 31,099,959.36 for a total  
99 of 158 security guards. The deadline of submission of bids is on 11 July 2019, 10:00 a.m.,  
100 at the CATC. The opening of the bids is at 03:00 p.m. of the same date.

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102 Common provision/common rules for all contract:

- 103 1. Any changes on wage salaries or any wage orders will be implemented after the  
104 awarding of the contract. The winning bidder must apply for the supplemental  
105 amendment on the wage which will be approved by CAAP.
- 106 2. For the requirement of site inspection, the BAC-Bravo Secretariat will publish  
107 through a bid bulletin that the BAC-Bravo declares that the Certificate of Site  
108 Inspection issued by the CSIS is valid for six (6) months from the date of  
109 issuance. If there are new bidders that will be coming in, they are required to  
110 conduct site inspections.

111  
112 Atty. Gumabon opened the floor for inquiries of the prospective bidders.

113  
114 Atty. Gumabon reminded that bidders will need to repurchase the bid documents. The only  
115 time that CAAP can refund the bid documents is if the failure of bids was caused by the  
116 government itself. Bidders are allowed to purchase bid documents on or before 11 July  
117 2019.

118  
119 Having no other concerns / questions, the Pre-Bid Conference for Security Services of Area  
120 Centers V, VI and VII was concluded.

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122 Atty. Gumabon announced that the Special Opening of Bids for Area Center VII will be at  
123 03:00 p.m. and everyone is allowed to participate in the said Opening of Bids.

124  
125 **Pre-Procurement Conference** for the following projects for CSIS:

- 126 • Supply and Delivery of Mobile SAR/GSM Communication Broadcast System –  
127 Php 40,000,000.00
- 128 • Supply and Delivery of GSM Semi-active Monitoring System – Php 57,200,000.00
- 129 • Supply and Delivery of X-ray Scanner (Portable) – Php 11,997,920.00
- 130 • Supply and Delivery of X-ray Scanner (Small items) – Php 5,568,640.00

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132 The bidding schedule activities for the above projects are as follows:

133  
134 June 28, 2019 (Friday) – Publication of Invitation to Bid (ITB)

135 July 18, 2019 (Thursday), 11:00 a.m.– Pre-Bid Conference

136 August 1, 2019 (Thursday), 10:00 a.m. to 12:00 nn – Submission and Opening of Bids

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138 Special Opening of Bids for the Provision of Security Services Requirements for CAAP  
139 Area Center VII under a Three (3)-Year Service Agreement (Bid No. 19-012-04) GDS  
140 Security Services  
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142 Atty. Gumabon gave a recap on why a Special Opening of Bids for Security Services for  
143 Area Center VII was conducted.  
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145 Atty. Gumabon recalled that last 13 May 2019, BAC-Bravo conducted the Opening of Bids  
146 in relation to Security Services Contract for Area Center VII. During the Opening of Bids  
147 for GDS Security, one of the other bidders of security services raised an objection that the  
148 signatory to the Secretary Certificate was the same person authorized by the corporation to  
149 represent it. The authorized person and the person certifying that Authority is one and the  
150 same. The BAC-Bravo considered the objection and declared that the document was not  
151 responsive. A Motion for Reconsideration was submitted by GDS and was received by  
152 BAC-Bravo last 03 June 2019 or within the period to file. The BAC-Bravo has resolved to  
153 grant the Motion for Reconsideration. The BAC-Bravo ruled that during the Opening of the  
154 Bids, the only ruling that the BAC should resolve is the presence or absence of the bid  
155 document. The substance of what the document contains should be passed at upon during  
156 bid evaluation or post qualification, but not during the opening of the bids. With that, BAC-  
157 Bravo reinstated the responsive status of the bidder. The purpose of the Special Opening of  
158 Bids is that, we will continue opening the bid documents of GDS Security, and is  
159 subjective to the same rules and guidelines on Opening of Bids. In the event that the  
160 documents are considered passed, the bidding process for Area Center VII continues and it  
161 will be subjected to bid evaluation and post qualification.  
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163 Atty. Gumabon reiterated that the BAC-Bravo ruled that what is necessary for BAC to see  
164 during the Opening of Bids is the absence and presence of the eligibility documents. The  
165 substantive contents thereon are properly studied and examined during bid evaluation.  
166

167 Atty. Gumabon instructed the BAC Secretariat to continue the Opening of Bids for  
168 Security Services for Area Center VII.  
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170 Atty. Iriguin requested GDS Security to acknowledge if the bid document (box) to be  
171 opened is the one they have submitted. The representative from GDS introduced herself  
172 and confirmed that the bid document presented by BAC-Bravo is the one they submitted.  
173

174 With the permission of the Chairman, BAC-Bravo, Atty. Iriguin opened the bid documents  
175 submitted by GDS Security, the bid document was properly sealed, with markings and  
176 signatures. The bid document conformed with ITB Section 20.4.  
177

178 There were three (3) envelopes inside the box, the original, copies nos. 1 and 2 of the bid  
179 document. The original bid document was opened and shown. Inside the original envelop  
180 of the bid document were the original technical component and the financial component.  
181 Envelops were properly sealed and in compliant with ITB Section 20.4.  
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183 The technical component (envelop) was opened first. The document has tabbings, with  
184 signature, paginated and compliant with ITB 20.4.

185 One of the prospective bidders commented on the pagination of the bid documents.  
186 According to him, the pagination of the bidding document is not compliant with the Bid  
187 Data Sheet ITB Clause 19.4. He commented that the cover page of the bid document has no  
188 page number.

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190 The BAC-Bravo Secretariat flashed in the screen the Bid Data Sheet ITB Clause 19.4.

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192 Chairman, BAC-Bravo called for an executive session of the Committee.

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194 After ten minutes, the Meeting was resumed.

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196 It was shown on the screen the third paragraph of Bid Data Sheet ITB Clause 19.4  
197 "*Pagination should be sequential based on the entire span of the whole documents inside*  
198 *the envelope.*"

199  
200 Atty. Gumabon allowed the representative from GDS Security to respond to the objection  
201 of the other bidder.

202  
203 The representative from GDS Security commented "*like books, the bid document we*  
204 *submitted have no page number on the cover page. We do not want to submit documents*  
205 *which is like a newspaper that from the beginning have page. We started the page number*  
206 *on the second page which is the table of contents and finally at the back of the documents,*  
207 *or the back cover, we did not put a page. Our contention is where can we find a book on*  
208 *which the cover has page number? Because being required to submit documents, the*  
209 *document being book bound or binded, so that means it has a cover. So, where can we see*  
210 *a book that the page started at the cover? It should not. Only the newspapers are having*  
211 *page number that has start from the cover.*"

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213 Atty. Gumabon instructed the BAC-Bravo Secretariat to take note of the response of the  
214 representative from GDS Security.

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216 Representative from GDS added, "*We had attended biddings, in fact, we do not have*  
217 *clients that are not government clients, we have been submitted documents like these and*  
218 *nobody commented on the pagination, that the first cover should be page number 1, but*  
219 *page number 1 started on the second page.*"

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221 The Legal Manager of Priority Security Agency also commented. "*I would like to stick on*  
222 *what is emphasized under the law. The law is harsh, but it is the law. We have here the*  
223 *policy, and it is stated in the policy that each and every page shall be signed by the*  
224 *principal bidder or the bidder's authorized representative. Meaning, what the law does not*  
225 *include, excludes. In the same manner, logically, what the law does not exclude, it includes.*  
226 *It must be the logic. I would like to repeat that it is the policy. It is the rule. We must look*  
227 *forward to the policy. I would like to go back to the explanation of the GDS representative,*  
228 *if the page happened to be in the book, we cannot use the book as an example. What we*  
229 *should base today, is the rule what we have to conform with. It is emphasized in the ITB*  
230 *19.4 that each and every page thereof shall be signed, therefore, I believed Mr. Chair, that*  
231 *the rule explains no exemption. Thank you.*"

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Atty. Gumabon quipped that this bidding activity is much more interesting than Congress hearing.

Atty. Gumabon said that *"BAC-Bravo just wanted to give every person attending the bid the due process that everyone has to be heard."* He emphasized that there are appropriate remedies in the procurement process. *"The BAC takes note of 19.4, can you please flash the document submitted? The 19.4 provides that pagination is required for the whole span of the documents, and we hold that even a cover page is a page. And thus, it must contain the proper pagination. And even the 19.4 says that each and every page must be signed by the bidder, so, if the bidder himself acknowledge with his signature the cover page and also the last page, can you also flash the last page. So, if you signed this and recognized it as a page, there should have been a pagination. We emphasized that the requirement of pagination is not a simple form. Hindi po iyan simpleng kaartehan. It is a security feature of the bid documents to prevent any insertion or alteration or removal. It protects both the bidder and the Members of the BAC. It may seem petty, it might seem shallow and superficial to many of you here, but there is a purpose to that requirement of the law. And just like what has emphasized by one of our gentlemen here, the law is harsh, but it is the law. Dito po kasi sa BAC namin dito sa CAAP, we are limited in the non-discretionary criteria of passed and failed. And this criterion has been applied equally to all of you. We are compelled by this duty to declare this bid document as non-responsive for non-compliance to 19.4. The bidder is not prevented for filing a Motion for Reconsideration within three (3) working days, on or before 24 June 2019, 05:00 p.m. on the decision of the BAC. The BAC declares that procurement activity for the Security Services for Area Center VII as failed. We declare a failure of bidding. Does the bidder manifest its intent a Motion for Reconsideration?"*

GDS representative answered, "Yes, Sir."

Atty. Gumabon instructed the BAC Secretariat to secure the bidding document of GDS Security once again and to seal it.

The representative from GDS Security requested to the BAC-Bravo a written notice of disqualification.

Atty. Gumabon answered that the written notice is not required because the activity is already a public bidding. The BAC-Bravo is in session and its resolution is considered official.

The GDS representative requested the Chairman to repeat the reason for disqualification of GDS Security.

Atty. Gumabon said that *"it is raised by the representative of the Priority Agency that the submission of GDS is not compliant to item no. 19.4 of the Bid Data Sheet particularly paragraph 3. We have projected the bid documents for the consumption of everyone, that indeed, the pagination does not exist on the first and last page. Pursuant to this, the BAC declares the bid as non-responsive and consequently disqualifies GDS from this bid activity. Ang ruling po namin is that, all documents submitted must have a page from cover*

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*to cover. Pagination should be sequential based on the entire span of the whole documents inside the envelope. So lahat ng papel na nandyan, dapat may page number, even if we put it in hard bound, stationary, everything. All papers. With that, it is reemphasized once again that the bidder is allowed to file a Motion for Reconsideration on or before 05:00 p.m., 24 June 2019 pursuant to the rules."*

The BAC-Bravo Meeting was concluded.

Atty. Gumabon thanked everyone for their attence.

**3. Announcement of the Next SBAC Meeting**


The next BAC-Bravo Meeting will be on 27 June 2019.


**4. Adjournment**

The meeting was adjourned at 03:40 p.m.

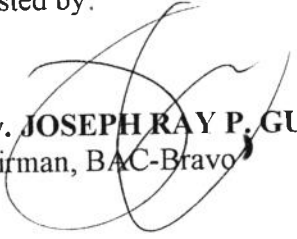
Prepared by:

Noted by:

  
**DULCE B. PEÑA**  
Secretariat

  
**Mr. EMERSON S. PAGKALIANGAN**  
Head, Secretariat

Attested by:

  
**Atty. JOSEPH RAY P. GUMABON**  
Chairman, BAC-Bravo