



BAC RESOLUTION No. 109  
 Series of 2019

**BIDS AND AWARDS COMMITTEE (BAC) RESOLUTION DECLARING 90 DEGREES NORTH, INC., AS HAVING THE LOWEST CALCULATED AND RESPONSIVE BID FOR THE ONE (1) LOT – SUPPLY AND DELIVERY OF BROADCAST TRANSMITTERS, ANTENNA SYSTEM AND VARIOUS EQUIPMENT AND RECOMMENDING TO THE APPROVING AUTHORITY THE APPROVAL THEREOF**

WHEREAS, there is an approved Purchase Request (P.R.) Nos. 2019-09-0277 & 2019-09-0278 with an Approved Budget for the Contract (ABC), in the amount of *Nineteen Million One Hundred Sixty Two Thousand One Hundred Pesos (PhP 19,162,100.00)* as listed hereunder;

Purchase Request No.	Item Description/s	Approved Budget for the Contract (ABC)
2019-09-0277 / 2019-09-0278	<p><b>Supply and Delivery of</b></p> <p><b>Broadcast Transmitters, Antenna System and Various Equipment</b></p> <p><b>One (1) Set - 5 kW FM Transmitter (Dual Exciter) Inclusive of 1-5/8" RF Lines, 1-5/8" 3 Port, Patch with Interlock and 5kW 220VAC Dummy Load</b></p> <p><b>One (1) Set - High Power 4-Bay Circularly Polarized FM Antenna System with Fine Matcher, HDG Custom Brackets</b></p> <p><b>One (1) Unit - 5 KW RF Transmission Electrical System (AVR, Diesel Generator set, Panels, Cables, TVSS, Conduits)</b></p> <p><b>One (1) Unit – 20 kW FM Transmitter (Digital Ready)</b></p> <p><b>One (1) Set – RF Transmission Electrical System (AVR, Panels, Cables, TVSS, Conduits)</b></p> <p><b>One (1) Set - Emergency Broadcast Quick Response System (1KW FM Transmitter, 8 Channel Mixer, 2-Bay Antenna)</b></p> <p><b>One (1) Set - Low Power 4-Bay Circularly Polarized FM Antenna System</b></p> <p><b>One (1) Unit – FM Audio Processor</b></p> <p><b>One (1) Unit – AM Audio Processor</b></p> <p><b>One (1) Set – Studio Transmitter Link (20W)</b></p> <p><b>Two (2) Units – 3 Tonner Split Type ACU Floor Mounted</b></p>	<p>Nineteen Million One Hundred Sixty Two Thousand One Hundred Pesos (PhP 19,162,100.00)</p>

WHEREAS, the Bureau of Broadcast Services-Bids and Awards Committee (BBS-BAC) was authorized to resort to Public Bidding in accordance with the provision of Rule IV, Section 10, Competitive Bidding of the 2016 Revised IRR of R.A. 9184, otherwise known as the Government Procurement Reform Act which states that all procurement shall be done through competitive bidding, except as provided in Rule XVI of the Revised IRR of R.A. 9184;

WHEREAS, the BBS-BAC was created in accordance with BBS Memorandum Order No. 006 series of 2018;

WHEREAS, the BBS-BAC convened on 15 October 2019 to conduct a pre-procurement conference with the End-User in accordance with the provision of Section 20 of the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184;

WHEREAS, on 18 October 2019, the BBS-BAC as mandated by Republic Act No 9184, posted the Invitation to Bid for the **One (1) Lot – Supply and Delivery of Broadcast Transmitters, Antenna System and Various Equipment (Bid No. 011-19)** in the Philippine Government Electronics Procurement System (PHILGEPS), on conspicuous place at the premises of the BBS and posted the same in the website of the Bureau of Broadcast Services;

WHEREAS, in response to the said advertisement, five (5) prospective bidders viewed the Invitation to Bid at the PHILGEPS Website namely; 1) 8BTSI CORPORATION, 2) 90 DEGREES NORTH, INC., 3) SOLID VIDEO CORPORATION 4) TRANSMOLITOR TECHNOLOGIES LXXXVII CORPORATION and 5) COMPOSITE TECHNOLOGY, INC.;

WHEREAS, for the purposes of transparency and good governance and pursuant to Section 13 of the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184, the Bids and Awards Committee (BAC) invited three (3) observers to witness the pre-bid conference on 25 October 2019 and the opening of bids on 06 November 2019 namely; MR. CRISANTO FRIANEZA, Secretary General of Philippine Chamber of Commerce and Industry, ENGR. VIRGILIO S. SANTOS, President of Procurement Watch and MS. ANNABELLE F. DE VERA, State Auditor III/Audit Team Leader in BBS of Commission on Audit;

WHEREAS, on 22 October 2019, the BBS-BAC through the inputs made by BAC-TWG issued a Supplemental Bid Bulletin to be posted in PHILGEPS, to wit;

*"This Addendum is being issued to revise several provisions of the Section VII, Technical Specifications of Bid No. 011-19 – One (1) Lot – Supply and Delivery of Broadcast Transmitters, Antenna System and Various Equipment:*

A. Revisions

<i>No/s.</i>	<i>Present Provision</i>	<i>Revised Provision as follows</i>
1	<p><i>One (1) Set – 5kW FM Solid State Transmitter (Installed in Marawi)</i></p> <p style="margin-left: 20px;"><i>A. 5 kW FM Solid State Transmitter (Branded)</i></p> <p style="margin-left: 40px;"><i>1. 100% Solid State, Digital Ready, Transmitter</i></p>	<p><i>One (1) Set – 5kW FM Solid State Transmitter (Installed in Marawi)</i></p> <p style="margin-left: 20px;"><i>B. 5 kW FM Solid State Transmitter (Branded)</i></p> <p style="margin-left: 40px;"><i>1. 100% Solid State, Transmitter</i></p>
2	<p><i>One (1) Set – 4 Bay FM Antenna with Fine Matcher Circular Polarization (Installed in Marawi)</i></p> <p style="margin-left: 20px;"><i>A. Antenna</i></p> <p style="margin-left: 40px;"><i>6. 7/16 DIN connector</i></p>	<p><i>One (1) Set – 4 Bay FM Antenna with Fine Matcher Circular Polarization (Installed in Marawi)</i></p> <p style="margin-left: 20px;"><i>A. Antenna</i></p> <p style="margin-left: 40px;"><i>6. 1 5/8 inch flange connector</i></p>
<i>and</i>		<i>and</i>
3	<p style="margin-left: 20px;"><i>B. Power Divider/Splitter 4-way</i></p> <p style="margin-left: 40px;"><i>1. 7/16 DIN I/O connector</i></p> <p><i>One (1) Set – 1 kW FM Solid State Transmitter, 2 Bay FM Antenna Circular Polarization with Power Divider, (Disaster Response)</i></p> <p style="margin-left: 20px;"><i>A. 1 kW FM Solid State Transmitter (Branded)</i></p> <p style="margin-left: 40px;"><i>1. 100% Solid State, Digital Ready, Transmitter</i></p>	<p style="margin-left: 20px;"><i>B. Power Divider/Splitter 4-way</i></p> <p style="margin-left: 40px;"><i>1. 1 5/8 inch flange connector</i></p> <p><i>One (1) Set – 1 kW FM Solid State Transmitter, 2 Bay FM Antenna Circular Polarization with Power Divider, (Disaster Response)</i></p> <p style="margin-left: 20px;"><i>A. 1 kW FM Solid State Transmitter (Branded)</i></p> <p style="margin-left: 40px;"><i>1. 100% Solid State, Transmitter</i></p>
<i>and</i>		<i>and</i>
4	<p style="margin-left: 20px;"><i>C. Bay FM Antenna Circular Polarization with Power Divider</i></p> <p style="margin-left: 40px;"><i>ii. Power Divider/Splitter 4-way</i></p> <p><i>A. Others</i></p> <p style="margin-left: 20px;"><i>5. Certification from Ibiqity Corporation that the transmitter is In Band On Channel (IBOC) or from Digital Radio Mondiale Consortium, if Digital Radio Mondiale (DRM) ready or IBOC/DRM specified in their original manual. (To be submitted during the opening of bids)</i></p>	<p style="margin-left: 20px;"><i>C. Bay FM Antenna Circular Polarization with Power Divider</i></p> <p style="margin-left: 40px;"><i>ii. Power Divider/Splitter 2-way</i></p> <p><i>A. Others</i></p> <p style="margin-left: 20px;"><i>5. Certification from Ibiqity Corporation that the transmitter is In Band On Channel (IBOC) or from Digital Radio Mondiale Consortium, if Digital Radio Mondiale (DRM) ready or IBOC/DRM specified in their original manual. For 20 kW Transmitter only (To be submitted during the opening of bids)"</i></p>

WHEREAS, the BBS-BAC scheduled the Pre-Bid Conference on 25 October 2019 at 11:00AM in order that the BBS-BAC may clarify issues which the prospective bidders might raise, the said Pre-Bid Conference was attended by five (5) prospective bidders, namely; 1) 8BTSI CORPORATION, 2) 90 DEGREES NORTH, INC., 3) SOLID VIDEO CORPORATION, 4) TRANSMOLITOR TECHNOLOGIES LXXXVII CORPORATION and 5) COMPOSITE TECHNOLOGY, INC.;

WHEREAS, three (3) prospective bidders namely; 1) 90 DEGREES NORTH, INC. 2) COMPOSITE TECHNOLOGY, INC. and 3) 8BTSI CORPORATION purchased the Bidding Document;

WHEREAS, on 06 November 2019 at 11:00AM, the BBS-BAC scheduled the Opening of Bids, 90 DEGREES NORTH, INC. COMPOSITE TECHNOLOGY, INC. and 8BTSI CORPORATION attended and submitted its Eligibility and Technical Components Documents as well as its Financial Component Document before the 11:00am deadline and simultaneously, the BAC conducted the Opening of Bids;

WHEREAS, the BAC proceeded to open the Eligibility and Technical Documents envelope of 8BTSI CORPORATION, its itemized contents were read aloud and subsequently shown thru the multi-media projector, during the course of the evaluation, it was discovered that it failed on one (1) of its eligibility requirements, under Section VII, Technical Specification, *Item A, 5 kW FM Transmitter, No. 4* to wit; *"The bidder's statement "to be installed on the transmitter rack" is contradictory to "Built-in 5-band sound processor" as indicated in the bidding document."*

WHEREAS, the BBS-BAC declared 8BTSI CORPORATION "INELIGIBLE". Subsequently the BBS-BAC issued a Notice of Ineligibility to the prospective bidder and informed the prospective bidder that they may file for a motion for reconsideration within three (3) calendar days upon receipt of the notice;

WHEREAS, the BBS-BAC proceeded to open the Eligibility and Technical Documents envelope of 90 DEGREES NORTH, INC., its itemized contents were read aloud and subsequently shown thru the multi-media projector and found to have passed and sufficient and was declared "ELIGIBLE";

WHEREAS, the BBS-BAC proceeded to open the Eligibility and Technical Documents envelope of COMPOSITE TECHNOLOGY, INC., its itemized contents were read aloud and subsequently shown thru the multi-media projector and found to have passed and sufficient and was declared "ELIGIBLE";

WHEREAS, the bidding process was completed and the BBS-BAC proceeded to open the Financial Component Document of COMPOSITE TECHNOLOGY, INC. in the amount of Seventeen Million Four Hundred Ninety Thousand Pesos (PhP 17,490,000.00) and was declared by the BBS-BAC as the LOWEST RESPONSIVE BID (LRB) followed by 90 DEGREES NORTH, INC. in the amount of Nineteen Million One Hundred Sixty Thousand Pesos (PhP 19,160,000.00);

WHEREAS, on the same meeting, the BBS-BAC Secretariat officially turned-over to the BAC TWG a copy of the Eligibility and Technical Documents as well as the financial document of 90 DEGREES NORTH, INC. and COMPOSITE TECHNOLOGY, INC., for evaluation;

WHEREAS, on 12 November 2019 the BBS-TWG requested for a BAC meeting to present their bid evaluation findings on the Eligibility and Technical Documents as well as the financial document of COMPOSITE TECHNOLOGY, INC.;

WHEREAS, based examination conducted by the BBS-TWG in the eligibility documents of COMPOSITE TECHNOLOGY, INC., it was discovered that it failed to meet the following requirement in Section VII. Technical Specifications, to wit:

**PBS-BBS Technical Specifications**

**Offered by Composite Technology, Inc.**

One (1) Set – 4 Bay FM Antenna with Fine Matcher Circular Polarization. A. Antenna, 5) 4 kW for single bay

One (1) Set – 4 Bay FM Antenna with Fine Matcher Circular Polarization. A. Antenna, 5) 3.5 kW for single bay

One (1) Set – 20 kW FM Solid State Transmitter, 2) Single Digital Exciter, 2 RU (Max of 500W) 87.5 to 108 MHz; 10kHz increments

One (1) Set – 20 kW FM Solid State Transmitter, 2) Single Digital Exciter, 2 RU (Max of 50W)

No Brochure/Attachment: In the absence of the brochure the BBS-BAC were unable to ascertain the validity of your claim and as specified in Section VII, Technical Specifications below;

No Brochure/Attachment of the following:

"NOTE: Bidders must state here either "Comply" or "Not Comply" against each of the individual parameters of each Specification stating the corresponding performance parameter of the equipment offered. Statements of "Comply" or "Not Comply" must be supported by evidence in a Bidders Bid and cross-referenced to that evidence. Evidence shall be in the form of manufacturer's un-amended sales literature, unconditional statements of specification and compliance issued by the manufacturer, samples, independent test data etc., as appropriate. A statement that is not supported by evidence or is subsequently found to be contradicted by the evidence presented will render the Bid under evaluation liable for rejection. A statement either in the Bidders statement of compliance or the supporting evidence that is found to be false either during Bid evaluation, post-qualification or the execution of the Contract may be regarded as fraudulent and render the Bidder or supplier liable for prosecution subject to the provisions of ITB Clause 3.1 (a)(iii) and/or GCC Clause (ii)."

- 1) One (1) Set – 5kW FM Solid State Transmitter 16) Inclusive of 1-5/8" 3-port patch w/ interlock and accessories & 18) Inclusive of 5 kW Dummy Load (220VAC);
- 2) One (1) Set – 5kW FM RF Electrical System Single Phase, 1Ø, 2) AVR (Automatic Voltage Regulator) minimum of 15 kVA conforming to the 5 kW RF Electrical System;
- 3) One (1) Unit – FM Audio Processor; and
- 4) One (1) Set - 20kW FM RF Electrical System Three Phase, 3Ø, 2) AVR (Automatic Voltage Regulator) minimum of 45 kVA conforming to the 20 kW RF Electrical System.

WHEREAS, after thorough deliberation and careful examination of the submitted technical and financial documents, the BBS-BAC unanimously voted and agreed that COMPOSITE TECHNOLOGY, INC., did not comply with the technical requirements and has FAILED the Bid Evaluation. Subsequently the BAC instructed the BAC Secretariat to prepare a Notice of Disqualification for issuance to the prospective bidder and informed the prospective bidder that they may file for a motion for reconsideration within three (3) calendar days upon receipt of the notice;

WHEREAS on the same day, the BBS-BAC through its BAC Secretariat sent a Notice of Disqualification to Mr. Ricardo D. Padriano, President and General Manager of COMPOSITE TECHNOLOGY, INC.;

WHEREAS, the BAC Secretariat informed the BBS-BAC that 8BTSI CORPORATION did not file a Motion for Reconsideration within the specified three (3) calendar days;

WHEREAS, on 15 November 2019, in response to the previously issued Notice of Disqualification, the BAC Secretariat received a letter from COMPOSITE TECHNOLOGY, INC.;

WHEREAS, in a meeting held last 20 November 2019, the BBS-BAC discussed the content of the Motion for Reconsideration letter of COMPOSITE TECHNOLOGY, INC., and after thorough deliberation and careful examination, the BBS-BAC "DENIED" the Motion for Reconsideration of COMPOSITE TECHNOLOGY, INC., for the following reasons;

"Item 1.

BBS Technical Specifications require "4 kW for single bay for the One (1) Set – 4 Bay FM Antenna with Fine Matcher Circular Polarization"; your offer is "3.5 kW for single bay" as stated in your brochure and financial document.

Furthermore, BBS Technical Specifications require "1 5/8 inch flange connector"; your offer is "7/8 Connector" as stated in your financial document.

Input connector of every antenna bay should be 1 5/8 to handle the maximum 4kW input power; while your offer based on your financial document and brochure is 7/8 connector and only the input connection of the antenna system is configured at 1 5/8.

Item 2.

BBS Technical Specifications require "Maximum of 500W for the One (1) Set – 20 kW FM Solid State Transmitter, Single Digital Exciter, 2 RU, 87.5 to 108 MHz; 10kHz increments"; your offer is "50W Flexiva Exciter" as stated in your brochure and financial document.

Item 3.

Our requirements specifically states that "NOTE: Bidders must state here either "Comply" or "Not Comply" against each of the individual parameters of each Specification stating the corresponding performance parameter of the equipment offered. Statements of "Comply" or "Not Comply" must be supported by evidence in a Bidders Bid and cross-referenced to that evidence. Evidence shall be in the form of manufacturer's un-amended sales literature, unconditional statements of specification and compliance issued by the manufacturer, samples, independent test data etc., as appropriate. A statement that is not supported by evidence or is subsequently found to be contradicted by the evidence presented will render the Bid under evaluation liable for rejection. A statement either in the Bidders statement of compliance or the supporting evidence that is found to be false either during Bid evaluation, post-qualification or the execution of the Contract may be regarded as fraudulent and render the Bidder or supplier liable for prosecution subject to the provisions of ITB Clause 3.1 (a)(iii) and/or GCC Clause (ii)."

It does not make any exemption.

Without the brochure, the BAC-TWG will not be able to sufficiently validate your offer as stated in your document.

Furthermore, submission of additional documents is strictly prohibited."

WHEREAS, the BBS-BAC through its BAC Secretariat informed Mr. Ricardo D. Padriao, President and General Manager of COMPOSITE TECHNOLOGY, INC. in a letter that their Motion for Reconsideration has been DENIED;

WHEREAS, the BAC proceeded to evaluate 90 DEGRESS NORTH, INC., and after thorough verification and checking of the submitted technical, financial and other supporting documents the BAC-TWG issued a certification informing the BBS-BAC that the second bidder complied with all the technical specifications stated in the bidding document and it has "PASSED" the bid evaluation and during the course of the evaluation the BAC-TWG also found that they already included their post-qualification documents in their eligibility documents, Subsequently the BBS-BAC instructed the BAC Secretariat to inform 90 DEGREES NORTH, INC., that a composite group of BBS-BAC, TWG and Secretariat will conduct the post-qualification stage on 22 November 2019;

WHEREAS, the composite group of selected BAC, TWG and Secretariat on 22 November 2019 at 11:00AM, proceeded to the office of 90 DEGREES NORTH, INC., in Project 6, Quezon City and conducted the post qualification inspection of its Eligibility and Technical Components Documents and Post Qualification Documents and counterchecked the same with the original documents. The team likewise inspected their office premises and service center;

WHEREAS, on the same day, the BBS-BAC Post-Qualification Composite Group presented the Checklist of Post-Qualification Requirements of 90 DEGREES NORTH, INC., which were verified and validated and all were found to be true and correct and in accordance with the requirements and inspection activities;

NOW, THEREFORE, foregoing premises considered, we the members of the Bureau of Broadcast Services-Bids and Awards Committee (BBS-BAC), hereby RESOLVE, as it is hereby RESOLVED, to declare 90 DEGREES NORTH, INC., as having the Lowest Calculated and Responsive Bid (LCRB) for the One (1) Lot – Supply and Delivery of Broadcast Transmitters, Antenna System and Various Equipment; and

RESOLVE FURTHER, that the Bureau of Broadcast Services-Bids and Awards Committee (BBS-BAC) recommends to the Approving Authority the approval of this resolution, the subsequent issuance of the Notice of Award, Notice to Proceed and purchase Order with 90 DEGREES NORTH, INC., for the One (1) Lot – Supply and Delivery of Broadcast Transmitters, Antenna System and Various Equipment in the amount of NINETEEN MILLION ONE HUNDRED SIXTY THOUSAND PESOS (PHP 19,160,000.00) in accordance with the provisions of the signed Purchase Order and the Guidelines under the Government Procurement Reform Act, as approved and adopted by the Government Procurement Policy Board (GPPB).

Let copies of this Resolution be posted at the PBS website, and at conspicuous place at the PBS-BBS premises.

RESOLVED, at the PBS-BBS BAC Office, this 25<sup>th</sup> day of November 2019 at PBS-BBS 4<sup>th</sup> Floor PIA Media Center Building, Visayas Avenue, Quezon City.

**TECHNICAL WORKING GROUP**

  
**ANDRECITO A. POBLETE**  
Chairman

  
**HAZEL D. USITA**  
Member

  
**JULIUS S. UNGAB**  
Member

  
**MA. EILEEN V. ELIGADO**  
Member

  
**EMMANUEL CEDRIC M. ONTONG**  
Member

  
**VENER P. LAINEZ**  
Member

  
**JESSIE O. FRANCISCO**  
Member

**BIDS AND AWARDS COMMITTEE**

  
**ALAN L. ALLANIGUE**  
Chairman

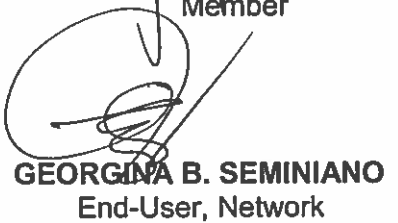
  
**ELIZABETH B. RAYMUNDO**  
Vice-Chairman

  
**JUN P. ROMANA**  
Member

  
**RODENTORIO O. DOMINGO**  
Member

  
**SALLY G. CUEVA**  
Member

  
**NOEL V. GARCIA**  
BBSEO Representative

  
**GEORGINA B. SEMINIANO**  
End-User, Network

**APPROVED / DISAPPROVED:**

  
**RIZAL GIOVANNI P. APORTADERA, JR.**  
Director IV

Attested by:

  
**BENJAMIN REUEL R. ORTIGUERO, JR.**  
Head, Secretariat