



University of the Philippines System
OFFICE OF THE VICE PRESIDENT FOR LEGAL AFFAIRS

16 February 2021

MEMORANDUM NO. HDDU-2021-C-070

FOR : **PRESIDENT DANILO L. CONCEPCION**

THROUGH : **DR. TEODORO J. HERBOSA**
Executive Vice President

ATTY. ROBERTO M. J. LARA
Secretary of the University and of the Board of Regents

SUBJECT : **BAC RESOLUTION AND NOTICE OF AWARD FOR THE
PROCUREMENT OF A PHOTON IORT MACHINE FOR THE
UP PGH¹**

The University of the Philippines Manila (UPM) Philippine General Hospital (PGH) wishes to procure the *Supply, Delivery, Installation, Acceptance, Testing and Commissioning of a Brand New Photon Infra Operative Radiation Therapy (IORT) Machine and Mobile Lead Barriers for the Radiation Oncology Section, Department of Radiology*. The photon IORT machine will be used for cancer treatment and the approved budget for the contract (ABC) is PhP 118,000,000.00. Given the considerable market price, it was decided to procure the said machine and its related items via public bidding.²

The basic papers associated with this procurement, and submitted for review, include the following:

1. the pertinent resolution of the UPM Bids and Awards Committee (BAC)³ stating, among others, that only RBGM Medical Express Sales, Inc. (RBGM)⁴ submitted a bid – PhP 113,528,000.00 – and recommending the award of the contract to RBGM;⁵
2. the Notice of Award (NOA) addressed to RBGM stating, among others, that the latter is required to post a performance security;⁶

¹ UP DTS No. not specified; a matter referred to the Office of the Vice President for Legal Affairs (OVPLA) by the UP System Supply and Property Management Office (UPS SPMO) for review and endorsement.

² Republic Act No. 9184 (RA 9184), and its 2016 Revised Implementing Rules and Regulations (2016 RIRR).

³ UPM BAC Resolution No. 21-001 dated 23 December 2020, consisting of nine pages (excluding annexes), signed by all the members, and bearing the favorable endorsement of the UP Manila Chancellor (Dr. Carmencita D. Padilla).

⁴ RBGM is a corporation organized and existing under Philippine law; and it is engaged in the business of supplying laboratory and medical products. Its business address is #138 Maginhawa Street, Barangay Teachers Village East, Quezon City. It is represented by John Ghiven Natividad, Anna Melissa Oreste, and Lorielyn C. Villacorta, according to the Secretary's Certificate dated 05 November 2020 (notarized on 05 November 2020 in Quezon City by Atty. Yolanda A. Osea-Alfonso and recorded as Document No. 416, Page No. 80, Book No. 11, Series of 2020 in the relevant notarial register).

⁵ UPM BAC Resolution No. 21-001 dated 23 December 2020, p. 9.

⁶ NOA dated 06 January 2021, consisting of two pages, and submitted for the approval of the UP President.

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3F Quezon Hall, University of the Philippines, Diliman, Quezon City 1101, Philippines
UP Trunkline: (63 2) 8981-85-00 loc. 2547 Tel. (632) 8928-37-09; Telefax: 8927-84-59

3. the budget clearance regarding the ABC of PhP 118,000,000.00, which is greater than the contract price of PhP 113,528,000.00;⁷ and


4. RBGM's eligibility details.⁸

We find this procurement consistent with the relevant laws, and UP policies. We advise the end-user to ensure that RBGM submits its updated business permit prior to payment.⁹

Subject to the foregoing, we endorse the UPM BAC Resolution, and the NOA for the approval of the UP President.¹⁰

Respectfully submitted.

HANNIBAL AUGUSTUS B. BOBIS
University Legal Counsel


EUNICE B.S.J. AGSAOAY-SAÑO
Deputy General Counsel for Corporate Affairs


HECTOR DANNY D. UY
Vice-President for Legal Affairs

⁷ Purchase Request with PUR No. 20-09-0823 in the amount of PhP 118,000,000.00 with a certification of availability of funds signed by the UPM-PGH Chief of the Budget Services Division, Ruby D. Allado, on 29 October 2020. This is consistent with Presidential Decree No. 1445, Sections 4, and 84 to 87.

⁸ PhilGEPS Certificate Reference No. 200804200531108726883 (platinum membership), valid until 17 May 2021. The business permit (Mayor's Permit) – numbered 03-000833 – was issued in Quezon City on 07 January 2020 and is valid until 31 December 2020; and the relevant tax clearance certificate (TCC No. 07A-039-05-20-R0646-2020) was issued by the Bureau of Internal Revenue (BIR) and expires on 20 May 2021.

⁹ The supplier's Mayor's Permit had a validity until 31 December 2020. Hence, end-user is advised to request the supplier to submit a valid Mayor's Permit before it is paid pursuant to Government Procurement Policy Board (GPPB) Resolution No. 09-2020 dated 07 May 2020.

¹⁰ Republic Act No. 9500, Section 14; in relation to the *Handbook on Existing Delineation of Authority in the University (2008)*, Chapter II, paragraph C, (8.1), p. 13 (approved during the 1093rd Meeting of the Board of Regents on 29 November 1995); and the *Revision of the Delegated Authority to Approve Procurement Based on Public Bidding* (approved during the 1312th Meeting of the Board of Regents on 29 October 2015).