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OFFICE OF THE SOLICITOR GENERAL

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

En Banc

**SMARTMATIC
CORPORATION
SMARTMATIC
INC.,**

**TIM
and
PHILIPPINES,**

Petitioners,

-versus-

G.R. No. 270564

**COMMISSION ON ELECTIONS
EN BANC, ELISEO MIJARES RIO,
JR., AUGUSTO CADELIÑA
LAGMAN, FRANKLIN FAYLOGA
YSAAC, and LEONARDO
OLIVERO ODOÑO,**

Respondents.

X-----X

MOTION FOR LEAVE TO FILE AND ADMIT MANIFESTATION

RESPONDENT **COMMISSION ON ELECTIONS (COMELEC)**, through the Office of the Solicitor General (OSG), with leave of court, simultaneously herein prayed for, to this Honorable Court, respectfully states:

1. In its *Motion for Leave to File the Attached Counter-Manifestation with Motion to Dismiss* dated 25 January 2024, the COMELEC, among others, apprised the Honorable Court of the timeline and the details of what transpired before its Special Bids and Awards Committee (SBAC) relative to the procurement process in the Lease of Full Automation System with Transparency Audit/Count (FASTrAC) for the 2025 National and Local Elections (NLE).

1.1. Particularly, consequent to the declaration of the Joint Venture – Miru Systems Co. Ltd., Integrated Computer Systems, St. Timothy Construction

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Corporation and Centerpoint Solution Technologies, Inc. (Miru JV) as the lone bidder that submitted the Single Calculated Bid (SCB), the Technical Working Group (TWG) was tasked to conduct a post-qualification evaluation in accordance with Republic Act (R.A.) No. 9184, its Implementing Rules and Regulations (IRR), and the SBAC's timeline of procurement activities on 09 to 31 January 2024.

2. The COMELEC respectfully informs the Honorable Court that the TWG has concluded its post-qualification of Miru JV.¹

3. After a careful examination, validation, and evaluation of eligibility documents, *i.e., legal, technical, and financial*, the SBAC then declared JV Miru as the post-qualified bidder with the *Single Calculated and Responsive Bid* for the Lease of FASTrAC for the 2025 NLE,² with the following details:

Description	Qty	Financial Bid (₱) (VAT Exempt)
Lease of Full Automation System with Transparency Audit/Count (FASTrAC)	1 lot	<u>17,988,878,226.55</u>
Lot is composed of the following:		
(a) Election Management System Goods & Services		<u>420,299,898.11</u>
(b) Automated Counting Machine Goods & Services		<u>15,274,403,128.11</u>
(c) For Consolidation & Canvassing System Goods & Services		<u>198,689,440.00</u>
(d) Ballot Printing Services & Goods		<u>1,606,685,781.64</u>
(e) Ballot Box – Goods & Services		<u>488,799,978.70</u>

4. In the same *Memorandum*, the SBAC also recommended the following:

¹ The *Memorandum* of the SBAC, through its Chairperson Allen Francis B. Abaya, to the Head Executive Assistant of the Office of the Chairman dated 30 January 2024 is attached hereto as **Annex "1."**

² A certified true copy of the *Memorandum* of the SBAC, through its Chairperson Allen Francis B. Abaya, to the Head Executive Assistant of the Office of the Chairman dated 13 February 2024 is attached hereto as **Annex "2."**

x-----x

- (i) Issuance of a *Notice of Award* to Miru JV for the Lease of FASTrAC for the 2025 NLE;
- (ii) Request the Head of the Procuring Entity to authorize Honorable Chairman George Erwin M. Garcia to sign the Notice of Award, Contract, and Notice to Proceed on behalf of the COMELEC; and,
- (iii) Require Miru JV to post performance security in an amount equal to a percentage of the total contract price in accordance with the following schedule:

Form of Performance Security	Amount of Performance Security (Equal to Percentage of the Total Contract Price)
a) Cash, cashier's/ manager check, bank draft/ guarantee confirmed by a Universal or Commercial Bank	Five percent (5%)
b) Irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank	Five percent (5%)
c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as theorized to issue such security	Thirty percent (30%)

5. In the Minute Resolution No. 24-0114³ dated 21 February 2024, the COMELEC *En Banc* approved the recommendation of the SBAC.

6. In addition, the COMELEC *En Banc* required Miru JV to submit a Supply and Delivery Management Plan within ten (10) calendar days upon receipt of the Notice of Award, pursuant to COMELEC Minute Resolution No. 22-1073, as stated in ITB Clause 12.2 of Section III-Bid Data Sheet of the Bidding Documents.

7. The COMELEC notes that the delivery or contract implementation will proceed after issuance of the corresponding Notice of Award, Contract, and Notice to Proceed in favor of Miru JV.

8. Verily, the timely award of the FASTrAC contract is vital to the other activities⁴ scheduled by the COMELEC for the orderly and credible elections.

8.1. After the procurement process, the COMELEC is scheduled to conduct a five-month long system customization for FASTrAC.

8.2. Thereafter, the final system for FASTrAC is scheduled to be delivered on 01 August 1 2024, but not later than 30 October 2024. Only then can the conduct of the local source code review be made.

8.3. Eventually, the Automated Election System is set for field testing on 30 November 2024. To ensure transparency, several public demonstrations are likewise scheduled on 18 December to 30 April 2025.

8.4. Simultaneous with all these pre-election preparations are the recruitment and conduct of trainings for the procured FASTrAC.

³ A certified true copy of the M.R. No. 24-0114 is attached hereto as **Annex "3."**

⁴ A copy of the *Implementation Calendar for the 2025 NLE* is attached hereto as **Annex "4."**

X-----X

9. All told, COMELEC's exercise of its constitutional mandate is dependent on the timely conduct of these pre-election activities.

PRAYER

WHEREFORE, premises considered, respondent COMELEC respectfully prays that the foregoing *Manifestation* be **ADMITTED** and **NOTED**.

Other just and equitable reliefs under the premises are likewise prayed for.

Makati City for Manila City, 27 February 2024.

//Signatures follow//

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo St., Legaspi Village
1229 Makati City
Trunk Line: (02) 8988-1-OSG or 8988-1-674
Locals 956, 955, 954; Fax No.: 8176037
Email: efile@osg.gov.ph



MENARDO I. GUEVARRA

Solicitor General

Roll No. 33957

IBP No. 417383; 01-11-2024

MCLE Exemption No. VIII-OSG003064, 07-27-2023



BERNARD G. HERNANDEZ

Assistant Solicitor General

Roll No. 34618

IBP Lifetime No. 08866

MCLE Exemption No. VII-OSG000218; 11-05-2019



MA. ANTONIA EDITA G. DIZON

Assistant Solicitor General

Roll No. 33774

IBP Lifetime No. 010284; 12-12-2011

MCLE Exemption No. VIII-OSG000006; 04-18-2022



RAYMUND I. RIGODON

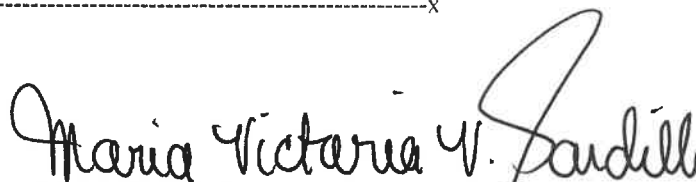
Assistant Solicitor General

Roll No. 39370

IBP Lifetime No. 013395, 02-12-2015

MCLE Exemption No. VIII-OSG000208, 06-30-2022

x-----x



MARIA VICTORIA V. SARDILLO

Assistant Solicitor General

Roll No. 47226

IBP Lifetime No. 07223

MCLE Exemption No. VII-OSG004095, 04-22-2022



HENRY GERALD P. YSAAC, JR.

Senior State Solicitor

Roll No. 41421

IBP Lifetime No. 04653, 12-18-2002

MCLE Compliance No. VII-0017341, 05-06-2022



ROWENA F. MUTIA

State Solicitor

Roll No. 58537

IBP Lifetime No. 013182, 01-08-2015

MCLE Compliance No. VII-0001687, 11-20-2019

PATRICIA ANNE D. STA. MARIA

State Solicitor

(On Official Travel)

Roll No. 65454

IBP Lifetime No. 014797; 05-16-2016

MCLE Compliance No. VII-0014866; 04-06-2022



DIANNE MARGARETTE T. DELOS REYES-GONZALES

State Solicitor

Roll No. 62485

IBP Member No. 252739, 12-21-2023

MCLE Compliance No. VII-0016411, 04-25-2022



MARY ROSE T. BELEY-ARNESTO

Associate Solicitor

Roll No. 64932

IBP Lifetime No. 015740, 01-20-2017

MCLE Compliance No. VII-0016483, 04-28-2022

mrtbarnesto@osg.gov.ph



MIKE FRANCIS OGAD

Associate Solicitor

Roll No. 81216

IBP Member No. 380942, 12-29-2023

Admitted to the Bar: 05-21-2022

mfogad@osg.gov.ph

Copy furnished:

ATTY. GEORGE S.D. AQUINO
ANGARA ABELLO CONCEPCION REGALA & CRUZ
LAW OFFICES

Counsel for Petitioners

22nd Floor, ACCRALAW Tower

2nd Avenue corner 30th Street, Crescent Park West

Bonifacio Global City 1635

Taguig City

ATTY. JOSE M. JOSE

Counsel for Private Respondents

60 Rivera Street, Barangay Progreso

San Juan City

MANNER OF SERVICE

The foregoing *Motion for Leave to file and Admit the Attached Counter-Manifestation and Motion* is being served by registered mail due to lack of personnel, which makes personal service impracticable.



MARY ROSE T. BELEY-ARNESTO
Associate Solicitor

VERIFIED DECLARATION

I, **MARY ROSE T. BELEY-ARNESTO**, hereby declare that the document hereto submitted electronically in accordance with Efficient Use of Paper Rule is complete and true copy of the document filed with the Supreme Court.


MARY ROSE T. BELEY-ARNESTO
Associate Solicitor

SUBSCRIBED AND SWORN TO before me on this 29th day of February 2024, affiant exhibiting her competent evidence of identity, to wit: Office ID No. 2016-01009


ROWENA F. MUTIA
State Solicitor



Republic of the Philippines
OFFICE OF THE SOLICITOR GENERAL
154 Amorsolo St., Legaspi Village, Makati City



2016-01009
ID Number



Mary Rose T. Beley-Arnesto
Signature

BELEY-ARNESTO, MARY ROSE T
ASSOCIATE SOLICITOR III

Menardo T. Guevarra
MENARDO T. GUEVARRA
Solicitor General


 Commonwealth of Massachusetts
OFFICE OF THE SOLICITOR GENERAL
 Department of Justice




Solicitor General
 Signature

MUTIA, ROWENA F.
 STATE SOLICITOR I


MENARDO I. GUEVARRA
 Solicitor General

Home Address:
 258 LANSAN ST. PALM BEACH, FLORIDA 33480
 (PROVIDE COMPLETE ADDRESS AND CITY AND STATE IN THE NAME)

Date of Birth: 08/26/1984

Sex: Male

Other ID No.:



**PERSON TO NOTIFY
 IN CASE OF EMERGENCY:**

Name: Rowena F. Mutia

Address:
 258 LANSAN ST. PALM BEACH, FLORIDA 33480

Contact No.: (561) 833-1111



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
 Intramuros, Manila

ANNEX 1

Special Bids & Awards Committee – Automated Election System
 For the 2025 National & Local Elections
 (SBAC – AES for 2025 NLE)

RECEIVED
 JAN 30 2024
 BY: ADMINISTRATIVE 10:55 AM
 LAW DEPARTMENT
 RECEIVED
 JAN 30 2024
 6:26 DIMS

MEMORANDUM

FOR : DIR. ESTER L. VILLAFLOR-ROXAS
 Head Executive Assistant
 Office of the Chairman
 PMO Head

SUBJECT : UPDATES ON THE PROCUREMENT OF LEASE OF FULL AUTOMATION SYSTEM WITH TRANSPARENCY AUDIT/COUNT (FASTRAC) FOR THE 2025 NATIONAL AND LOCAL ELECTIONS

DATE : 30 January 2024

Relative to the procurement of *Lease of Full Automation System with Transparency Audit/Count (FASTRAC) for the 2025 National and Local Elections - 2nd Bidding (SBAC Ref No. 01-2023 FASTRAC)*, may this Committee respectfully informs you of the updates on the procurement of the said project:

PROCUREMENT ACTIVITIES	TIMELINE	STATUS
Pre-Bid Conference	December 22, 2023	Done/Completed
Opening of Bids	January 8, 2024	Done/Completed
Post-qualification of the Bidder with the Single Calculated Bid - Joint Venture - Miru Systems Co. Ltd., Integrated Computer Systems, St. Timothy Construction Corporation and Centerpoint Solutions Technologies, Inc.		
1) Systems Demonstration or End-to-End Testing of Automated Counting Machines (ACMs) and its peripherals	January 23-24, 2024	Done/Completed
2) Testing of Ballot Boxes	January 29, 2024	Done/Completed
3) Presentation of Project Management Plan of Ballot Printing Services and Training Plan	January 29, 2024	
4) Verification of Documents submitted by the bidder MIRU		On-going

For your information.

Thank you very much.

ALLEN FRANCIS B. ABAYA
 Chairperson
 SBAC-AES for 2025 NLE

Cc:
 Chairman George Erwin M. Garcia

ANNEX 2 SERVICE COPY



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS

Intramuros, Manila

Special Bids and Awards Committee - Automated Elections System

for the 2025 National & Local Elections

(SBAC-AES for 2025 NLE)



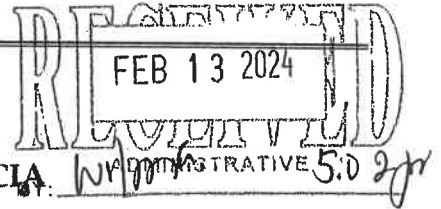
COMMISSION ON ELECTIONS
OFFICE OF THE CHAIRMAN

MEMORANDUM

FOR : HONORABLE GEORGE ERWIN M. GARCIA
Chairman

SUBJECT : SBAC Resolution No. 3 - Lease of Full Automation System with
Transparency Audit/Count (FASTrAC) - 2nd Bidding

DATE : 13 February 2024



The undersigned respectfully transmits the attached SBAC Resolution No. 3 dated 13 February 2024 relative to the declaration of JOINT VENTURE - MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC. as the bidder with the Single Calculated and Responsive Bid and the recommendation to award the contract for the project, *Lease of Full Automation System with Transparency Audit/Count (FASTrAC) - 2nd Bidding* to the aforementioned bidder.

For your Honor's information and consideration.

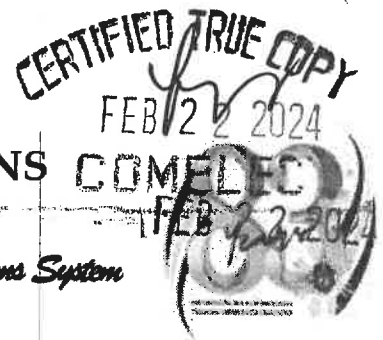
Thank you very much.

ALLEN FRANCIS B. ABAYA
Chairperson





REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
 Intramuros, Manila



Special Bids and Awards Committee – Automated Elections System
for the 2025 National & Local Elections
 (SBAC-AES for 2025 NLE)

SBAC-AES Resolution No. 3

**Lease of Full Automation System with Transparency Audit/Count (FASTrAC)
 for the 2025 National and Local Elections – 2nd Bidding**
 (SBAC Ref No. 01-2023-FASTrAC)

WHEREAS, on 24 October 2023, the SBAC-AES received Purchase Request (PR) with number 23-10-2130 (Annex "A"), relative to the project, *Lease of Full Automation System with Transparency Audit/Count (FASTrAC)*, with details viz:

Description	Qty	Total Approved Budget for the Contract (VAT Exempt) (₱)
Lease of Full Automation System with Transparency Audit/Count (FASTrAC) <i>Lot is composed of the following:</i>	1 lot	18,827,730,000.22
(a) 110,000 Automated Counting Machines (ACMs) with Peripherals and Consumables, Technical Support for HAT, Lab Test, Field Test, Mock Elections, Pre-LAT, ICE, LSCR, Training Program & Technology Transfer for IT, Voter Education Materials and Info Website		16,212,387,623.59
(b) 104,345 Ballot Boxes		499,971,989.03
(c) 2,200 CCS Server/Laptop and Printer (and peripherals) and Software for Cities/Municipalities/Region/National Servers and Software for dominant majority party, dominant minority party, two (2) citizens arm, central server and two (2) back-up, including installation, configuration and set-up		223,993,901.20
(d) Ballot Printing, Ballot Paper for 73,881,894 and Ballot Verification		1,891,376,486.40

WHEREAS, the aforementioned project is included in the Approved APP for FY 2024 consistent with FY 2024 General Appropriations Act under APP Reference Code Number AES-01 (Annex "B");

WHEREAS, below is the Timeline of Procurement Activities that transpired and other relevant information for the aforementioned project, viz:

End-User Unit	Project Management Office
Pre-Procurement Conference (1st Bidding)	05 October 2023 (Thursday), 2:00 PM <i>7th Floor Conference Room, Election and Barangay Affairs Department, Palacio del Gobernador, Intramuros, Manila</i>
SBAC-AES Secretariat receipt of Approved Purchase Request (PR)	PR No. 23-10-2130 received on 24 October 2023
BIR Ruling on VAT Exemption	On 02 October 2023, the SBAC-AES received a copy of Memorandum No. 230999 dated 02 October 2023 regarding the confirmatory Ruling of the Bureau of Internal Revenue on the VAT Exemption of the COMELEC in relation to the procurement for the Automated Elections System of the 2025 NLE;
Posting of Invitation to Bid (1st Bidding)	Posted on the following: <ol style="list-style-type: none"> (1) PhilGEPS Website on 27 October 2023 (2) COMELEC Website on 27 October 2023 (3) COMELEC LED TV Information Wall at the Ground floor, 5th, 7th, and 8th Floors on 27 October 2023 (4) SBAC Information Bulletin Board at the 3rd Floor of FEMII Building Annex, Intramuros, Manila on 27 October 2023
Pre-Bid Conference (1st Bidding)	November 13, 2023 at 2:00 PM <i>Training Room 2, 4th Floor, Bureau of Treasury, Palacio del Gobernador, Intramuros, Manila</i>
Bidders who purchased Bidding Documents (1st Bidding)	<ol style="list-style-type: none"> 1. MIRU SYSTEMS CO., LTD. – paid through Cash Division, COMELEC 2. PIVOT INTERNATIONAL – paid through Cash Division, COMELEC 3. SMMT-TIM 2016, INC. – paid through Online Banking
Deadline for the Submission of Bids (1st Bidding)	14 December 2023, 9:00 AM <i>SBAC Secretariat Office, Procurement Management Department, Commission on Elections, 305-A 3/F Annex Building, FEMII Building, A. Soriano Avenue, Intramuros, Manila</i>
Bidder who Submitted Bids (1st Bidding)	Joint Venture – Miru Systems Co. Ltd., Integrated Computer Systems, St. Timothy Construction Corporation and Centerpoint Solutions Technologies, Inc.
Reasons of Other Bidders for Non-Submission of Bids	<ol style="list-style-type: none"> 1. PIVOT INTERNATIONAL – They cannot comply with the Terms of Reference of the project 2. SMMT-TIM 2016, INC.¹

¹ Disqualified per Comelec En Banc Resolution in E.M. No. 23-003

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Opening of Bids (1st Bidding)	14 December 2023, 10:30 AM <i>Convention Hall, Bureau of Treasury, 3rd Floor, Palacio del Gobernador, Intramuros, Manila</i>
Result of 1st Bidding	Declaration of Failure of Bidding as the lone bidder was declared ineligible due to the following: <ol style="list-style-type: none">1. Lack of English translation of supporting documents which is in a foreign language in the Statement of Single Largest Completed Contract (SLCC) as required by Section 23.2 of the Revised IRR of RA No. 9184; and2. Incomplete Undertaking to Enter into a Joint Venture. The submitted Undertaking to Enter into Joint Venture Agreement specified "jointly" only instead of "jointly and severally liability" as required under Section 23.4.1.1 (e) of the Revised IRR of RA
Mandatory Review	14 December 2023 <i>(Immediately after the adjournment of the Opening of Bids)</i> <i>Convention Hall, Bureau of Treasury, 3rd Floor, Palacio del Gobernador, Intramuros, Manila</i>
Posting of Invitation to Bid (2nd Bidding)	Posted on the following: <ol style="list-style-type: none">(1) PhilGEPS Website on 15 December 2023(2) COMELEC Website on 15 December 2023(3) COMELEC LED TV Information Wall at the Ground floor, 5th, 7th, and 8th Floors on 15 December 2023(4) SBAC Information Bulletin Board at the 3rd Floor of FEMII Building Annex, Intramuros, Manila on 15 December 2023
Pre-Bid Conference (2nd Bidding)	December 22, 2023 at 9:00 AM <i>Training Room 2, 4th Floor, Bureau of Treasury, Palacio del Gobernador, Intramuros, Manila</i>
Supplemental/ Bid Bulletin	<u>Supplemental/Bid Bulletin No. 1 dated 22 December 2023</u> Contents: <ol style="list-style-type: none">1. Announced the rescheduled Submission & Opening of Bids Addendum in the Bidding Documents from 04 January 2024 to 08 January 2024 to give ample time to all bidders to prepare their bids due to the magnitude and numerous requirements of the project.2. Reminded all bidders that 29 December 2023 is the deadline to submit requests/clarifications.

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COMELEC

3. Informed all bidders that the title of the project that should be used in its bid submission is *Lease of Full Automation System with Transparency Audit/Count (FASTrAC) for the 2025 National and Local Elections – 2nd Bidding*
4. Announced that as to the representatives/watchers of the bidder during the Opening of Bids, each bidder shall be allowed two (2) representatives/watchers to observe the preliminary evaluation of each bid proposal submitted.

Supplemental/Bid Bulletin No. 2 dated 31 December 2023

Contents:

1. Revised the provisions/specifications in the Bidding Documents, particularly on the following:
 - (a) Section VII – Technical Specifications; and
 - (b) Section VIII – Checklist of Technical & Financial Documents
2. Responded to thirteen (13) queries/requests raised by the prospective bidders.

Bidders who purchased bidding documents (2nd Bidding)

- 1) DOMINION VOTING SYSTEMS – IFORT CITY CENTER, INC. - paid through Cash Division, COMELEC
- 2) INDRA PHILIPPINES, INC. – paid through Online Banking
- 3) AMA GROUP HOLDINGS CORP. - paid through Cash Division, COMELEC
- 4) ELECTIOTECH CONSULTANT AND MANAGEMENT, INC. - paid through Cash Division, COMELEC
- 5) SMMT-TIM 2016, INC. - paid through Online Banking
- 6) MIRU SYSTEMS CO., LTD. - paid through Cash Division, COMELEC

Deadline for the Submission of Bids (2nd Bidding)

08 January 2024, 9:00 AM
 SBAC Secretariat Office, Procurement Management Department, Commission on Elections, 305-A 3/F Annex Building, FEMII Building, A. Soriano Avenue, Intramuros, Manila

Bidders who Submitted Bids (2nd Bidding)

Bidder	Date & Time of Submission
1. Joint Venture – Miru Systems Co. Ltd., Integrated Computer Systems, St. Timothy Construction Corporation and Centerpoint Solutions Technologies, Inc. (“MIRU-ICS-STCC-CPSTI Joint Venture”)	08 January 2024, 8:49 AM

Reasons of Other Bidders for Non-Submission of Bids	<ol style="list-style-type: none"> 1. DOMINION VOTING SYSTEMS – IFORT CITY CENTER, INC. – They cannot comply with the Terms of Reference of the project 2. INDRA PHILIPPINES, INC. – No reason provided 3. AMA GROUP HOLDINGS CORP. – No reason provided 4. ELECTIOTECH CONSULTANT AND MANAGEMENT, INC. – Limited period of time to submit bids 5. SMMT-TIM 2016, INC.² 																					
Opening of Bids & Preliminary Examination of the Technical Component Envelope (Eligibility Documents)	<p>08 January 2024, 10:30 AM <i>Convention Hall, Bureau of Treasury, 3rd Floor, Palacio del Gobernador, Intramuros, Manila</i></p>																					
Result of Preliminary Examination of Technical Component Envelope (Eligibility Documents)	<p>SBAC-AES adopted the recommendation of the Technical Working Group (TWG) to declare the <i>MIRU-ICS-STCC-CPSTI Joint Venture</i> ELIGIBLE after preliminary examination of eligibility documents using a non-discretionary “pass/fail” criterion</p>																					
Opening of Financial Component of the Eligible Bidder	<p>08 January 2024, immediately after the lone bidder was declared eligible.</p> <p>Proceeded with the Opening of Financial Envelope. Bid Offer as READ:</p> <table border="1" data-bbox="506 1323 1507 1996"> <thead> <tr> <th>Description</th> <th>Qty</th> <th>Financial Bid (₱) (VAT Exempt)</th> </tr> </thead> <tbody> <tr> <td>Lease of Full Automation System with Transparency Audit/Count (FASTrAC) <i>Lot is composed of the following:</i></td> <td>1 lot</td> <td><u>17,988,876,168.80</u></td> </tr> <tr> <td><i>(a) Election Management System Goods & Services</i></td> <td></td> <td><u>420,299,898.10</u></td> </tr> <tr> <td><i>(b) Automated Counting Machine Goods & Services</i></td> <td></td> <td><u>15,274,401,070.36</u></td> </tr> <tr> <td><i>(c) For Consolidation & Canvassing System Goods & Services</i></td> <td></td> <td>198,689,440.00</td> </tr> <tr> <td><i>(d) Ballot Printing Services & Goods</i></td> <td></td> <td>1,606,685,781.64</td> </tr> <tr> <td><i>(e) Ballot Box – Goods & Services</i></td> <td></td> <td>488,799,978.70</td> </tr> </tbody> </table>	Description	Qty	Financial Bid (₱) (VAT Exempt)	Lease of Full Automation System with Transparency Audit/Count (FASTrAC) <i>Lot is composed of the following:</i>	1 lot	<u>17,988,876,168.80</u>	<i>(a) Election Management System Goods & Services</i>		<u>420,299,898.10</u>	<i>(b) Automated Counting Machine Goods & Services</i>		<u>15,274,401,070.36</u>	<i>(c) For Consolidation & Canvassing System Goods & Services</i>		198,689,440.00	<i>(d) Ballot Printing Services & Goods</i>		1,606,685,781.64	<i>(e) Ballot Box – Goods & Services</i>		488,799,978.70
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² Ibid.

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<p>Bid evaluation in accordance with Section 32.2.1 of the 2016 Revised IRR of RA 9184</p>	<p>Bids as EVALUATED:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: center;">Description</th> <th style="text-align: center;">Qty</th> <th style="text-align: center;">Financial Bid (₱) (VAT Exempt)</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Lease of Full Automation System with Transparency Audit/Count (FASTrAC)</td> <td style="text-align: center; vertical-align: middle;">1 lot</td> <td style="text-align: right; vertical-align: middle;"><u>17,988,878,226.55</u></td> </tr> <tr> <td colspan="3" style="padding: 5px;"><i>Lot is composed of the following:</i></td> </tr> <tr> <td style="padding: 5px;">(a) Election Management System Goods & Services</td> <td></td> <td style="text-align: right; vertical-align: middle;"><u>420,299,898.11</u></td> </tr> <tr> <td style="padding: 5px;">(b) Automated Counting Machine Goods & Services</td> <td></td> <td style="text-align: right; vertical-align: middle;"><u>15,274,403,128.10</u></td> </tr> <tr> <td style="padding: 5px;">(c) For Consolidation & Canvassing System Goods & Services</td> <td></td> <td style="text-align: right; vertical-align: middle;">198,689,440.00</td> </tr> <tr> <td style="padding: 5px;">(d) Ballot Printing Services & Goods</td> <td></td> <td style="text-align: right; vertical-align: middle;">1,606,685,781.64</td> </tr> <tr> <td style="padding: 5px;">(e) Ballot Box – Goods & Services</td> <td></td> <td style="text-align: right; vertical-align: middle;">488,799,978.70</td> </tr> </tbody> </table> <p style="margin-top: 10px;"><i>Note: Please refer to Abstract of Bids attached as Annex "C-1"</i></p>	Description	Qty	Financial Bid (₱) (VAT Exempt)	Lease of Full Automation System with Transparency Audit/Count (FASTrAC)	1 lot	<u>17,988,878,226.55</u>	<i>Lot is composed of the following:</i>			(a) Election Management System Goods & Services		<u>420,299,898.11</u>	(b) Automated Counting Machine Goods & Services		<u>15,274,403,128.10</u>	(c) For Consolidation & Canvassing System Goods & Services		198,689,440.00	(d) Ballot Printing Services & Goods		1,606,685,781.64	(e) Ballot Box – Goods & Services		488,799,978.70
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WHEREAS, on 08 January 2024, the SBAC-AES through Resolution No. 1 (Annex C) declared *MIRU-ICS-STCC-CPSTI Joint Venture* as the bidder which submitted the Single Calculated Bid (SCB) with total bid of ₱17,988,878,226.55, as evaluated;

WHEREAS, said Resolution directed the TWG to subject the bidder with the SCB to Post-Qualification in accordance with Rule X of the 2016 Revised IRR of RA 9184;

WHEREAS, on 15 January 2024, the TWG requested for extension of post-qualification period considering the complexity of the procurement project and the voluminous records the TWG shall verify and subsequently recommended by the SBAC-AES to the Commission *En Banc*, for approval, per SBAC-AES Resolution No. 2 dated 16 January 2024 attached as Annex D;

WHEREAS, on 19 January 2024, COMELEC Secretary, Dir. Consuelo B. Diola, informed the SBAC-AES that the Commission *En Banc*, approved the recommendation of the SBAC-AES for the extension of post-qualification period, provided that the same does not exceed the maximum allowable period of forty-five (45) calendar days pursuant to Section 34.8 of the Updated 2016 Revised IRR of R.A. 9184 (Annex D-1);

WHEREAS, during the Post-Qualification Evaluation, the SBAC-AES through its TWG, conducted the following pursuant to Section 34 of the IRR and in accordance with the Testing Parameters stated in the Bidding Documents and Bid Bulletins issued for the project:

- (1) Detailed Evaluation through validation, verification & ascertainment of the veracity, authenticity and validity of Legal, Technical & Financial Documents of the bidder with the SCB;
- (2) Also conducted the following:
 - (a) Demonstration/ End-to-End Testing of Bidder's System on 23 January 2024 at Convention Hall, Bureau of Treasury, 3rd Floor, Palacio del Gobernador, Intramuros, Manila;
 - (b) Testing of Ballot Boxes on 29 January 2024, 10:00 AM at Rajah Sulayman Gymnasium Pamantasan ng Lungsod ng Maynila (PLM), General Luna, corner Muralla St, Intramuros, Manila; and
 - (c) Presentation on 29 January 2024, 2:00 PM at Convention Hall, Bureau of Treasury, 3rd Floor, Palacio del Gobernador, Intramuros, Manila for the following:
 - (i) For Ballot Printing Services; and
 - Project Management Plan
 - On-site demo version of the proposed equipment; OR Presentation of similar installation of the equipment from a previous contract of the bidder; and
 - Demo Version of the offered software application as indicated in Annex TOR (The demo system shall be able to show availability and working functionality of all of the minimum systems specifications as required by COMELEC.)
 - (ii) For Training – Training Plan

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WHEREAS, on 07 February 2024, the SBAC-AES received the TWG Report with Annexes dated 06 February 2024 (Annex "E") recommending that **JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC.** be declared as **POST-QUALIFIED** after the eligibility documents (legal, technical and financial) of the said bidder had been evaluated, validated, verified and examined;

WHEREAS, after a careful consideration of the said TWG recommendation including its attachments, the SBAC-AES hereby **APPROVES** the same declaring the **JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC., as POST-QUALIFIED;**

IN VIEW THEREOF, this SBAC-AES **RESOLVED** as it hereby **RESOLVES** to:

- To **DECLARE JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC.** as the bidder with the **SINGLE CALCULATED AND RESPONSIVE BID** for the project, *Lease of Full Automation System with Transparency Audit/Count (FASTrAC) – 2nd Bidding*, with details as follows:

Description	Qty	Financial Bid (₱) (VAT Exempt)
Lease of Full Automation System with Transparency Audit/Count (FASTrAC) <i>Lot is composed of the following:</i>	1 lot	<u>17,988,878,226.55</u>
<i>(a) Election Management System Goods & Services</i>		<u>420,299,898.11</u>
<i>(b) Automated Counting Machine Goods & Services</i>		<u>15,274,403,128.10</u>
<i>(c) For Consolidation & Canvassing System Goods & Services</i>		198,689,440.00
<i>(d) Ballot Printing Services & Goods</i>		1,606,685,781.64
<i>(e) Ballot Box – Goods & Services</i>		488,799,978.70

- To **RECOMMEND** to the **HEAD OF THE PROCURING ENTITY** the issuance of a Notice of Award to **JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC.** for the project, *Lease of Full Automation System with Transparency Audit/Count (FASTrAC) – 2nd Bidding* under SBAC Ref No. 01-2023-FASTrAC;
- To **REQUEST** the **HEAD OF THE PROCURING ENTITY** to authorize **HONORABLE CHAIRMAN GEORGE ERWIN M. GARCIA** to sign the Notice of Award (NOA), Contract, and Notice to Proceed (NTP) on behalf of the Commission on Elections;

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4. To REQUIRE JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC. to post performance security in an amount equal to a percentage of the total contract price in accordance with the following schedule:

Form of Performance Security	Amount of Performance Security (Equal to Percentage of the Total Contract Price)
a) Cash, cashier's/manager's check, bank draft/guarantee confirmed by a Universal or Commercial Bank	Five percent (5%)
b) Irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank	Five percent (5%)
c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security	Thirty percent (30%)

5. To REQUIRE JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC. to submit a Supply and Delivery Management Plan within ten (10) calendar days upon receipt of the Notice of Award (NOA) pursuant to COMELEC Minute Resolution No. 22-1073 as stated in ITB Clause 12.2 of Section III – Bid Data Sheet of the Bidding Documents.

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The SBAC-AES Secretariat is hereby directed to furnish copies of this Resolution to the above-named bidder which has been declared to have tendered the Single Calculated and Responsive Bid.

13 February 2024.



ALLEN FRANCIS B. ABAYA
Chairperson



JOHN REX C. LAUDIANGCO
Vice-Chairperson



DIVINA E. BLAS-PEREZ
Member



JOVENCIO G. BALANQUIT
Member



ABIGAIL CLAIRE F. CARBERO-LLACUNA
Member

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FEB 22 2024
COMELEC



EXCERPT FROM THE MINUTES OF THE EXECUTIVE SESSION
OF THE COMMISSION ON ELECTIONS
HELD ON FEBRUARY 21, 2024

Chairman George Erwin M. Garcia
Commissioner Socorro B. Inting
Commissioner Marlon S. Casquejo
Commissioner Aimee P. Ferolino
Commissioner Rey E. Bulay
Commissioner Ernesto Ferdinand P. Maceda, Jr.
Commissioner Nelson J. Celis

Handwritten signature

xxx

xxx

xxx

24-0114. IN THE MATTER OF SPECIAL BIDS AND AWARDS COMMITTEE-AUTOMATED ELECTIONS SYSTEM FOR THE 2025 NATIONAL AND LOCAL ELECTIONS (SBAC-AES FOR 2025 NLE) RESOLUTION NO. 3 RE: LEASE OF FULL AUTOMATION SYSTEM WITH TRANSPARENCY AUDIT/COUNT (FASTRAC) FOR THE 2025 NATIONAL AND LOCAL ELECTIONS - 2ND BIDDING (SBAC REF NO. 01-2023-FASTRAC)

This pertains to the Memorandum dated 13 February 2024 of Director Allen Francis B. Abaya, Chairperson, Special Bids and Awards Committee-Automated Elections System for the 2025 National and Local Elections (SBAC-AES for 2025 NLE), transmitting SBAC-AES Resolution No. 3 re: Lease of Full Automation System with Transparency Audit/Count (FASTRAC) for the 2025 National and Local Elections - 2nd Bidding (SBAC Ref No. 01-2023-FASTRAC).

The Memorandum of Director Abaya reads:

"The undersigned respectfully transmits that attached SBAC Resolution No. 3 dated 13 February 2024 relative to the declaration of JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC. as the bidder with the Single Calculated and Responsive Bid and the recommendation to award the contract for the project, Lease of Full Automation System with Transparency Audit/Count (FASTRAC)-2nd Bidding to the aforementioned bidder.

For your Honor's information and consideration

Thank you very much."

Commission on Elections
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Cynthia Patricia P. Aquino
CYNTHIA PATRICIA P. AQUINO
Board Secretary III


SBAC-AES Resolution No. 3 states:

“WHEREAS, on 24 October 2023, the SBAC-AES received Purchase Request (PR) with number 23-10-2130 (Annex “A”), relative to the project, Lease of Full Automation System with Transparency Audit/Count (FASTrAC), with details viz:

<i>Description</i>	<i>Qty</i>	<i>Total Approved Budget for the Contract (VAT Exempt) (₱)</i>
<i>Lease of Full Automation System with Transparency Audit/Count (FASTrAC)</i> <i>Lot is composed of the following:</i>	1 lot	18,827,730,000.22
<i>(a) 110,000 Automated Counting Machines (ACMs) with Peripherals and Consumables, Technical Support for HAT, Lab Test, Field Test, Mock Elections, Pre-LAT, ICE, LSCR, Training Program & Technology Transfer for IT, Voter Education Materials and Info Website</i>		16,212,387,623.59
<i>(b) 104,345 Ballot Boxes</i>		499,971,989.03
<i>(c) 2,200 CCS Server/Laptop and Printer (and peripherals) and Software for Cities/Municipalities/Region/National Servers and Software for dominant majority party, dominant minority party, two (2) citizens arm, central server and two (2) back-up, including installation, configuration and set-up</i>		223,993,901.20
<i>(d) Ballot Printing, Ballot Paper for 73,881,894 and Ballot Verification</i>		1,891,376,486.40

WHEREAS, the aforementioned project is included in the Approved APP for FY 2024 consistent with FY 2024 General Appropriations Act under APP Reference Code Number AES-01 (Annex “B”);

WHEREAS, below is the Timeline of Procurement Activities that transpired and other relevant information for the aforementioned project, viz:

<i>End-User Unit</i>	Project Management Office
<i>Pre-Procurement Conference (1st Bidding)</i>	05 October 2023 (Thursday), 2:00 PM 7th Floor Conference Room, Election and Barangay Affairs Department, Palacio del Gobernador, Intramuros, Manila
<i>SBAC-AES Secretariat receipt of Approved Purchase Request (PR)</i>	PR No. 23-10-2130 received on 24 October 2023  CYNTIA PATRICIA P. AQUINO Board Secretary III
<i>BIR Ruling on VAT Exemption</i>	On 02 October 2023, the SBAC-AES received a copy of Memorandum No. 230999 dated 02 October 2023 regarding the confirmatory Ruling of the Bureau of Internal Revenue on the VAT Exemption of the COMELEC in relation to the procurement for the Automated Elections System of the 2025 NLE;

<p>Posting of Invitation to Bid (1st Bidding)</p>	<p>Posted on the following:</p> <ol style="list-style-type: none"> (1) PhilGEPS Website on 27 October 2023 (2) COMELEC Website on 27 October 2023 (3) COMELEC LED TV Information Wall at the Ground floor, 5th, 7th, and 8th Floors on 27 October 2023 (4) SBAC Information Bulletin Board at the 3rd Floor of FEMII Building Annex, Intramuros, Manila on 27 October 2023
<p>Pre-Bid Conference (1st Bidding)</p>	<p>November 13, 2023 at 2:00 PM Training Room 2, 4th Floor, Bureau of Treasury, Palacio del Gobernador, Intramuros, Manila</p>
<p>Bidders who purchased Bidding Documents (1st Bidding)</p>	<ol style="list-style-type: none"> 1. MIRU SYSTEMS CO., LTD. – paid through Cash Division, COMELEC 2. PIVOT INTERNATIONAL – paid through Cash Division, COMELEC 3. SMMT-TIM 2016, INC. – paid through Online Banking
<p>Deadline for the Submission of Bids (1st Bidding)</p>	<p>14 December 2023, 9:00 AM SBAC Secretariat Office, Procurement Management Department, Commission on Elections, 305-A 3/F Annex Building, FEMII Building, A. Soriano Avenue, Intramuros, Manila</p>
<p>Bidder who Submitted Bids (1st Bidding)</p>	<p>Joint Venture – Miru Systems Co. Ltd., Integrated Computer Systems, St. Timothy Construction Corporation and Centerpoint Solutions Technologies, Inc.</p>
<p>Reasons of Other Bidders for Non-Submission of Bids</p>	<ol style="list-style-type: none"> 1. PIVOT INTERNATIONAL – They cannot comply with the Terms of Reference of the project 2. SMMT-TIM 2016, INC.¹
<p>Opening of Bids (1st Bidding)</p>	<p>14 December 2023, 10:30 AM Convention Hall, Bureau of Treasury, 3rd Floor, Palacio del Gobernador, Intramuros, Manila</p>
<p>Result of 1st Bidding</p>	<p>Declaration of Failure of Bidding as the lone bidder was declared ineligible due to the following:</p> <ol style="list-style-type: none"> 1. Lack of English translation of supporting documents which is in a foreign language in the Statement of Single Largest Completed Contract (SLCC) as required by Section 23.2 of the Revised IRR of RA No. 9184; and 2. Incomplete Undertaking to Enter into a Joint Venture. The submitted Undertaking to Enter into Joint Venture Agreement specified “jointly” only instead of “jointly and severally liability” as required under Section 23.4.1. (c) of the Revised IRR of RA


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 CYNTHIA PATRICIA P. AQUINO
 Board Secretary III

¹ Disqualified per Comelec En Banc Resolution in E.M. No. 23-003

<p>Mandatory Review</p>	<p>14 December 2023 (Immediately after the adjournment of the Opening of Bids) Convention Hall, Bureau of Treasury, 3rd Floor, Palacio del Gobernador, Intramuros, Manila</p>
<p>Posting of Invitation to Bid (2nd Bidding)</p>	<p>Posted on the following:</p> <ol style="list-style-type: none"> (1) PhilGEPS Website on 15 December 2023 (2) COMELEC Website on 15 December 2023 (3) COMELEC LED TV Information Wall at the Ground floor, 5th, 7th, and 8th Floors on 15 December 2023 (4) SBAC Information Bulletin Board at the 3rd Floor of FEMII Building Annex, Intramuros, Manila on 15 December 2023
<p>Pre-Bid Conference (2nd Bidding)</p>	<p>December 22, 2023 at 9:00 AM Training Room 2, 4th Floor, Bureau of Treasury, Palacio del Gobernador, Intramuros, Manila</p>
<p>Supplemental/ Bid Bulletin</p>	<p><u>Supplemental/Bid Bulletin No. 1 dated 22 December 2023</u></p> <p>Contents:</p> <ol style="list-style-type: none"> 1. Announced the rescheduled Submission & Opening of Bids Addendum in the Bidding Documents from 04 January 2024 to 08 January 2024 to give ample time to all bidders to prepare their bids due to the magnitude and numerous requirements of the project. 2. Reminded all bidders that 29 December 2023 is the deadline to submit requests/clarifications. 3. Informed all bidders that the title of the project that should be used in its bid submission is Lease of Full Automation System with Transparency Audit/Count (FASTrAC) for the 2025 National and Local Elections – 2nd Bidding 4. Announced that as to the representatives/watchers of the bidder during the Opening of Bids, each bidder shall be allowed two (2) representatives/watchers to observe the preliminary evaluation of each bid proposal submitted. <p><u>Supplemental/Bid Bulletin No. 2 dated 31 December 2023</u></p> <p>Contents:</p> <ol style="list-style-type: none"> 1. Revised the provisions/specifications in the Bidding Documents, particularly on the following: <ol style="list-style-type: none"> (a) Section VII – Technical Specifications; and (b) Section VIII – Checklist of Technical & Financial Documents 2. Responded to thirteen (13) queries/requests raised by the prospective bidders.


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 Board Secretary III

<p>Bidders who purchased bidding documents (2nd Bidding)</p>	<ol style="list-style-type: none"> 1) DOMINION VOTING SYSTEMS – IFORT CITY CENTER, INC. - paid through Cash Division, COMELEC 2) INDRA PHILIPPINES, INC. – paid through Online Banking 3) AMA GROUP HOLDINGS CORP. - paid through Cash Division, COMELEC 4) ELECTIOTECH CONSULTANT AND MANAGEMENT, INC. - paid through Cash Division, COMELEC 5) SMMT-TIM 2016, INC. - paid through Online Banking 6) MIRU SYSTEMS CO., LTD. - paid through Cash Division, COMELEC 				
<p>Deadline for the Submission of Bids (2nd Bidding)</p>	<p>08 January 2024, 9:00 AM SBAC Secretariat Office, Procurement Management Department, Commission on Elections, 305-A 3/F Annex Building, FEMII Building, A. Soriano Avenue, Intramuros, Manila</p>				
<p>Bidders who Submitted Bids (2nd Bidding)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%; text-align: center;">Bidder</th> <th style="width: 40%; text-align: center;">Date & Time of Submission</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">1. Joint Venture – Miru Systems Co. Ltd., Integrated Computer Systems, St. Timothy Construction Corporation and Centerpoint Solutions Technologies, Inc. (“MIRU-ICS-STCC-CPSTI Joint Venture”)</td> <td style="text-align: center; vertical-align: middle;">08 January 2024, 8:49 AM</td> </tr> </tbody> </table>	Bidder	Date & Time of Submission	1. Joint Venture – Miru Systems Co. Ltd., Integrated Computer Systems, St. Timothy Construction Corporation and Centerpoint Solutions Technologies, Inc. (“MIRU-ICS-STCC-CPSTI Joint Venture”)	08 January 2024, 8:49 AM
Bidder	Date & Time of Submission				
1. Joint Venture – Miru Systems Co. Ltd., Integrated Computer Systems, St. Timothy Construction Corporation and Centerpoint Solutions Technologies, Inc. (“MIRU-ICS-STCC-CPSTI Joint Venture”)	08 January 2024, 8:49 AM				
<p>Reasons of Other Bidders for Non-Submission of Bids</p>	<ol style="list-style-type: none"> 1. DOMINION VOTING SYSTEMS – IFORT CITY CENTER, INC. – They cannot comply with the Terms of Reference of the project 2. INDRA PHILIPPINES, INC. – No reason provided 3. AMA GROUP HOLDINGS CORP. – No reason provided 4. ELECTIOTECH CONSULTANT AND MANAGEMENT, INC. – Limited period of time to submit bids 5. SMMT-TIM 2016, INC.² 				
<p>Opening of Bids & Preliminary Examination of the Technical Component Envelope (Eligibility Documents)</p>	<p>08 January 2024, 10:30 AM Convention Hall, Bureau of Treasury, 3rd Floor, Palacio del Gobernador, Intramuros, Manila</p>				
<p>Result of Preliminary Examination of Technical Component Envelope (Eligibility Documents)</p>	<p>SBAC-AES adopted the recommendation of the Technical Working Group (TWG) to declare the MIRU-ICS-STCC-CPSTI Joint Venture ELIGIBLE after preliminary examination of eligibility documents using a non-discretionary “pass/fail” criterion</p>				

² Ibid.

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CYNTHIA PATRICIA P. AQUINO
 Board Secretary III

Opening of Financial Component of the Eligible Bidder

08 January 2024, immediately after the lone bidder was declared eligible.

Proceeded with the Opening of Financial Envelope.

Bid Offer as READ:

Description	Qty	Financial Bid (P) (VAT Exempt)
Lease of Full Automation System with Transparency Audit/Count (FASTrAC) Lot is composed of the following:	1 lot	<u>17,988,876,168.80</u>
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(e) Ballot Box – Goods & Services		488,799,978.70

Bid evaluation in accordance with Section 32.2.1 of the 2016 Revised IRR of RA 9184


Bids as EVALUATED:

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Note: Please refer to Abstract of Bids attached as Annex "C-1"

WHEREAS, on 08 January 2024, the SBAC-AES through Resolution No. 1 (Annex C) declared MIRU-ICS-STCC-CPSTI Joint Venture as the bidder which submitted the Single Calculated Bid (SCB) with total bid of ₱17,988,878,226.55, as evaluated;

WHEREAS, said Resolution directed the TWG to subject the bidder with the SCB to Post-Qualification in accordance with ~~Rule X of the 2016 Revised IRR of RA 9184;~~

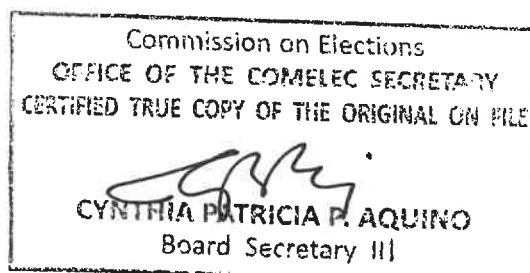
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WHEREAS, on 15 January 2024, the TWG requested for extension of post-qualification period considering the complexity of the procurement project and the voluminous records the TWG shall verify and subsequently recommended by the SBAC-AES to the Commission En Banc, for approval, per SBAC-AES Resolution No. 2 dated 16 January 2024 attached as Annex D;

WHEREAS, on 19 January 2024, COMELEC Secretary, Dir. Consuelo B. Diola, informed the SBAC-AES that the Commission En Banc, approved the recommendation of the SBAC-AES for the extension of post-qualification period, provided that the same does not exceed the maximum allowable period of forty-five (45) calendar days pursuant to Section 34.8 of the Updated 2016 Revised IRR of R.A. 9184 (Annex D-1);

WHEREAS, during the Post-Qualification Evaluation, the SBAC-AES through its TWG, conducted the following pursuant to Section 34 of the IRR and in accordance with the Testing Parameters stated in the Bidding Documents and Bid Bulletins issued for the project:

- (1) Detailed Evaluation through validation, verification & ascertainment of the veracity, authenticity and validity of Legal, Technical & Financial Documents of the bidder with the SCB;*
- (2) Also conducted the following:*
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 - Demo Version of the offered software application as indicated in Annex TOR (The demo system shall be able to show availability and working functionality of all of the minimum systems specifications as required by COMELEC.)*
 - (ii) For Training – Training Plan*



WHEREAS, on 07 February 2024, the SBAC-AES received the TWG Report with Annexes dated 06 February 2024 (Annex "E") recommending that **JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC.** be declared as **POST-QUALIFIED** after the eligibility documents (legal, technical and financial) of the said bidder had been evaluated, validated, verified and examined;

WHEREAS, after a careful consideration of the said TWG recommendation including its attachments, the SBAC-AES hereby **APPROVES** the same declaring the **JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC.,** as **POST-QUALIFIED**;


IN VIEW THEREOF, this SBAC-AES **RESOLVED** as it hereby **RESOLVES** to:

- To **DECLARE** **JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC.** as the bidder with the **SINGLE CALCULATED AND RESPONSIVE BID** for the project, Lease of Full Automation System with Transparency Audit/Count (FASTrAC) – 2nd Bidding, with details as follows:

Description	Qty	Financial Bid (₱) (VAT Exempt)
Lease of Full Automation System with Transparency Audit/Count (FASTrAC) <i>Lot is composed of the following:</i>	1 lot	<u>17,988,878,226.55</u>
(a) Election Management System Goods & Services		<u>420,299,898.11</u>
(b) Automated Counting Machine Goods & Services		<u>15,274,403,128.10</u>
(c) For Consolidation & Canvassing System Goods & Services		198,689,440.00
(d) Ballot Printing Services & Goods		1,606,685,781.64
(e) Ballot Box – Goods & Services		488,799,978.70

- To **RECOMMEND** to the **HEAD OF THE PROCURING ENTITY** the issuance of a Notice of Award to **JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC.** for the project, Lease of Full Automation System with Transparency Audit/Count (FASTrAC) – 2nd Bidding under SBAC Ref No. 01-2023-FASTrAC;

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Board Secretary III


3. To **REQUEST** the **HEAD OF THE PROCURING ENTITY** to authorize **HONORABLE CHAIRMAN GEORGE ERWIN M. GARCIA** to sign the Notice of Award (NOA), Contract, and Notice to Proceed (NTP) on behalf of the Commission on Elections;
4. To **REQUIRE JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC.** to post performance security in an amount equal to a percentage of the total contract price in accordance with the following schedule:

<i>Form of Performance Security</i>	<i>Amount of Performance Security (Equal to Percentage of the Total Contract Price)</i>
<i>a) Cash, cashier's/manager's check, bank draft/guarantee confirmed by a Universal or Commercial Bank</i>	<i>Five percent (5%)</i>
<i>b) Irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank</i>	<i>Five percent (5%)</i>
<i>c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security</i>	<i>Thirty percent (30%)</i>

5. To **REQUIRE JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC.** to submit a Supply and Delivery Management Plan within ten (10) calendar days upon receipt of the Notice of Award (NOA) pursuant to COMELEC Minute Resolution No. 22-1073 as stated in ITB Clause 12.2 of Section III – Bid Data Sheet of the Bidding Documents.

The SBAC-AES Secretariat is hereby directed to furnish copies of this Resolution to the above-named bidder which has been declared to have tendered the Single Calculated and Responsive Bid.”

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The Commission, after due deliberation **RESOLVED**, as it hereby **RESOLVES**, to **APPROVE** the recommendation of the Special Bids and Awards Committee - Automated Elections System for the 2025 National & Local Elections, as embodied in SBAC-AES Resolution No. 3, entitled, "Lease of Full Automation System with Transparency Audit/Count (FASTrAC) for the 2025 National and Local Elections - 2nd Bidding", subject to availability of funds, compliance with pertinent COA rules and regulations and procurement laws, as follows:

1. To **NOTE** SBAC-AES declaration of **JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC.** as the bidder with the **SINGLE CALCULATED AND RESPONSIVE BID** for the project, Lease of Full Automation System with Transparency Audit/Count (FASTrAC) – 2nd Bidding, with details as follows:

Description	Qty	Financial Bid (₱) (VAT Exempt)
Lease of Full Automation System with Transparency Audit/Count (FASTrAC)	1 lot	<u>17,988,878,226.55</u>
Lot is composed of the following:		
(a) Election Management System Goods & Services		<u>420,299,898.11</u>
(b) Automated Counting Machine Goods & Services		<u>15,274,403,128.10</u>
(c) For Consolidation & Canvassing System Goods & Services		198,689,440.00
(d) Ballot Printing Services & Goods		1,606,685,781.64
(e) Ballot Box – Goods & Services		488,799,978.70

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 Board Secretary III

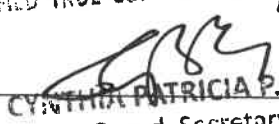
2. To **ISSUE** a Notice of Award to **JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND**

CENTERPOINT SOLUTIONS TECHNOLOGIES, INC. for the project, Lease of Full Automation System with Transparency Audit/Count (FASTrAC) – 2nd Bidding under SBAC Ref No. 01-2023-FASTrAC;

3. To **AUTHORIZE HONORABLE CHAIRMAN GEORGE ERWIN M. GARCIA** to sign the Notice of Award (NOA), Contract, and Notice to Proceed (NTP) on behalf of the Commission on Elections;

4. To **REQUIRE JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC.** to post performance security in an amount equal to a percentage of the total contract price in accordance with the following schedule:

Form of Performance Security	Amount of Performance Security (Equal to Percentage of the Total Contract Price)
a) Cash, cashier's/manager's check, bank draft/guarantee confirmed by a Universal or Commercial Bank	Five percent (5%)
b) Irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank	Five percent (5%)
c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security	<p style="text-align: center;">Thirty percent (30%)</p>

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Thirty percent (30%)
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5. To REQUIRE JOINT VENTURE – MIRU SYSTEMS CO. LTD., INTEGRATED COMPUTER SYSTEMS, ST. TIMOTHY CONSTRUCTION CORPORATION AND CENTERPOINT SOLUTIONS TECHNOLOGIES, INC. to submit a Supply and Delivery Management Plan within ten (10) calendar days upon receipt of the Notice of Award (NOA) pursuant to COMELEC Minute Resolution No. 22-1073 as stated in ITB Clause 12.2 of Section III – Bid Data Sheet of the Bidding Documents.

Let the Special Bids and Awards Committee-Automated Elections System for the 2025 National and Local Elections, the Procurement Management Department and the Finance Services Department implement this Resolution.

SO ORDERED.

subject to the highest standard of transparency and applicable auditing rules

GEORGE ERWIN M. GARCIA
Chairman


SOCORRO B. INTING
Commissioner


AIMEE P. FEROLINO
Commissioner


ERNESTO FERDINAND P. MACEDA, JR.
Commissioner


MARLON S. CASQUEJO
Commissioner


I join the chair

REY E. BULAY
Commissioner


NELSON J. CELIS
Commissioner

This Resolution can be verified at this number (02)85272987; email address comsec@comelec.gov.ph.

Cc: Chairman
All Commissioners
Executive Director
Deputy Executive Director for Operations
Deputy Executive Director for Administration
Special Bids and Awards Committee-Automated Elections System for the 2025 National and Local Elections
Finance Services Department
Procurement Management Department

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Board Secretary III

IMPLEMENTATION CALENDAR
MAY 12, 2025 NATIONAL AND LOCAL ELECTIONS

ACTIVITIES	START	END
1. Preparation of the various TORs for AES	14 Feb 2023 (Tue)	31 Jul 2024 (Wed)
2. Approval of the Terms of Reference for AES	08 Mar 2023 (Wed)	14 Aug 2024 (Wed)
3. Procurement until issuance of NTP and contract	24 Oct 2023 (Tue)	31 Jan 2025 (Fri)
3.1 Full Automation System with Transparency Audit Count (FASTRAC)	24 Oct 2023 (Tue)	20 Feb 2024 (Tue)
3.2 Online Voting and Counting System (OVCS)	22 Dec 2023 (Fri)	01 Apr 2024 (Mon)
3.3 Secure Electronic Transmission System (SETS)	24 Jan 2024 (Wed)	25 Mar 2024 (Mon)
3.4 Election Forms and Supplies	01 Feb 2024 (Thu)	15 Oct 2024 (Tue)
3.5 International Certification Entity (ICE)	29 Jan 2024 (Mon)	15 Jul 2024 (Mon)
3.6 National Technical Support Center	11 Jul 2024 (Thu)	02 Oct 2024 (Wed)
3.7 Warehousing for Official Ballots/Accountable Forms and NAFs	02 Sep 2024 (Mon)	29 Nov 2024 (Fri)
3.8 Ballot Packaging Services	02 Sep 2024 (Mon)	29 Nov 2024 (Fri)
3.9 Printing Services for P/ED CVL	02 Sep 2024 (Mon)	29 Nov 2024 (Fri)
3.10 Deployment (Local and Overseas)	01 Jul 2024 (Mon)	17 Oct 2024 (Thu)
3.11 Voter's Information Sheet	04 Nov 2024 (Mon)	31 Jan 2025 (Fri)
4. Conduct of Continuing Voter Registration for Local and Overseas	12 Feb 2024 (Mon)	30 Sep 2024 (Mon)
5. Deadline to Issue Resolution for Authorized Modes of Voting for Overseas Voting	15 Feb 2024 (Thu)	
6. Systems Customization for FASTRAC and OVCS	20 Feb 2024 (Tue)	30 Jul 2024 (Tue)
7. Delivery and Acceptance Testing of Equipment and Consumables	20 Feb 2024 (Tue)	15 Apr 2025 (Tue)
8. Submission of Draft 2025 NLE-related Resolutions to Legal Support for Codification	04 Mar 2024 (Mon)	28 Jun 2024 (Fri)
9. Enrolment and Collection of Digital Signature	04 Mar 2024 (Mon)	30 Nov 2024 (Sat)
10. Conduct of Field Transmission Survey	01 Apr 2024 (Mon)	31 May 2024 (Fri)
11. Testing of systems/Application or laboratory test (including corrections and modifications by provider and VAPT for OVCS)	01 Apr 2024 (Mon)	31 Oct 2024 (Thu)
12. Delivery of final systems for FASTRAC and OVCS	01 Aug 2024 (Thu)	30 Oct 2024 (Wed)
13. Conduct of Local Source Code Review (Starting with Base Code)	01 Aug 2024 (Thu)	15 Jan 2025 (Wed)
14. TEC Systems Certification for FASTRAC, OVCS and SETS	01 Aug 2024 (Thu)	11 Feb 2025 (Tue)
15. Filing of COC and CONA of Candidates, Con-Can of Party-List Groups and Preparation of the List of Candidates for All Positions	01 Oct 2024 (Tue)	07 Oct 2024 (Mon)
16. Finalization of the Project of Precincts (POP)	16 Dec 2024 (Mon)	
17. Execution of Secure Electronic Transmission System (SETS)	01 Oct 2024 (Tue)	30 Dec 2024 (Mon)
19. Random Manual Audit - Preparatory Activities until Actual RMA	01 Oct 2024 (Tue)	30 Jun 2025 (Mon)
20. Conduct of Field Test (AES, OVCS and SETS)	30 Nov 2024 (Sat)	
21. Conduct public demonstrations of the ACMs, OVCS and SETS	18 Dec 2024 (Wed)	30 Apr 2025 (Wed)
22. Recruitment and Conduct of Trainings for FASTRAC, OVCS and SETS	28 Oct 2024 (Mon)	09 May 2025 (Fri)
23. Conduct of Mock Election (AES, OVCS and SETS)	28 Dec 2024 (Sat)	
24. Preparation of Packing Lists for Election Forms and Supplies	18 Dec 2024 (Wed)	30 Apr 2025 (Wed)
25. Installation of FTB version of the ACM System, CCS, OVCS, SETS Application	18 Dec 2024 (Wed)	10 Feb 2025 (Mon)

ACTIVITIES	START	END
26. Creation of Digital Ballots, Ballot Faces and Machines configuration and testing for FASTrAC and OVCS	20 Dec 2024 (Fri)	21 Apr 2025 (Mon)
27. Printing of Accountable and Non-Accountable Forms	01 Aug 2024 (Thu)	25 Apr 2025 (Fri)
28. Election Period	01 Oct 2024 (Tue)	11 Jun 2025 (Wed)
29. Constitution of Electoral Boards, and BOCs, SBRCGs, SBELs and SBOCs	02 Jan 2025 (Thu)	31 Jan 2025 (Fri)
30. Pre-Election Logic & Accuracy Test (PRE-LAT)	27 Jan 2025 (Mon)	30 Apr 2025 (Wed)
31. Pre-registration of overseas voters for OVCS	12 Feb 2025 (Wed)	12 May 2025 (Mon)
32. Deployment of equipment, forms and paraphernalia for Overseas and Local	15 Feb 2025 (Sat)	05 May 2025 (Mon)
33. Final Testing and Sealing		
34. Sealing and lockdown of servers in the data center	10 Jan 2025 (Fri)	05 May 2025 (Mon)
35. Voting Period for Overseas	13 Apr 2025 (Sun)	12 May 2025 (Mon)
36. Election day	12 May 2025 (Mon)	
37. Count precinct results	12 May 2025 (Mon)	13 May 2025 (Tue)
38. Canvass precinct results	13 May 2025 (Tue)	25 May 2025 (Sun)
39. Post Election Activities	13 May 2025 (Tue)	31 Dec 2025 (Wed)