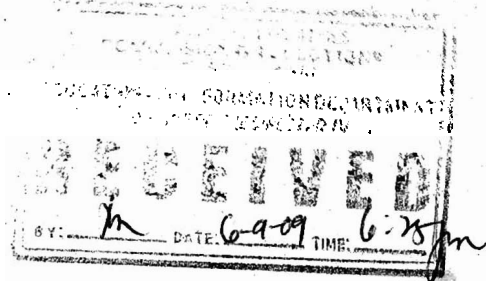




Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
Manila



**IN THE MATTER OF THE MELO, Jose A.R.  
REPORT/RECOMMENDATION OF SARMIENTO, RENE V.  
THE SPECIAL BIDS AND FERRER, NICODEMO T.  
AWARDS COMMITTEE RELATIVE TAGLE, LUCENITO N.  
TO THE AWARD OF THE VELASCO, ARMANDO C.  
CONTRACT FOR THE MAY 10,  
2010 AUTOMATED ELECTIONS.**

Chairman  
Commissioner  
Commissioner  
Commissioner  
Commissioner

*Mr. Sarmiento to be in charge*

X-----X

Promulgated: June 09, 2009

**RESOLUTION NO. 8608**

**WHEREAS**, on June 3, 2009, the Special Bids and Awards Committee (SBAC) submitted to the Commission *En Banc* its report on the month-long daily bidding process that opened on May-4, 2009 recommending the award of the contract for the May 10, 2010 Automated Elections to the joint venture of Total Information Management and Smartmatic International Corporation (TIM/Smartmatic);

**WHEREAS**, the SBAC had earlier declared said joint venture as the bidder with the "Lowest Calculated Responsive Bid" (LCRB) it having passed all the eligibility, technical, and financial requirements, which compliance was subsequently verified, validated, and ascertained during the post-qualification proceedings;

**WHEREAS**, the total bid of TIM/Smartmatic amounting to seven billion one hundred ninety-one million, four hundred eighty-four thousand, seven hundred thirty-nine and 48/100 Philippine pesos (Php 7,191,484,739.48) is well within the Approved Budget for the Contract (ABC) of eleven billion two hundred twenty-three million six hundred eighteen thousand four hundred and 0/100 Philippine pesos (Php 11,223,618,400.00);

**WHEREAS**, the Technical Working Group (TWG) submitted its report that TIM/Smartmatic's proposed systems and machines PASSED all the tests using the 26-item criteria specified in the Request for Proposal (RFP);

**WHEREAS**, on June 8, 2009; the COMELEC Advisory Council submitted its observations on the procurement proceedings of the SBAC, finding therein consistency, transparency, and conformity to law and the terms of reference;

**WHEREAS**, the representative of the Office of the Ombudsman as one of the Official Observers likewise submitted said Office's "Process Audit Observation Report"

*[Handwritten signature]*  
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dated June 8, 2009 finding the proceedings and the systems to be consonant with the Constitution, procurement laws, Republic Act No. 9369 and jurisprudence;

**WHEREAS**, the Parish Pastoral Council for Responsible Voting (PPCRV) representative serving also as one of the Official Observers submitted his report dated June 8, 2009 concurring with the final report of the SBAC;

**NOW, THEREFORE**, after due deliberation, the Commission **RESOLVED**, as it hereby **RESOLVES**, as follows:

1. To approve the report/recommendation of the SBAC dated June 3, 2009, confirming TIM/Smartmatic as the bidder with the "Lowest Calculated Responsive Bid" and to award the contract for the automation of the elections on May 10, 2010 to said joint venture;
2. To direct the SBAC to issue the Notice of Award to TIM/Smartmatic, with instructions to post a performance security in an amount no less than five percent (5%) of the contract price and to issue the Notice to Proceed after the posting of said performance security and the approval of the contract; and
3. To authorize Chairman Jose A.R. Melo, as Head of the procuring entity, to sign the contract with TIM/Smartmatic.

Let the Executive Director implement this Resolution.

**SO ORDERED.**

  
**JOSE A.R. MELO**  
Chairman

  
**RENE V. SARMIENTO**  
Commissioner

  
**LUCENITO N. TAGLE**  
Commissioner

*On official leave*  
*Held in favor of this resolution & only said vote with me*  
  
**NICODEMO T. FERRER**  
Commissioner

  
**ARMANDO C. VELASCO**  
Commissioner

**N.B. :**

Commissioner Leonardo L. Leonida and Commissioner Elias R. Yusoph expressed their concurrence with this Resolution but they are still awaiting the renewal of their appointments.