



Republic of the Philippines
Department of Transportation
LAND TRANSPORTATION FRANCHISING & REGULATORY BOARD
East Avenue, Quezon City

RESOLUTION NO. 221
Series of 2019

(Re: Appeal from the 3rd Committee Qualification Resolution No. 147, Series of 2019 filed by METRO COMET TRANSPORT SERVICE COOPERATIVE relative to its Application for New CPC under the initial implementation of the PUVMP)

WHEREAS, the Board issued Memorandum Circular No. 2019-024 dated 14 May 2019 for the Opening of the Applications for the Issuance of New CPC under the PUVMP as approved during the 11th Board Meeting on the route Rodriguez (Sub-Urban) – North Edsa for PUJ Class 3 for fifteen (15) units with a distance of twenty three (23) kilometers;

WHEREAS, Metro Comet Transport Service Cooperative participated through its submission of Sealed Bid in accordance with the aforementioned Memorandum Circular and the opening of its qualification documents was scheduled on 21 June 2019;

WHEREAS, Resolution No. 147, Series of 2019 issued by the 3rd Qualification Committee recommended to DENY the Application of Metro Comet Transport Service Cooperative on the ground that Metro Comet has submitted the Copies of Letter of Support from property owners/managers regarding access to or, or use of each off street loading and unloading area as its endpoint in North EDSA in favor of Metro Hills Transport Association, Inc.;

WHEREAS, on 27 June 2019, Metro Comet filed its Motion for Reconsideration from Resolution No. 147, Series of 2019, alleging among others that Metro Hills Transport Association has already merged with Metro Comet Transport Service Cooperative and submitted therein the following documents: Letter of Metro Comet Chairman to the OTC Chairman Emmanuel C. Vertucio, dated 2 April 2018, Letter of Supermalls Transport Services, Inc. (STS), and pictures showing that Metro Comet Service Cooperative and Metro Hills Transport Association are one and the same entity;

WHEREAS, Resolution No. 211, Series of 2019 issued by the same Committee resolved to DENY the Motion for Reconsideration of on the ground that Metro Comet failed to justify due to absence of any documentary evidence that it has consolidated or merged with Metro Hills as one entity considering that the Committee cannot be compelled to accept any documentary evidence which were not part of the submitted sealed qualification documents.

WHEREAS, 19 July 2019, an Appeal was filed by Metro Comet and raised the following, to wit:

1. Applicant submitted enough evidence to support its North EDSA endpoint in its Motion for Reconsideration;
2. Only applicant has filed an Application for Consolidation of franchises of its members compared to the other applicants; and



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3. Applicant has already made orders from Isuzu Inteco Philippines and already paid down payment for PUV Class 3.

WHEREAS, in view of the abovementioned Appeal, the Board deliberated and revisited the implementing principles and guidelines as set forth under Memorandum Circulars 2019-024 and 2019-013;

WHEREAS, it should bear emphasis that in the conduct of PUVMP qualification process, the Committee shall only evaluate the documents as submitted in the sealed bid as prescribed in the deadline set forth under Memorandum Circular 2019-024 on a pass or fail rating;

WHEREAS, No. 2, Part V (Procedures for Qualification and Selection of Applicant-Operator) of Memorandum Circular 2019-013 provides that:

“The detailed evaluation of the compliance by the applicant with the Legal, Technical, and Financial Capability Qualification Requirements shall be based solely upon the Qualification Documents submitted.”

WHEREAS, the Committee cannot be compelled to accept any documentary evidence which were not part of the submitted sealed qualification documents; otherwise it would taint the objective of a transparent, fair and impartial bidding process;

WHEREAS, Part V of said Memorandum further enumerates the five (5) stages in the evaluation of Qualification Documents for the selection of a qualified applicant.

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| First Stage: | Complete Submission of Qualification Documents. |
| Second Stage: | If two (2) or more applicants PASS the First Stage, Ranking is based on the availability of the number of units. |
| Third Stage: | If two (2) or more applicants are equally ranked in the Second Stage, ranking is based on the delivery of schedule of units on first-in-time basis. |
| Fourth Stage: | If a tie still results, the preference shall be given to the area-based operator-applicants. |
| Fifth Stage: | If no existing area-based operator passes, public lottery shall be conducted to determine the qualified applicants that will proceed with the CPC application. |

WHEREAS, the First Stage focuses on the evaluation of a PASS or FAIL rating on each of the qualification documents submitted. There is a complete submission of qualification documents when the applicant submits all the required qualification documents. The applicant is required to submit the original copies or certified true copies thereof and four (4) photocopies thereof as part of its sealed bid. Failure to submit the original copy or certified true copy of at least one (1) qualification document merits a



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“FAIL” rating. The applicant is considered disqualified if any criterion is rated as “FAILED” or if ANY Qualification Document is lacking.

WHEREAS, there is no more need to proceed to the Second Stage in two (2) instances: (1) when there is no “qualified” applicant in the First Stage; or (2) there is only one (1) “qualified” applicant in the First Stage;

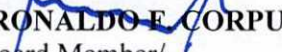
NOW THEREFORE, in light of the foregoing, the Resolution No. 147, Series of 2019 dated 02 July 2019 and Resolution No. 211, Series of 2019 dated 02 August 2019 of the 3rd Qualification Committee are hereby **AFFIRMED**.

Accordingly, the Board resolves to **DENY** the **APPEAL** of Metro Comet Transport Service Cooperative filed on 19 July 2019.

APPROVED AND SIGNED by the undersigned Chairman and Members of the Board, this 9th day of ~~SEPTEMBER~~ **SEPTEMBER** 2019 at Quezon City, Philippines.


ATTY. MARTIN B. DELGRA III
Chairman




ENGR. RONALDO F. CORPUS
Board Member/
OIC- Executive Director


P/Maj. Gen. ANTONIO N. GARDIOLA, JR. (Ret.)
Board Member