

MINUTES OF PRE-BID CONFERENCE

Present:

BAC

GLENN S. LAGUNAY	-	BAC Chairperson
ORLANDO B. ENDEREZ	-	BAC Vice Chairperson
JENNELYN S. SIOSANA	-	BAC - Member
ROGELIO V. PATAN-AO	-	BAC - Provisional Member

TWG

VIRGINIO T. PUYAT	-	Member – TWG
LEONARDO REDONA	-	Member – TWG

SECRETARIAT

VICTOR ANSEL O. TINGZON	-	Head BAC Secretariat
FIDES DOROTEA R. HANOPOL	-	BAC Secretariat - Member

COA REPRESENTATIVE

ARACELI P. GO	-	PPA Corporate Auditor
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Absent:

EDGARDO B. LLORADA	-	Head – TWG
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Contractors:

MARLO RODRIGUEZ	:	Mighty A's Construction & Hardware Supply
ALQUIN ALVIOR PAZON	:	Mighty A's Construction & Hardware Supply
RANDY B. TIGES	:	JFAP CONSTRUCTION
RAFAEL PARADO	:	CHU CONSTRUCTION
ABUNDIO M. PALACIO, JR.	:	JJ PALACIO CONSTRUCTION
REYANDO REYES	:	ARNOLD G. COSIPAG CONSTRUCTION

The Pre - bid Conference for the project;

- ✓ **Repair of Depressed Damaged Concrete Paving Blocks at Berth 3, Port of Tacloban, Tacloban City (NRP-ELS-00-19)**

Philippine Ports Authority, PMO – Eastern Leyte/Samar Multi purpose hall, was called to order at @ 10:25 AM, September 20, 2019 presided by Glenn S. Lagunay – BAC-PGCS/EP-Chairperson.

1. Reading of Attendance and declaration of quorum
2. Business Matters

Presentation on the Technical and Financial components of the Bid and clarifying the required documents to be submitted by each bidder.

- ✓ **Repair of Depressed Damaged Concrete Paving Blocks at Berth 3, Port of Tacloban, Tacloban City (NRP-ELS-00-19)**

Contract duration – 180 Calendar Days

Required PCAB Registration – Small B – Ports and Harbors and offshore Engineering

Instructions to Bidders

Eligible Bidders:

Unless otherwise provided in the BDS, the Bidder must have completed at least one contract similar to the Project the value of which, adjusted to current prices using the National Statistics Office consumer price index, must be at least 50% of the ABC stated in the BDS.

The NFCC must be at least equal to the ABC to be bid or a Commitment from a Universal or Commercial bank to extend a credit line at 10% of ABC in its favor if awarded the contract for the project (CLC).

Documents Comprising the Bid: Eligibility and Technical Components

Eligibility Components:

- ✓ PhilGEPS Certificate - Platinum Membership Registration - *In accordance with GPPB Circular 07-2017 - Deferment of the Implementation of the Mandatory Submission of PhilGEPS Certificate of Registration and Membership dated 31 July 2017 effective 02 September 2017, 4.1.1 "For all procurement projects advertised and/or posted after the effectivity of this Circular, bidders may still submit their Class "A" Eligibility Documents required to be uploaded and maintained current and updated in the PhilGEPS pursuant to Section 8.5.2 of the same IRR, or if already registered in the PhilGEPS under Platinum category, their Certificate of Registration and Membership in lieu of their uploaded file of Class "A" Documents, or a combination thereof. In case the bidder opted to submit their Class "A" Documents, the Certificate of PhilGEPS Registration (Platinum Membership) shall remain as a post-qualification requirement to be submitted in accordance with Section 34.2 of the 2016 Revised IRR of RA 9184."*
- ✓ Registration certificate from the Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives, or any proof of such registration as stated in the BDS;
- ✓ Mayor's permit issued by the city or municipality where the principal place of business of the prospective bidder is located;
- ✓ Statement of all its ongoing and completed government and private contracts from the submission of bids, unless otherwise stated in the BDS, including contracts awarded but not yet started, if any. The statement shall include, for each contract, the following: (SF-INFRA-15 & SF-INFRA-16).
- ✓ Valid Philippine Contractors Accreditation Board (PCAB) license and registration for the type and cost of the contract for the Project;
- ✓ Audited financial statements, showing, among others, the prospective total and current assets and liabilities, stamped "received" by the BIR of its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission;
It should be filled electronically using the EFPS, pursuant to E.O. 398 and RR 3-2005 (gppb circular no. 02-2005) non-compliance with E.O. 398 will be marked "failed".
- ✓ NFCC computation in accordance with **ITB** Clause 5.5;
- ✓ If applicable, valid Joint Venture Agreement (JVA) or, in lieu thereof, duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful shall be included in the bid.

Technical Components

- ✓ Bid Security with Official Receipt and Certification from an authorized Insurance Commission.
Two Percent (2%) of ABC – Cash or cashier's/manager's check issued by a Universal or Commercial Bank.
Two Percent (2%) of ABC – Bank draft/guarantee or 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%) of ABC** – Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security; and/or.
- ✓ Bid – Security Declaration (Notarized)
- ✓ Project Organizational chart for the contract to be bid;
- ✓ List of contractor's personnel (viz, Project Manager, Project Engineer's Materials Engineers, and Foremen), to be assigned to the contract to be bid, with their complete qualification and experience data; Attach the following: **Certificate of Employment, Contractor's Letter-Certificate to Procuring Entity, PRC License, PTR, Bio-data and Certificate of Training for Materials Engineer (accredited by DPWH)(Form SF-INFRA-48)**

- ✓ List of contractor's equipment units, which are owned, leased, and/or under purchase agreements, supported by certification of availability of equipment from the equipment lessor/vendor for the duration of the project and **supported with the proof of ownership; (Form SF-INFR-49)** and
- ✓ Sworn statement in accordance with Section 25.2 (b)(iv) of the IRR of RA 9184 and using the form prescribed in Section IX. Bidding Forms (**Omnibus Sworn Statement Form**).

Documents Comprising the Bid: Financial Components

- ✓ Financial Bid Form in accordance with the form prescribed in Section IX. Bidding Forms;
- ✓ Duly Signed Bid Prices in the Bill of Quantities.
- ✓ Duly Signed Construction Schedule and S-Curve (indicate BAR CHART)
- ✓ Duly Signed Detailed Estimates
- ✓ Duly Signed Cash Flow by Quarter and Payments Schedule
- ✓ Bid Prices
Unless otherwise provided in the BDS, all bid prices for the given scope of work in the contract as awarded shall be considered as fixed prices, and therefore not subject to price escalation during contract implementation, except under extraordinary circumstances as indicated in the BDS and specified in GCC Clause 48 and its corresponding SCC provision.
- ✓ Bid Validity
Bids shall remain valid for the period specified in the BDS which shall not exceed one hundred twenty (120) calendar days from the date of the opening of bids.
- ✓ Bid Security
The bid security in the amount stated in the BDS shall be equal to the percentage of the ABC in accordance with the following schedule.
The bid security should be valid for the period specified in the BDS. Any bid not accompanied by an acceptable bid security shall be rejected by the Procuring Entity as non-responsive.
Upon signing and execution of the contract, pursuant to ITB Clause 31, and the posting of the performance security, pursuant to ITB Clause 32, the successful Bidder's Bid security will be discharged, but in no case later than the Bid security validity period as indicated in ITB Clause 18.2.
- ✓ Format and Signing of Bids
Bidders shall submit their bids through their duly authorized representative using the appropriate forms provided in Section IX. Bidding Forms on or before the deadline specified in the ITB Clause 21 in two (2) separate sealed bid envelopes, and which shall be submitted simultaneously. The first shall contain the technical component of the bid, including the eligibility requirements under ITB Clause 12.1, and the second shall contain the financial component of the bid.
Forms as mentioned in ITB Clause 19.1 must be completed without any alterations to their format, and no substitute form shall be accepted. All blank spaces shall be filled in with the information requested.
The bidder shall prepare one (1) original of the first and second envelopes as described in ITB Clauses 12 and 13. In addition, the Bidder shall submit two (2) copies of the first and second envelopes. In the event of any discrepancy between the original and the copies, the original shall prevail.
The bid, except for unamended printed literature, shall be signed, and each and every page thereof shall be initialed, by the duly authorized representative/s of the Bidder.
Any interlineations, erasures, or overwriting shall be valid only if they are signed or initiated by the duly authorized representative/s of the Bidder.

Sealing and Marking of Bids

Unless otherwise indicated in the **BDS**, Bidders shall enclose their original eligibility and technical documents described in ITB Clause 12, in one sealed enveloped marked "ORIGINAL – TECHNICAL COMPONENT", and the original of their financial component in another sealed envelope marked "ORIGINAL – FINANCIAL COMPONENT", sealing them all in an outer envelope marked "ORIGINAL BID".

Each copy of the first and second envelopes shall be similarly sealed duly marking the inner envelopes as "COPY NO. ____ - TECHNICAL COMPONENT" and "COPY No. ____ - FINANCIAL

COMPONENT" and the outer envelope as "COPY No. ____", respectively. These envelopes containing the original and the copies shall then be enclosed in one single envelope.

The original and the number of copies of the Bid as indicated in the **BDS** shall be typed or written in indelible ink and shall be signed by the bidder or its duly authorized representatives/s.

All envelopes shall

1. contain the name of the contract to the bid in capital letters;
2. bear the name and address of the Bidder in capital letters;
3. be addressed to the Procuring Entity's BAC identified in **ITB** Clause 10.1;
4. bear the specific identification of this bidding process indicated in the Invitation to Bid; and
5. bear a warning "DO NOT OPEN BEFORE..." the date and the time of the opening of bids, in accordance with **ITB** Clause 21.

If bids are not sealed and marked as required, the Procuring Entity will assume no responsibility for the misplacement or premature opening of the bid. Moreover, failure to comply with the required sealing and marking of bids shall be a ground for disqualification.

The deadline for the submission of Bids will be on **August 28, 2019** at **9:30 a.m.**

Opening of Bids will be on **August 28, 2019** at **10:00 a.m.**

✓ Late Bids

Any bid submitted after the deadline for submission and receipt of bids prescribed by the Procuring Entity, pursuant to **ITB** Clause 21, shall be declared "Late" and shall not be accepted by the Procuring Entity.

✓ NOTED COMMENTS:

- The BAC Chairperson mentioned that the BAC – EP invited observers such as The Resident Auditor from the Commission on Audit, The President of PCA – Leyte Chapter and The Coordinator from the Nagkahiusang Mananagat sa Tahod (NMST)- Leyte Chapter.
- BAC Chairperson informed the prospective bidders that the official time to be used for the deadline for submission and receipt of bids shall be the time in the finger scanner which is found at the lobby of the building. In the event of a power outage and for any reason causing the finger scanner to malfunction during the day of the bidding, the time to be used as reference for the deadline for the submission and receipt of bids shall be the time shown in the wall clock located also at the lobby.
- The BAC-Chairperson also mentioned that the Bid proposal shall be submitted in hard bound and must be machine –pressed. A sample of a hardbound and machine pressed document was shown to the prospective bidders who took notice of its form and physical appearance.
- The BAC-Chairperson instructed the TWG to include the Safety Engineer under the Technical Component for the list of Contractor's personnel as part of the required personnel for the implementation of the project. Attachments for proof of trainings and experience of Safety Engineer may include Certificate of Training or Certificate of Completion with a minimum 5 years of experience.
- Mighty A's Construction representative asked where to dispose the waste materials, which the BAC answered through BAC Member Enderes that it is the discretion of the contractor where to dispose the waste materials.
- The BAC-Chairperson reminded the contractor's representative present that the bidders may submit their Platinum Membership Registration or their class A documents. It is only in case of expired Mayors permit that renewal receipt is accepted.


- Mighty A's Construction asked if they are eligible to bid on the project based on their PCAB license of Small B since they don't have Port project experience of a Single Largest Completed Contract (SLCC) similar to the Project to be bid equivalent to at least fifty percent (50%) of the ABC adjusted. The BAC Chairperson referred to the Instruction to Bidders and cited second sentence which states that "However, contractors under Small A and Small B categories without similar experience on the contract to be bid may be allowed to bid if the cost of such contract is not more than the Allowable Range of Contract Cost (ARCC) of their registration based on the guidelines as prescribed by the PCAB", PCAB Board Resolution 201-Series of 2017 provides that for Small B category the Minimum Net worth Equity requirement for CY 2018-2019 and onwards is 15 million up to 30 million. Thus, on a motion duly seconded, the BAC Chairperson declared that Might A's Construction is qualified to bid for the project. COA representative added that it is not a matter of declaring Might A's Construction eligible but rather the issue is that the provision provides an explanation to the guidelines and not for declaration. BAC Chairperson clarifies that it has the effect because the question although indirectly, the question raises the issue whether Mighty A's is qualified in relation to the second sentence. Accordingly the BAC Chairperson rephrased the sentence by clarifying that contractors under Small A and B categories without similar experience on the contract to be bid maybe allowed to bid if the cost of the contract is not more than the Allowable Range of Contract Cost (ARCC) of their registration based on the guidelines prescribed by the PCAB. This has nothing to do with the 50% SLCC requirement under the first sentence.
- Might A's representative asked why for such a large project the required equipment for the supply of 3500psi concrete for Portland Cement Concrete Pavement (PCPP) is only one (1) bagger concrete mixer, BAC through BAC Member Enderez clarified that the one bagger concrete mixer requirement is only the minimum, the contractor in his decision can provide or use a transit mixer which is advantageous to the Government because the project will be completed early. He also added that concrete samples must be submitted periodically as specified by the Government Engineer assigned to the project to a DPWH accredited material testing company for materials testing.
- An un-identified contractor's representative also ask if a contractor who failed to purchase bid documents maybe allowed to attend the Pre-bid Conference. The BAC Chairperson answered that they can attend unlike in the previous IRR of RA 9184 where the BAC is given the discretion to limit the attendees only to those who purchased the bid documents. The BAC will provide a copy of the minutes of the Pre-Bid Conference upon purchase of the Bid Documents.
- The BAC-Chairperson reminded the prospective bidder's representative that they shall present a Special Power of Attorney at the time of the submission of the bid documents.
- The BAC Chairperson also informed the contractor's representative that their time must be synchronized with the finger scanner located at the main entrance lobby of this building. The deadline for submission is on October 2, 2019 at 9:30am, opening of bids will be at 10:00am of the same day.
- Since all the issues raised was already discussed and resolved, the BAC Chairman made a final statement before declaring the Pre-Bid Conference adjourned, that for the Record, the BAC have not declared eligibility of any bidder because it is not the proper time to declare eligibility, it only rule on the issue whether the bidder with a license of small A or B can participate on the bidding in relation to the ARCC.

There being no further questions from the bidder's representatives and no other remaining topics for discussion, the Pre-bid Conference was adjourned at 12:35 PM.

Prepared by:


~~VICTOR ANSELO TINGZON~~
BAC Secretariat-Head

Noted by:


ATTY. GLENN S. LAGUNAY
BAC-PGCS/EP Chairperson