

## MINUTES OF PRE-BID CONFERENCE

Present:

### BAC

GLENN S. LAGUNAY	-	BAC Chairperson
JENNELYN S. SIOSANA	-	BAC - Member
JILL L. MAGSAMBOL	-	BAC-Provisional Member

### TWG

VIRGINIO T. PUYAT	-	Member – TWG
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### SECRETARIAT

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

Absent:

ORLANDO B. ENDEREZ	-	BAC Vice Chairperson
EDGARDO B. LLORADA	-	Head – TWG
LEONARDO REDONA	-	Member – TWG

Contractors:

ALFREDO PENACHOS	-	ECDC
DINO ROMERO	-	Kalipayan Builders

The Pre - bid Conference for the project;

- ✓ **Repair of Depressed Damaged Paving Blocks at Berth 4&5, Port of Tacloban, Tacloban City (NRP-ELS-05-18).**

Philippine Ports Authority, PMO – Eastern Leyte/Samar ESD Office, was called to order at @ 11:20 AM, October 26, 2018 presided by Glenn S. Lagunay – BAC-EP Chairman.

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

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

- ✓ **Repair of Depressed Damaged Paving Blocks at Berth 4&5, Port of Tacloban, Tacloban City (NRP-ELS-05-18).**

**ABC Php. 10,544,060.05**

**Contract duration – 120 Calendar Days**

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

Bidding will be conducted through open competitive bidding procedures using *non-discretionary pass/fail criterion* as specified in the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act 9184 (RA 9184), otherwise known as the “Government Procurement Reform Act”.

Bidders should have completed a contract similar to the Project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II. Instruction to Bidders.

## Instructions to Bidders

### Eligible Bidders:

Unless otherwise provided in the BDS, Bidder must have an experience of having completed a Single Largest Completed Contract (SLCC) that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC adjusted, if necessary, by the Bidder to current prices using the Philippine Statistics Authority (PSA) consumer price index. 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

The NFCC must be at least equal to the ABC to be bid.

### Documents Comprising the Bid: Eligibility and Technical Components

#### Eligibility Components:

Registration certificate from the Securities and Exchange Commission (SEC) (with Articles of Incorporation, By-Laws, General Information Sheet & Board Resolution Designating Authorized Representative), 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;

Tax Clearance per E.O. 398, s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR);

A valid Philippine Contractors Accreditation Board (PCAB) license and registration for the type and cost of the contract to be bid. Special License for Joint Venture Contractors is required during bidding schedule.

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."*

Statement of all its ongoing and completed government and private contracts, 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)

Statement of all its ongoing projects including contracts awarded but not yet started, if any supported with: (SF-INFRA-15)

- Notice of Award and/or Contract
- Notice to Proceed
- Certificate of Accomplishment signed by the owner or Project Engineer



Statement of completed relevant similar government and private projects/contracts supported by:  
(SF-INFRA-16)

- Certificate of Completion
- Certificate of Acceptance
- Contract Agreement
- Final Constructors' Performance Evaluation System (CPES) rating sheets

Valid Philippine Contractors Accreditation Board (PCAB) license and registration for the type and cost of the contract for this Project;

The prospective bidder's audited financial statements, showing, among others, the prospective bidder's total and current assets and liabilities, stamped "received" by the BIR or 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;

### Technical Components

**Bid Security – Acceptable forms of bid security are as follows :**

- |                          |   |   |
|--------------------------|---|---|
| Bid Securing Declaration | – | In prescribed form provided in the bidding documents.   |
| 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;   |
| Two percent (2%) of ABC  | – | Cash or cashier's/manager's check issued by a Universal or Commercial Bank;   |
|                          | – | 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. |

### Project Organizational chart for the contract to be bid;

Project Manager  
Project Engineer  
Materials Engineer  
Foreman

List of contractor's personnel (*viz*, Project Manager, Project Engineer, Materials Engineer anForeman), to be assigned to the contract to be bid, with their complete qualification and experience data (**at least Five(5) years experience**); Attach the following: **Certificate of Employment, Contractor's Letter-Certificate to Procuring Entity, PRC License, PTR, and Bio-data.**

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 GPPB Resolution No. 22-2013 and using the form prescribed in Section IX. Bidding Forms (**Omnibus Sworn Statement Form**).

## 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 Project Schedule and S-Curve (indicate BAR CHART)

Duly Signed Detailed Estimates

Duly Signed Cash Flow by Month 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.

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 un-amended 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 initialed 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 envelope 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 representative/s.

All envelopes shall

- 1.) contain the name of the contract to be 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 time for 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.

The deadline for the submission of Bids will be on **November 07, 2018 at 9:30am**.

Opening Bids will be on **November 07, 2018 at 10:00am**.

### **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.

**Prior to Post Qualification, additional licenses and permits relevant to the project shall be submitted:**

- ***Electronically Filed Latest Income & Business Tax Returns***
- ***Certified True Copy of PhilGEPS Registration***
- ***Certified True Copy of Mayor's/Business Permit***
- ***Certified True Copy of DTI Registration***
- ***Certified True Copy of Valid PCAB License***
- ***Certified True Copy of SEC Registration (for corporations)***
- ***Articles of Incorporation (for corporations)***

- *By Laws (for corporations)*
- *General Information Sheet (for corporations)*
- *Board Resolution designating Authorized Representative (for corporations)*
- *Duly signed PERT-CPM Construction Schedule*
- *Duly Signed Manpower Utilization Schedule*
- *Duly Signed Equipment Utilization Schedule*
- *Duly signed Construction Methods*
- *Duly Signed Construction Safety and Health Program*

#### **Corrupt, Fraudulent, Collusive, and Coercive Practices**

Unless otherwise specified in the **BDS**, the Procuring Entity as well as the bidders and suppliers shall observe the highest standard of ethics during the procurement and execution of the contract. In pursuance of this policy, the Procuring Entity:

(a.) defines, for purposes of this provision, the terms set forth below as follows:

(i) “corrupt practice” means behavior on the part of officials in the public or private sectors by which they improperly and unlawfully enrich themselves, others, or induce others to do so, by misusing the position in which they are placed, and includes the offering, giving, receiving, or soliciting of anything of value to influence the action of any such official in the procurement process or in contract execution; entering, on behalf of the government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby, and similar acts as provided in RA 3019.

( ii ) “fraudulent practice” means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the Procuring Entity, and includes collusive practices among Bidders (prior to or after bid submission) designed to establish bid prices at artificial, non-competitive levels and to deprive the Procuring Entity of the benefits of free and open competition.

( iii ) “collusive practices” means a scheme or arrangement between two or more Bidders, with or without the knowledge of the Procuring Entity, designed to establish bid prices at artificial, non-competitive levels.

(iv.) “coercive practices” means harming or threatening to harm, directly or indirectly, persons, or their property to influence their participation in a procurement process, or affect the execution of a contract;

( v.) “obstructive practice” is

(aa) deliberately destroying, falsifying, altering or concealing of evidence material to an administrative proceedings or investigation or making false statements to investigators in order to materially impede an administrative proceedings or investigation of the Procuring Entity or any foreign government/foreign or international financing institution into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the administrative proceedings or investigation or from pursuing such proceedings or investigation; or

(bb.) acts intended to materially impede the exercise of the inspection and audit rights of the Procuring Entity or any foreign government/foreign or international financing institution herein.



(b.) will reject a proposal for award if it determines that the Bidder recommended for award has engaged in any of the practices mentioned in this Clause for purposes of competing for the contract.

3.2 Further, the Procuring Entity will seek to impose the maximum civil, administrative, and/or criminal penalties available under applicable laws on individuals and organizations deemed to be involved in any of the practices mentioned in **ITB** Clause 3.1(a).

3.3 Furthermore, the Funding Source and the Procuring Entity reserve the right to inspect and audit records and accounts of a bidder or supplier in the bidding for and performance of a contract themselves or through independent auditors as reflected in the **GCC** Clause 3.

#### **Bid Evaluation Process**

Check the Arithmetical Computation of Detailed Estimates & Bill of Quantities;

#### **Post –Qualification Process**

Check the Eligibility , Technical Requirements & check the Bid Price /Bill of Quantities Submitted

#### **NOTED COMMENTS:**

- The BAC Chairman 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, but none of them attended..
- BAC-EP Chairman informed the prospective bidders that the official time to be used is the time in the finger scanner which is found at the lobby of the building. In the event of a power outage during the day of the bidding, the time to be used is the time in the wall clock located also at the lobby since the wall clock uses battery and is not affected by any power outage.
- BAC-EP Chairman informed the prospective bidders that the Bid documents to be submitted shall be hard bound and machine pressed to preserve the integrity of the Procurement Process and for the security of the bid documents. A sample of a hardbound and machine pressed document was shown to the prospective bidders.
- The BAC Chairman informed the prospective bidders on Technical Components under Sealing and Marking of Bids, “ 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. “, he added that failure to comply with the requirements under sealing and Marking of Bids is a ground for disqualification.
- Also, the prospective bidders must attach, under the eligibility component for completed projects the final and approved accomplishment report duly signed by the authorized signatory of the implementing agency.
- Representative from Kalipayan Builders asked if he will be allowed to drop bid even if he has no experience for ports and harbors projects. He cited provisions on Instructions to bidders, under the Eligible Bidders which states that “ Unless otherwise provided in the BDS, Bidder must have an experience of having completed a Single Largest Completed Contract (SLCC) that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC adjusted, if necessary, by the Bidder to current prices using the Philippine Statistics Authority (PSA) consumer price index. **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 .”** Under the provision of PCAB Resolution No. 201, Series of 2017, the Board Resolved to adopt the adjustment for minimum Networth/Equity Requirements for

License Categorization particularly on the Allowable Range of Contract Costs (ARCC) for Small B Contractors for CFY 2018 – 2019 and onwards to be ≤ Php. 15M up to Php. 30M which he is qualified since the ABC for this project is only Php. 10.5M.

- The representative of Kalipayan Builders asked under the Equipment requirements whether an equipment which is not required to be registered with the Land Transportation Office (LTO) or other government agencies such as One Bagger Concrete Mixer, Concrete Vibrator, Concrete cutter with blade and Bar cutter will be acceptable to be proved with Affidavit of Ownership in lieu of receipts as proof of ownership. The BAC allowed it provided the Affidavit of ownership of the equipment shall contain the necessary information as to Make and Serial numbers of the equipment that will be verified during Post Qualification. also, the bidder were required to present a Certificate of Availability of all equipment required together with their Make and Serial Numbers and other material particulars.
- The BAC-EP Chairman 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.

There being no further questions from the bidder's representatives and no other remaining topics for discussion, the Pre-bid Conference was adjourned at 1:30 PM.

Prepared by:

  
VICTOR ANSEL O. TINGZON

BAC Secretariat Head

Noted by:

  
ATTY. GLENN S. LAGUNAY

BAC-EP Chairman