PHILIPPINE PORTS AUTHORITY

BIDS AND AWARDS COMMITTEE
Port Terminal Management Contract (BAC-PTMC)
Resolution No. 11-2021
Series of 2021

Award of Contract
PORT TERMINAL MANAGEMENT CONTRACT FOR PORT OF PUERTO PRINCESA
BAC-PTMC-01-2020

WHEREAS, the Philippine Ports Authority (PPA) posted an Invitation to Bid for the PTMC for Port of Puerto Princesa in The Manila Times, PPA website and in conspicuous places in the PPA premises on 3 November 2020;

WHEREAS, the Minimum Concession Fee for the fifteen (15) year PTMC as posted is Php 1,626,457,452.74, exclusive of all taxes;

WHEREAS, in response to the said advertisement, three (3) bidders secured the Bid Documents in the amount of Php 150,000.00;

WHEREAS, during the Opening of Bids on 3 December 2020, Asian Terminals, Inc. (ATI) and Prudential Customs Brokerage Services, Inc. (PCBSI) were declared "passed" with the requirements of the First Envelope, while Philippine Archipelago Ports and Terminal Services, Inc. (PAPTSI) submitted via electronic mail a letter of withdrawal from participating in the bidding;

WHEREAS, the Second Envelopes of the bidders were opened, with their Proposed Concession Fees read as follows:

Bidder	Proposed Concession Fee	Rank
Asian Terminals Inc.	Php 2,100,000,000.00 exclusive of all taxes	1
Prudential Customs Brokerage Services, Inc.	Php 1,662,941,691.52 exclusive of all taxes	2

WHEREAS, Bid Evaluation was conducted to determine compliance with the requirements of PPA Administrative Order (AO) No. 12-2018, and the Bid Evaluation Report, as approved by the BAC PTMC on 21 December 2020, declared ATI as the bidder with the Highest Concession Fee;

A. Bonifacio Drive, South Harbor, Port Area, Manila 1018 Philippines
P.O. Box 436 Manila, Philippines
Tel. No. (+632) 527-8356 to 83 Fax No. (+632) 527-4855
website: www.ppa.com.ph

WHEREAS, Post-Qualification was conducted on 5 January 2021 to determine compliance by ATI with all the requirements, terms and conditions for eligibility and the bidding;

WHEREAS, the Technical Working Group (TWG) reported on 15 February 2021 the results of the Post-Qualification that most of the investing corporations in ATI are holding companies and that these corporations have common stockholders, directors and officers, which prompted the recommendation to create a Committee to conduct further investigation as to the nationality of Asian Terminals, Inc. and to extend the time to submit the Post-qualification Report;

WHEREAS, the BAC PTMC, in Resolution No. 01-2021, recommended the creation of a Committee to determine and/or investigate ATI's corporate nationality on account that its stockholder corporations, consisting of holding companies, have common stockholders, directors and officers, and requested for extension of time to submit the Post-Qualification Report;

WHEREAS, the General Manager, as Approving Authority, issued PPA Special Order No. 083-2021, which created a Committee to determine and/or investigate ATI's corporate nationality, and in its report dated 12 April 2021, the Committee informed the BAC-PTMC that ATI's actual Filipino equity is 42.51%, while its foreign equity is 57.49%, and thus, ATI is not a Filipino corporation as it failed to comply with the 60-40 Filipino requirement of the Constitution and related laws;

WHEREAS, in the Post-Qualification Report, as approved by the BAC-PTMC on 15 April 2021, ATI was declared as post-disqualified for failure to comply with the requirement under Section 17(c), Article VI of PPA Administrative Order No. 12-2018, as amended;

WHEREAS, on 19 April 2021, ATI timely filed its Request for Reconsideration, and the BAC-PTMC, in a meeting held on 26 April 2021, after due deliberation, denied the said Request for Reconsideration;

WHEREAS, Post-Qualification was conducted on the second-ranked eligible bidder on 3 May 2021 to determine compliance with all the requirements, terms and conditions for eligibility and the bidding; and in the Post-Qualification Report, as approved by the BAC-PTMC on 4 May 2021, the proposal of PCBSI was declared as the Highest Responsive Bid;

NOW, THEREFORE, for and in consideration of the foregoing premises, the BAC-PTMC hereby RESOLVE, as it is hereby RESOLVED, to declare PCBSI at its Proposed Concession Fee of One Billion Six Hundred Sixty Two Million Nine Hundred Forty One Thousand Six Hundred Ninety One Pesos and 52/100 (Php 1,662,941,691.52) exclusive of all taxes, as the Highest Responsive Bidder and to recommend the award of Port Terminal Management Contract for Port of Puerto Princesa.

APPROVED AND ADOPTED by the BAC-PTMC on 4 May 2021.

ELVIS R. MEDALLA
Regular Member

PRIMO ELVIN L. SIOSANA
Regular Member

RIGEL L. CAABAY
Regular Member

M.A. HIYASMIN H. DELOS SANTOS
Regular Member

ELIZALDE M. ULSON
Provisional Member

LEILA L. MARTINEZ
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