



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF BUDGET AND MANAGEMENT
REGIONAL OFFICE VIII

VILLA RUIZ, BARANGAY 77, MARASBARAS, TACLOBAN CITY

BIDS AND AWARDS COMMITTEE

**MINUTES OF MEETING
PRE-BID CONFERENCE**

Extension of DBM-RO8 Main Building and Various Infrastructure Project

November 29, 2019, 9:15 AM @ DBM-RO8, Tacloban City

I. Attendance

BAC/BAC Sec/TWG

Florita M. Lacdo-o
Aleli N. Hernandez
Josefina P. Escoto
Liberace N. Limsiaco
Absal N. Abah
Juvy A. Lobedica
Rheand Cornell M. Palomino
Mylene G. De Veyra
Cheryl Dumlao

Remarks

Chairperson
Vice-Chairperson
Member
Member
Member
Member
Secretary
Secretary
TWG

Absent:
none

Prospective Bidders/Suppliers

Malyn G. Rocha
Rosalito S. Dadizon
Angelito Cañete
Manolito M. Villero
Jayvee Escoto
Rachel Anne Domus
Fretz Arpon
Roxanne E. Arpon
Jerry C. Ceballos
Emmanuel S. Tunggolh
Joseph Acebedo
Mario Rodriguez

Infra Serve Builders & Supplies
Infra Serve Builders & Supplies
Limar Const.
3A's Builders
GPUY Construction
Rovinval Engineering & Construction
CFV ARAR Contractors Phils. Inc.
AVC Dev & Const. Corp.
AVC Dev & Const. Corp.
YFL Builders
IDA Jr Builders & Const. Supply
Mighty A's

Observers*

None

**BAC invited observers from Commission on Audit (COA) Resident Auditor, Volunteers Against Crime & Corruption (VACC) and Philippine Constructors Association (PCA), but none attended from the said office/organization*

II. Preliminaries

Facilitated by the BAC Secretary, the following preliminaries were executed prior to the start of the meeting proper:

- i. Invocation
- ii. Acknowledgment of Attendees

The BAC Secretary then informed the Body that Observers from COA, VACC and PCA, were invited to attend the procurement activities of this particular project, however, none was present in the pre-bid conference.

It was also highlighted that the previous three (3) biddings conducted by the Committee were all declared a failure, hence, the Procuring Entity has decided to conduct another round of procurement, this time thru Negotiated due to two failed biddings per Section 53.1 of the 2016 Revised IRR of RA9184.

The eight (8) suppliers who participated during the 3rd bidding last September 16, 2019 were all invited and the same were represented in the meeting, namely:

LIMAR CONSTRUCTION
CFV ARAR CONTRACTORS PHILS., INC.
3A's BUILDERS
I.D.A. JR BUILDERS & CONSTRUCTION SUPPLY
ROVINVAL ENGINEERING AND CONSTRUCTION
YFL BUILDERS
AVC DEV & CONST CORPORATION
GPUY CONSTRUCTION AND SUPPLY.

There were also new bidders who joined in the meeting based on the notice posted in the PhilGEPS, such as, Infra Serve Builders & Supplies and Mighty A's.

III. Call to Order

Upon declaration of a quorum, the BAC Chairperson called the meeting to order at 9:30 A.M.

IV. Highlights of the Meeting

The BAC Chairperson, Florita M. Lacdo-o then requested Mr. Abah to discuss the contents of the bid documents to ensure that all the requirements are properly understood by the prospective bidders and considering that there were new suppliers present. Mr. Abah likewise shared the results of the previous bidding (3rd) for the information of all suppliers. As to the specifications, bill of quantities and plans/drawings, the same were discussed by Engr. Cheryl Dumlao.

The BAC likewise entertained and responded to questions/clarifications raised by the present bidders. Below were the discussions/clarifications/agreements during the conference:

Discussions / Bidding Documents	Bidders' Questions/Clarifications	BAC Response
<p>I. Invitation to Bid (discussed by Mr. Abah)</p> <ul style="list-style-type: none"> The project is Extension of DBM-RO8 Main Building and Various Infrastructure Project with an ABC of ₱7,800,000. Completion of the Works is required within one hundred eighty (180) calendar days from the receipt of the Notice to Proceed. Interested bidders may obtain further information from Mylene G. De Veyra / Atty. Rheand Cornell M. Palomino of DBM-ROVIII from November 25, 2019 to December 9, 2019, 8:00 AM to 6:00 PM. A complete set of Bidding Documents may be acquired by interested bidders on November 25, 2019 to December 9, 2019 from the DBM-ROVIII Office and upon payment of the applicable fee for the Bidding Documents, pursuant to the latest Guidelines issued by the GPPB, in the amount of Eight Thousand Pesos Only (P8,000.00). It may also be downloaded free of charge from the website of the Philippine Government Electronic Procurement System (PhilGEPS) provided that bidders shall pay the applicable fee for the Bidding Documents not later than the submission of their bids. However, those suppliers/contractors who have participated/submitted their respective bids last September 16, 2019 (during the third bidding conducted but was declared a failure) are no longer required to pay the corresponding fee of the bid documents should they decide to join again in this procurement. Said suppliers/contractors may approach the BAC Secretariat to get a copy of the bidding documents. Bids must be duly received by the BAC Secretariat at the address below on or before December 9, 2019, 8:30 AM, DBM Bundy Clock Time. Bid opening shall be on December 9, 2019, 9:00 AM, DBM Bundy Clock Time at DBM-Regional Office VIII, Tacloban City. 		
<p>II. Instruction to Bidders / Bid Data Sheet (discussed by Mr. Abah)</p> <ul style="list-style-type: none"> The 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 		

<p>For this purpose, similar contracts shall refer to Construction/repair/renovation/rehabilitation of an office/building.</p> <ul style="list-style-type: none"> The Bidder must submit a computation of its Net Financial Contracting Capacity (NFCC), which must be at least equal to the ABC to be bid, calculated as follows: <p>NFCC = [(Current assets minus current liabilities) (15)] minus the value of all outstanding or uncompleted portions of the projects under ongoing contracts, including awarded contracts yet to be started coinciding with the contract for this Project.</p> <p>The values of the domestic bidder's current assets and current liabilities shall be based on the latest Audited Financial Statements (AFS) submitted to the BIR.</p> <ul style="list-style-type: none"> The Bidder or its duly authorized representative shall submit a sworn statement in the form prescribed in Section IX. Bidding Forms as required in ITB Clause 12.1(b)(iii). <ul style="list-style-type: none"> Eligibility Class A Documents <p>i. PhilGEPS Certificate of Registration and Membership in accordance with Section 8.5.2 of the IRR (Platinum membership).</p> <p>In view of the issuance of GPPB Circular 07-2017 dated July 31, 2017 on the "Deferment of the Implementation of the Mandatory Submission of PhilGEPS Certificate of Registration and Membership" during bid submission, prospective bidders have the option to submit:</p> <ol style="list-style-type: none"> The Class "A" Eligibility Documents (Registration Certificate; Mayor's Business Permit or its Equivalent document; Tax Clearance; Philippine Contractors Accreditation Board (PCAB) license; and Audited Financial Statements) required to be uploaded and maintained current and updated in the PhilGEPS pursuant to Section 8.5.2 of the 2016 Revised IRR; or If already registered in the PhilGEPS under the Platinum category, the Certificate of Registration and Membership in lieu of the uploaded file of the above-mentioned Class "A" Eligibility Documents; or A combination of options 1 and 2 above. 	<p>Are we going to submit the PhilGEPS Platinum Certificate?</p> <p>But if there are expired documents as reflected in the certificate, can we instead submit the particular specific updated eligibility documents?</p>	<p>Yes. Just be sure that all the documents uploaded are current and updated, otherwise you will be disqualified.</p> <p>Yes that is another option for the bidder as clearly provided in Clause 12.1 of the BDS. You have three (3) options as clearly provided in the BDS.</p>
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In case the bidder opted to submit their Class "A" Documents (option 1) or A combination of options 1 and 2 above (option 3), 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.

- ii. Statement of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; and

Statement of the Bidder's SLCC similar to the contract to be bid, in accordance with ITB Clause 5.4.

The two statements required shall indicate for each contract the following:

- (ii.1) name of the contract;
- (ii.2) date of the contract;
- (ii.3) contract duration;
- (ii.4) owner's name and address;
- (ii.5) nature of work;
- (ii.6) contractor's role (whether sole contractor, subcontractor, or partner in a JV) and percentage of participation;
- (ii.7) total contract value at award;
- (ii.8) date of completion or estimated completion time;
- (ii.9) total contract value at completion, if applicable;
- (ii.10) percentages of planned and actual accomplishments, if applicable; and
- (ii.11) value of outstanding works, if applicable.

The statement of the Bidder's SLCC shall be supported by an Owner's Certificate of Final Acceptance issued by the Owner other than the Contractor or the Constructors Performance Evaluation System (CPES) Final Rating, which must be at least satisfactory. In case of contracts with the private sector, an equivalent document shall be submitted.

Contractors under Small A and 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 prescribed by the PCAB per ITB Clause 5.4(a). Hence, for this purpose, the bidder will still have to submit the SLCC indicating "none" and the ARCC on the said list. Please use the prescribed template for the statement of SLCC as provided under Section IX. Bidding Forms.

<p>If the bidder has no ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid, the Statement for the purpose must still be submitted indicating "none". Please use the prescribed template as provided under Section IX. Bidding Forms.</p> <p>iii. Unless otherwise provided in the BDS, a valid special PCAB License in case of joint ventures, and registration for the type and cost of the contract for this Project;</p> <p>iv. NFCC computation in accordance with ITB Clause 5.5.</p> <p>• <u>Technical Documents</u></p> <p>i. The bid security shall be in the form of a Bid Securing Declaration or any of the following forms and amounts:</p> <p>1. The amount of not less than One Hundred Fifty-Six Thousand Pesos Only (P156,000.00), if bid security is in cash, cashier's/manager's check, bank draft/guarantee or irrevocable letter of credit;</p> <p>2. The amount of not less than Three Hundred Ninety Thousand (P390,000.00) if bid security is in Surety Bond.</p> <p>If the Bidder opts to submit the bid security in the form of:</p> <p>(i.1) a bank draft/guarantee or an irrevocable letter of credit issued by a foreign bank, it shall be accompanied by a confirmation from a Universal or Commercial Bank; or</p> <p>(i.2) a surety bond accompanied by a certification coming from the Insurance Commission that the surety or insurance company is authorized to issue such instruments.</p> <p>If the bidder opt to submit a Bid Securing Declaration make sure to use the prescribed format provided in Section IX of the Bidding Documents.</p> <p>ii. Project Requirements:</p> <p>(ii.1) Organizational chart for the contract to be bid;</p> <p>(ii.2) List of contractor's personnel with the required minimum work experience requirements for key personnel provided under 12.1(b)(ii.2) of the BDS.</p>		
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<p>The required key personnel and its minimum work experience are the following:</p>	<p>If there is no Project Manager, would it be a ground for disqualification?</p>	<p>We did not require a Project Manager. We only require Civil Engineer and other key personnel as already discussed a while ago.</p>
<p>a. Civil Engineer - 3 years experience b. Foreman - 3 years experience c. Master Plumber - 2 years experience d. Electrician - 2 years experience e. Steelman - 2 years experience f. Tinsmithman - 1 year experience g. Lead Man-Mason - 1 year experience h. Master Carpenter - 2 years experience i. Painter - 2 years experience j. Laborer/Helper with or without experience k. Occupational Health & Safety Officer - with training related to occupational health and safety</p>	<p>But will we still include the Project Manager in our organizational chart?</p>	<p>It is up to you if you will include "Project Manager" in the organizational chart. As long as you meet the required minimum key personnel the same will be considered compliant. But just to be clear, in our evaluation we use the non-discretionary pass/fail criterion, so if you will only indicate "Project Manager" and without "Civil Engineer", the same may be considered fail since the Committee does not have any discretion to interpret that the Project Manager is also the Civil Engineer.</p>
<p>The contractor/bidder must provide at least three (3) Laborer/Helper to be assigned to the contract/project.</p>	<p>In other offices normally the Project Manager is also a Civil Engineer.</p>	<p>Please do not compare our action with other procuring entities because each has its own basis, but, for DBM 8 rest assured that we are following the procedures of RA9184.</p>
<p>Use the standard form provided under Section IX. Bidding Forms (List of Key Personnel Proposed to be Assigned to the Contract). The list must be supported by individual resumes/bio-data of all personnel, photocopy of PRC License of the Engineers and certificate/s of training of the health and safety officer issued by the Department of Labor and Employment or any of its accredited agency/institution.</p>	<p>Can Civil Engineer be also the Safety Officer? Do you required separate individuals for each key personnel? Practicality wise, a safety officer can also be the civil engineer.</p>	<p>As much as possible we would want to have separate individuals for each key personnel to facilitate the swift and speedy implementation of our project. But if the same will not be practical, that will be discussed further later by the Committee. A bid bulletin will be issued to clarify the same.</p>
<p>(ii.3) List of contractor's major equipment units, which are owned, leased, and/or under purchase agreements, supported by proof of ownership, certification of availability of equipment from the equipment lessor/vendor for the duration of the project, as the case may be, which must meet the minimum requirements for the contract set in the BDS.</p>	<p>We can apply for temporary construction connection from LEYECO, would it suffice as compliance to the generator requirement?</p>	<p>It is the intention of the procuring entity that generator set must be a must such that during brownouts/blackout there will be no interruption during the project implementation.</p>
<p>The minimum major equipment requirements are the following: - Generator Set 3000 Watts 1.00 - Bagger / Mixer 1 Bag Cement Mix 1.00</p>		
<p>The above minimum major equipment units which are owned, leased, and/or under purchase</p>		

<p>agreements, must be supported by proof of ownership and certification of availability of equipment for the duration of the project.</p> <p>iii. Omnibus Sworn Statement using the prescribed form as provided in Section IX. Bidding Forms</p> <p>• <u>Financial Component</u></p> <p>i. Financial Bid Form, which includes bid prices and the bill of quantities, in accordance with ITB Clauses 15.1 and 15.3;</p> <p>ii. Detailed estimates, including a summary sheet indicating the unit prices of construction materials, labor rates, and equipment rentals used in coming up with the Bid (using the suggested format provided in Section VIII); and</p> <p>iii. Cash flow by quarter or payment schedule.</p> <p>Tax obligations is computed at 7% of the Direct Cost, Overhead, Contingencies & Miscellaneous (OCM) Expenses and Profit.</p> <ul style="list-style-type: none"> • All Bids that exceed the ABC shall not be accepted. • Alternative Bids shall be rejected • The contract shall be for the whole Works, as described in ITB Clause 1.1 based on the priced Bill of Quantities submitted by the Bidder • All bid prices shall be quoted in Philippine Pesos • Bids will be valid until one hundred twenty (120) calendar days from the date of the opening of bids. • No bid securities shall be returned to Bidders after the opening of bids and before contract signing, except to those that failed or declared as post-disqualified. • The bid security may be forfeited in the grounds provided in the ITB Clause 18.5 • Format and Signing of Bids <p>Bidders shall submit their bids through their duly authorized representative using the appropriate</p>	<p>What is the purpose of requiring 3000 watts? Why not lower than that?</p> <p>How do we present our cash flow since we are already in the late part of 2019? What is your timetable for awarding of the contract? Since our payment schedule will be dependent on the award of the contract/issuance of notice to proceed.</p>	<p>Ensure also to comply the minimum required watts for one (1) generator. Do not split like you will provide 2 generators with 1500 watts each, the same will be considered non-compliant.</p> <p>The 3000 watts requirement is to avoid tripping in case there are many equipment that will be used at the same time.</p> <p>Since our target to issue the notice to proceed is last week of December 2019, the implementation of the project would already start by 2020, hence, your cash flow or payment schedule would start by 2020 already.</p>
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<p>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. This shall also be observed for each lot in the case of lot procurement.</p> <ul style="list-style-type: none"> 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 <p>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."</p> <p>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.</p> <p>The original and the number of copies of the bid as indicated in the BDS shall be typed or written in ink and shall be signed by the Bidder or its duly authorized representative/s.</p> <p>Each Bidder shall submit one (1) original and two (2) copies of the first and second components of its bid.</p> <p>All envelopes shall:</p> <ol style="list-style-type: none"> contain the name of the contract to be bid in capital letters; bear the name and address of the Bidder in capital letters; be addressed to the Procuring Entity's BAC in accordance with ITB Clause 21; bear the specific identification of this bidding process indicated in the ITB Clause 1.2; and bear a warning "DO NOT OPEN BEFORE..." the date and time for the opening of bids, in accordance with ITB Clause 21. <p>Bid envelopes that are not properly sealed and marked, as required in the bidding documents,</p>	<p>How many bid do we need to submit?</p> <p>Are you not strict on the sealing and marking of the envelopes? Will it disqualify us if the envelopes are not properly sealed and marked?</p>	<p>You must submit one (1) original and two (2) copies of the first and second components of the bid. We follow the 2 envelope system. One envelope for eligibility, legal, technical and financial components and the second envelope for the financial component.</p> <p>It will not be a cause for disqualification as mentioned in Clause 20.5 of the ITB. This is one of the amendments provided in the 2016 Revised IRR of RA9184.</p> <p>But as much as possible, we would like to request that your envelopes are properly labeled for us to be properly guided during the bid opening and evaluation.</p>
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<p>shall not be rejected, but the Bidder or its duly authorized representative shall acknowledge such condition of the bid as submitted. The BAC or the Procuring Entity shall assume no responsibility for the misplacement of the contents of the improperly sealed or marked bid, or for its premature opening.</p> <ul style="list-style-type: none"> • The deadline for submission of bids is December 9, 2019, 8:30 A.M., DBM Bundy Clock Time, while bid opening is within the same day at 9:00 A.M. • 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. The BAC shall record in the minutes of Bid Submission and Opening, the Bidder's name, its representative and the time the late bid was submitted. • Modification and Withdrawal of Bids • Opening and Preliminary Examination of Bids <p>The BAC shall open the Bids in public, immediately after the deadline for the submission and receipt of bids in public, as specified in the BDS. In case the Bids cannot be opened as scheduled due to justifiable reasons, the BAC shall take custody of the Bids submitted and reschedule the opening of Bids on the next working day or at the soonest possible time through the issuance of a Notice of Postponement to be posted in the PhilGEPS website and the website of the Procuring Entity concerned.</p> <p>Unless otherwise specified in the BDS, the BAC shall open the first bid envelopes and determine each Bidder's compliance with the documents prescribed in ITB Clause 12, using a non-discretionary "pass/fail" criterion. If a Bidder submits the required document, it shall be rated "passed" for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed". Otherwise, the BAC shall rate the said first bid envelope as "passed".</p> <p>Unless otherwise specified in the BDS, immediately after determining compliance with the requirements in the first envelope, the BAC shall forthwith open the second bid envelope of each remaining eligible Bidder whose first bid envelope was rated "passed." The second envelope of each complying Bidder shall be opened within the same day. In case one or more of the requirements in the second envelope of a particular bid is missing, incomplete or patently insufficient, and/or if the submitted total bid price exceeds the ABC unless</p>	<p>Who will receive our bid?</p>	<p>It is the BAC Secretary</p>
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otherwise provided in ITB Clause 13.2, the BAC shall rate the bid concerned as "failed." Only bids that are determined to contain all the bid requirements for both components shall be rated "passed" and shall immediately be considered for evaluation and comparison.

The Bidders or their duly authorized representatives may attend the opening of bids.

To ensure transparency and accurate representation of the bid submission, the BAC Secretariat shall notify in writing all Bidders whose bids it has received through its PhilGEPS-registered physical address or official e-mail address. The notice shall be issued within seven (7) calendar days from the date of the bid opening.

- Members of the BAC, including its staff and personnel, as well as its Secretariat and TWG, are prohibited from making or accepting any kind of communication with any Bidder regarding the evaluation of their bids until the issuance of the Notice of Award, unless otherwise allowed in the case of ITB Clause 26.
- To assist in the evaluation, comparison and post-qualification of the bids, the Procuring Entity may ask in writing any Bidder for a clarification of its bid. All responses to requests for clarification shall be in writing. Any clarification submitted by a Bidder in respect to its bid and that is not in response to a request by the Procuring Entity shall not be considered.
- Detailed Evaluation and Comparison of Bids

The Procuring Entity will undertake the detailed evaluation and comparison of Bids which have passed the opening and preliminary examination of Bids, pursuant to ITB Clause 24, in order to determine the Lowest Calculated Bid.

The Lowest Calculated Bid shall be determined in two steps:

- (a) The detailed evaluation of the financial component of the bids, to establish the correct calculated prices of the bids; and
- (b) The ranking of the total bid prices as so calculated from the lowest to highest. The bid with the lowest price shall be identified as the Lowest Calculated Bid.

The Procuring Entity's BAC shall immediately conduct a detailed evaluation of all bids rated "passed," using non-discretionary "pass/fail"

<p>criterion. The BAC shall consider the following in the evaluation of bids:</p> <p>(a) Completeness of the bid (b) Arithmetical Corrections</p> <p>• Post Qualification</p> <p>The BAC shall determine to its satisfaction whether the Bidder that is evaluated as having submitted the Lowest Calculated Bid complies with and is responsive to all the requirements and conditions specified in ITB Clauses 5, 12, and 13.</p> <p>The following post qualification documents must be submitted within a non-extendible period of five (5) calendar days from receipt by the bidder of the notice from the BAC that it submitted the Lowest/Single Calculated Bid:</p> <p>1. Latest Income and Business Tax Returns filed and paid through the BIR Electronic Filing and Payment System (eFPS), duly authenticated by the concerned BIR office:</p> <ul style="list-style-type: none"> - 2019 Quarterly Income Tax Return (1st and 2nd Quarters of 2019) - 2019 Quarterly Value Added Tax Return (1st and 2nd Quarters of 2019) - 2019 Monthly Value Added Tax Declaration (January 2019 to July 2019) <p>2. A waiver (see attached sample format under Section IX. Bidding Forms) of the confidentiality provision of Section 270 of the National Internal Revenue Code as amended thru a duly notarized Affidavit executed by the taxpayer (individual) or in case of a juridical entity a Board Resolution by the Board of Directors.</p> <p>3. Certificate of No Pending Case issued by the Department of Labor and Employment</p>	<p>We are having a hard time in securing an authenticated copy of the tax returns. It take some time before we can secure an authenticated copies.</p> <p>Would it be possible to extend some more days in the submission of the said documents? Or can we exclude the "authenticated" copy of tax returns anyway this can be validated with the BIR. If not, may we just request that the notice to submit the post qualification docs be issued to the supplier days before weekends or holiday to give us enough time since BIR does not entertain clients during non-working days.</p> <p>It might be difficult for us to secure said certificate since it is dependent on the signatory of DOLE officials/personnel. It take some time to process the said certificate from DOLE.</p>	<p>The 5-day period is non-extendible per RA9184.</p> <p>In our previous bidding, we did not require an authenticated copy of tax returns since we can validate the same with the BIR thru phone calls. However, recently, the BIR no longer entertain validation thru phone calls or walk-in, unless a particular bidder has secure an authenticated copy of the tax returns from their office, which explains why we include the said requirement.</p> <p>The Committee will discuss as to when we will issue the notice to submit the post qual documents. Also we can change from authenticated to "stamped" received copies of the returns, since per BIR the latter is easier to facilitate than the former. A bid bulletin will be issued for the purpose.</p> <p>Just like the case with the BIR, recently the DOLE no longer entertains validation from any procuring entity as to compliance with existing labor laws of a particular bidder, unless the said bidder secure the said certificate from their office.</p>
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<ul style="list-style-type: none"> • Reservation Clause <p>Notwithstanding the eligibility or post-qualification of a Bidder, the Procuring Entity concerned reserves the right to review its qualifications at any stage of the procurement process if it has reasonable grounds to believe that a misrepresentation has been made by the said Bidder, or that there has been a change in the Bidder's capability to undertake the project from the time it submitted its eligibility requirements. Should such review uncover any misrepresentation made in the eligibility and bidding requirements, statements or documents, or any changes in the situation of the Bidder which will affect its capability to undertake the project so that it fails the preset eligibility or bid evaluation criteria, the Procuring Entity shall consider the said Bidder as ineligible and shall disqualify it from submitting a bid or from obtaining an award or contract.</p> <ul style="list-style-type: none"> • Contract to Award <p>Subject to ITB Clause 28, the HoPE or its duly authorized representative shall award the contract to the Bidder whose bid has been determined to be the LCRB.</p> <p>Prior to the expiration of the period of bid validity, the Procuring Entity shall notify the successful Bidder in writing that its bid has been accepted, through a Notice of Award duly received by the Bidder or its representative personally or by registered mail or electronically, receipt of which must be confirmed in writing within two (2) days by the Bidder with the LCRB and submitted personally or sent by registered mail or electronically to the Procuring Entity.</p> <p>Notwithstanding the issuance of the Notice of Award, award of contract shall be subject to the following conditions:</p> <ul style="list-style-type: none"> (a) Submission of valid PCAB license and registration for the type and cost of the contract to be bid for foreign bidders within ten (10) calendar days from receipt of the Notice of Award; (b) Posting of the performance security in accordance with ITB Clause 32; 	<p>Will the certificate specifically mention that the same is for the purpose of bidding of DBM8?</p>	<p>Not necessary as long as the certificate mentions that a particular supplier does not have any pending labor case with DOLE. The Committee will discuss further later with regard to this requirement.</p>
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<p>(c) Signing of the contract as provided in ITB Clause 31; and</p> <p>(d) Approval by higher authority, if required, as provided in Section 37.3 of the IRR of RA 9184.</p> <ul style="list-style-type: none"> • Signing of the Contract <p>At the same time as the Procuring Entity notifies the successful Bidder that its bid has been accepted, the Procuring Entity shall send the Contract Form to the Bidder, which Contract has been provided in the Bidding Documents, incorporating therein all agreements between the parties.</p> <p>Within ten (10) calendar days from receipt of the Notice of Award, the successful Bidder shall post the required performance security, sign and date the contract and return it to the Procuring Entity.</p> <p>The Procuring Entity shall enter into contract with the successful Bidder within the same ten (10) calendar day period provided that all the documentary requirements are complied with.</p> <p>Additional contract documents required by the Procuring Entity to be submitted by the winning bidder within ten (10) calendar days from receipt of the Notice of Award:</p> <ol style="list-style-type: none"> (1) Construction Schedule; (2) Program Evaluation Review Technique/Critical Path Method (PERT/CPM); and (3) Approved Building Permit or Excavation Permit issued by the Office of Building Official, City of Tacloban, in case the former is not yet available within the required 10-day period. Provided however, that the Building Permit must be submitted within ten (10) calendar days from receipt of the Notice to Proceed. <ul style="list-style-type: none"> • Performance Security <p>To guarantee the faithful performance by the winning Bidder of its obligations under the contract, it shall post a performance security within a maximum period of ten (10) calendar days from the receipt of the Notice of Award from the Procuring Entity and in no case later than the signing of the contract.</p> <ul style="list-style-type: none"> • Notice to Proceed <p>Within seven (7) calendar days from the date of approval of the Contract by the appropriate government approving authority, the Procuring</p>		
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<p>Entity shall issue the Notice to Proceed (NTP) together with a copy or copies of the approved contract to the successful Bidder. All notices called for by the terms of the contract shall be effective only at the time of receipt thereof by the successful Bidder.</p> <ul style="list-style-type: none"> Protest Mechanism <p>Decision of the procuring entity at any stage of the procurement process may be questioned in accordance with Sections 55 of the IRR of RA 9184.</p>		
<p>III. Mr. Abah discussed/shared the results of the previous bidding (3rd bidding) particularly highlighting the reasons of post disqualification of the following six (6) bidders:</p> <ul style="list-style-type: none"> LIMAR CONSTRUCTION CFV ARAR CONTRACTORS PHILS., INC. 3A's BUILDERS I.D.A. JR BUILDERS & CONSTRUCTION SUPPLY ROVINVAL ENGINEERING AND CONSTRUCTION YFL BUILDERS 	<p>Limar: Our tax definitely is not understated. When contractors made collections we are already deducted 5%. Also the materials that we purchased are already subject to tax So how can it be understated?</p> <p>We were supposed to submit a response to your letter denying our request for reconsideration, but, the required number of days has already lapsed.</p>	<p>We have already provided our response as indicated in our letter and so far you have not written any protest regarding our action. Anyway suppliers are given the option to file a motion for reconsideration or a protest should there be some questions of the decision made by the Committee at any stage of the procurement process.</p> <p>Allow us to emphasize also that our action was purely based on the provisions of RA9184 and the bidding documents as clearly provided in our letter. Your claim for tax credits is during implementation stage already. Our requirement is different since we are still in the procurement stage. Hence, the required tax obligations using the necessary computations/formula as provided in the bidding documents must be complied with. Per bidding documents tax obligation must be computed at 7% of the Direct Cost, Overhead, Contingencies & Miscellaneous Expenses and Profit. While, in your submitted detailed estimate, tax obligation was calculated at 7% of the Direct Cost only, hence, understated, as far as the data presented in the financial proposal is concerned.</p>

	<p>Requesting certification from DOLE requires 1 week to issue the same, but for verification purposes only, usually it takes 2 to 3 days.</p> <p>Since this is already a negotiated procurement, would it be possible that we need not submit anymore the some of the eligibility and technical documents?</p>	<p>Per RA9184, suppliers are only given a non-extendible period of five (5) calendar days to submit the post qualification documents and that includes the DOLE certification. The BAC will discuss the issue that you raise in coordination with the DOLE.</p> <p>In the case of negotiated procurement we can actually exclude some of the eligibility and technical documents. However, based on the thorough deliberation by the Committee, it has been decided to still require all the documents similar to the bidding since in this type of procurement, there would still be a possibility that the bidders will not only be limited to the six (6) suppliers who passed the preliminary and detailed evaluation last 3rd bidding and undergone the post qualification process. Negotiated due to two failed biddings has a semblance with public bidding as to procedures. The major difference is in the number of required days, for example in the posting period, from 7 days in the bidding to 3 days in the negotiated procurement.</p>
<p>IV. Drawings/ Plans / Specifications/ Bill of Quantities (discussed in details by Engr. Dumlao)</p> <p>i. Specifications ii. Drawings iii. Bill of Quantities (BOQ)</p> <p><u>General Requirement & Preliminaries</u> Complete Plans and Drawings and Specifications, Secure Building Permits (see attached list of requirements from the Office of the Building Official), Secure Occupancy Permits (see attached list of requirements from the Office of the Building Official), Material Testing analysis, As-Built Plans, and other Requirements needed by the end user (Ex. Daily/weekly reports, Bar Chart, S-Curve, Statement Work Accomplishment Report, etc.)</p>		

<u>Demolition/Removal of Obstacles</u>	<p>Is there no provision on the disposal of excess materials / waste disposal?</p>	<p>We did not indicate any provision since per existing policy in the government, we must report the waste materials to COA.</p>
<u>Earthwork</u> <u>Gravel Bedding</u> <u>Forms and Scaffoldings</u> <u>Concrete Work</u> <u>Rebar</u>	<p>What we mean is the provision for the disposal of the debris during the construction. How will we dispose the debris?</p>	<p>The BAC will discuss further the concern and a bid bulletin will be issued as necessary.</p>
<u>Masonry Work</u> <u>Tile Work</u> <u>Roofing Work</u> <u>Carpentry Work</u> <u>Electrical Work</u> <u>Plumbing Work</u>	<p>Is there no need for us to provide the details of the measurement of the steel bars in the detailed estimate?</p>	<p>No need since it is already provided in the plans/drawings the required measurement of steelbars.</p>
<u>Transfer/Relocation of Aircondition Unit</u>	<p>Is there no provision for new water closet or lavatories? Sometimes in removing water closet, chances are that it might be damaged.</p>	<p>Actually the intention is to install new water closet since the same was included in the approved budget for the contract, only that the same was inadvertently provided in the specifications. A bid bulletin will be issued to clarify the specifications.</p>
<u>Fire Alarm System</u> <u>Furniture/Fixture</u> <u>Painting Work</u>	<p>The specifications "transfer of aircon 12 units" were provided in the activity column, but, in the quantity portion, "15 sets" were provided.</p> <p>Can we provide lump sum amount in the detailed estimate for the transfer of aircon? Since we usually hire outside supplier that can execute the said work and we do not know the specific rate for the labor for example.</p>	<p>A bid bulletin will be issued to clarify the specifications</p> <p>If this is true to all to suppliers then we can provide bid bulletin for the purpose. The BAC will further discuss the said concern. However, it is to be noted that in the previous bidding, there were suppliers who provided the detailed estimates including the labor for the transfer/relocation of aircon. Hence, the detailed estimate for the required labor, materials and equipment must be presented.</p>

The prospective bidder must submit the complete plans and drawings, as follows:		
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| a. Architectural Plans;
b. Structural Plans;
c. Structural Design and Analysis;
d. Plumbing and Sanitary Plans; and
e. Electrical Plans. | | |
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The prospective bidders then proceed with the site inspection which was facilitated by Engr. Dumlao.

V. Adjournment

There having no other matters up for discussion, the meeting adjourned at 12:05 P.M.

BAC RECOVERED AT 12:07 P.M.

Note: Immediately after the pre-bid conference with the suppliers, the BAC reconvened and discussed the concerns that need issuance of supplemental bid bulletin. The following were agreed upon by the Committee:

1. The Occupational Health & Safety Officer may be performed by any of the required key personnel except for the laborer/helper and painter. All other key personnel must be performed by separate individuals;
2. To change from "duly authenticated" to "duly received" for the Latest Income and Business Tax Returns filed and paid through the BIR Electronic Filing and Payment System (eFPS);
3. To indicate "starting 2020" in the required Cash flow by quarter or payment schedule;
4. To maintain the requirement of the Certificate of No Pending Case or any equivalent document/form issued by the Department of Labor and Employment. Per clarification with Atty. Saypo of DOLE Region VIII by the BAC Secretary, the said certificate can be issued within the day of request by the supplier and would definitely not go beyond 5 calendar days;
5. Engr. Dumlao to submit to BAC the amendments in the specifications for the following:
 - o Disposal of debris/dilapidated materials
 - o Replacement of water closet and down spouts for the CR
 - o Number of airconditioning units to be transferred/relocated
 - o Needed measurement of steelbars
6. On the issuance of the notice to submit post qualification documents, the BAC had an agreement that the same will not be issued to the concerned suppliers on Fridays or a day before the weekend, holiday or non-working day. This agreement however need not be indicated in the supplemental/bid bulletin.

Other concerns were also discussed by the Committee specifically the following various procurement requests forwarded to the BAC considerations, to wit:

1. Repair & Maintenance of Office Buildings & Other Property & Fabrication of Cabinets: ABC of ₱510,000

- A purchase request with the needed works/specifications duly approved by RD was submitted supported with the following:
 - Program of Work
 - Bill of Materials
 - Drawing for the cabinet
 - Inspection Report
- The BAC agreed to procure the needed repairs thru Negotiated-Small Value Procurement.
- The following suppliers who passed the preliminary and detailed evaluation last September 16, 2019 bidding for the Infrastructure project with an ABC of ₱7.8M will be invited:
 - LIMAR CONSTRUCTION
 - CFV ARAR CONTRACTORS PHILS., INC.
 - 3A's BUILDERS
 - I.D.A. JR BUILDERS & CONSTRUCTION SUPPLY
 - ROVINVAL ENGINEERING AND CONSTRUCTION
 - YFL BUILDERS
- The following documents must be submitted by the bidders:
 - 2019 Mayor's/Business Permit;
 - Philippine Contractors Accreditation Board (PCAB) license and registration;
 - Latest Income and Business Tax Returns filed and paid through the BIR Electronic Filing and Payment System (eFPS), duly received by the concerned BIR office:
 - 2019 Quarterly Income Tax Return (3rd Quarter of 2019);
 - 2019 Quarterly Value Added Tax Return (3rd Quarter of 2019);
 - 2019 Monthly Value Added Tax Declaration (October 2019); and
 - Omnibus Sworn Statement (OSS) using the prescribed format.
- Procurement schedule
 - Posting – November 30, 2019
 - Deadline of bid submission – December 6, 2019, 9:30 AM
 - Bid Opening and Evaluation – December 6, 2019, 10:00 AM

2. Photo Framing of seven (7) Pieces Pictures: ABC of ₱2,450

- A purchase request with the specifications duly approved by RD was submitted supported with Supplemental PPMP
- The BAC agreed to prepare a supplemental bid bulletin for the purpose
- To procure the needed item thru Negotiated-Small Value Procurement
- To send request for quotations to the following suppliers
 - Mabuhay Glass and Aluminum Supply
 - Jaya Supply
 - New Glory Glass Supply
 - and other possible suppliers that may be identified by Admin
- The following documents must be submitted by the bidders:
 - 2019 Mayor's/Business Permit;

- Procurement schedule
 - Posting – November 30, 2019
 - Deadline of bid submission – December 6, 2019, 9:30 AM
 - Bid Opening and Evaluation – December 6, 2019, 10:00 AM

3. GAD Shirt & Sports Attire for DBM RO VIII Employees: ABC of ₱63,800


- A purchase request with the specifications duly approved by RD was submitted
- The BAC agreed to procure the needed item thru Negotiated-Small Value Procurement
- To send request for quotations to the following suppliers
 - Kamiseta ni Julio
 - Magnificent
 - Ladera Sports
 - IP Creative
 - and other possible suppliers that may be identified by Admin
- The following documents must be submitted by the bidders:
 - 2019 Mayor's/Business Permit;
 - Omnibus Sworn Statement using the prescribed format;
- Procurement schedule
 - Posting – November 30, 2019
 - Deadline of bid submission – December 6, 2019, 9:30 AM
 - Bid Opening and Evaluation – December 6, 2019, 10:00 AM

There having no other matters up for discussion, the meeting adjourned at 1:02 P.M.


Prepared by:

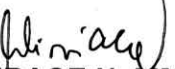

MYLENE G. DE VEYRA
 BAC Secretary


Noted and Approved by BAC Members:


FLORITA M. LACDO-O
 Chairperson


ALELI N. HERNANDEZ
 Vice-Chairperson


JOSEFINA P. ESCOTO
 Member


LIBERACE N. LIMSIACO
 Member


JUVY A. LOBEDICA
 Member


ABSAL N. ABAH
 Member