



## MINUTES OF MEETING

Friday, January 10, 2020	10:00 AM	PS CONFERENCE ROOM B & C
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MEETING CALLED BY	<b>SPECIAL BIDS AND AWARDS COMMITTEE (SBAC)</b>																	
TYPE OF MEETING	<b>Pre-Bid Conference</b>																	
PROJECT	<b><i>Engineering, Procurement, Construction and Commissioning (EPCC) Project for the Subic-Clark Railways Project for the Department of Transportation (DOTr)</i></b>																	
REFERENCE NO.	<b>PB 19-341-7</b>																	
ATTENDEES	<p><b>SPECIAL BIDS AND AWARDS COMMITTEE</b></p> <table border="0"> <tr> <td>Engr. Rosana D. Yambao</td> <td>Chairperson</td> </tr> <tr> <td>Engr. Ian T. Fajarito</td> <td>Vice-Chairperson</td> </tr> <tr> <td>Ms. Ma. Jennifer R. Jimenez</td> <td>Provisional Member</td> </tr> <tr> <td>Engr. Diane Arbitrario</td> <td>PS-TWG Member</td> </tr> <tr> <td>Usec. Timothy John R. Batan</td> <td>Ad-Hoc Member, DOTr</td> </tr> <tr> <td>Engr. Joel Victor Salaguinto</td> <td>PS Consultant</td> </tr> <tr> <td>Ms. Ray-Ann V. Sorilla</td> <td>SBAC Secretariat</td> </tr> <tr> <td>Mr. Rodelio D. Mendez Jr.</td> <td>SBAC Secretariat</td> </tr> </table> <p>Representatives from:  <b>DOTr-Railways</b>          Mr. Leonel De Velez</p> <p><b>ARUP</b>          Mr. Nelson Wing-Kwang Pong</p> <p><b>Bases Conversion &amp; Devt. Authority</b>          Mr. Rey Lim          Mr. Jansen Lim          Mr. Joshua Bingcang          Ms. Joana Capones</p>		Engr. Rosana D. Yambao	Chairperson	Engr. Ian T. Fajarito	Vice-Chairperson	Ms. Ma. Jennifer R. Jimenez	Provisional Member	Engr. Diane Arbitrario	PS-TWG Member	Usec. Timothy John R. Batan	Ad-Hoc Member, DOTr	Engr. Joel Victor Salaguinto	PS Consultant	Ms. Ray-Ann V. Sorilla	SBAC Secretariat	Mr. Rodelio D. Mendez Jr.	SBAC Secretariat
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Mr. Allan Dave N. Providal  
Jhan Ariz R. Forca  
Rommel Coronacion

**CHINA HARBOUR ENGINEERING  
CO. LTD.**

Mr. Xiaorun Chu  
Mr. YanMingjun  
Mr. Eric Hung  
Mr. Wan Yu  
Mr. Xiang Ren  
Mr. Mike Blackburn

**CHINA RAILWAY INTERNATIONAL  
GROUP CO. LTD.**

Mr. Guojun Li  
Mr. Richard Zeus

**CHINA STATE CONSTRUCTION  
ENGINEERING CORPORATION  
LIMITED**

Mr. Linchang Bi  
Mr. Ming Yang Luo

**WIKA**

Mr. Daniel H.

**STA. CLARA**

Mr. Zaiel V. Gonzaga

**CEEC**

Mr. Tomas L. Valencia

**EGIS RAIL**

Mr. Bernard Fradin

**LITS**

Ms. Mylene Del Monte  
Mr. Jonuel B. Bandojo  
Mr. Jesus Roxas

**CB & T**

Mr. Roberto Sacdalan

**Performance**

Mr. Albert Sikat

**Siemens**

Mr. Menandro Arcinas

**Marubeni Corp**

Mr. Richard Reyes

**Hexamend**

Ms. Myles Salvador

	<p><b>MDH</b> Ms. Mary Ann Yao Ms. Pauline Yao</p> <p><b>China Steel</b> Mr. Eric Lim</p> <p><b>Hashtag Venture Devt Corp.</b> Ms. Tiffany R. Gamboa</p> <p><b>JUACC</b> Mr. Josie Eusebio Mr. Piercs Kampff</p> <p><b>EDD Makl Construction</b> Ms. Maribel Qolez</p> <p><b>Kolonwel Trading</b> Ms. Delia Siluano Mr. Ariel Dizon</p>	<p><b>Hexamime</b> Mr. Efren P. Mendoza</p> <p><b>Alstom</b> Mr. Simon Cordier Mr. Bobby Wong</p> <p>Heldig Ms. Weng Alawa Ms. Jenny Berbano</p> <p><b>Icon/ Werr Int'l/Dynamic Planners</b> Mr. Joselito Dimaano</p> <p><b>Huayou Construction</b> Ms. Cecilia Panganiban</p> <p><b>21th Construction Devt. Corp</b> Ms. Jiong Villanueva</p>
CALL TO ORDER	<ol style="list-style-type: none"> <li>1. The scheduled Pre-Bid Conference started at <b>10:10 AM</b> with the Chairperson presiding.</li> <li>2. The SBAC Secretariat acknowledged the presence of the attendees and reminded the bidders regarding the house rules for the Pre-Bid Conference.</li> <li>3. Having established the required quorum, the Vice-Chairperson proceeded with presentation of the General Requirements for Procurement Bidding based on Government Procurement Reform Act (GPRA), 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 (RA 9184) since the project will be procured under RA 9184 using <b>a two-step procedure</b> pursuant to Sections 11.1 and 11.2 of Annex "G" of the same Rules.</li> <li>4. The Chairperson explained the uniqueness of the project, but assured the bidders that the Bidding Documents was approved by the Government Procurement Policy Board – Technical Support Office (GPPB-TSO) and submitted to Procurement Service (PS) for bidding.</li> </ol>	

**DISCUSSION**

I. BID DOCUMENTS	
INVITATION TO BID	<p><b>SECTION I</b> NO DISCUSSION</p>
INSTRUCTIONS TO BIDDERS	<p>Section III ITB Clause 12.1 (a)(i) Page 11-9</p> <p><i>"PhilGEPS Certificate of Registration and Membership in accordance with Section 8.5.2 of the IRR, except for foreign bidders participating in the procurement by a Philippine Foreign Service Office or Post, which shall submit their eligibility documents under Section 23.1 of the IRR, provided, that the winning bidder shall register with the PhilGEPS in accordance with Section 37.1.4 of the IRR;"</i></p> <ul style="list-style-type: none"> <li>- <i>The Chairperson reiterated the submission of the PhilGEPS Certificate of Registration (Platinum Membership). In the case of shortlisted Chinese contractors, they must submit equivalent requirements in their country of origin.</i></li> <li>- <i>The Chairperson likewise explained that the <b>PCAB license is a mandatory requirement</b>, and should be submitted before the Notice of Award, and specifically mentioned on the note verbale of the Executive agreement.</i></li> </ul>
BID DATA SHEET	<p>Section III BDS Clause 5.2 Page II-3</p> <p><i>"Pursuant to the applicable executive agreements between the Government of the Philippines and the Government of the People's Republic of China (GPH-GPRC Executive Agreements), the Embassy of the People's Republic of China to the Philippines provided a shortlist of three (3) qualified, legitimate, and in good standing Chinese contractors to participate. These three (3) shortlisted Chinese contractors are:</i></p> <ol style="list-style-type: none"> <li><i>1. China Harbour Engineering Co. Ltd.,</i></li> <li><i>2. China Railway International Group Co. Ltd., and</i></li> <li><i>3. China State Construction Engineering Corporation Limited"</i></li> </ol>

- The Vice Chairperson emphasized that pursuant to the applicable executive agreements between the **Government of the Philippines** and the **Government of the People's Republic of China** (GoP-GPRC Executive Agreements), the Embassy of the People's Republic of China to the Philippines provided a shortlist of three (3) qualified, legitimate, and in good standing Chinese contractors to participate. Only the three (3) shortlisted Chinese contractors can participate in the bidding, these are the following:
  1. China Harbour Engineering Co. Ltd.,
  2. China Railway International Group Co. Ltd., and
  3. China State Construction Engineering Corporation Limited

Section III  
 BDS Clause 5.4 (b)  
 Page 111-1

*"In view of the determination by the Procuring Entity that imposition of the provisions of Section 23.4.2.4 of the IRR of RA 9184 will likely result to failure of bidding, the Bidder should comply with the following requirements:*

*The Bidder must have an experience of having Five Largest Completed Contracts (FLCC) of similar nature completed within the last ten (10) years. These contracts, which may have been carried out under various contract formats, shall together be of aggregate value of at least two hundred percent (200%) of the Approved Budget for the Contract (ABC) adjusted and one of these contracts that is similar to this Project, shall be 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. Where a bidder is a wholly-owned subsidiary of a State-Owned Group, the experience record of the Group shall be considered provided the ultimate parent company of the Group commits the availability of appropriate skills and resources through a letter of commitment addressed to the Procuring Entity."*

- The Vice-Chairperson reiterated the conditions that the proponents should comply:
  1. **Five Largest Completed Contracts (FLCC)**
  2. *similar to the contract to be bid*
  3. **within the last ten years**
  4. **with aggregate value of 200% of the total Approved Budget for the Contract (ABC) and**

5. **one of those contracts shall be equivalent to at least 50% of the ABC.**

Section III  
BDS Clauses 8.1 and 8.2  
Page III-2

"Subcontracting is allowed, but the total amount of subcontracts should not be more than fifty percent (50%) of the contract amount."

"Subcontractors (if any) shall have at least five (5) years experience in similar contracts to the works to be subcontracted and must submit the documentary requirements under ITB Clause 12 and detailed particulars indicating their technical competence, availability of resources, and financial capability for the works to be subcontracted, subject to the approval of the Procuring Entity. Any subcontractor proposed by the bidder must not be, at the time of bid opening of bids, have been debarred or blacklisted by any International Financial Organization."

- The Vice-Chairperson explained that subcontracting is allowed subject to the conditions under **BDS Clauses 8.1 and 8.2.**

Section III  
BDS Clause 18.1  
Page III-4

"The bid security shall be in the form of a **Bid Securing Declaration** or any of the following forms and amounts:

1. The amount of not less than **Nine Hundred Seven Million Two Hundred Twenty Seven Thousand Three Hundred Twenty and 81/100 Pesos (P907,227,320.81)** if bid security is in cash, cashier's/manager's check, bank draft/guarantee, or irrevocable letter of credit; or
2. The amount of not less than **Two Billion Two Hundred Sixty Eight Million Sixty Eight Thousand Three Hundred Two and 01/100 Pesos (P2,268,068,302.01)** if bid security is in Surety Bond."

	<ul style="list-style-type: none"> <li>- <i>The Vice-Chairperson reiterated that the the bidder should choose only one form out of the three (3) different acceptable forms of Bid Security.</i></li> </ul> <p>Section III BDS Clause 20.3 in relation to BDS Clause 13.1 (b) Page III-4</p> <p><i>"Each Bidder shall submit one (1) original copy, four (4) photocopies and one (1) electronic copy in PDF format in USB."</i></p> <ul style="list-style-type: none"> <li>- <i>The Vice-Chairperson emphasized that hard and soft copies (in PDF format) shall be submitted. The financial proposal shall include Excel worksheet. Should there be discrepancies between the two, the original hard copy submission shall still prevail."</i></li> </ul>
GENERAL CONDITIONS OF THE CONTRACT	No Discussion
SPECIAL CONDITIONS OF THE CONTRACT	No Discussion
SCHEDULE OF REQUIREMENTS	No Discussion
TECHNICAL SPECIFICATIONS/ EMPLOYERS REQUIREMENT	Mr. De Velez discussed the overview of the project, Infrastructure, Depot, Clark Terminals and the Technical Proposal Forms (TPFs) Requirement and refer the bidders to the Bidding Documents for the detailed and extensive Technical and Employer's Requirements.
BIDDING FORMS	<p>Section VII Bid Form</p> <ul style="list-style-type: none"> <li>- <i>The Chairperson explained that necessary Bid Bulletin will be issued for the correction of <b>Bid Form Address</b> from <b>Department of Transportation (DOTr)</b> to <b>Procurement Service (PS)</b>, since PS is the Procuring Agent for this project.</i></li> <li>- <i>Also, the Vice-Chairperson emphasized to the bidders <b>to use only the prescribed forms in the Bidding Documents</b> under Section VII: Bidding Forms, to avoid possible disqualification for submitting wrong and omitted document forms.</i></li> </ul>

III. OTHER DISCUSSIONS

OTHER MATTERS

1. Kolonwel clarified that since subcontracting is allowed, on the side of payments, who will pay the contractors? Is it the portion of the payments to the contractors that can directly get to the PS-DBM?

- ***The Committee took note of the concern and clarifications shall be included in the Supplemental/ Bid Bulletin to be issued for the project.***

2. the following inquiries were raised by China State Construction Engineering Corporation Limited:

a.) "As mentioned in the Section VI Employer's Requirement - 1.6.2, the Feasibility Study Report cannot be found in the attachment of the Bidding Document, please provide the Feasibility Study Report".

- ***The Committee took note of the inquiry and clarifications shall be included in the Supplemental/ Bid Bulletin to be issued for the project.***

b.) "The Advance Contract is mentioned in the Section VI Employer's Requirement - 2.2.1, please provide the above-mentioned Advance Contract."

- ***The Committee took note of the inquiry and clarifications shall be included in the Supplemental/ Bid Bulletin to be issued for the project.***

c.) Refer to the Checklist and Tabbing of Bidding Requirements, Tab No. 18, please provide more information or provide a sample of the Certification on no negative slippage of fifteen (15%) or more.



- ***The Committee took note of the inquiry and clarifications shall be included in the Supplemental/ Bid Bulletin to be issued for the project.***

d.) Refer to Section V Particular Conditions - 14.3, total amount of Interim Payment is 40% of the Contract Price, the Contractor needs to finance to finish the work. Please give an interpretation about the percentage of the Interim Payment and clarify when will the balance of the Interim Payment will be returned to the Contractor.

- ***The Committee took note of the inquiry and clarifications shall be included in the Supplemental/ Bid Bulletin to be issued for the project.***

***3. The Chairperson emphasized that the procurement project is only limited to the shortlisted Chinese Bidders as indicated in the loan agreement. However, such shortlisted Chinese Bidders may subcontract portions of works subject to the conditions set forth under BDS Clause 8.1.***

***4. The Vice-Chairperson reiterated the two requirements of the ITB Clause 11, which are translation and authentication, the bidding documents are very clear with regards with the Language of Bids.***

***5. The Vice-Chairperson reiterated that any statement issued shall not modify the terms, unless in writing and issued through Supplemental Bid Bulletin. Otherwise, the original Bidding Documents shall prevail.***

***6. The following points were also emphasized:***

- ***For the required Competent Evidence of Identity***

- ***Based on the Rules on Notarial Practice, only government- issued IDs bearing the photograph and signature of the affiant are acceptable evidence. Community Tax Certificate (CTC) is not allowed.***

	<ul style="list-style-type: none"> <li>· <b>No. 10<sup>th</sup> statement under the Omnibus Sworn Statement</b> <ul style="list-style-type: none"> <li>- <b>It was emphasized that notices shall be transmitted in any of the telephone/fax numbers and/or e-mail address/es provided under the 10<sup>th</sup> statement and are deemed received as of its transmittal (not as of receipt by the bidder) and the reckoning period for the reglementary periods stated in the bidding documents and the revised Implementing Rules and Regulations of Republic Act No. 9184 shall commence from receipt thereof.</b></li> </ul> </li> </ul> <p><b>7. All other pertinent portions of the bidding documents were presented and no other clarifications were raised.</b></p> <p><b>8. The matrix of schedule of bidding activities was presented and reiterated that should the bidders have additional queries, the same shall be in writing and last of written clarifications shall be on January 27, 2020.</b></p>
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<b>ADJOURNMENT</b>	Having no other matters for discussion, the meeting was adjourned at <b>12: 00 PM</b>
<b>CERTIFICATION</b>	We certify that the foregoing is true account of <b>Pre-Bid Conference</b> conducted on Friday, January 10, 2020.
<b>PREPARED BY</b>	SBAC Secretariats:  <div style="text-align: center;">           (SGD.)  <b>MS. RAY-ANN V. SORILLA</b>            Secretariat         </div> <div style="text-align: center; margin-top: 20px;">           (SGD.)  <b>MR. RODELIO D. MENDEZ JR.</b>            Secretariat         </div>

CERTIFIED CORRECT

(SGD.)  
**MS. MA JENNIFER R. JIMENEZ**  
PMO-in-Charge

(SGD.)  
**MR. LEONEL DE VELEZ**  
DOTr Representative

(SGD.)  
**ENGR. IAN T. PAJARITO**  
SBAC Vice Chairperson, SCRCP

(SGD.)  
**ENGR. ROSANA D. YAMBAO**  
SBAC Chairperson, SCRCP