



**Bid Bulletin No. 5
9 September 2021**

PUBLIC BIDDING No. 21-119-5

**SITE DEVELOPMENT OF 100-HECTARE AREA AT
BATAAN TECHNOLOGY PARK, MORONG, BATAAN**

Issued pursuant to Sec. 22.5 of the IRR of R.A. 9184 to clarify and/or amend certain provisions in the Bidding Documents issued for this project, considering the issues raised and clarifications made by prospective bidders during the Pre-Bid Conference held on **13 August 2021**, likewise, respond to bidders' written queries received within the prescriptive period for filing.

A. CLARIFICATION

The Department of Budget and Management - Procurement Service, Bids and Awards Committee V hereby clarifies prospective bidders' concerns and queries:

ITEM	REFERENCE	CONCERN	CLARIFICATION/RESOLUTION
SINO CONSTRUCTION.¹			
1	Section VI. Specifications	The representative from Sino Construction further inquired if the STP will be included in the plans to be designed.	No. Attached link below is the Performance Specification which sets out the detailed scope of works for the design and construction of the STP. https://drive.google.com/drive/folders/1xmOdTr_HE6Wsgl78c6FZSbEjqkspEz- u
ECOSYSTEM TECHNOLOGIES.²			
2	Section VI. Specifications	We would like to request the honorable BAC of the query: 1. SECTION 02750 – Sewage Treatment Plant Performance Specification - We would like to request for the document for this section.	Please refer to the link below. https://drive.google.com/drive/folders/1xmOdTr_HE6Wsgl78c6FZSbEjqkspEz- u

¹ Concern received during pre-bid.

² Letter received on 9 August 2021 through email.

R-II BUILDERS³			
3	Section VII. Drawings	Query 1 https://docs.google.com/spreadsheets/d/1AeFHavInbJR-B4M0I8Oa-ZaUfN1HE6d4/edit?usp=sharing&oid=102238132967689564693&rtpof=true&sd=true	Please refer to the link below. https://drive.google.com/drive/folders/1zIEyYQu00uJL0Nfv9SDSdOvSEOohbajP
4	Section VII. Drawings	Query 2 https://docs.google.com/spreadsheets/d/1-7OAtmYnuIL4ejo9bhGERkTZRcpAVKIX/edit?usp=sharing&oid=102238132967689564693&rtpof=true&sd=true	Please refer to the link below. https://drive.google.com/drive/folders/1i0pMVg86nhfIp6MBJ5xiiNFv-2meC7h7
5	Section VII. Drawings	Query 3 https://docs.google.com/spreadsheets/d/1f5DAFWuk6GdbCdUuN6eEa8n7yB501S0e/edit?usp=sharing&oid=102238132967689564693&rtpof=true&sd=true	Please refer to the link below. https://drive.google.com/drive/folders/1Onq76MWdba96ebE7gM-Vpfy9kXCtk0e4
JOENEL MANUEL⁴			
6	Section II. Instruction to Bidders	Can two subsidiaries from the same parent company can join the bidding for the same project?	No. Pursuant to Section 47.2.2 of IRR of RA9184: "All bidders also found to have conflicting interests with each other shall be disqualified to participate in the procurement at hand, without prejudice to the imposition of appropriate administrative, civil, and criminal sanctions. A bidder may be considered to have conflicting interests with another bidder in any of the events described in paragraphs (a) through (c) below and a general conflict of interest in any of the circumstances set out in paragraphs (d) through (j) below: a) A bidder has controlling shareholders in common with another bidder; b) A bidder receives or has received

³ Letter received on 16 August 2021 through email.

⁴ Letter received on 24 August 2021 through email.

⁵ Letter received on 1 September 2021 through email.

⁶ Letter received on 10 August 2021 through email.



			<p>any direct or indirect subsidy from any other bidder;</p> <p>c) A bidder has the same legal representative as that of another bidder for purposes of this bid;</p> <p>d) A bidder has a relationship, directly or through third parties, that puts them in a position to have access to information about or influence on the bid of another bidder or influence the decisions of the Procuring Entity regarding this bidding process. This will include a firm or an organization who lends, or temporarily seconds, its personnel to firms or organizations which are engaged in consulting services for the preparation related to procurement for or implementation of the project if the personnel would be involved in any capacity on the same project;</p> <p>e) A bidder submits more than one bid in this bidding process. However, this does not limit the participation of subcontractors in more than one bid;</p> <p>f) A bidder who participated as a consultant in the preparation of the design or technical specifications of the Goods and related services that are the subject of the bid;</p> <p>g) A bidder who lends, or temporarily seconds, its personnel to firms or organizations which are engaged in consulting services for the preparation related to procurement for or implementation of the project, if the personnel would be involved in any capacity on the same project;</p> <p>h) If a consultant combines the function of consulting with those of contracting and/or supply of equipment;</p> <p>i) If a consultant is associated with, affiliated to, or owned by a contractor or a manufacturing firm with departments or design offices offering services as consultants unless such consultant includes relevant information on such relationships along with a statement in the technical proposal cover letter to the effect that the consultant shall limit its role to that of a consultant and disqualify itself and its associates from work in any other capacity that may emerge from the</p>
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			<p>project (including bidding for any part of the future project). The contract with the consultant selected to undertake the project shall contain an appropriate provision to such effect; or shall not be recruited for the relevant project. The duties of the consultant depend on the circumstances of each case. While continuity of consulting services may be appropriate in particular situations where no conflict exists, a consultant cannot be recruited to carry out a project that, by its nature, shall result in conflict with a prior or current project of such consultant. Examples of the situations mentioned are when a consultant engaged to prepare engineering design for an infrastructure project shall not be recruited to prepare an independent environmental assessment for the same project; similarly, a consultant assisting a Procuring Entity in privatization of public assets shall not purchase, nor advise purchasers, of such assets; or a consultant hired to prepare terms of reference for a project shall not be recruited for the project in question.”.</p>
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VICENTE T. LAO CONSTRUCTION⁵

7	Section VII. Drawings	<p>We would like to request the complete plan of the said project. The following sheets are not present in the A3 plan provided as indicated in CS-2 to CS-03, Index of Drawings.</p> <ol style="list-style-type: none"> 1. Exterior Sewer System (SS-1 to SS-6) 2. Deepwell (P29.3-0 to P29.3-1) 3. Generator House / Power House (P30.0 to P30-2A) 4. CSSBDE Generator House / Power House (50.0 to P20-2A) 5. Main Entrance & Exit (EB-1 to EB-5) 6. Alternate Entrance & Exit (E9-1 to E9-5) 7. Security Post Tower (E10-1 to E10-3) 	<p>Please refer to the link below.</p> <p>https://drive.google.com/drive/folders/1hQgVahPAnurwru6boS-P9eroikb4QOq0</p>
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⁷ Letter received on 24 August 2021 through email.



NESTER PABLO⁶			
8	Section VII. Drawings	May we request your good office a copy of plan and details of exterior sewer system for our reference in our estimates.	Please refer to the link below. https://drive.google.com/file/d/1KRjF0CVnJu4-JM0Z8iOjCQRY8CYEpnxE/view?usp=sharing
EDDMARI CONSTRUCTION & TRADING⁹			
9	Section I. Invitation to Bid	We were not able to attend your site inspection last August 13, 2021 and we would like to ask your consideration and assistance for us to schedule a Site Inspection at the earliest convenient date.	Bidder's request is rejected. The schedule for site inspection was originally on 16 August 2021 and was amended on 23 August 2021. Due to current pandemic, the End-User can no longer accommodate another inspection. Bidders who were not able to join the inspection are not precluded to participate in the bidding, however, it shall be the Bidder's responsibility to provide accurate bids based on the requirements.
HORAMABI BUILDERS¹⁰			
10	Section II. Instruction to Bidders	1. The project of this magnitude calls for a sizeable SLCC for all participants. Given that in the past most site development projects have been under Php1 Billion pesos, several Triple A contractors, ours included are precluded from participating unless we form a joint venture or consortium with another Contractor, foreign or local, that has an SLCC that qualifies for the project. We are sure that several contractors would also be entering into such arrangements to be eligible. Given the lockdown situation in Metro Manila, particularly at the office of PCAB, would the Bidding and Awards Committee of the PS-DBM strictly require that participants must be certified as registered with the PCAB to be eligible? Or would the distinguished members of the BAC relax this	Not acceptable. Bidders participating as Joint Venture/Consortium are required to submit a valid Special PCAB license during the opening of bids as part of their eligibility.

⁸ Letter received on 24 August 2021 through email.

⁹ Letter received on 24 August 2021 through email.

¹⁰ Letter received on 25 August 2021 through email.

		<p>requirement <u>agree</u> to a submission of publication of the JV or Consortium sufficient while waiting for PCAB's action on the request as compliance to BAC's rules? We believe there have been instances involving projects of the BCDA that this requirement was waived as long as there is proof of application to register and publication. Would the BAC consider allowing such accommodation to ensure an open and responsible bid environment for all participants?</p>	
<p>11</p>	<p>Section II. Instruction to Bidders</p>	<p>2. Should we choose to partner with a foreign company with an office here in the Philippines, would their qualifying SLCC on their home country be allowed as compliance without going through consulate approval from our embassies there since they too may be experiencing lockdowns?</p>	<p>No. Pursuant to Section 23.2 of IRR of RA9184: "In case of foreign bidders, the eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.</p> <p>However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, as defined in Section 8.5.2 paragraph 4 of the 2016 revised IRR of RA No. 9184, except for countries⁴¹ identified by the DFA that will still require legalization (red ribbon) by the relevant Embassy or Consulate."</p>

¹¹ Letter received on 25 August 2021 through email.



By Rule, all other related provisions in the Bidding Documents correspondingly affected by these amendments are likewise deemed amended to conform to this Bid Bulletin.

Amendments made herein shall be considered an integral part of the Bidding Documents.


SIGNATURE REDACTED

JULIUS M. SANTOS

Chairperson, Bids and Awards Committee V

For the purpose of this Bulletin and for better understanding of its contents, the following rules shall apply: (a) Double Strike out – denotes deletion; (b) Underline – denotes inclusion or new item/requirement; and "xxx" – denotes separation of phrase/s being amended from the rest of the main text.