



General Bid Bulletin No. 36
01 July 2021

IFB No. 20-031-6

SOUTH COMMUTER RAILWAY PROJECT
FOR PACKAGES CP S-04, CP S-05, CP S-06, AND CP S-07;
CONSTRUCTION OF CIVIL STRUCTURES: VIADUCTS, BRIDGES,
NINE STATIONS (9) AND DEPOT

TO ALL PROSPECTIVE BIDDERS:

This General Bid Bulletin is issued to amend or clarify certain provisions in the Bidding Documents for the above-mentioned project. Please refer to the details below duly approved by the End-user and Co-Implementer:

1. Annex "A" – CP S-04 to 07 Responses to Clarification Requests (Batch 22)

For your information and guidance.

For the Bids and Awards Committee VI,

SGD.
WEBSTER M. LAUREÑANA
Chairperson

CP S04-07 Responses to Clarification Requests (Batch 22)

Packages	Vol	Sec	Page No.	Clause No./Title	Reference Text (if necessary)	Clarification Request	Final Response
S-06	1	Section 3	EQC 25	2.4.2/ Construction Experience in Key Activities	<p><Requirement> May be complied with by the Bidder or by Specialist Subcontractor. If Specialist Subcontractors are proposed by the Bidder for key activities, each Specialist Subcontract must have experience in related key activity as a single entity.</p> <p>If the key activity is to be undertaken by a Specialist Subcontractor, the Employer shall require evidence of the subcontracting agreement from the Bidder.</p>	<p>According to the laws of the Philippines (ACT&IRR 4566), we understand that the awarded Foreign Contractor as the Main Bidder shall obtain the Special License from PCAB before the commencement date of the Project. However, the details related to the Special License for the Specialist Subcontractors associated with the Main Bidder are uncertain as follows.</p> <p>1. Please confirm that the associated Specialist Subcontractor could be recognized as a member of the Main Bidder, so that the Specialist Subcontractor's branch office may obtain the Special License from PCAB according to the procedures. If not, it seems impossible for the Foreign Specialist Subcontractor to achieve neither the Special License nor to execute the Works of the Key activities.</p> <p>2. If the associated Specialist Subcontractor is NOT recognized as a member of Main Bidder, the only way to obtain the License is by establishing a new corporate entity in the Philippines. In this case, the newborn entity could not apply for the highest grade of license since the track records and business experiences of the Parent company are not going to be accepted by PCAB. Therefore, please clarify that the Specialist Subcontractor's new entity could be accepted by the Employer to execute the Works without consideration of the grade of license.</p> <p>3. The bidder plans to submit the Specialist Subcontract Agreement with a Foreign Specialist Subcontractor during the bidding stage and the Foreign Specialist Subcontractor will establish a new local entity for execution of work after being awarded. Is it acceptable by the Employer? Please confirm.</p>	<p>1. The Subcontracting Agreement between the Main Bidder/JV will be submitted with the Bid and will form part of the Contract. However, the Specialist Subcontractor cannot be recognised as a member of the Main Bidder/JV.</p> <p>The Specialist Subcontractor may still apply for a Special License from PCAB, complying with the requirements in the CIAP website pursuant to the IRR of RA4566.</p> <p>3. This is acceptable.</p>
S-05	1	Section 3	EQC 25	2.4.2/ Construction Experience in Key Activities	<p><Requirement> May be complied with by the Bidder or by Specialist Subcontractor. If Specialist Subcontractors are proposed by the Bidder for key activities, each Specialist Subcontract must have experience in related key activity as a single entity.</p> <p>If the key activity is to be undertaken by a Specialist Subcontractor, the Employer shall require evidence of the subcontracting agreement from the Bidder.</p>	<p>According to the laws of the Philippines (ACT&IRR 4566), we understand that the awarded Foreign Contractor as the Main Bidder shall obtain the Special License from PCAB before the commencement date of the Project. However, the details related to the Special License for the Specialist Subcontractors associated with the Main Bidder are uncertain as follows.</p> <p>1. Please confirm that the associated Specialist Subcontractor could be recognized as a member of the Main Bidder, so that the Specialist Subcontractor's branch office may obtain the Special License from PCAB according to the procedures. If not, it seems impossible for the Foreign Specialist Subcontractor to achieve neither the Special License nor to execute the Works of the Key activities.</p> <p>2. If the associated Specialist Subcontractor is NOT recognized as a member of Main Bidder, the only way to obtain the License is by establishing a new corporate entity in the Philippines. In this case, the newborn entity could not apply for the highest grade of license since the track records and business experiences of the Parent company are not going to be accepted by PCAB. Therefore, please clarify that the Specialist Subcontractor's new entity could be accepted by the Employer to execute the Works without consideration of the grade of license.</p> <p>3. The bidder plans to submit the Specialist Subcontract Agreement with a Foreign Specialist Subcontractor during the bidding stage and the Foreign Specialist Subcontractor will establish a new local entity for execution of work after being awarded. Is it acceptable by the Employer?</p>	<p>1. The Subcontracting Agreement between the Main Bidder/JV will be submitted with the Bid and will form part of the Contract. However, the Specialist Subcontractor cannot be recognised as a member of the Main Bidder/JV.</p> <p>The Specialist Subcontractor may still apply for a Special License from PCAB, complying with the requirements in the CIAP website pursuant to the IRR of RA4566.</p> <p>3. This is acceptable.</p>
S-07		Vol. 3 Sec 7 GCC 4.4		Approval of Subcontractor from overseas		<p>Is it available to issue a special license (like issuing a special license to Main contractor) for subcontractors who have not established a corporation or branch office in the Philippines? (To establish branch at the time of issuance of a special license)</p> <p>Is it possible to get consent of the Engineer to use of subcontractor which is not establish corporations or branches in Philippines or issuing PCAB licenses? If possible, Is it available to issue visas under Main contractor with DOTr's special approval?</p>	<p>Bidder to refer to guidelines and requirements of PCAB in the CIAP website.</p>