

# **BIDDING DOCUMENTS**

**FOR**

**PROCUREMENT OF**

**PACKAGE CP NS-03: ROLLING STOCK -  
LIMITED EXPRESS TRAINSETS**

**Volume I of III**

**PART 1 – BIDDING PROCEDURES**

**February 2021**

<b>Employer:</b>	<b>Department of Transportation</b>
<b>Procuring Agent:</b>	<b>Procurement Service</b>
<b>Country:</b>	<b>Republic of the Philippines</b>
<b>Project:</b>	<b>The Malolos-Clark Railway Project and the North South Railway Project- South Line (Commuter)</b>
<b>JICA Loan No.:</b>	<b>PH-P270</b>

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- Section II. Bid Data Sheet (BDS)
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    - A. General Requirements (ERG)
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**INVITATION FOR BIDS (IFB)**

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## INVITATION FOR BIDS (IFB)

Date: 26 February 2021

Loan Agreement No: PH-P270

IFB No: 21-031-4

1. The Government of the Republic of the Philippines, through the Department of Finance (DOF), has received a Loan from the Japan International Cooperation Agency (JICA) towards the cost of the Malolos-Clark Railway Project and the North South Railway Project-South Line (Commuter). It is intended that part of the proceeds of this loan will be applied to eligible payments under the Contract for the Procurement of Package CP NS-03: Rolling Stock - Limited Express Trainsets.
2. Bidding will be conducted through procedures in accordance with the applicable Guidelines for Procurement under Japanese ODA Loans published in April 2012, and is open to all Bidders from eligible source countries, as defined in the Loan Agreement.
3. The Department of Transportation (DOTr) as the Employer, through its Procuring Agent, Procurement Service (PS), now invites sealed Bids from eligible Bidders for the design, execution and completion of seven (7) limited express trainsets consisting of eight (8) Electric Multiple Units (a total of fifty-six [56] cars) (“the Works”).
4. International Competitive Bidding (ICB) will be conducted in accordance with JICA's “Single-Stage Two-Envelope (Without Prequalification)” Bidding Procedure.
5. Interested eligible Bidders may obtain further information from and inspect the Bidding Documents at the address indicated below from Mondays to Fridays during office hours from 8:00 AM to 6:00 PM:

Procurement Service  
RR Road, Cristobal Street  
Paco, Manila

Telephone Number: (+632) 8-2906300 (TL); 8-2906400 (TL)

Email Address: bac4\_cpns03@ps-philgeps.gov.ph

Websites: [www.ps-philgeps.gov.ph/home/](http://www.ps-philgeps.gov.ph/home/) [PS]

[www.dotr.gov.ph](http://www.dotr.gov.ph) [DOTr]

[www.pnr.gov.ph](http://www.pnr.gov.ph) [PNR]

6. A complete set of the Bidding Documents (with the General Conditions of Contract) may be purchased by interested Bidders upon the submission of a written application to the address indicated in item 5 above and upon payment of a non-refundable fee of Forty-five Thousand Philippine Pesos (PHP 45,000.00).

In addition to the over the counter payment at Procurement Service Cashier and due to the extraordinary circumstance and consistent with the effort of the Philippine Government to curb the further spread of the contagion, **payments may also be made via online domestic and international bank transaction through the following account:**

Bank: **Land Bank of the Philippines – UN Branch**

Account Name: **Procurement Service – DBM**  
Account No: **001442-1012-10**  
Swift Code: **TLBPPHMMXX**

Important Notes:

- i. Due to 72-hours standard wire transfer clearing process for online transfers, bidders are strictly advised to ensure transfer of the payment not later than 25 May 2021.
- ii. Bidders who choose to transfer payments online shall ensure that the amount transferred shall be sufficient to cover the transfer fees of correspondent banks upon conversion of the original currency to Philippines Pesos.
- iii. Bidder shall send proof of payment to the official BAC email on the same day of transfer.
- iv. Please refer to Annex A-1 for the list of Depository Bank.

The Bidding Documents (without the General Conditions of Contract) may also be downloaded by the Bidders for free of charge from the website of PS, DOTr and PNR (indicated in the item 5 above), but Bidders must pay the said non-refundable fee for the Bidding Documents before the submission of their Bids.

7. Bids must be delivered to the address above on or before 10:00 AM on 28 May 2021 and must be accompanied by a Bid Security of Japanese Yen Four Hundred Forty Million Nine Hundred Eighty Thousand (JPY 440,980,000).
8. The Technical Bids will be opened in the presence of Bidders' representatives who choose to attend at the address given in item 5 above, immediately after the deadline for the submission of bids.

  
**SIGNATURE REDACTED**

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**Joseph Conrad D Dueñas**  
Chairperson  
Bids and Awards Committee IV



## Annex A-1

<b>List of Depository Banks</b>				
<b>As of July 15, 2020</b>				
<b>Regular</b>				
<b>No</b>	<b>Name of Bank</b>	<b>Address</b>	<b>Currency</b>	<b>Account No.</b>
1.	Standard Chartered GMBH	Thoedor-Heuss-Allee 112, d-6000036 Frankfurt (Main), Frankfurt	Euro	18009110
2.	Standard Chartered Bank	One Madison Avenue, New York, NY, 10010- 3603	US Dollar	3582-023189-001
3.	Standard Chartered Bank	21/f Sanno Park Tower, 2-11-1 Nagatacho, Chiyoda-ku, Tokyo, 100- 6155 Japan	Japanese Yen	2308126-1110
4.	Standard Chartered Bank	1 Aldermanbury Square, London EC2V 7SB	Pound Sterling	01266376701
5.	JP Morgan Chase Bank, N.A.	One Chase Manhattan Plaza, 30 <sup>th</sup> Floor, New York, NY10081	US Dollar	544-7-37406
6.	DEV. Bank of Singapore Ltd	750E Chai Chee Road #08-04 Technopark @ Chai Chee Singapore 469005	Singapore Dollar	037-003584-0
7.	ANZ Banking Group Ltd	833 Collins St. Docklands 3008 Melbourne Australia	Australian Dollar	868505AUD00001
8.	Zurcher Kantonalbank, Zurich	Postfach, CH-8010 Zurich	Swiss Franc	0700-01289810

<b>FCDU</b>				
<b>No</b>	<b>Name of Bank</b>	<b>Address</b>	<b>Currency</b>	<b>Account No.</b>
1.	Abu Dhabi Commercial Bank	Head Office Building, 10F/PO Box 939, Shiek Zayed Rd., Dubai UAE	AED	10422998001001
2.	Bank of America	335 Madison Avenue, New York, New York 10048	US Dollar	6550-3-96426
3.	Bank of China	36 <sup>th</sup> Floor Philamlife Tower, 8767 Paseo de Roxas, Makati City	Chinese Yuan	970025-2011-011
4.	Bank of New York Mellon	1 Wall Street, Floor 8, New York, New York 10043	US Dollar	8900492597
5.	Citibank PDDTS	10/f Citibank Tower, 8741 Paseo de Roxas, Makati City.	US Dollar	5-010492-019
6.	Citibank	460 West 33 <sup>rd</sup> Street, New York, New York 10043	US Dollar	36008477
7.	Kookmin Bank *	9-1 Namdaemunno 2-ga,	US Dollar	757-8-usd

<b>FCDU</b>				
<b>No</b>	<b>Name of Bank</b>	<b>Address</b>	<b>Currency</b>	<b>Account No.</b>
		Jung-gu, Seoul, Korea		
8.	Landesbank Baden Wurttemberg Stuttgart	Am Hauptbahnhof 2, 70173 Stuttgart/ Germany	Euro	2807287
9.	Mizuho Corporate Bank	1-5-5, Otemachi, Chiyoda-ku, Tokyo 100- 8176, Japan	Japanese Yen	3714010
			US Dollar	3714010
10.	Overseas-Chinese Banking Corp. *	65 Chulla St., OCBC Center, Singapore 0104	US Dollar	501-044044-201
			Singapore Dollar	501-427678-001
11.	Shinhan Bank *	120, 2Ga Taepyung-Ro Jung-Gu, Seoul 100-102, Korea	US Dollar	0147494-USD-01
12.	Wells Fargo Bank NA	One South Broad Street, Philadelphia, PA 19107, PA 4818	US Dollar	2000191136030
13	Woori Bank *	51 Sogong-Ro Jung-gu Seoul 100-792 Korea	US Dollar	W1025001US
			Korea Won	W1025002KR

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## **PART 1 – BIDDING PROCEDURES**

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**SECTION I. INSTRUCTIONS TO BIDDERS (ITB)**

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## **INSTRUCTIONS TO BIDDERS (ITB)**

The Instructions to Bidders governing this bidding process are the Instructions to Bidders included in **Option A**, Single-Stage Two-Envelope Bidding (Section I) of the Standard Bidding Documents for the Procurement of Electrical and Mechanical Plant, and for Building and Engineering Works, Designed by The Contractor (Trial Version) published by JICA in July 2015. Those Instructions to Bidders are available on the JICA's web site shown below:

[http://www.jica.go.jp/english/our\\_work/types\\_of\\_assistance/oda\\_loans/oda\\_op\\_info/guide/te  
nder/index.html](http://www.jica.go.jp/english/our_work/types_of_assistance/oda_loans/oda_op_info/guide/tender/index.html)

A copy of the Instructions to Bidders is not attached to these Bidding Documents, and they will not be part of the Contract.

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## **SECTION II. BID DATA SHEET (BDS)**

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## BID DATA SHEET (BDS)

<b>A. General</b>	
<b>ITB 1.1</b>	The number of the Invitation for Bids is: 21-031-4
<b>ITB 1.1</b>	The Employer is: Department of Transportation (DOTr).
<b>ITB 1.1</b>	The name, identification and number of the lot (contract) comprising this ICB is: Procurement of Package CP NS-03: Rolling Stock – Limited Express Trainsets.
<b>ITB 2.1</b>	The Borrower is: The Government of the Republic of the Philippines.
<b>ITB 2.1</b>	The number of the Loan Agreement is: PH-P270  The amount of the Japanese ODA Loan is: Japanese Yen One Hundred Sixty-Seven Billion One Hundred Ninety-Nine Million (JPY 167,199,000,000).  The signed date of the Loan Agreement is: 21 January 2019.
<b>ITB 2.1</b>	The name of the Project is: The Malolos-Clark Railway Project and the North South Railway Project-South Line (Commuter)
<b>ITB 2.2</b>	The applicable Guidelines for Procurement under Japanese ODA Loans are those published in April 2012.
<b>ITB 3.1(c)</b>	A list of debarred firms and individuals is available at the World Bank’s website: <a href="http://www.worldbank.org/debarr">www.worldbank.org/debarr</a> .
<b>New ITB 4.1</b>	Add the following sentence at the end of Sub-Clause 4.1:  Details of the intended percentage of financial participation of each member in the JV shall be provided in the Technical Bid, together with a statement regarding the proposed role and function of each member and the corporate relationships among the individual members. The agreement entered into between the JV members shall incorporate all such details.
<b>ITB 4.5</b>	This bidding is not subject to prequalification.
<b>B. Bidding Documents</b>	
<b>New ITB 6.5</b>	Add the following Sub-Clause 6.5 after ITB 6.4:  “Site Information” (a ‘read only’ soft copy) may be downloaded from the PS, DOTr and PNR websites listed in ITB 7.1, and is made available to Bidders for their reference. The Bidder should visit, examine and assess the Site, including the likely working conditions, for itself. The Site

	<p>Information, which will not be a part of the Contract, comprises the following:</p> <p><b>Site Data</b></p> <ul style="list-style-type: none"> <li>- Environmental Impact Statement</li> <li>- Environmental Management Plan</li> <li>- Environmental Monitoring Plan</li> <li>- Existing Utility Drawings</li> </ul> <p><b>Site Reference Information</b></p> <ul style="list-style-type: none"> <li>- Topographic Survey Report</li> <li>- Hydrological Report</li> <li>- Traffic Assessment Survey Report</li> <li>- Existing Structure of Historical Importance Report</li> <li>- Safety Rules and Manuals Published by Philippine National Railway (PNR) - available for inspection at the office of PNR with prior appointment</li> </ul>
<p><b>ITB 7.1</b></p>	<p>For <b><u>clarification purposes</u></b> only, and acting on behalf of the Employer, the Procuring Agent’s address is:</p> <p>Attention: Joseph Conrad D Dueñas          The Chairperson          Bids and Awards Committee IV</p> <p>Address: Procurement Service          RR Road, Cristobal Street,          Paco, Manila</p> <p>Tel No. (+632) 8-2906300 (TL); 8-2906400 (TL)          Email Address: bac4_cpns03@ps-philgeps.gov.ph</p>
<p><b>ITB 7.1</b></p>	<p>Responses to any request for clarification, if any, will be published on the web pages indicated below.</p> <p>Web pages:  <a href="http://www.ps-philgeps.gov.ph/home/">www.ps-philgeps.gov.ph/home/</a>  <a href="http://www.dotr.gov.ph">www.dotr.gov.ph</a>  <a href="http://www.pnr.gov.ph">www.pnr.gov.ph</a></p> <p>For any requests for clarifications, prospective Bidders shall submit them in writing using the template provided in Attachment-1 to this Bid Data Sheet, together with a cover letter signed by the Bidder’s Authorized Representative. The prospective Bidders shall submit a hardcopy of the cover letter and clarification request to the Procurement Service or email electronic copies in PDF and Word format.</p>



<b>ITB 7.4</b>	<p>A Pre-Bid Conference will take place at the following date, time and place:</p> <p>Date: 12 March 2021</p> <p>Time: 10:00am</p> <p>Place: Procurement Service RR Road, Cristobal Street, Paco, Manila</p> <p>The Pre-Bid Conference will be open to all interested parties, including those who have not purchased the Bidding Documents. Pursuant to the Presidential Proclamation on <b>COMMUNITY QUARANTINE</b> and <b>STRICT</b> implementation of social distancing due to the COVID-19 pandemic, the Procurement Service shall limit the number of attendees to a maximum of three (3) representatives per organization. Interested bidders are advised to notify the Committee of their intent to physically attend, with an advice on the number and names of the representatives. The sated notification may be sent to the same official email address.</p> <p>All interested parties may access the Pre-Bid Video Conference call through this link: <a href="https://meet.google.com/tzt-knug-dtu">meet.google.com/tzt-knug-dtu</a> using the Google Meet Platform on the scheduled Pre-bid conference as stated above. Potential bidders who access the link shall be required to input their attendance, name, representation, and contact details as traditionally required in physical meetings</p> <p>Site Visits conducted by the Employer may be held if so requested by the Bidders. A document titled “Guidelines to the Site Visit” is included in Attachment-2 to this Bid Data Sheet.</p>
<b>New ITB 7.7</b>	<p>Visa Issuance and Entry Permits for Bidders Participating in Ongoing Procurements for DOTr Railways Section Project</p> <p>In relation to the ongoing procurement activities for various DOTr Railways Sector projects, this is to inform all Bidders that DOTr shall provide assistance to those requesting visa issuance and entry permits into the Philippines, subject to the following conditions:</p> <ol style="list-style-type: none"><li>1. Only bidders who have purchased bidding documents can request such assistance;</li><li>2. Each bidder shall propose a maximum of fifteen (15) personnel for each Contact Package;</li><li>3. Each bidder shall fill the form attached herewith as Attachment-3 (request with unfilled or incomplete forms will not be processed);</li><li>4. Each bidder shall submit to the BAC Secretariat (not to the</li></ol>

	<p>DOTr) a request letter, together with the filled Attachment-3, after which such request shall be forwarded by the BACC Secretariat to DOTr focal persons for processing;</p> <p>5. All updates, supplements, and follow-up shall be made through the BAC Secretariat only; and</p> <p>6. All bidders shall strictly follow all health protocols for foreign nationals entering the Philippines.</p>
<b>ITB 8.2</b>	Addenda, if any, will be published on the websites given under ITB 7.1.
<b>C. Preparation of Bids</b>	
<b>ITB 10.1</b>	The language of the Bid is: English.
<b>ITB 11.2 (l)</b>	The Bidder shall submit with its Technical Bid the following additional documents: refer to Section IV for the list including additional documents to be attached to the Technical Bid.
<b>ITB 11.3 (d)</b>	The Bidder shall submit with its Price Bid the following additional documents: refer to Section IV for the list including additional documents to be attached to the Price Bid.
<b>ITB 13.1</b>	Alternative Bids are not permitted.
<b>ITB 16.1</b>	The contract spare parts, special tools, etc. shall be supplied for a period of four (4) years from the date of completion of the Works, as a part of a Lump Sum offer, and as specified in the Employer’s Requirements. The spare includes the Operation and Maintenance spare after the DNP. Reference must also be made to the Employer’s Requirements Technical Specifications Sections regarding the provision of spare parts and special tools, required during and after the Defects Notification Period.
<b>ITB 18.1</b>	Bidders shall quote for the entire Works on a single responsibility basis.
<b>ITB 18.7</b>	<p>1. The Government of the Republic of the Philippines shall, by itself or through its executing agency, assume responsibility for:</p> <p>(i) all duties and related fiscal charges imposed in the Republic of the Philippines on the Japanese companies operating as suppliers and contractors with respect to the import and re-export of their own materials and equipment needed for the implementation of the Project; and</p> <p>(ii) all fiscal levies and taxes imposed in the Republic of the Philippines on the Japanese companies operating as suppliers and contractors with respect to the payment carried out for and the income accruing from the supply of products and/or services</p>

	<p>required for the implementation of the Project; and</p> <p>(iii) all fiscal levies and taxes imposed in the Republic of the Philippines on the Japanese employees engaged in the implementation of the Project with respect to their personal income derived from the Japanese companies operating as suppliers and contractors for the implementation of the Project.</p> <p>In connection with such tax assumption, the Government of the Republic of the Philippines or its executing agency shall be responsible for the liquidation or settlement of such fiscal levies, duties, taxes and other similar charges. In particular, the Government of the Republic of the Philippines shall assume the Value-Added Tax (VAT) to the Contractor in accordance with the Law of the Country.</p> <p>2. Description below made available to Bidders for their reference, but not limited to:</p> <p>(i) VAT:</p> <p>VAT registered suppliers and subcontractors of the Japanese companies, shall bill and pass on the twelve percent (12%) to the Japanese companies/contractors. In turn, the Japanese contractors shall include in their billing and pass on the 12% VAT to the Employer. Therefore, VAT, except VAT on imports, shall be incorporated into the Local Unit Prices (PhP) and Local Amounts (PhP) of the Bid Price. It will be the responsibility of the Japanese Contractor to file the prescribed VAT returns on gross receipts derived from the Project, claim their input taxes from their purchase of goods, properties and services from their suppliers or subcontractors and shall pay the output tax or VAT thereon, after offsetting the creditable or allowable input taxes, considering that the amount intended for payment of the VAT has already been collected and received by the Japanese contractors or nationals from the Employer as part of the total billing/invoice price. (RMC No. 8-2017).</p> <p>(ii) Import VAT and Import duties:</p> <p>Import VAT and Import duties will be assumed by the Employer, following the tax assumption scheme.</p> <p>(iii) Corporate Income Tax, Personal Income Tax and Fringe Benefit Tax:</p> <p>For income tax, Japanese contractor shall file its income tax return and the Bureau of Internal Revenue (BIR) shall collect the income tax due from the government executing agency i.e. Department of Transportation (DOTr) (RMC No. 42-99).</p>
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	<p>(iv) Withholding Tax</p> <p>The Contractor shall be responsible of filing with the BIR for the Corporate Tax Requirements in the Philippines.</p> <p>(v) Local Business Tax:</p> <p>Local Business Tax will be assumed by the Employer, following the tax assumption scheme.</p> <p>(vi) Branch Profit Remittance Tax (BPRT):</p> <p>The Employer shall assume the BPRT for branch profits remitted by the Japanese Contractor to its head office in Japan out of its income derived from the supply of products and/or services required for the implementation of the project.</p> <p>Refer to the guidelines below:</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">RMC No. 8-2017</td> <td>Clarifies the tax treatment of Value-Added Tax on government money payments for OECF-funded projects under Exchange of Notes between Republic of the Philippines and the Government of Japan</td> </tr> <tr> <td>RMC No. 42-99</td> <td>Amending Revenue Memorandum Circular No. 32-99</td> </tr> <tr> <td>DOF-DBM Joint Circular No. 1 dated April 30, 2014</td> <td>Rules, Guidelines And Procedures In Implementing The Tax Expenditure Subsidy Section Under The General Provisions Of The Annual General Appropriations Act</td> </tr> </table> <p>(Note: Bidders shall refer to the following websites for any possible updates in the guidelines: <a href="http://www.dbm.gov.ph">www.dbm.gov.ph</a>, <a href="http://www.bir.gov.ph">www.bir.gov.ph</a>)</p>	RMC No. 8-2017	Clarifies the tax treatment of Value-Added Tax on government money payments for OECF-funded projects under Exchange of Notes between Republic of the Philippines and the Government of Japan	RMC No. 42-99	Amending Revenue Memorandum Circular No. 32-99	DOF-DBM Joint Circular No. 1 dated April 30, 2014	Rules, Guidelines And Procedures In Implementing The Tax Expenditure Subsidy Section Under The General Provisions Of The Annual General Appropriations Act
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<b>ITB 18.9</b>	<p>Add the following new Sub-Clause after Sub-Clause 18.8:</p> <p>The bids shall be priced and programmed on a pre-COVID-19 basis, i.e. excluding the Republic of the Philippines public health and safety emergency legislation: Emergency Community Quarantine, and any impacts and mitigation measures recommended in DPWH Departmental Order No. 39, 2020.</p> <p>However, the Employer acknowledges that the COVID-19 pandemic (including potential future waves and/or mutations of the original virus), its effect on people, on business operations and supply chains, and the Government of the Philippines’ (“<b>GOP</b>”), Local Government Units’ (“<b>LGU</b>”), and other governments’ response measures (including any legally-constituted public authority), are likely to have an effect on the eventual Contractor’s Work Programme and Financial Proposal (“<b>COVID-19 Effects</b>”).</p> <p>Given the above, the Employer will recognize the eventual Contractor’s claims for:</p> <ul style="list-style-type: none"><li>(a) Extension of Time for delays that the Contractor can demonstrate to the satisfaction of the Engineer were caused by the COVID-19 Effects, including but not limited to complying with instructions from the Employer on COVID-19 response measures;</li><li>(b) Additional Costs, as defined in the Part 3 - Conditions of Contract in the Bidding Documents, including for delay, impediment, prevention, disruption, and/or prolongation that the Contractor can demonstrate to the satisfaction of the Engineer were caused by the COVID-19 Effects, including but not limited to complying with instructions from the Employer on COVID-19 response measures, further including COVID-19 related measures in the Contractor’s Engineer-approved Health and Safety Plan, and further including financing cost that may be incurred as a result of the COVID-19 Effects, such as security and insurance, provided, that overhead was actually incurred and related to the COVID-19 Effects, and provided further, that in cases covered by sub-clauses 3.3. (Instructions of Engineer) and 13 (Variations and Adjustments), the additional Cost shall be together with profit; and</li><li>(c) Additional Costs that the Contractor can demonstrate to the satisfaction of the Engineer are necessary to comply with instructions from the Employer for COVID-19 acceleration measures, which shall comprise of measures intended to</li></ul>
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	<p>accelerate the realization of Key Dates and/or Completion to offset any Extension of Time that may be caused by the COVID-19 Effects,</p> <p>pursuant to the General Conditions (“GC”) and Particular Conditions (“PC”) in the Bidding Documents, including sub-clauses 3.3. (Instructions of Engineer), 3.5 (Determinations), 8.4 (Extension of Time for Completion), 8.5 (Delays Caused by Authorities), 13 (Variations and Adjustments), 13.7 (Adjustment for Changes in Legislation), 19 (Force Majeure), and 20.1 (Contractor’s Claims), and subject to observance of the applicable communication obligations under the GC and PC in the Bidding Documents, such as sending of notices and keeping of contemporary records, with the Engineer taking due regard of all relevant circumstances, including the FIDIC Golden Principles and the extraordinary challenge posed by COVID-19.</p> <p>The Employer is in the process of finalizing a mechanism to address all COVID-19 Effects related issues and claims that it intends to use for all its ADB- and JICA-funded projects. This mechanism, once finalized, will be published in a bid bulletin.</p>
<p><b>ITB 19.1</b></p>	<p>The currency(ies) of the Bid shall be as described below:</p> <p>The unit rates and prices shall be quoted by the Bidder in the Price Schedule separately in the following currencies:</p> <ul style="list-style-type: none"> <li>i) for those inputs to the Works that the Bidder expects to supply from within the Employer’s country, in Philippine Peso, the name of the currency of the Employer’s country, and further referred to as “the local currency”; and</li> <li>ii) for those inputs to the Works that the Bidder expects to supply from outside the Employer’s country (referred to as “the foreign currency requirements”), in Japanese Yen and/or United States Dollars and/or Euro.</li> </ul>
<p><b>ITB 20.1</b></p>	<p>The Bid validity period shall be two hundred ten (210) days.</p>
<p><b>ITB 20.3 (a)</b></p>	<p>The Bid Price shall be adjusted by the following factor: Not applicable.</p>
<p><b>ITB 20.3 (b)</b></p>	<p>The fixed portion of the Bid Price shall be adjusted by the following factor:</p> <p>The local currency portion (Philippine Peso) of the fixed portion of the Contract Price shall be adjusted by applying the Consumer Price Index of the Philippines (all items) published by the Philippine Statistics Authority (PSA).</p> <p>The foreign currency portion (Japanese Yen) of the fixed portion of the</p>

	<p>Contract Price shall be adjusted by applying the Consumer Price Index of all items, published by the Statistics Bureau of Japan.</p> <p>The foreign currency portion (United States Dollars and/or Euro) of the fixed portion of the Contract Price shall be adjusted by applying the Consumer Price Index published by the institutional organization in the originating country.</p>
<b>ITB 21.1</b>	<p>The amount and currency of the Bid Security shall be Japanese Yen Four Hundred Forty Million Nine Hundred Eighty Thousand (JPY 440,980,000).</p> <p>If the Bid Security is in the form of a cashier's or certified check, it shall be made payable to "PROCUREMENT SERVICE".</p>
<b>ITB 21.2 (d)</b>	<p>Other types of acceptable securities: None.</p>
<b>ITB 22.1</b>	<p>In addition to the original version of the Bid (in hardcopy format), the required number of copies is: five (5) hard copies and two (2) electronic (soft) copies in readable Compact Disc (CD) ROMs of the Technical Bid and the Price Bid, respectively. It is sufficient that only the "ORIGINAL" Bid is submitted with original signatures and initials and that the five (5) hard copies may be photocopies of the signed and initialed "ORIGINAL" Bid.</p> <p>Each CD ROM is required to contain all of the respective documents in either Portable Document Format (.pdf) or Microsoft Word (.doc/.docx), arranged in exactly the same sequence as in the original set. In the event of any conflict between the printed (paper) copies and the electronic copies, the original printed (paper) copies shall prevail.</p> <p>The CD ROM for the Technical Bid is to be inserted into the envelope marked '<u>Technical Bid - Copy</u>', and the CD ROM for the Price Bid is to be inserted into the envelope marked 'Price Bid - Copy'. Bidders are required to include in the CD ROM submitted with the Price Bid the Microsoft Excel files (.xls/.xlsx) for Price Schedules 1.1 (General Items) through to and including 1.6 (Spare Parts and Special Tools).</p> <p>For easy reference, the Bidders are required to submit their Bids with index tabs corresponding to the order of Appendix 8: Bid Submission Index. Bidders are also required to submit Appendix 6.1: Proposed Bid Program in color with each copy of the Technical Bid.</p>

<p><b>ITB 22.2</b></p>	<p>The written confirmation of authorization to sign on behalf of the Bidder shall, corresponding to whether the Bidder is a Corporation, Partnership, Joint Venture (JV) or Sole Proprietorship, consist of the applicable documents, as follows:</p> <table border="1" data-bbox="424 495 1394 730"> <thead> <tr> <th></th> <th>TYPE OF ENTITY</th> <th>DOCUMENT</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Corporation</td> <td>Board Resolution with Board Secretary Certificate</td> </tr> <tr> <td>2</td> <td>Partnership</td> <td>Articles of Partnership</td> </tr> <tr> <td>3</td> <td>Sole Proprietorship</td> <td>Special Power of Attorney (SPA)</td> </tr> </tbody> </table> <p>For a Japanese Company bidding as a Corporation, a SPA may be substituted for a Board Resolution with Board Secretary Certificate.</p> <p>However, in the case of a JV, evidence shall be provided to demonstrate that the person(s) signing the SPA is authorized to sign for and on behalf of each member of the JV.</p>		TYPE OF ENTITY	DOCUMENT	1	Corporation	Board Resolution with Board Secretary Certificate	2	Partnership	Articles of Partnership	3	Sole Proprietorship	Special Power of Attorney (SPA)
	TYPE OF ENTITY	DOCUMENT											
1	Corporation	Board Resolution with Board Secretary Certificate											
2	Partnership	Articles of Partnership											
3	Sole Proprietorship	Special Power of Attorney (SPA)											
<p><b>D. Submission and Opening of Bids</b></p>													
<p><b>ITB 24.1</b></p>	<p>For <b><u>Bid submission purposes</u></b> only, and acting on behalf of the Employer, the Procuring Agent’s address is:                  Attention: Joseph Conrad D Dueñas                  The Chairperson                  Bids and Awards Committee IV</p> <p>Address: Procurement Service                  RR Road, Cristobal Street,                  Paco, Manila</p> <p><b>The deadline for Bid submission is:</b>                  Date: 28 May 2021                  Time: 10:00 AM</p>												
<p><b>ITB 27.1</b></p>	<p>The opening of the Technical Bids shall take place immediately after the deadline for submission of Bids in the presence of Bidders’ representatives who choose to attend at:</p> <p>Address: Procurement Service                  RR Road, Cristobal Street,                  Paco, Manila</p> <p>Date: 28 May 2021                  Time: 10:00 AM</p>												



<b>E. Evaluation and Comparison of Bids</b>	
<b>ITB 37.1</b>	<p>The currency that shall be used for Bid evaluation and comparison purposes to convert all Bid Prices expressed in various currencies into a single currency is: Philippine Peso.</p> <p>The source of exchange rate shall be: Bangko Sentral ng Pilipinas (BSP, the Central Bank of the Philippines).</p> <p>The date for the exchange rate shall be: 28 April 2021. In the event of non-availability of exchange rate in the BSP website due to non-working days, the Bidder shall apply the exchange rate of the following working day.</p>
<b>ITB 38.2(c)</b>	<p>Replace the wording of ITB 38.2(c) with the following: “price adjustment due to any discount offered in accordance with ITB 18.6 and ITB 18.4.”</p>

**ATTACHMENT-1 TO THE BID DATA SHEET**

**TEMPLATE FOR CLARIFICATIONS**

<b>THE MALOLOS – CLARK RAILWAY PROJECT AND THE NORTH SOUTH RAILWAY PROJECT-SOUTH LINE (COMMUTER)</b>	
<b>CP NS-03: ROLLING STOCK - LIMITED EXPRESS TRAINSETS</b>	
Name of Prospective Bidder:	<i>[Insert name of prospective bidder]</i>
Date:	<i>[Insert date of submission of queries/comments]</i>

<b>Item No.</b>	<b>Volume &amp; Section No.</b>	<b>Page No.</b>	<b>Clause No. / Title</b>	<b>Reference Text (if necessary)</b>	<b>Clarification Request</b>	<b>Proposed Revised Text (if any)</b>
1						
2						
3						
4						
5						

Note:

1. The submission of the clarification shall be in hardcopy and editable soft copy to PS-DBM.

## **ATTACHMENT-2 TO THE BID DATA SHEET**

### **GUIDELINES TO THE SITE VISIT**

#### **I. SITE VISIT CONDUCTED BY THE EMPLOYER**

A site visit conducted by the Employer may be held if so requested by the Bidders.

#### **II. REQUEST FOR AUTHORITY TO CONDUCT SITE VISIT**

1. Site visits/visual inspections shall be only between the hours of 8:00 AM to 5:00 PM during weekdays, up until seven (7) calendar days before the Bid submission date.
2. A Bidder who wishes to participate in site visits shall address its request to the Chairperson, Bids and Awards Committee for CP NS-03. Such request must be accompanied by a duly accomplished Confirmation Form.
3. The Confirmation Form shall be submitted to the Procurement Service (PS) BAC through its Secretariat in writing at least three (3) working days before the desired date for the site visit, or requested by fax or email. The following are the applicable contact numbers:

##### **CHAIRPERSON**

**BIDS AND AWARDS COMMITTEE IV for CP NS-03**  
RR Road, Cristobal Street,  
Paco, Manila

Telephone No.: (+632) 8-2906300 (TL); 8-2906400 (TL)

Email Address: bac4\_cpns03@ps-philgeps.gov.ph

4. Only formal requests for site visits, duly received by the PS BAC, will be processed.
5. The PS-BAC will forward the copy of the request, including the duly accomplished Confirmation Form, to the Department of Transportation (DOTr) End-User.
6. A maximum of eight (8) representatives per Bidder will be allowed to join the site visit. In the absence of any of the representatives indicated in the Confirmation Form, alternate representatives may be allowed to join the site visit in place of the absent representatives.

#### **III. ATTIRE**

Bidders' representatives who will be joining the site visit are encouraged to wear appropriate attire, including the following (according to the nature and location of the visit):

1. safety helmet, safety vest, and non-slip safety shoes or rubber boots; and
2. working overalls or similar attire - loose casual clothing should be avoided as much as possible.

#### **IV. CONDUCT OF SITE VISIT / INSPECTION**

1. Duly designated authorized PS/DOTr-PNR and other appropriate personnel will assist in the conduct of the site visit.
2. PS/DOTr-PNR personnel, including its contractors and service providers who are working on-site, as well as the members of the BAC, the Technical Working Group (TWG), BAC Secretariat and DOTr End-User unit, will not entertain and answer questions from Bidders. Bidders are therefore advised to send their queries in writing and address the same to the PS BAC Chairperson.
3. The requested activity as well as the personnel involved therein must not in any way impede or interfere with the normal operations and maintenance of the PNR, the activities of the PNR personnel, and/or the normal movements of the PNR passengers.
4. In order to facilitate the orderly conduct of the site visit and for easy mobility, bidders are encouraged not to bring heavy or bulky materials, equipment or gadgets. The materials, equipment or gadgets in the list submitted by the Bidder will be subject to the inspection and approval of the PNR prior to entry in the PNR premises.
5. In case any activity is conducted inside the train, the Bidder's personnel must not tamper with, handle or operate train controls at any time.
6. All representatives involved in the activity must log-in/log-out with the designated security personnel and wear proper identification tags at all times while inside the PNR premises.
7. Taking of videos and photographs during the site visit is allowed, provided that these shall only be used by the Bidders, and only for purposes of the subject procurement process.
8. The "NO-SMOKING, NO-EATING/DRINKING, AND NO-LITTERING" policy inside the PNR premises shall be strictly observed. The Bidders' representatives shall ensure that the activity area is clean and in order upon leaving the premises. All waste materials used by the Bidders' representatives must be completely cleaned up and brought out of the PNR premises by the said representatives.
9. Each Bidder shall be responsible for the conduct of its representative(s) at all times. Bidders shall not hold DOTr-PNR liable for any injury or loss suffered by them or their personnel while inside the PNR premises. However, any damage or loss suffered by the DOTr-PNR as a result of the actions of the bidder's personnel shall be charged against the offending Bidder.
10. Bidders are not allowed to request for documents, records manuals and the like during the site visit. All documents, record manuals, and similar documents, if

required, must be requested in writing and addressed to the PS BAC, and they may be issued through a supplement/bid bulletin in the websites of the PS, DOTr and PNR, if PS or DOTr considers it appropriate to issue them.

11. Minutes of the site visit will not be prepared. Any statement made by any official, employee, personnel and/or contractor of PS, DOTr, PNR or any of their personnel shall not be binding nor render any effect with respect to the subject procurement process or project unless the same is addressed or contained in a duly promulgated supplement/bid bulletin.
12. Unless otherwise amended by a subsequent version, the provisions in these guidelines shall continue to apply.
13. Due to COVID-19, access to PNR property is restricted. All visitors are required to make application for a COVID-19 Work Access Permit using the link below. Bidder shall comply with the necessary procedure to obtain this permit.

[https://www.pnr.gov.ph/images/Forms/PNR\\_COVID19\\_Work\\_Access\\_Permit\\_Application\\_Form.pdf](https://www.pnr.gov.ph/images/Forms/PNR_COVID19_Work_Access_Permit_Application_Form.pdf)

## Form A

### CONFIRMATION FORM

THE MALOLOS-CLARK RAILWAY PROJECT AND  
THE NORTH SOUTH RAILWAY PROJECT-SOUTH LINE (COMMUTER)  
**CONTRACT PACKAGE CP NS-03: ROLLING STOCK - LIMITED EXPRESS TRAINSETS**

Bidder's Name: \_\_\_\_\_

*The Bidder hereby nominates the following authorized representative/s to participate in the site visit for the above-mentioned project and undertakes to abide by the Guidelines for the Site Visit as provided by PS, and DOTr-PNR.*

#### List of Personnel to Enter the Facility

Maximum of eight (8) representatives per Bidder

	NAME	DESIGNATION	EMAIL ADDRESS	CONTACT NO.	SIGNATURE
1					
2					
3					
4					
5					
6					
7					
8					

#### Alternate Representatives

(In the absence of the above-mentioned representatives):

	NAME	DESIGNATION	EMAIL ADDRESS	CONTACT NO.	SIGNATURE
1					
2					
3					
4					

#### List of Materials/Equipment/Gadget to be Brought into the Facility by the Bidder

LIST OF ITEMS/MATERIALS/EQUIPMENT/GADGETS	
1	
2	
3	
4	

\_\_\_\_\_  
Name and Signature of Authorized Representative

\_\_\_\_\_  
Date

Attachments:

Copy of a name card of each representative.

**ATTACHMENT-3 TO THE BID DATA SHEET**

**TEMPLATE FOR VISA ISSUANCE AND ENTRY PERMITS FOR BIDDERS PARTICIPATING IN ONGOING PROCUREMENTS  
 FOR DOTR RAILWAYS SECTION PROJECT**

No.	Name of Project	Contract Package, if applicable	Name of Company	Name of Personnel	Position	Nationality	Origin Country	Date of last entry in the Philippines	Place to lodge Visa	Type of Visa Application/Holder/ Indicate if it's renewal	Reason for re-entry	Contract person of the arriving passenger, or focal person in the Philippines
1.												
2.												
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												
13.												
14.												
15.												

**SECTION III. EVALUATION AND QUALIFICATION CRITERIA  
(EQC)**



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## **EVALUATION AND QUALIFICATION CRITERIA (EQC)**

For the purposes of this bidding process, the Procurement Service, as the Employer’s Procuring Agent, shall carry out the evaluation of Bids, the results of which shall be subject to the Employer’s approval.

### **1. Evaluation Procedure**

- 1.1. The Bids shall be evaluated and compared through the following steps as specified in ITB 31 through ITB 39. The Employer’s determination of a Bid’s responsiveness will be based on the contents of the Bid submitted by the Bidder as specified in ITB 11.2 and 11.3.

Step 1: Preliminary Examination of Technical Bids, and Eligibility and Qualification of Bidders

Step 2: Determination of Responsiveness and Detailed Evaluation of Technical Bids

Step 3: Evaluation of Price Bids and Comparison of Bids

Step 4: Ranking of Bids

- 1.2. Step-1: Preliminary Examination of Technical Bids, and Eligibility and Qualification of Bidders, will consist of checking the Bids to confirm their compliance with the requirements of the Bidding Documents.
- 1.3. Step-2: The technical appropriateness and viability of the Bids will be evaluated based on the contents of the Bid itself, using the “PASS or FAIL” method.
- 1.4. Step-3: The Price Bids of only those Bidders whose Technical Bids comply with the requirements of the Bidding Documents (as determined under Step 1 and Step 2 described above) will be opened and evaluated. Bids that do not so comply will be rejected. The financial and commercial aspects of the Bids will be examined to ascertain the reasonability, balance and correct calculation of Bid Prices and the evaluated Bid amount.
- 1.5. Step-4: Each of the Bids that pass the above evaluation steps will be ranked in order of the evaluated Bid amount.

### **2. Step 1: Preliminary Examination of Technical Bids, and Eligibility and Qualification of Bidders**

#### **2.1. Preliminary Examination**

Preliminary Examination of Technical Bids and Eligibility and Qualification of Bidders will consist of checking the Technical Bids to confirm their compliance with the requirements of the Bidding Documents in the following respects:

- (a) Prerequisites for rejection of Bids;
- (b) Completeness and responsiveness of Technical Bids; and
- (c) Eligibility and Qualification of the Bidders.

A substantially responsive Bid is one that meets the requirements of the Bidding Documents without material deviation, reservation, or omission. A deviation, reservation, or omission is as defined in ITB 30.

Provided that a Bid is substantially responsive, the Employer may waive any non-conformities in the Technical Bid that do not constitute a material deviation, reservation, or omission.

## 2.2. Prerequisites for Rejection of Bids

In accordance with ITB 31.2, if any of the following documents or information is missing, the Bid shall be rejected:

- 1) Letter of Technical Bid;
- 2) written confirmation of authorization to commit the Bidder;
- 3) Bid Security; and
- 4) Technical Proposal.

## 2.3. Completeness and Responsiveness of Technical Bids

In accordance with ITB 31.1, the Employer will examine each Technical Bid to confirm that all documents and technical documentation requested in ITB 11.2 have been provided, and to determine the completeness and responsiveness of each document submitted.

Completeness and responsiveness of Technical Bids will be assessed according to the following major criteria, and any Technical Bids that do not conform to any of these criteria may be considered as non-responsive, and eliminated from further evaluation. Provided that a Technical Bid is substantially responsive, the Employer may waive any non-conformities in the Technical Bid that do not constitute a material deviation, reservation or omission, subject to the valid clarification by the Bidder upon request by the Employer.

- 1) The Bid must be submitted in the required number of originals and number of copies.
- 2) The Bid shall comprise the documents/information requested in accordance with ITB 11.2.
- 3) All of the Bidding Forms and Documents shall be completely filled in by the Bidder. All pages of the Bidding Forms shall be signed or initialed by the Bidder's Authorized Representative as required.
- 4) A Bid submitted by a Joint Venture shall include the Joint Venture (JV) Agreement or the letter of intent to execute a JV Agreement, including a copy of the draft thereof, in accordance with ITB 11.2(e). The JV Agreement must specify the authorities, obligations, portions of works to be performed and their intended percentages and financial participation of each member of the JV.
- 5) The Bid Security must be in compliance with requirements on validity period, value and currency as required under ITB 21, stating the name of the Bidder and certified by an authorized signatory of the guarantor.

## 2.4. Eligibility and Qualification of Bidder

### 2.4.1. Eligibility of Bidder

The Bidder must satisfy all requirements under ITB 4, otherwise the Bid will be rejected.

### 2.4.2. Qualification of Bidder

The Bidder shall meet the minimum requirements regarding Eligibility, Historical Contract Non-Performance, Financial Situation and Experience for the qualifying criteria using the forms included in Section IV, Bidding Forms. The method entails setting pass-fail criteria and, if it is found that any Bidder does not meet the minimum thresholds criteria specified in EQC 2.5 (Compliance Requirements), its Bid will be rejected.

### 2.4.3. Exchange Rate for Qualification Criteria

Wherever the Bidder is required to indicate the USD equivalent for a monetary amount given in another currency for the purposes of completing the forms in “D. BIDDER’S QUALIFICATION FORMS” (under SECTION IV BIDDING FORMS), the rate of exchange to be used shall be determined as follows:

- a. For turnover or financial data required for each year – the exchange rate prevailing on the last day of the respective calendar year.
- b. For the value of a single contract – the exchange rate prevailing on the date of the contract.

Exchange rates shall be taken from the publicly available source identified in BDS 37.1 or, in the case that such rates are not available in the source identified therein, any other publicly available source acceptable to the Employer. Any error in determining the exchange rates may be corrected by the Employer.

2.5. Compliance Requirements

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
2.5.1. Eligibility							
2.5.1.1	<b>Nationality</b>	Nationality in accordance with ITB 4.3	Must meet requirement	N/A	Must meet requirement	N/A	Forms ELI - 1 and ELI - 2, with attachments
2.5.1.2	<b>Conflict of Interest</b>	No conflicts of interest in ITB 4.2	Must meet requirement	N/A	Must meet requirement	N/A	Letter of Technical Bid
2.5.1.3	<b>JICA Ineligibility</b>	Not having been declared ineligible by JICA, as described in ITB 4.4	Must meet requirement	N/A	Must meet requirement	N/A	Letter of Technical Bid Form ACK

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>2.5.2. Historical Contract Non-Performance</b>							
2.5.2.1	<b>History of Non-Performing Contracts</b>	Non-performance of a contract <sup>(i)</sup> did not occur as a result of contractor's default since <b>1<sup>st</sup> January 2019</b> .	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON
2.5.2.2	<b>Pending Litigation</b>	All pending litigation shall in total not represent more than <b>fifty percent (50%)</b> of the Bidder's net worth and shall be treated as resolved against the Bidder.	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON
2.5.2.3	<b>Litigation History</b>	No consistent history of court/arbitral award decisions against the Bidder <sup>(iii)</sup> since <b>1<sup>st</sup> January 2015</b> .	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON
<p><u>Notes for the Bidder:</u></p> <p>(i) Non-performance, as decided by the Employer, shall include all contracts:</p> <p>(a) where non-performance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract; and</p> <p>(b) that were so challenged but fully settled against the contractor.</p> <p>Non-performance shall not include contracts where Employer's decision was overruled by the dispute resolution mechanism. Non-performance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Bidder have been exhausted.</p> <p>(ii) This requirement also applies to contracts executed by the Bidder as a JV member.</p> <p>(iii) The Bidder shall provide accurate information on the related Bidding Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five (5) years. A consistent history of awards against the Bidder or any member of a joint venture may result in rejection of the Bid.</p>							

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>2.5.3. Financial Situation</b>							
2.5.3.1	<b>Financial Performance</b>	The audited balance sheets or, if not required by the laws of the Bidder's country, other financial statements acceptable to the Employer, for the last <b>five (5) years</b> shall be submitted and must demonstrate <sup>(xi)</sup> the current soundness of the Bidder's financial position and indicate its prospective long-term profitability.  As the minimum requirement, a Bidder's net worth calculated as the difference between total assets and total liabilities should be positive.	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN - 1 with attachments
2.5.3.2	<b>Average Annual Turnover</b>	Minimum average annual turnover of <b>One Hundred Million US Dollars (USD 100,000,000)</b> , calculated as total certified payments received for contracts in progress and/ or completed within the last <b>five (5) years</b> , divided by <b>five (5) years</b> .	Must meet requirement	Must meet requirement	Must meet <b>twenty-five percent (25%)</b> of the requirement	Must meet <b>forty percent (40%)</b> of the requirement	Form FIN - 2

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Factor	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
2.5.3.3	<b>Financial Resources</b>	(i) The Bidder shall demonstrate <sup>(xi)</sup> that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the cash flow requirements estimated as <b>Twenty-Four Million US Dollars (USD 24,000,000)</b> for the subject contract(s) net of the Bidder's other commitments.	Must meet requirement	Must meet requirement	Must meet <b>twenty-five percent (25%)</b> of the requirement	Must meet <b>forty percent (40%)</b> of the requirement	Form FIR - 1
		(ii) The Bidder shall also demonstrate <sup>(xi)</sup> , to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.	Must meet requirement	Must meet requirement	N/A	N/A	Form FIR - 1 and Form FIR - 2



Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
2.5.4. Experience							
2.5.4.1	<b>General Experience</b>	Experience under contracts in the role of prime contractor (single entity or JV member), subcontractor or management contractor <sup>(i)</sup> for at least the last <b>ten (10)</b> years, from <b>1<sup>st</sup> January 2009</b> .	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP-1
2.5.4.2(a)	<b>Specific Experience</b>	A minimum number of <b>two (2)</b> similar contracts <sup>(ii)</sup> that have been satisfactorily and/or substantially completed <sup>(iii)</sup> as a prime contractor (single entity or JV member) <sup>(iv)</sup> , or subcontractor between <b>1<sup>st</sup> January 2009</b> and the Bid submission deadline.	Must meet requirement  (Can be a specialist subcontractor <sup>vii)</sup> )	Must meet requirement <sup>(v)</sup>  (Can be a specialist subcontractor <sup>vii)</sup> )	N/A	N/A	Form EXP-2(a)

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Factor	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
2.5.4.2(b)		<p>From the above or other contracts completed, or under implementation, as prime contractor (single entity or JV member), management contractor or subcontractor<sup>(vi)</sup> between 1<sup>st</sup> January 2005 and Application submission deadline, a minimum experience in the following key activities successfully completed<sup>(viii)</sup>:</p> <p>(a) Design, Manufacture, Supply, commissioning, and handing over of 400 EMU coaches<sup>(ix)</sup>; 200 of which shall have been to at least two (2) countries in the list of G7 countries<sup>(x)</sup> and in satisfactory revenue operation for at least five (5) years.</p>	<p>Must meet requirement  (Can be a specialist subcontractor<sup>vii)</sup>)</p>	<p>Must meet requirement<sup>(v)</sup>  (Can be a specialist subcontractor<sup>vii)</sup>)</p>	N/A	N/A	Form EXP-2(b)
<p><u>Notes for the Bidder:</u></p> <p>(i) A management contractor is a firm which takes on the role of contract management, managing other contractors doing the work. It does not normally perform directly the construction work(s) associated with the contract. Rather, it manages the work of other (sub)contractors while bearing full responsibility and risk for price, quality, and timely performance of the contract.</p> <p>(ii) The term “similar contracts” shall mean design-build contracts where the work involved was for the full EPC range of activities (i.e. designing, assembling, fabricating, supplying, testing, commissioning and delivery of new passenger cars for trainsets (Electric Multiple Units)).</p> <p>(iii) The term “satisfactorily completed” means that the works under the contract have been completed and the Taking-Over Certificate or Performance Certificate for the works has been issued by the Employer/Engineer, or other similar evidence has been issued. The term “substantially completed” means that the work under the contract has been at least eighty percent (80%) completed, based on the overall value of the work completed as officially certified by the Engineer or Employer. A copy of the certificate or other evidence shall be attached to Form EXP-2 (a).</p> <p>(iv) For contracts under which the Bidder participated as a JV member, only the Bidder’s share in the scope of works shall be considered to meet this requirement.</p>							

- (v) In the case of a JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members, each of value equal or more than the minimum value required, shall be aggregated.
- (vi) For contracts under which the Bidder participated as a JV member or subcontractor, only the Bidder's designated scope of works under the contracts shall be considered to meet this requirement.
- (vii) The specialist subcontractor must also satisfy the experience requirement of the same as prime contractor or subcontractor specified in EQC 2.5.4.2.
- (viii) Experience towards a key activity in terms of number, amount, volume or rate of production can be demonstrated in one or more contracts combined, if so stipulated; provided that such contracts are executed during the stipulated time period
- (ix) EMU for the purpose of this bidding shall only mean electrical multiple unit, made of Stainless Steel or Aluminium alloy body and in operation in heavy rail Commuter/MRT/Intercity service/HSR only. Electrical multiple unit of LRT/LRV/Mono Rail/people mover etc. or other vehicles such as DMU shall not be considered.
- (x) The G7 is a short reference for the "Group of Seven" countries. Seven members of the G7 are France, United States, United Kingdom, Germany, Japan, Italy, Canada.
- (xi) To "demonstrate" means the provision of sufficient documentation to support and verify the Bidder's compliance with the requirements.

### 3. Step 2: Determination of Responsiveness and Detailed Evaluation of Technical Bids

#### 3.1 Procedure for Technical Evaluation

The Technical Bid’s responsiveness will be determined by the evaluation of the Technical Proposal submitted by the Bidder. The evaluation will be made based on the following main evaluation items on a “PASS or FAIL” method.

No.	Main Evaluation Items	Documents to be Examined (Appendix to Technical Proposal)
1	Program	Appendix 6.1: Proposed Bid Program
2	Project Management	Appendix 6.2: Proposed Project Management Plan
3	Method of Implementation of the Works	Appendix 6.3: Proposed Method of Implementation of the Works
4	Plant and Equipment	Appendix 6.4: Proposed Major Plant and Equipment
5	Subcontractors/Manufacturers	Appendix 6.5: Proposed Subcontractors/Manufacturers for Major Items of Plant and Installation Services
6	Works Management Plan	Appendix 6.6: Works Management Plan
7	Performance/Specific Guarantee in accordance with the Employer’s Requirements	Appendix 6.7: Compliance Matrix
8	Supply Source of Spare Parts	Appendix 6.8: Supply Source of Capital Spare Parts, Consumables and Special Tools, Jigs and Test Equipment
9	Japanese Origin of Plant, Materials and Services	Appendix 6.9: Japanese Origin of Plant, Materials, Services

#### 3.2 Detailed Evaluation Criteria

If the Employer determines that all items and all sub-items are substantially responsive to the requirements of the Bidding Documents, then the Bidder’s Technical Bid will be acceptable. If the Employer determines that any one item or any one sub-item is not substantially responsive to the requirements of the Bidding Documents, then the Bidder’s Technical Bid will not be acceptable, the evaluation

process will be stopped at this technical detailed evaluation step, and that Bid will be rejected.

A substantially responsive Technical Bid is one that meets the requirements of the Bidding Documents without material deviation, reservation, or omission. as referred to in ITB 33.2.

No.	Evaluation Items/Sub-Items																		
<b>1</b>	<b>Proposed Bid Program</b>																		
1.1	Proposed Design Submission Program																		
	1.1.1	Appropriateness of period of each Design Stage																	
	1.1.2	Appropriateness of Design Sequence and Correlation with Manufacturing Activities																	
1.2	Proposed Work Program																		
	1.2.1	Compliance with Time for Completion for the whole of the Works																	
	1.2.2	Compliance with Time for Achieving Key Dates																	
	1.2.3	Appropriation of Construction Period of Each Work Item																	
	1.2.4	Appropriateness of Work Sequence and Correlation among Work Items																	
<b>2</b>	<b>Proposed Project Management Plan</b>																		
2.1	Proposed Management Organization																		
	2.1.1	Appropriateness of Project Organization Chart																	
	2.1.2	Adequacy of facility to carry out the Bidder’s defects liability and spare parts stocking obligations prescribed in the Contract																	
2.2	Proposed Key Personnel																		
	The Bidder must demonstrate that it has the personnel for the key positions that meet the following requirements:																		
		<table border="1"> <thead> <tr> <th data-bbox="354 1624 777 1684">Position</th> <th data-bbox="790 1624 963 1684">Total Work Experience (years)</th> <th data-bbox="970 1624 1171 1684">Experience in Similar Works (years)</th> <th data-bbox="1177 1624 1378 1684">Experience as Manager (years)</th> </tr> </thead> <tbody> <tr> <td data-bbox="354 1684 777 1753">1. Project Manager</td> <td data-bbox="790 1684 963 1753">20</td> <td data-bbox="970 1684 1171 1753">10</td> <td data-bbox="1177 1684 1378 1753">5</td> </tr> <tr> <td data-bbox="354 1753 777 1823">2. Technical Director</td> <td data-bbox="790 1753 963 1823">20</td> <td data-bbox="970 1753 1171 1823">5</td> <td data-bbox="1177 1753 1378 1823">3</td> </tr> <tr> <td data-bbox="354 1823 777 1892">3. Design Manager</td> <td data-bbox="790 1823 963 1892">15</td> <td data-bbox="970 1823 1171 1892">5</td> <td data-bbox="1177 1823 1378 1892">3</td> </tr> </tbody> </table>	Position	Total Work Experience (years)	Experience in Similar Works (years)	Experience as Manager (years)	1. Project Manager	20	10	5	2. Technical Director	20	5	3	3. Design Manager	15	5	3	
Position	Total Work Experience (years)	Experience in Similar Works (years)	Experience as Manager (years)																
1. Project Manager	20	10	5																
2. Technical Director	20	5	3																
3. Design Manager	15	5	3																

		4. Interface Manager	15	5	3
		5. Manufacturing Manager	10	5	3
		6. Testing & Commissioning Manager	10	5	3
		7. Quality Assurance Manager	10	5	3
		8. Safety Officer	10	5	3
		<p>With the exception of the Project Manager, the above personnel may be from Specialist Subcontractors.</p> <p>The Bidder shall provide details of the proposed personnel and their experience records in Form PER-1 and PER-2 in Section IV, Bidding Forms.</p>			
		2.2.1 Adequacy of Proposed Key Personnel			
	2.3	Personnel Mobilization Schedule – the Bidder shall provide details of the proposed personnel and their experience records in Forms PER-1 and PER-2 in Section IV, Bidding Forms.			
		2.3.1 Appropriateness of Mobilization Schedule and Correlation with Work Items			
<b>3</b>		<b>Proposed Method of Implementation of the Works</b>			
	3.1	Appropriateness of Proposed Method of Implementation of the following Works Activities:			
		3.1.1 Provision of the data and/or documents for design, manufacture, assembling and test			
		3.1.2 Provision of the data and/or documents for Training			
		3.1.3 Provision of the data and/or documents for supplying spare parts and consumables			
		3.1.4 Provision of the data and/or documents for design life and required general overhaul (Renewal) plan based on design life			

<b>4</b>	<b>Proposed Major Plant and Equipment</b>																															
	<p>The Bidder must demonstrate that it has key construction plant and equipment listed hereafter:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">No.</th> <th style="text-align: center;">Equipment Type and Characteristics</th> <th style="text-align: center;">Minimum Number Required</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>Crane car necessary for lifting or assembling the Rolling Stock at the port and/or the Depot</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">2</td> <td>Trailer car necessary for transporting the Rolling Stock from the port to the Depot</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">3</td> <td>Body Loading Test Facility</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">4</td> <td>Car Construction Surface Plate</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">5</td> <td>Spot Welding Facility</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">6</td> <td>Water Tightness Testing Facility</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">7</td> <td>Vehicle Weighing Facility</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">8</td> <td>Inspection Track (with DC 1500 V Overhead Contact Line)</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">9</td> <td>Curve Test Facility</td> <td style="text-align: center;">1</td> </tr> </tbody> </table> <p>Items nos. 1 to 2 – to be mobilized to the port/Depot/Site</p> <p>Item nos. 3 to 9 – available at the manufacturer’s facility</p> <p>The Bidder shall provide further details of the proposed equipment using Form EQU in Section IV, Bidding Forms</p>		No.	Equipment Type and Characteristics	Minimum Number Required	1	Crane car necessary for lifting or assembling the Rolling Stock at the port and/or the Depot	1	2	Trailer car necessary for transporting the Rolling Stock from the port to the Depot	1	3	Body Loading Test Facility	1	4	Car Construction Surface Plate	1	5	Spot Welding Facility	1	6	Water Tightness Testing Facility	1	7	Vehicle Weighing Facility	1	8	Inspection Track (with DC 1500 V Overhead Contact Line)	1	9	Curve Test Facility	1
No.	Equipment Type and Characteristics	Minimum Number Required																														
1	Crane car necessary for lifting or assembling the Rolling Stock at the port and/or the Depot	1																														
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6	Water Tightness Testing Facility	1																														
7	Vehicle Weighing Facility	1																														
8	Inspection Track (with DC 1500 V Overhead Contact Line)	1																														
9	Curve Test Facility	1																														
	4.1	Adequacy of Plant and Equipment intended to mobilize																														
<b>5</b>	<b>Proposed Subcontractors/Manufacturers for Major Items of Plant and Installation Services</b>																															
	<b>Note:</b> The prime contractor can also be a manufacturer.																															
	5.1	The subcontractors/manufacturers for the following major items of supply or services must meet the following minimum criteria, herein listed for that item. The Bidder shall provide information relating to any proposed subcontractors/manufacturers.																														

<b>Item No.</b>	<b>Description of Item</b>	<b>Minimum Criteria to be Met by Subcontractors / Manufacturers</b>
1	Carbody	Minimum of ten (10) years of Manufacturing Experience of mass-produced products
2	Bogie	
3	Wheel and Axle	
4	Brake Caliper	
5	a. Traction Motor b. Propulsion Unit	Minimum of ten (10) of years Manufacturing Experience of mass-produced products with proven reliability of at least five (5) years' service (Ref. TS 11.4.1)
6	Power Conversion Equipment (PCE)	Minimum of ten (10) years of Manufacturing Experience of mass-produced products
7	Gear Box	Minimum of ten (10) years of Manufacturing Experience of mass-produced products
8	Coupler and Draft-Gear	
9	Brake System with trainset brake control function	
10	Air Compressor	
11	Auxiliary Power Supply Equipment	
12	Air Conditioning Unit	
13	Pantograph	
14	Door System	
15	Train Management System with control transmission	
16	LCD Display System for passenger cabin	
17	Battery	
18	Communications	



		System	
	19	CCTV System	
	<p>Failure to comply with these requirements will result in the rejection of the proposed Subcontractors/Manufacturers.</p> <p>In the case of a Bidder who offers to supply and install major items of supply under the Contract that the Bidder did not manufacture or otherwise produce, the Bidder shall provide the manufacturer’s authorization, using Form MAN: Manufacturer’s Authorization provided in Section IV, Bidding Forms, showing that the Bidder has been duly authorized by the manufacturer or producer of the related plant and equipment or component to supply and install that item in the Employer’s country. The Bidder is responsible for ensuring that the manufacturer or producer complies with the requirements of ITB 4 and ITB 5 and meets the minimum criteria listed above for that item.</p>		
	5.1.1	Appropriateness of the proposed subcontractors/manufacturers	
<b>6</b>	<b>Works Management Plan</b>		
	6.1	Outline Quality Management Plan	
	6.1.1	Appropriateness of plan, organization and methodology to manage Quality	
	6.2	Outline Site Safety Management Plan	
	6.2.1	Appropriateness of plan, organization and methodology to manage Site Safety Management	
	6.3	Outline System Assurance Management Plan	
	6.3.1	Appropriateness of plan, organization and methodology to manage System Assurance Management	
	6.4	Outline Environmental Management Plan	
	6.4.1	Appropriateness of plan, organization and methodology to manage Environmental Control	
	6.5	Outline Project Management Plan	
	6.5.1	Appropriateness of plan, organization and methodology to manage the Project	
	6.6	Outline Interface Management Plan	
	6.6.1	Appropriateness of plan, organization and methodology to manage Interfacing	

	6.7	Outline Inspection, Testing and Commissioning Plan
	6.7.1	Appropriateness of plan, organization and methodology to manage Inspection, Testing and Commissioning
	6.8	Outline Detailed Works Program (Project Implementation Plan)
	6.8.1	Appropriateness of plan, organization and methodology to manage Detailed Works
	6.9	Outline Design Submission Program
	6.9.1	Appropriateness of plan, organization and methodology to manage Design Submission
	6.10	Outline Requirements Management Plan
	6.10.1	Appropriateness of plan, organization and methodology to manage conformity of the requirements and its implementation
	6.11	Outline Training Plan
	6.11.1	Appropriateness of plan, organization and methodology to manage Training
<b>7</b>	<b>Compliance Matrix</b>	
	7.1	Responsiveness of Performance/Specific Guarantee in accordance with the Employer’s Requirements
	7.1.1	Technical Specifications
<b>8</b>	<b>Supply Source of Spare Parts, Consumables and Special Tools, Jigs and Test Equipment</b>	
	8.1	Appropriateness of a preliminary plan to assist the Employer to develop a supply source of major spare parts, consumables and special tools, jigs and test equipment for after Taking Over of the Works by the Employer
	8.2	Adequacy of information with regard to particulars and available source of capital spare parts, etc.
<b>9</b>	<b>Japanese Origin of Plant, Materials and Services</b>	
	9.1	Establishing the eligibility of Japanese origin of plant, materials and services in accordance with Section V, Eligible Source Countries of Japanese ODA Loans

#### 4. Step 3: Evaluation of Price Bids and Comparison of Bids

4.1 The Price Bids of only those Technical Bids that comply with the requirements described under Step 1: Preliminary Examination of Technical Bids, and Eligibility and Qualification of Bidders and Step 2: Determination of Responsiveness and Detailed Evaluation of Technical Bids, will be evaluated. The Technical Bid will be rejected otherwise, and the Price Bid will be returned unopened to the Bidder.

#### 4.2 Preliminary Assessment of Price Bids

The Employer shall examine the Price Bids to confirm that all documents requested in ITB 11.3 have been provided, and to determine the completeness of each document submitted.

Prior to the detailed examination of completeness and responsiveness of a Price Bid, the Employer will confirm that the following documents and information have been provided in the Price Bid:

- (1) Letter of Price Bid
- (2) Schedule 1: Price Schedule
- (3) Schedule 2: Table of Adjustment Data
- (4) Schedule 3: List of Japanese Origin, Goods, Services and Major Components Procured from Japan

If any of the above documents or information is missing, the Bid will be rejected.

The completeness and responsiveness of Price Bids will be assessed according to the following major criteria. Provided that a Price Bid is substantially responsive, the Employer may waive any non-conformities in the Price Bid that do not constitute a material deviation, reservation or omission, subject to the valid clarification by the Bidder upon request by the Employer.

No.	Evaluation Criteria
1	Validity of the Letter of Price Bid: The Letter of Price Bid must be completed and signed by the Authorized Representative of the Bidder.
2	The Price Bid is valid and submitted in the required number of originals and copies; all copies shall be compared with the original and corrected accordingly.
3	All the Forms and Documents forming part of the Price Bid are completed and signed by the Authorized Representative of the Bidder and submitted with the Price Bid.
4	The Price Bid does not contain any conditions that constitute a material deviation, reservation or omission.

- 4.3 The determination of the evaluated price of the Price Bids shall be conducted in accordance with ITB 36, 37 and 38, and the Price Bids shall then be compared and ranked based on the Evaluated Bid Amount obtained in accordance with ITB 39.
- 4.4 Quantifiable Nonmaterial Nonconformities: Pursuant to ITB 34.3 and ITB 38.2(d), the cost of all quantifiable nonmaterial nonconformities or omissions (minor omissions or missing items) shall be evaluated. The Employer may make its own assessment of the cost of any nonmaterial nonconformities and omissions for the purpose of ensuring fair comparison of Bids.

## 5. Step 4: Ranking of Bids

Based on the results of evaluation and analysis through the successive Step 1: Preliminary Examination of Technical Bids, and Eligibility and Qualification of Bidders; Step 2: Determination of Responsiveness and Detailed Evaluation of Technical Bids; and Step 3: Evaluation of Price Bids and Comparison of Bids described above, the Bids will be ranked in order of Evaluated Price Bid Amount with the following details:

<b>Ranking</b>	<b>Bidder's Name</b>	<b>Evaluated Price Bid Amount</b>
1st		(1st Lowest)
2nd		(2nd Lowest)
3rd		(3rd Lowest)

The Bidder determined to have submitted the lowest evaluated Price Bid (1<sup>st</sup> Ranking) may be invited to participate in contract negotiation with the Employer, but this may be dependent on the outcome of the lowest overall evaluated Bid Price.

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**SECTION IV. BIDDING FORMS (BF)**

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## **BIDDING FORMS (BF)**

This Section IV contains the documents (forms) that are required to be completed and submitted by the Bidder in respect of both the Technical Bid and the Price Bid and, to facilitate an understanding of the requirements, it has been sub-divided as follows:

### **A. TABLE OF FORMS**

1. Technical Proposal Forms
2. Price Proposal Forms
3. Bidder's Qualification Forms
4. Annexes for Technical Bid Forms

### **B. TECHNICAL BID FORMS**

### **C. PRICE BID FORMS**

### **D. BIDDER'S QUALIFICATION FORMS**

### **E. ANNEXES FOR TECHNICAL BID FORMS**

A listing of the required documents is provided below under the heading 'A. TABLE OF FORMS'.

The documents provided after the Table of Forms contain instructions describing the outline requirements for how the Bidder is required to prepare the statements and/or information to be submitted with its Bid. Where a document within this Section IV is referred to as a 'Schedule', it shall be deemed to be a Schedule falling under the provisions of GC 1.1.1.6.

The forms shall be completed by the Bidder without alteration, omission or addition to the original wording (except to comply with any subsequent instructions issued by the Employer), and submitted as a part of its Bid. Each form shall be filed in the Bid submission documentation in sequential order in accordance with the contents of 'Appendix 8: Bid Submission Index' provided under 'B. TECHNICAL BID FORMS'.



## ***A. TABLE OF FORMS***

### **1. Technical Proposal Forms**

The requirements for the documentation to be submitted by the Bidder for the Technical Bid are as set out in ITB 11.2 and, additionally, in ITB 11.2(1) under the BDS.

The documents as listed immediately below are provided under the sub-division 'B. TECHNICAL BID FORMS' hereinafter. Those documents are intended to guide and assist the Bidder in the compilation of its Technical Bid. In some of those documents reference is made to specific forms that are provided under the sub-division 'E. ANNEXES FOR TECHNICAL BID FORMS' hereinafter.

#### **Letter of Technical Bid**

#### **Appendices**

- Appendix 1: Bid Security
- Appendix 2: Acknowledgement of Compliance with the Guidelines for Procurement under Japanese ODA Loans
- Appendix 3: Written Confirmation Authorizing the Signatory of the Bid to Commit the Bidder
- Appendix 4: A Copy of the JV Agreement or Letter of Intent, in the case of a Bid Submitted by a JV
- Appendix 5: Documentary Evidence Establishing the Bidder's Eligibility and Qualifications to Perform the Contract
- Appendix 6: Technical Proposal
  - Appendix 6.1: Proposed Bid Program
    - Proposed Design Submission Program
    - Proposed Works Program
  - Appendix 6.2: Proposed Project Management Plan
    - Proposed Project Management Organization
    - Proposed Key Personnel
    - Personnel Mobilization Schedule
    - Major Plant and Equipment Mobilization Schedule
  - Appendix 6.3: Proposed Method of Implementation of the Works
  - Appendix 6.4: Proposed Major Plant and Equipment
  - Appendix 6.5: Proposed Subcontractors/Manufacturers for Major Items of Plant and Installation Services
  - Appendix 6.6: Works Management Plan
    - Outline Quality Management Plan
    - Outline Site Safety Management Plan
    - Outline System Assurance Management Plan
    - Outline Environmental Management Plan
    - Outline Project Management Plan

- Outline Interface Management Plan
  - Outline Inspection, Testing and Commissioning Plan
  - Outline Detailed Works Program (Program Implementation Plan)
  - Outline Design Submission Program
  - Outline Requirements Management Plan
  - Outline Training Plan
- Appendix 6.7: Compliance Matrix
- Appendix 6.8: Supply Source of Capital Spare Parts, Consumables and Special Tools, Jigs and Test Equipment
- Appendix 6.9: Japanese Origin of Plant, Materials and Services
- Appendix 7: Undertaking on Copyright
- Appendix 8: Bid Submission Index

## **2. Price Proposal Forms**

The requirements for the documentation to be submitted by the Bidder for the Price Bid are as set out in ITB 11.3 and, additionally, in ITB 11.3(1) under the BDS.

The documents as listed immediately below are provided under the sub-division ‘C. PRICE BID FORMS’ hereinafter, and they set out the specific requirements for what needs to be included in the Bidder’s Price Bid:

### **Letter of Price Bid**

#### **Schedule 1: Price Schedules**

- Preambles
- Schedule 1.1: General Items
- Schedule 1.2: Design
- Schedule 1.3: Fabrication and Shipping
- Schedule 1.4: Transportation, On-Site Assembling and Testing
- Schedule 1.5: Training and Operation and Maintenance Manuals
- Schedule 1.6: Spare Parts and Special Tools
- Schedule 1.7: Capital Spares
- Schedule 1.8: Daywork – Not Used.
- Schedule 1.9: Provisional Sums
- Grand Summary

#### **Schedule 2: Schedule of Adjustment Data**

- Table A: Local Currency (LC)
- Table B: (Foreign Currency (FC)

#### **Schedule 3: List of Japanese Origin, Goods, Services and Major Components Procured from Japan**

- Form SCJ: Summary for the Total Cost of Goods, Services and Major Components Procured from Japan

Form DEC: Declaration as to the Origin of Goods, Services and Major Components and Eligibility of Subcontractors/Suppliers

### **3. Bidder's Qualification Forms**

The documents as listed immediately below are provided under the sub-division 'D. BIDDER'S QUALIFICATION FORMS' hereinafter, and they set out the specific requirements for what needs to be included in the Bidder's Technical Bid in respect of qualification of the Bidder:

Form ELI-1:	Bidder Information
Form ELI-2:	Bidder's Party Information
Form CON:	Historical Contract Non-Performance
Form FIN-1:	Financial Situation
Form FIN-2:	Average Annual Turnover
Form FIR-1:	Financial Resources
Form FIR-2:	Current Contract Commitments
Form EXP-1:	General Experience
Form EXP-2(a):	Specific Experience
Form EXP-2(b):	Experience in Key Activities

### **4. Annexes for Technical Bid Forms**

The documents as listed immediately below are provided under the sub-division 'E. ANNEXES FOR TECHNICAL BID FORMS' hereinafter, which set out the specific requirements for what is to be included in the Bidder's Technical Bid to accompany the Technical Bid Forms:

Form PER-1:	Proposed Personnel
Form PER-2:	Resume of Proposed Personnel
Form EQU:	Equipment
Form SUB:	Proposed Subcontractors/Manufacturers for Major Items of Plant and Installation Services
Form MAN:	Manufacturer's Authorization
Form CM:	Compliance Matrix
Form SPA:	Spare Parts (Not Used)
Form SPA-1:	Contractor's List of Proposed Spare Parts
Form ELG:	Japanese Origin of Plant, Materials and Services [Without Prices]
Form ACK:	Acknowledgement of Compliance with the Guidelines for Procurement under Japanese ODA Loans
	Form of Bid Security (Bank Guarantee)
	Form of Bid Security (Bid Bond)

**SECTION IV. BIDDING FORMS (BF)**  
***B. TECHNICAL BID FORMS***

## LETTER OF TECHNICAL BID

Date: *[insert date of Bid submission]*  
Loan Agreement No.: PH-P270  
IFB No.: 21-031-4

To: Joseph Conrad D Dueñas  
**THE CHAIRPERSON**  
Bids and Awards Committee IV  
Procurement Service  
RR Road, Cristobal Street  
Paco, Manila

We, the undersigned, declare that:

- (a) We have examined and have no reservations in regard to the Bidding Documents, including Addenda issued in accordance with Instructions to Bidders (ITB 8): *[insert the number and issuing date of each Addendum]*;
- (b) We, including any Subcontractors/Manufacturers, for any part of the Contract, meet the eligibility requirements in accordance with ITB 4 and ITB 5;
- (c) We, including any Subcontractors/Manufacturers, for any part of the Contract, have no conflict of interest in accordance with ITB 4;
- (d) We offer to design, manufacture, factory test, ship, deliver, install, inspect, pre-commission, test and commission, and conduct training, in conformity with the Bidding Documents, the following Works:  
  
Package CP NS-03: Rolling Stock - Limited Express Trainsets; Procurement of seven (7) limited express trainsets of eight (8) cars each (a total of 56 cars) Electric Multiple Units (EMU), including technical support materials associated with the operation and maintenance of the cars, and training for maintenance staff, engineers and operators;
- (e) Our Bid shall be valid for a period of two hundred ten (210) days from the date fixed for the Bid submission deadline in accordance with the Bidding Documents, and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
- (f) We are not participating, as a Bidder or as a Subcontractor/Manufacturer, in more than one Bid in this bidding process in accordance with ITB 4.2 (c); and
- (g) We hereby certify that we have taken steps to ensure that no person acting for us or on our behalf will engage in any type of fraud and corruption.

Name of the Bidder\**[insert complete name of the Bidder]*

Name of the person duly authorized to sign the Bid on behalf of the Bidder\*\* *[insert complete name of person duly authorized to sign the Bid]*

Title of the person signing the Bid *[insert complete title of the person signing the Bid]*

Signature of the person named above *[insert signature of person whose name and capacity are shown above]*

Date signed *[insert date of signing]* day of *[insert month]*, *[insert year]*

- \* *In the case of the Bid submitted by a Joint Venture, specify the name of the Joint Venture as Bidder.*
- \*\* *The person signing the Bid shall have the power of attorney given by the Bidder (to be attached with the Bid).*

## **APPENDIX 1: BID SECURITY**

In accordance with ITB 21, the Bidder shall furnish as a part of its Bid, a Bid Security in the amount and currency specified in the BDS. The Bid Securities shall be in the form of: (a) either an unconditional bank guarantee or bid bond, as annexed to these Bidding Forms, issued by a bank or financial institution; or (b) an irrevocable letter of credit; or (c) a cashier's or certified check, payable to "PROCUREMENT SERVICE". If the required Bid Security is missing, the Bid will be rejected.

## **APPENDIX 2: ACKNOWLEDGEMENT OF COMPLIANCE WITH THE GUIDELINES FOR PROCUREMENT UNDER JAPANESE ODA LOANS**

The Bidder shall complete the form of Acknowledgement of Compliance with the Guidelines for the Procurement under Japanese ODA Loans (**Form ACK**), which is annexed to these Bidding Forms, and furnish it as a part of its Bid. The Form ACK must be completed without any alteration to the text and no substitutes shall be accepted, except as provided under ITB 22.2. All blank spaces shall be filled in with the information requested.



### **APPENDIX 3: WRITTEN CONFIRMATION AUTHORIZING THE SIGNATORY OF THE BID TO COMMIT THE BIDDER**

The Bidder shall furnish as a part of its Bid the authorization to represent the firm to commit the Bidder in accordance with ITB 22.2. This authorization shall consist of a written confirmation as specified in the BDS. If a written confirmation of authorization to commit the Bidder is missing, its Bid will be rejected.

#### **APPENDIX 4: A COPY OF THE JV AGREEMENT OR LETTER OF INTENT, IN THE CASE OF A BID SUBMITTED BY A JV**

The Bidder shall furnish the authorization to represent each member of the JV and the representative of a JV to commit the Bidder in accordance with ITB 4.1, ITB 22.2 and ITB 22.3. In the case of a JV, the Bidder shall attach herewith a copy of:

1. the JV Agreement; or
2. the letter of intent to execute the JV Agreement.

The JV Agreement must indicate at least the parts of the Plant to be executed by the respective JV member (role and function).

Further, the intended percentage of financial participation of each member and the corporate relationships among the individual JV members shall be provided.

If a written confirmation of authorization to commit the Bidder is missing, its Bid will be rejected.

## **APPENDIX 5: DOCUMENTARY EVIDENCE ESTABLISHING THE BIDDER’S ELIGIBILITY AND QUALIFICATION TO PERFORM THE CONTRACT**

In accordance with ITB 15, the Bidder shall provide the information requested in the corresponding information sheets annexed to these Bidding Forms to establish its eligibility and qualification to perform the Contract in accordance with Section III, Evaluation and Qualification Criteria, Sub-Section 2.4 Eligibility and Qualification of the Bidder and Sub-Section 2.5 Compliance Criteria.

(a) Eligibility

Form ELI-1: Bidder Information

Form ELI-2: Bidder’s Party Information

(b) Historical Contract Non-Performance

Form CON: Historical Contract Non-Performance

(c) Financial Situation

Form FIN-1: Financial Situation

Form FIN-2: Average Annual Turnover

Form FIR-1: Financial Resources

Form FIR-2: Current Contract Commitments

(d) Experience

Form EXP-1: General Experience

Form EXP-2 (a): Specific Experience

Form EXP-2 (b): Experience in Key Activities

## **APPENDIX 6: TECHNICAL PROPOSAL**

In accordance with ITB 17, the Bidder shall furnish, as part of the Technical Bid, a Technical Proposal, as stipulated in Appendix 6.1 through Appendix 6.9, in sufficient detail to demonstrate substantial responsiveness of the Bidder's proposal to the Employer's Requirements and the Time for Completion.

In accordance with ITB 33, the Technical Bid will be examined, in particular, to confirm that all requirements of Section VI, Employer's Requirements have been met without any material deviation, reservation, or omission. The information provided by the Bidder must be sufficient for the Employer to evaluate the quality of the Bid, and shall be used by the parties for this purpose only.

### **Table of Contents**

- Appendix 6.1: Proposed Bid Program
  - Proposed Design Submission Program
  - Proposed Works Program
- Appendix 6.2: Proposed Project Management Plan
- Appendix 6.3: Proposed Method of Implementation of the Works
- Appendix 6.4: Proposed Major Plant and Equipment
- Appendix 6.5: Proposed Subcontractors/Manufacturers for Major Items of Plant and Installation Services
- Appendix 6.6: Works Management Plan
  - Outline Quality Management Plan
  - Outline Site Safety Management Plan
  - Outline System Assurance Management Plan
  - Outline Environmental Management Plan
  - Outline Project Management Plan
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  - Outline Inspection, Testing and Commissioning Plan
  - Outline Detailed Works Program (Program Implementation Plan)
  - Outline Design Submission Program
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  - Outline Training Plan
- Appendix 6.7: Compliance Matrix
- Appendix 6.8: Supply Source of Capital Spare Parts, Consumables and Special Tools, Jigs and Test Equipment
- Appendix 6.9: Japanese Origin of Plant, Material and Services

The inclusion by the successful Bidder of any information in the Technical Proposal shall not relieve the Contractor of any of its obligations under the Contract, and acceptance of a Bid does not infer any approval of information submitted therein.

## **APPENDIX 6.1: PROPOSED BID PROGRAM**

The Bidder shall submit, as a part of its Bid and in accordance with the Section IV, Bidding Forms: (1) Proposed Design Submission Program, and (2) Proposed Works Program, to achieve the Key Dates and to complete the whole of the Works within the Time for Completion as specified. Both the programs shall be compatible with each other and shall be in sufficient detail to assure the feasibility of the Bidder's approach to meet the contractual obligations. The Proposed Bid Program shall comply with the Employer's Work Breakdown Structure (WBS). Refer to the Tables shown in General Requirements (ERG) Appendix D for the detail requirement on the schedule WBS.

### **1. Proposed Design Submission Program**

This shall cover the design phase and include a schedule identifying, and describing, cross referencing and explaining the design packages and submissions, which are intended to be submitted. It shall take due account of the design co-ordination interface periods with other interfacing contractors, as planned by the Bidder. The design stages shall be clearly identified and the appropriateness of design sequence and correlation with manufacturing activities established. The Proposed Design Submission Program shall take due account of the design co-ordination interface periods with other interfacing contractors and be consistent with the Proposed Works Program.

### **2. Proposed Works Program**

This shall indicate how the Bidder intends to organize and carry out the Works, achieve intermediate stages of work and complete the whole of the Works by the Time for Completion. The Proposed Works Program shall also meet the Key Dates stipulated in the Contract. The shipment schedule of major components shall be provided as part of the Proposed Works Program.

The scheduling approach to the design, manufacture, inspection, testing and commissioning, instrumentation tests and any other required tests for the service trials and their inter-relationships shall be shown in the Proposed Works Program. The program shall contain sufficient detail to assure the feasibility of the Bidder's approach to meet the contractual obligations.

A construction methodology is to be provided which shall embody a narrative description of the order of procedure in which the Contractor proposes to carry out each main item of work. The narrative statement shall also indicate which elements of the Works the Bidder intends to carry out off-shore and/or in the Republic of the Philippines, with details of the proposed locations of where any such work is to be carried out, the facilities available and any third party undertaking the Bidder may have in this regard. In particular, the Bidder must state the assumptions made in respect of the interfaces with the Employer, the Engineer, other contractors and third parties both in detail and time, and any requirements for information on matters which would affect their work.

## **APPENDIX 6.2: PROPOSED PROJECT MANAGEMENT PLAN**

### **1. Proposed Project Management Organization**

- 1.1 The Bidder shall submit a Project Management Structure and Organization Chart to demonstrate how it will organize and manage its work activities, both in the Country and abroad, including areas of responsibility, relative seniorities and lines of communication.

### **2. Proposed Key Personnel**

- 2.1 The Bidder shall submit, in its Technical Bid, its Proposed Key Personnel who shall meet the requirement described in Section III, Evaluation and Qualification Criteria, Sub-Clause 3.2-2.2 (Proposed Key Personnel), indicating names, qualifications, professional experience and corporate affiliation of all proposed key management and engineering personnel and specialists, using Forms **PER-1: Proposed Personnel** and **PER-2: Resume of Proposed Personnel** annexed to these Bidding Forms. The Bidder shall also demonstrate the capability of its key management and engineering personnel and specialists for their respective roles.
- 2.2 Key management personnel and engineering personnel and specialists shall include: Project Manager, Technical Director, Design Manager, Manufacturing Manager, Testing & Commissioning Manager, Quality Assurance Manager and Safety Officer. With the exception of the Project Manager, the aforementioned personnel may be from Specialist Subcontractors.
- 2.3 The suitability of the proposed key management and engineering personnel and specialists to be deployed by the successful Bidder will be evaluated for acceptability. The corresponding list of the acceptable candidates for each position may be completed and attached to the Contract Agreement.

### **3. Personnel Mobilization Schedule**

- 3.1 The Bidder shall also submit the mobilization schedule, for both in the country and abroad, of key management and engineering personnel and specialists, together with managers, engineers, experts, etc. to demonstrate how the Bidder proposes to carry out the Works.

### **4. Major Plant and Equipment Mobilization Schedule**

- 4.1 The Bidder shall also submit the mobilization schedule at the Site, of major plant and equipment identified in Appendix 6.4.

## **APPENDIX 6.3: PROPOSED METHOD OF IMPLEMENTATION OF THE WORKS**

1. The Bidder's proposed method of implementation of the Works shall comply or, subject to reasonable development, be capable of complying with the Employer's Requirements in all respects. The Bidder's proposals shall demonstrate such compliance and shall establish firmly the intended design and methodology, and the Technical Specifications for the Rolling Stock, including training and knowledge transfer.
2. For the purpose of the evaluation of the Bid submission, the Bidder shall provide a detailed method of implementation of the Works including, but not limited to, the data and/or documents referred to in the following sections.
  - 2.1 Provision of the following data and/or documents for design, manufacture, assembling and testing:**
    - 2.1.1 Details of the national or international standards and codes used for design;
    - 2.1.2 Specifications for Rolling Stock;
    - 2.1.3 Drawing of the relationship between cross-section and vehicle gauge on straight line and on tangent track;
    - 2.1.4 Drawings of Rolling Stock as follows:
      - a) Train formation and general arrangement of each car showing principal dimensions;
      - b) Drawings of general layout showing all major features and equipment of interior including seat arrangement, exterior, cab, roof and under floor;
      - c) Drawings of car body structure outline;
      - d) Drawings of car body cross section including interior panel and equipment;
      - e) Drawings showing coupler arrangement;
      - f) Drawings of bogie with principal dimensions including bogie frame, primary suspension, secondary suspension, wheel set, brake equipment, traction motor and gear mounting, traction drive equipment, traction motor and gear mounting; and
      - g) Preliminary schematic and block diagrams such as propulsion, brake, train management system, door control and auxiliary system, air supply diagram, air conditioning and communication system.
    - 2.1.5 Weight plan and calculation of height of center of gravity, and calculation of wind speed to turnover against side wind at sharpest curve under empty condition;
    - 2.1.6 Drawings indicating relationship between wheel profile and rail;
    - 2.1.7 Drawings to examine relative displacement of car body, gangway and coupler on minimum radius curvature;
    - 2.1.8 Characteristics showing speed, traction power and braking forces for 8-car train;

- 2.1.9 Performance showing acceleration at 1350V (catenary voltage), deceleration at 1650V (catenary voltage) and maximum speed on level and straight section with tare loading, W3 loading and 20 tons per car loading at wheel diameter of 820 mm;
  - 2.1.10 Simulation of energy consumption, main parts temperature rising based on operating curve at tare loading, W3 loading and 20 tons per car loading in one round trip;
  - 2.1.11 Simulation of 1 or 2 units being cutout performance, coupled performance with another failed train-set at tare loading, W3 loading and 20 tons per car loading;
  - 2.1.12 Approximate capacity calculation of battery, auxiliary power supply and air conditioning;
  - 2.1.13 Compressor and air capacity calculation; and
  - 2.1.14 Plan how the Bidder will perform the inspection, testing and commissioning.
- 2.2 Provision of the following data and/or documents for Training:**
- 2.2.1 Plan, organization and methodology for training of railway maintenance personnel; and
  - 2.2.2 Plan, organization and methodology for Rolling Stock operation training of train drivers.
- 2.3 Provision of the following data and/or documents for supplying spare parts and consumables:**
- 2.3.1 Plan how the Bidder will perform its obligation for defects notification; and
  - 2.3.2 Plan to supply spare parts and consumables considered necessary for the maintenance work for 4 years initial operation including Semi-Overhaul.
- 2.4 Provision of the following data and/or documents for design life and required general overhaul (Renewal) plan based on design life:**
- 2.4.1 Design life of each major part of the Rolling Stock; and
  - 2.4.2 Required general overhaul (Renewal) plan based on the above design life.



## **APPENDIX 6.4: PROPOSED MAJOR PLANT AND EQUIPMENT**

The Bidder shall provide a list of major plant and equipment intended to be mobilized at the Site, including the plant and equipment described in Section III, Evaluation and Qualification Criteria Sub-Clause 3.2-4 (Plant and Equipment) as the minimum requirement, to demonstrate clearly that it has the capability to carry out the Works and maintain the progress proposed by the Bidder and complete the whole of Works by the Time for Completion. This should be in the form of a Method Statement regarding factory manufacture/assembly, transporting to the docks, off-loading and loading onto the ships, unloading at the port of arrival, and transporting to the Site, with an emphasis on the major plant and equipment to be used and where it will be available from.

The Bidder shall provide the list and details of proposed items of plant and equipment using **Form EQU** annexed to the Bidding Forms.

## **APPENDIX 6.5: PROPOSED SUBCONTRACTORS/ MANUFACTURERS FOR MAJOR ITEMS OF PLANT AND INSTALLATION SERVICES**

1. In accordance with ITB 17 and ITB 35, for the major items of the Works as listed by the Employer in Section III, Evaluation and Qualification Criteria, Sub-Clause 3.2-5 (Subcontractors/ Manufacturers), which the Bidder intends to purchase or subcontract, the Bidder shall give details of the name and nationality of the proposed subcontractors/manufacturers using **Form SUB** annexed to these Bidding Forms, for each of those items. The prime contractor can be a subcontractor/manufacturer.
2. The Bidder shall also provide adequate information about the proposed subcontractors/manufacturers to enable the Employer to assess their capability and suitability. Bidders are free to list more than one subcontractor/manufacturer against each item of the Works. Quoted rates and prices will be deemed to apply to whichever subcontractor/manufacturer is appointed, and no adjustment of the rates will be permitted. The Employer reserves the right to delete any proposed subcontractor/manufacturer from the list prior to the date of acceptance of the Bid, and after discussion between the Employer and the Bidder, the approved subcontractor/manufacturer for each item concerned may be listed and attached to the Contract Agreement.
3. The Bid shall name the same specialist subcontractors/manufacturers whose experience in the key activities are evaluated under EQC 2.5.4.2(a) and EQC 2.5.4.2(b), Specific Experience, in Section III Evaluation and Qualification Criteria.
4. The Bidder is responsible for ensuring that any manufacturers and producers comply with the requirements of ITB 4 and ITB 5 and meet the minimum criteria listed in Sub-Sub-Section 5.1 under Sub-Section 3.2 (Detailed Evaluation Criteria).
5. In the case of a Bidder who offers to supply and install major items of the Works under the Contract that the Bidder did not manufacture or otherwise produce, the Bidder shall provide the manufacturer's authorization, using **Form MAN** provided in these Bidding Forms, showing that the Bidder has been duly authorized by the manufacturer or producer of the related plant and equipment or component to supply and/or install that item in the Employer's country.

## **APPENDIX 6.6: WORKS MANAGEMENT PLAN**

### **1. Outline Quality Management Plan**

The Bidder shall submit as part of its Bid an Outline Quality Management Plan that meets the Employer's Requirements for design, manufacture, on-site activities and their interfaces, and also includes an outline of procedures, regulations and the mechanism used to implement such procedures and regulations for ensuring quality as required under the Employer's Requirements and the Conditions of Contract. The Quality Management System detailed therein is required to be applied without prejudice to or without limiting any Quality Management Systems that the Bidder already maintains.

### **2. Outline Site Safety Management Plan**

The Bidder shall submit as part of its Bid an Outline Site Safety Management Plan based on "The Guidance for the Management of Safety for Construction Works in Japanese ODA Projects" published by JICA in September 2014, which shall contain sufficient information to demonstrate clearly the Bidder's proposals for achieving effective and efficient safety procedures in the execution and completion of the Works at the Site including installation, inspection, testing and commissioning of the Rolling Stock. The Outline Site Safety Management Plan shall include an outline of safety procedures, regulations and the mechanism used to implement such procedures and regulations for ensuring safety as required under the Employer's Requirements and the Conditions of Contract.

### **3. Outline System Assurance Management Plan**

The Bidder shall submit as part of its Bid an Outline System Assurance Management Plan, which shall contain sufficient information to demonstrate clearly the Bidder's proposals for achieving effective and efficient safety procedures in the design, manufacturing, testing, pre-commissioning, inspection, testing and commissioning, and minimizing the magnitude and seriousness of events or malfunctions that could result in injury to passengers or staff and damage to equipment or property, but cannot be completely eliminated. The Outline System Assurance Management Plan shall include an outline of safety procedures, regulations and the mechanism used to implement such procedures and regulations for ensuring safety as required under the Employer's Requirements and the Conditions of Contract.

### **4. Outline Environmental Management Plan**

The Bidder shall submit as part of its Bid an Outline Environmental Management Plan illustrating the intended means of compliance with the requirements of the Employer's Requirements and setting out in summary form an adequate basis for the development of the more detailed document required to be submitted under the Conditions of Contract and the Employer's Requirements. The Outline Environmental Management Plan shall contain sufficient information to demonstrate clearly the proposed method used to achieve the Bidder's environmental objectives with regard to requirements under the Contract and other applicable local laws and regulations.

## **5. Outline Project Management Plan**

The Bidder shall submit, as part of its Bid, an Outline Project Management Plan (PMP) that describes an overview of the procedures, practices, and sequence of activities necessary to demonstrate the management and integration of all entities which comprise the Contractor and any Subcontractors, into one management structure. The PMP is ultimately required to provide an integrated set of documents containing all that is necessary to direct how best to manage the Project.

## **6. Outline Interface Management Plan**

The Bidder shall submit, as part of its Bid, an Outline Interface Management Plan illustrating how it intends to collaborate with Interfacing Contractors and External Interfacing Parties, and which will form the basis for the detailed Interface Management Plan required under the Employer's Requirements and the Conditions of Contract.

## **7. Outline Inspection, Testing and Commissioning Plan**

The Bidder shall submit, as part of its Bid, an Outline Inspection, Testing and Commissioning Plan that contains the following information:

- a. Overall test strategy from sub-system to system and integration into the overall Works;
- b. Staff Roles and Responsibilities for the execution of testing of safety critical systems;
- c. Preliminary schedule of tests, test locations and proposed dates and durations for all sub-systems and components tests; and
- d. A schedule of test documentation to be produced.

## **8. Outline Detailed Works Program (Program Implementation Plan)**

The Bidder shall submit, as part of its Bid, an Outline Works Program that describes an overview of the following:

- a. Network diagrams of activities;
- b. S-Curve for monthly progress estimates;
- c. Construction methods for main work items;
- d. Contractor's Organization Chart and Personnel Schedules;
- e. Equipment Schedules; and
- f. A cash flow and payment schedule and a time chainage diagram for all major Works.

## **9. Outline Design Submission Program**

The Bidder shall submit an Outline Design Submission Program that covers the Design phase and include a schedule identifying, describing, cross-referencing and explaining the Design Packages and submissions which the Bidder intends to submit, including Design Review and Design Verification.

## **10. Outline Requirements Management Plan**

The Bidder shall submit, as part of its Bid, an Outline Requirements Management Plan that describes how the Project Requirements will be managed throughout the lifecycle of the Project, including the processes that will be implemented, and the process for the

Verification and Validation stages, and how change management will be implemented for the Requirements set.

#### **11. Outline Training Objectives, Methods, Locations and Training Equipment**

The Bidder shall submit, as part of its Bid, an Outline of Training Objectives, Methods, Locations and Training Equipment as called for in the Employer's Requirements, to indicate the programs and training measures for monitoring the progress of both the training programs and individual trainees. The outline shall cover the Bidder's ability to carry out the necessary training, and the proposed approach to structuring and providing the courses required.

## APPENDIX 6.7: COMPLIANCE MATRIX

The Bidder is required to show its responsiveness to the Employer's Requirements-General and Technical Requirements by indicating with a check mark (tick) in the 'Conformance' column or, alternatively, in the 'Partial Conformance' column using **Form Compliance Matrix** (as provided in the Bidding Forms).

If the Bidder inserts a check mark in the 'Partial Conformance' column, then it is required to give specific details of the area of non-conformance and explain the reasons for such non-conformance and why the Employer should favorably consider accepting such non-conformance without the Employer determining that the Bidder's Technical Bid is not substantially responsive to the Employer's Requirements.

The Bidder is advised to note that, should the Employer determine that the Bidder's Technical Bid is not substantially responsive to the Employer's Requirements, then its Bid will be rejected by the Employer.

## **APPENDIX 6.8: SUPPLY SOURCE OF CAPITAL SPARE PARTS, CONSUMABLES AND SPECIAL TOOLS, JIGS AND TEST EQUIPMENT**

The Bidder shall furnish a preliminary plan for the supply source of spare parts, special tools, and consumables, etc., in accordance with the Employer's Requirements.

The Bidder shall also provide the information of full particulars including available sources of all spare parts, special tools, etc., listed under TS Clause 24.2 in accordance with ITB 16.1(b), using **Form SPA-1** provided in these Bidding Forms.

## **APPENDIX 6.9: JAPANESE ORIGIN OF PLANT, MATERIALS AND SERVICES**

The Bidder shall furnish with its Bid, using **Form ELG** provided in these Bidding Forms, a list of plant, materials and services procured from Japan, the Eligible Local Manufacturing Company(ies), the Eligible Development Partner's Manufacturing Company(ies), the Eligible Developed Countries' Manufacturing Company(ies) and the Eligible Foreign Company(ies), which are defined in Section V, Eligible Source Countries of Japanese ODA, to meet the requirement specified in Section V, Eligible Source Country(ies) of Japanese ODA Loans.

The Bidder shall also provide documentary evidence/certificate(s) establishing the eligibility of manufacturers/suppliers of plant, materials, and services providers.



## APPENDIX 7: UNDERTAKING ON COPYRIGHT

To: Procurement Service  
RR Road, Cristobal Street,  
Paco, Manila

Letter of Undertaking

The Malolos-Clark Railway Project and  
The North South Railway Project-South Line (Commuter)  
Package CP NS-03: Rolling Stock - Limited Express Trainsets

We (*name of Bidder/JV*), hereby undertake that the Bidding Documents, both in hard copy and digitized format, purchased as a necessary part of our preparation of this Bid, shall be used solely for the preparation of the Bid and that, if the Bid is successful and accepted, shall be used solely for the design, fabrication, procurement, supply, installation, inspection, testing and commissioning of CP NS-03: Rolling Stock - Limited Express Trainsets for the Malolos-Clark Railway Project and the North South Railway Project-South Line (Commuter).

We further undertake that the aforesaid Bidding Documents shall not be used in whole or in part on any other project, scheme, design, or proposal by this organization.

Date: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signatory

For and on behalf of the Bidder

\_\_\_\_\_

## APPENDIX 8: BID SUBMISSION INDEX

The Bidder shall include with its Technical Bid an index in the format shown below ('Bid Contents Checking List'), which cross-references all of the Employer's Bid requirements elaborated in these Bid Documents to all the individual sections within the Bidder's Technical Bid and Price Bid, where the Bidder is required to respond to each and every one of the Employer's Bid requirements.

### Bid Contents Checking List

Items	Document to be Provided	Bidder Check	Bid Submission		
			File No.	Section	Page
<b>Technical Bid</b>					
(i)	Letter of Technical Bid				
(ii)	Copy of receipt confirming payment for Bidding Documents				
1	Bid Security (Form of Bid Security: Bank Guarantee or Bid Bond)				
2	Acknowledgement of Compliance with the Guidelines for Procurement under Japanese ODA Loans (Form ACK)				
3	Written Confirmation Authorizing the Signatory of the Bid to Commit the Bidder				
4	In the case of a Bid submitted by a JV, a copy of the JV Agreement or Letter of Intent and the draft JV Agreement				
5	Documentary Evidence Establishing the Bidder's Eligibility and Qualification to Perform the Contract (Forms ELI-1, ELI-2, CON, FIN-1, FIN-2, FIR-1, FIR-2, EXP-1, EXP-2(a) and EXP-2(b))				
6	Technical Proposal				
6.1	Proposed Bid Program - Proposed Design Submission Program - Proposed Works Program				
6.2	Proposed Project Management Plan - Proposed Project Management Organization - Proposed Key Personnel (Forms PER-1 and PER-2) - Personnel Mobilization Schedule - Major Plant and Equipment Mobilization Schedule				
6.3	Proposed Method of Implementation of the Works				
6.4	Proposed Major Plant and Equipment (Form EQU)				
6.5	Proposed Subcontractors/Manufacturers for Major Items of Plant and Installation Services (Forms SUB, MAN)				
6.6	Works Management Plan - Outline Quality Management Plan - Outline Site Safety Management Plan - Outline System Assurance Management Plan - Outline Environmental Management Plan - Outline Project Management Plan - Outline Interface Management Plan - Outline Inspection, Testing and Commissioning Plan - Outline Detailed Works Program (Project Implementation Plan) - Outline Design Submission Program				

Items	Document to be Provided	Bidder Check	Bid Submission		
			File No.	Section	Page
	- Outline Requirements Management Plan - Outline Training Plan				
6.7	Compliance Matrix (Form CM)				
6.8	Supply Source of Capital Spare Parts, Consumables and Special Tools, Jigs and Test Equipment (Form SPA-1)				
6.9	Japanese Origin of Plant, Materials and Services (Form ELG)				
7	Undertaking on Copyright				
8	Bid Submission Index				
<b>Price Bid</b>					
(i)	Letter of Price Bid				
1	Schedule 1: Price Schedules				
2	Schedule 2: Table of Adjustment Data				
3	Schedule 3: List of Japanese Origin, Goods, Services and Major Components Procured from Japan [With Prices]				
4	Form SCJ: Summary for the Total Cost of Goods, Services and Major Components Procured from Japan				
5	Form DEC: Declaration as to the Origin of Goods, Services and Major Components and Eligibility of Subcontractors/Suppliers				

**SECTION IV. BIDDING FORMS (BF)**  
***C. PRICE BID FORMS***

## LETTER OF PRICE BID

Date: *[insert date of Bid submission]*

Loan Agreement No.: PH-P270

IFB No.: 21-031-4

To: Joseph Conrad D Dueñas  
**CHAIRPERSON**  
Bids and Awards Committee IV  
Procurement Service  
RR Road, Cristobal Street  
Paco, Manila 1007  
Philippines

We, the undersigned, declare that:

- (a) We have examined and have no reservations to the Bidding Documents, including addenda issued in accordance with Instructions to Bidders (ITB 8). *[Insert the number and issuing date of each addendum]*;
- (b) We offer to design, manufacture, factory test, ship, deliver, install, inspect, test and commission, and conduct training, in conformity with the requirements of the Bidding Documents, the following Works:

Contract Package CP NS-03: Rolling Stock - Limited Express Trainsets; Procurement of seven (7) limited express trainsets of eight (8) cars each (a total of 56 cars) Electric Multiple Units (EMU), including technical support materials associated with the operation and maintenance of the cars, and training for maintenance staff, engineers and operators;

- (c) The total price of our Bid excluding any discounts offered in item (d) below is:  
Local Currency: \_\_\_\_\_ (in figures)  
(with VAT and with Provisional Sums) \_\_\_\_\_ (in words)

and

Foreign Currency : \_\_\_\_\_ (in figures)  
(without VAT and with Provisional Sums) \_\_\_\_\_ (in words);

- (d) The discount offered, and the methodology for its application, is as follows:

The discount offered is: *[specify in detail the discount offered.]*

The exact method of calculations to determine the net price after application of the discount is shown below: *[specify in detail the method that shall be used to apply the discount.]*;

- (e) Our Bid shall be valid for a period of two hundred ten (210) days from the date fixed for the Bid submission deadline in accordance with the Bidding Documents, and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
- (f) If our Bid is accepted, we commit to obtain a Performance Security in accordance with the Bidding Documents;
- (g) We understand that this Bid together with your written acceptance thereof included in your Letter of Acceptance shall constitute a binding Contract between us, until a formal Contract is prepared and executed; and
- (h) We understand that you are not bound to accept the lowest evaluated Bid or any other Bid that you may receive.

Name of the Bidder\**[insert complete name of person signing the Bidder]*

Name of the person duly authorized to sign the Bid on behalf of the Bidder\*\**[insert complete name of person duly authorized to sign the Bid]*

Title of the person signing the Bid *[insert complete title of the person signing the Bid]*

Signature of the person named above *[insert signature of person whose name and capacity are shown above]*

Date signed *[insert date of signing]* day of *[insert month]*, *[insert year]*

\* In the case of a Bid submitted by a Joint Venture, specify the name of the Joint Venture as Bidder.

\*\* The person signing the Bid shall have the Power of Attorney given to the Bidder to be attached with the Bid.

## **SCHEDULE 1: PRICE SCHEDULES**

## **SCHEDULE 1 - PRICE SCHEDULES**

### **Preambles**

1. The Price Schedules shall be read in conjunction with the Instructions to Bidders, the General and Particular Conditions of Contract and the Employer's Requirements.
2. Unless otherwise specified in the Employer's Requirements, the Bidders is required to quote for the entire facilities on a "single responsibility" basis, such that the Bid Price covers all the Contractor's obligations mentioned in or to be reasonably inferred from the Bidding Documents, and for fully satisfying all the requirements specified as being the Contractor's responsibilities.
3. The Contract is to be carried out a lump-sum price basis, where payment to the Contractor will be made according to achieved milestones unless otherwise specified in the Contract. The Contract Price is not subject to re-measurement and neither is it to be adjusted by reason of the actual quantities of work executed being more or less than the estimated quantities used by the Bidder in the calculation of the Bid Price.
4. The Schedules do not give a full description of the works to be performed, nor of the plant, equipment and services to be supplied or provided under each item. The Bidders shall therefore be deemed to have read and fully understood the Employer's Requirements and all other sections of the Bidding Documents (including reviewing the Drawings), in order to ascertain the full scope of the requirements included in each item prior to filling out the rates and prices.
5. The rates and prices in both Local Currency (Philippine Peso) and Foreign Currency (Japanese Yen) shall be presented in whole units without any decimal parts. Any rates and prices in United States Dollars shall be presented to two decimal places.
6. A rate or price shall be entered by the Bidder against each item in the Price Schedules, whether quantities are stated or not. The cost of items against which the Bidder has not entered a rate or price shall be deemed to be covered by the other rates and prices entered in the Price Schedules.
7. The whole cost of complying with the provisions of the Contract shall be included in the items provided in the priced Price Schedules and, where no particular items have been provided in the Price Schedules for items that are inherently required, the cost for all such items shall be deemed to be distributed among the rates and prices entered for the related items of work that have been provided in the Price Schedules.
8. To the extent required by the Employer for the purposes of making payments or partial payments, valuing variations or evaluating claims, or for such other purposes as the Employer may reasonably require, the Contractor shall provide the Employer with a breakdown of any composite or lump sum items included in the Price Schedules.
9. With regard to the Provisional Sums generally, the Contract Data indicates the percentage rate to be applied to cover the Contractor's overhead charges and profit when such amounts are expended. However, no overhead charges or profit shall be due



to the Contractor in respect of any expenditure for the Provisional Sum for the Dispute Board (DB).

10. With the exception of the Provisional Sum for the cost of the DB (which requires no prior instruction from the Engineer), all other Provisional Sums shall be expended in whole or in part only at the direction and sole discretion of the Engineer, pursuant to Sub-Clauses 13.5 and Clause 13.6 of the General Conditions.
11. Each Milestone listed in the Price Schedules shall set out the value in each currency which the Contractor wishes to claim in its Statements submitted for an Interim Payment application purposes when the entirety of the work for the Milestone has been achieved.
12. The Contractor shall provide such evidence as the Engineer may reasonably require for the Contractor to substantiate its claim for payment and demonstrate that the work under each Milestone has been achieved. In regard to this, it is intended that satisfactory completion of a Milestone for payment purposes will be evidenced through a certification process acceptable to the Engineer.

NOTE:

1. Bidders who are unclear or uncertain as to the scope of any item shall seek clarification in accordance with ITB 7 prior to submitting their Bids.
2. The Bidder is required to prepare its own version of the Price Schedules for bidding purposes, incorporating as a minimum all the items shown in the Price Schedules included hereinafter.
3. Where the Bidder's signature is required for the Price Schedules, it must be the signature of the Bidder's Authorized Representative for bidding purposes, who is also required to initial (at the bottom right-hand corner of all pages) the Price Schedules that will be comprise a part of the Bidder's Bid submission documentation.

**Schedule 1.1 : General Items**

Milestone No.	Work Description (Milestone)	Unit	Quantity	Unit Rate/Price		Amount	
				Local	Foreign	Local	Foreign
101	Preparation and submission of Project Management Plan, and obtaining acceptance thereof from the Engineer.	sum	1				
102	Performance Security.	sum	1				
103	Insurance of Works and Contractor's Equipment.	sum	1				
104	Insurance against Injury to Persons and Damage to Property.	sum	1				
105	Establishment of the Contractor's Offices and other temporary Site facilities required by the Contractor.	sum	1				
106	Running and maintenance costs for the Contractor's offices and other temporary Site facilities required by the Contractor.	sum	1				
107	Establishment of the Employer/Engineer's offices and other temporary facilities required by Employer/Engineer.	sum	1				
108	Running and maintenance costs for the Employer/Engineer's offices and other temporary facilities required by the Employer/Engineer.	sum	1				
109	Transportation facilities for the Employer/Engineer's usage including driver costs, maintenance, insurance, registration costs, fuel costs, and any associated costs from commencement until completion of the Works.	sum	1				

Milestone No.	Work Description (Milestone)	Unit	Quantity	Unit Rate/Price		Amount	
				Local	Foreign	Local	Foreign
110	Preparation, submission of the Program and obtaining acceptance thereof from the Engineer.	sum	1				
111	Contractor's supervision at the Site and other ongoing obligations.	sum	1				
112	Removal of Contractor's office and other facilities from the Site.	sum	1				
	<p>Payment for Milestones 102, 103, 104, 106, 108, 109 and 111 will be paid for in proportion to the overall duration of the Contractor's presence on the Site at the date of the relevant payment application, calculated from the date on which mobilization was fully completed, and based on the date when the Contractor is reasonably expected to be fully demobilized.)</p> <p>(Payment for Milestones 101, 105, 107, 110 and 112 will be paid for once each separate activity has been accepted as completed by the Engineer.)</p>	-	-	-	-	-	-
113	Providing necessary services during the Defects Notification Period (including materials and goods, management and operatives input, plus any necessary temporary facilities of any kind).	sum	1				
	(Payment will be made at the end of the Defects Notification Period after all rectification or replacement work has been undertaken to the satisfaction of the Engineer.)	-	-	-	-	-	-
114	Other obligations with regard to the General Items,	sum	1				

Milestone No.	Work Description (Milestone)	Unit	Quantity	Unit Rate/Price		Amount	
				Local	Foreign	Local	Foreign
	that are considered necessary to comply with the Contract but which are not covered in other Schedules and the above Milestone items.						
	Note: The Bidder may subdivide the above Milestones and/or add appropriate proposed Milestones.	-	-	-	-	-	-
<b>Total for Schedule 1.1 (Carried forward to Grand Summary)</b>							

Note: In case of more than one foreign currency, the Bidder shall split the column Foreign Currency in two.

Bidder's Signature \_\_\_\_\_

**Schedule 1.2 : Design**

Milestone No.	Work Description (Milestone)	Unit	Quantity	Unit Rate/Price		Amount	
				Local	Foreign	Local	Foreign
201	Preparation, submission of the design submission program and obtaining acceptance thereof from the Engineer.	sum	1				
202	Preparation, submission of the conceptual design, preliminary and detailed design, and obtaining acceptance thereof from the Engineer.	sum	1				
203	Preparation, submission of the pre-final design and obtaining acceptance thereof from the Engineer.	sum	1				
204	Preparation, submission of the final design, the manufacturing drawings and documents, and obtaining acceptance thereof from the Engineer.	sum	1				
205	Manufacture and delivery of Driver's Cab Mock-Up.	sum	1				
206	Compilation, submission of the as-built documents and obtaining acceptance thereof from the Engineer.	sum	1				
	(Payment for Milestones 201 to 206 will be made upon completion of each.)	-	-	-	-	-	-
207	Other obligations with regard to the design that are considered necessary to comply with the Contract, but which are not covered in other schedules and the above Milestone items.	sum	1				
	Note: The Bidder may subdivide the above Milestones and/or add appropriate proposed Milestones.	-	-	-	-	-	-
<b>Total for Schedule 1.2</b>							
<b>(Carried forward to Grand Summary)</b>							

Note: In case of more than one foreign currency, the Bidder shall split the column Foreign Currency in two.

Bidder's Signature \_\_\_\_\_

**Schedule 1.3 : Manufacturing/Fabrication and Shipping**

Milestone No.	Work Description (Milestone)	Unit	Quantity	Unit Rate/Price		Amount	
				Local	Foreign	Local	Foreign
301	Manufacturing/fabrication of 1st trainset of 8 cars, completion of Factory Acceptance Tests, and shipping to Manila port on CIF basis (Incoterms) - (total of 1 trainset).	sum	1				
302	Same as above but for the 2nd 7 <sup>th</sup> trainsets of 8 cars - (total of 6 trainsets)	sum	1				
	(Payment following arrival at the port in the Philippines of each shipment of complete trainsets will be made in proportion to the total numbers of trainsets required.)	-	-	-	-	-	-
303	Other obligations with regard to the manufacturing, fabrication and shipping that are considered necessary to comply with the Contract but which are not covered in other Schedules and the above Milestone items.	sum	1				
	Note: The Bidder may subdivide the above Milestones and/or add appropriate proposed Milestones.	-	-	-	-	-	-
<b>Total for Schedule 1.3</b>							
<b>(Carried forward to Grand Summary)</b>							

Note: In case of more than one foreign currency, the Bidder shall split the column Foreign Currency in two.

Bidder's Signature \_\_\_\_\_

**Schedule 1.4 : Transportation, On-Site Assembling and Testing**

Milestone No.	Work Description (Milestone)	Unit	Quantity	Unit Rate/Price		Amount	
				Local	Foreign	Local	Foreign
401	Transportation from the port of arrival to a designated Depot, assembling of the 1st trainset of 8 cars, completion of the Site Acceptance Tests and completion of all commissioning work, and acceptance thereof by the Engineer - (total of 1 trainset).	sum	1				
402	Same as above but for the 2nd to 7th trainsets of 8 cars - (total of 6 trainsets).	sum	1				
	(Payment for Milestones 401 to 402 above will be made upon completion of the transportation, on-Site assembling and testing of each trainset, in proportion to the total number of trainsets required.)	-	-	-	-	-	-
403	Completion of Trial Operations, comprising 1500 km Fault Free Running for all 7 trainsets.	sum	1				
	(Payment for Milestone 403 will be made upon completion of the Trial Operations for each trainset, in proportion to the total number of trainsets required.)	-	-	-	-	-	-
404	Completion of In-service Operations, comprising 10,000 km or 2 months of continuous Fault Free Running for all 7 trainsets, and obtaining the Performance Certificate from the Engineer for the entire fleet of 7 trainsets.	sum	1				
	(Payment for Milestone 404 will be made only	-	-	-	-	-	-

Milestone No.	Work Description (Milestone)	Unit	Quantity	Unit Rate/Price		Amount	
				Local	Foreign	Local	Foreign
	after the Performance Certificate for the entire fleet of 7 trainsets has been issued by the Engineer.)						
405	Other obligations with regard to the transportation, on-Site assembling and testing that are considered necessary to comply with the Contract but which are not covered in other Schedules and the above Milestone items.	sum	1				
	Note: The Bidder may sub-divide the above Milestones and/or add appropriate proposed Milestones.	-	-	-	-	-	-
<b>Total for Schedule 1.4 (Carried forward to Grand Summary)</b>							

Note: In case of more than one foreign currency, the Bidder shall split the column Foreign Currency in two.

Bidder's Signature \_\_\_\_\_



**Schedule 1.5 : Training, and Operation and Maintenance Manuals**

Milestone No.	Work Description (Milestone)	Unit	Quantity	Unit Rate/Price		Amount	
				Local	Foreign	Local	Foreign
501	Preparing and delivering Operating Manuals and Maintenance Manuals together with record drawings/catalogues in English (original plus 5 hard copies and 2 copies in electronic (soft) format.), and obtaining acceptance thereof from the Engineer.	sum	1				
	(Payment will be made upon completion of the delivery of all the above documentation and data.)	-	-	-	-	-	-
502	Conducting operation and maintenance training, and obtaining acceptance thereof from the Engineer, comprising: - Operating Staff Training; - Maintenance Staff Training; and - Engineering Staff Training.	sum	1				
	(Payment will be made upon completion of all the above training.)	-	-	-	-	-	-
503	Procurement and transportation to the Driving Simulator Contractor (under CP NS-01: E&M System and Track Works) the equipment for the Driving Simulator to be installed in the Training Center.	sum	1				
	(Payment for Milestone 503 will be made only after completion of the Site acceptance testing of the Driving Simulator and acceptance thereof by the Engineer.)	-	-	-	-	-	-

Milestone No.	Work Description (Milestone)	Unit	Quantity	Unit Rate/Price		Amount	
				Local	Foreign	Local	Foreign
504	Other obligations with regard to Training and Operation and Maintenance Manuals that are considered necessary to comply with the Contract but which are not covered in other Schedules and the above Milestone items.	sum	1				
	Note: The Bidder may subdivide the above Milestones and/or add appropriate proposed Milestones.						
<b>Total for Schedule 1.5</b>							
<b>(Carried forward to Grand Summary)</b>							

Note: In case of more than one foreign currency, the Bidder shall split the column Foreign Currency in two.

Bidder's Signature \_\_\_\_\_

**Schedule 1.6 : Spare Parts and Special Tools**

Milestone No.	Work Description (Milestone)	Unit	Quantity	Unit Rate/Price		Amount	
				Local	Foreign	Local	Foreign
601	Delivery to the Site of spare parts, consumables, special tools, testing equipment and measuring instruments including drawings and catalogues in English (original plus 5 hard copies), and obtaining acceptance thereof from the Engineer.	sum	1				
	(Payment will be made upon completion of the delivery of all spare parts, special tools and testing equipment.)	-	-	-	-	-	-
602	Other obligations with regard to the spare parts, special tools and testing equipment that are considered necessary to comply with the Contract but which are not covered in other Schedules and the above Milestone items.	sum	1				
	Note: The Bidder may sub-divide the above Milestones and/or add appropriate proposed Milestones.						
<b>Total for Schedule 1.6</b>							
<b>(Carried forward to Grand Summary)</b>							

Note: In case of more than one foreign currency, the Bidder shall split the column Foreign Currency in two.

Bidder's Signature \_\_\_\_\_

### Schedule 1.7 : Capital Spares

Item No.	Work Description /Equipment Parts / Components	Unit	Unit Rate/Price	
			Local	Foreign
1				
2				

Note:

1. The Bidder may list down the size and type of the above items and/or add appropriate proposed Capital Spares. These unit pricing shown in pricing schedule above shall not be evaluated based on the EQC nor included in the final Bid Price.
2. In case of more than one foreign currency, the Bidder shall split the column Foreign Currency in two.
3. Information to be provided in the Schedule is only for reference and not subject to evaluation.

Bidder's Signature \_\_\_\_\_

## **Schedule 1.8 : Daywork**

**Not Used.**

**Schedule 1.9 : Provisional Sums**

Item No.	Provisional Items	Provisional Sum	
		Local Currency (PHP)	Foreign Currency (JPY)
	Provisional Sum in accordance with Sub-Clause 13.5 of the Conditions of Contract to cover the following items as a minimum:		
PS-01	Preparation and implementation of HIV/AIDS program (Refer to Conditions of Contract Sub-Clause 6.7)	3,000,000	0
PS-02	Preparation and implementation of Gender and Development (GAD)	15,000,000	0
PS-03	Provisional Sum in accordance with Sub-Clause 13.5 of the Conditions of Contract to cover the following items as a minimum:  a) Any design change initiated by the Employer  b) Additional software required to execute Works  c) Any additional testing	134,000,000	0
	<b>Total of Provisional Sum except PS-DB</b>  Note: The additional percentage payment in accordance with the Conditions of Contract Sub-Clause 13.5 (b) (ii) is included in the above amounts.	152,000,000	0
PS-DB	Dispute Board's cost to be shared by the Employer, one half of the invoices of the DB for its fee and expenses - (refer to Conditions of Contract Sub-Clause 20.2).  Note: The Contractor's overheads and profits shall not be payable for this amount.	0	34,500,000
<b>Total for Schedule 1.9 (Carried forward to Grand Summary)</b>		<b>152,000,000</b>	<b>34,500,000</b>

Note: If the Contractor has actually expended in other foreign currencies than the Foreign Currency specified in the Contract, then the amount expended will be converted to Foreign Currency using the exchange rate of Telegraphic Transfer Selling rate officially published by the MUFG Bank, Ltd. on the website every day as at the last working day of the month in which such payment is made. A copy of the said exchange rate shall be a part of the supporting document for the Application for Interim Payment Certificate.

Bidder's Signature \_\_\_\_\_

## GRAND SUMMARY

**Contract Name:** Procurement of Package CP NS-03: Rolling Stock - Limited Express Trainsets for the Malolos-Clark Railway Project and the North South Railway Project-South Line (Commuter)

**Bid Price is:**

Local Currency: \_\_\_\_\_ (in figures)  
 (with VAT and with Provisional Sums) \_\_\_\_\_ (in words)

and

Foreign Currency : \_\_\_\_\_ (in figures)  
 (without VAT and with Provisional Sums) \_ \_\_\_\_\_ (in words)

Schedules	Page	Amount	
		Local (PHP)	Foreign (JPY)
Schedule 1.1: General Items			
Schedule 1.2: Design			
Schedule 1.3: Manufacturing/Fabrication and Shipping			
Schedule 1.4: Transportation, On-Site Assembling and Testing			
Schedule 1.5: Training, and Operation and Maintenance Manuals			
Schedule 1.6: Spare Parts and Special Tools			
Schedule 1.7: Capital Spares		/	/
<b>Sub-Total of Schedules 1.1 through 1.7 above</b>	(A)		
Schedule 1.8: Daywork – Not Used		/	/
Schedule 1.9: Provisional Sums		152,000,000	34,500,000
<b>Sub-Total of Schedules 1.8 and 1.9</b>	(B)		
Total without Value-Added Tax (VAT) [(C)=(A)+(B)]	(C)	(CL)	(CF)
VAT (12%)	(D)	(DL)	/
<b>Summary of Total Bid Amount including Value Added Tax [(E)=(C)+(D)]</b>	(E)	(EL)	(EF=CF)

- Note: 1) The Bidder shall show the amount in the columns “Local Currency” and “Foreign Currency”, respectively.
- 2) In case of more than one foreign currency, the Bidder shall split the “Foreign Currency” column in two.

- 3) The Value Added Tax (VAT) for the Foreign Currency portion shall be converted to the Local Currency according to ITB 37.1 and added to the VAT for the Local Currency portion.

Name of Bidder \_\_\_\_\_

Signature of Bidder \_\_\_\_\_ Date \_\_\_\_\_



**SCHEDULE 2: TABLE OF ADJUSTMENT DATA**

## SCHEDULE 2: SCHEDULE OF ADJUSTMENT DATA

**Table A. Local Currency (LC)**

(a)	(b)	(c)	(d)	(e)	(f)
Index Code and Factor	Index Description	Source of Index	Base Value and Date	Bidder's Related Currency Amount	Bidder's Proposed Weighting
Fixed	Non-adjustable	-	-		A: 0.15 (fixed)
L: Labor	Labor Cost Index	DOLE*1			B: 0.11-0.15
E: Equipment	Equipment Index	PSA*2			C: 0.20-0.24
M: Materials	Material Index	PSA*2			D: 0.48-0.52
			<b>Total</b>		<b>1.00</b>

\*1: The Department of Labor and Employment (DOLE)

\*2: Philippine Statistics Authority (PSA)

The Bidder shall fill in column (e) and specify a value within the ranges given by the Employer in B, C and D of column (f), so that the total weighting equals 1.00.

The prices quoted by the Bidder shall apply the Price Adjustment for local currency portion per GC Clause 13.8.

Column “(d) Base value and date” is the Index value twenty-eight (28) days before the Bid Submission Date, to be provided by the Bidder.”; and

Column “(e) Bidder’s Related Currency Amount” is the Peso amount of the Total of column (e) (A+ B+ C+D) multiplied by the Bidder’s weighting within the ranges shown in column (f) for each Index Code.

Bidder’s Signature \_\_\_\_\_

**Table B. Foreign Currency (FC)**

Currency: *[Insert name of currency. If the Bidder wishes to quote in both Japanese Yen and United States Dollars and/or Euro, then this table must be repeated for each currency.]*

(a)	(b)	(c)	(d)	(e)		(f)
Index Code and Factor	Index Description	Source of Index	Base Value and Date	Bidder's Related Source Currency in Type/Amount	Equivalent in FC for Payment	Bidder's Proposed Weighting
Fixed	Non-adjustable	-	-			A: 0.15 (fixed)
L: Labor	Labor Cost Index					B: 0.05-0.10
E: Equipment	Equipment Index					C: 0.40-0.55
M: Materials	Material Index					D: 0.25-0.35
<b>Total</b>						<b>1.00</b>

The foreign currency portion (Japanese Yen) of the fixed portion of the Contract Price shall be adjusted by applying the Consumer Price Index of all Japanese items published by the Statistics Bureau of Japan. The base value and date for the relevant index shall be indicated by the Bidder and the copy of the reference index shall be attached hereto for identification purpose.

The source of index for the foreign currency other than Japanese Yen shall be proposed by the Bidder and in accordance with ITB 20.3 (b). The base value and date for the relevant index shall be indicated by the Bidder and the copy of the reference index shall be attached hereto for identification purpose.

The Bidder shall fill in column (f) and specify a value within the ranges given by the Employer in B, C and D of column (g), so that the total weighting equals 1.00.

The prices quoted by the Bidder shall apply the Price Adjustment for the foreign currency portion per GC Clause 13.8.

Column “(d) Base Value and Date” is the Index value twenty-eight (28) days before the Bid Submission Date, to be provided by the Bidder.

Column “(e) Bidder’s Related Currency Amount” is the foreign currency amount of the Total of column (e) (A+B+C+D) multiplied by the Bidder’s weighting within the ranges shown in column (f) for each Index Code.

Bidder’s Signature \_\_\_\_\_



**SCHEDULE 3: LIST OF JAPANESE ORIGIN, GOODS,  
SERVICES AND MAJOR COMPONENTS [With Prices]**

**SCHEDULE 3: LIST OF JAPANESE ORIGIN, GOODS, SERVICES AND MAJOR COMPONENTS**

In accordance with (i) ITB 5.1 (Eligible Plant, Materials and Services), (ii) PC 4.1 (Contractor’s General Obligations, including Appendix 1 referenced therein, and (iii) Section V (Eligible Source Countries of Japanese ODA Loans), the goods, services and major components shall be procured from Japan and/or Eligible Source Countries defined in the said Section V at not less than the percentage rate specified therein. The Bidder shall furnish with its Bid, using the format provided below, a list of the goods, services and major components that the Bidder intends to procure from Japan and/or eligible sources to meet the requirement specified in Section V.

The goods and services to be described in the format shown below shall be the same as those listed in Appendix 6.9 [*Japanese Origin of Plant, Materials and Services*] included in Appendix 6 (Technical Proposal).

Item	Description of Goods, Services and/or Major Components to be procured from Eligible Sources	Manufacturers / Suppliers / Service Providers	Quantity	Amount in Japanese Yen
<b>Total Amount excluding VAT (A)</b>				

*Note: This List of Japanese Origin, Goods, Services and Major Components is to be included in the Price Bid only, and must not be confused with Form ELG that is to be included in the Technical Bid.*

**Total Percentage of Japanese Content**

Exchange rate shall be as provided in ITB 37.1.

Description	Amount		
	Local Currency	Foreign Currency	Equivalent to Japanese Yen
Total Bid Amount excluding Value Added Tax (B)			(B)
General Administration Expenses (C) = (B) x (c) x 7.41%; (i) where the Bidder is a single Japanese entity, (c) is 1.00, or (ii) where the Bidder is a JV consisting of Japanese entities, (c) is 1.00, or (iii) where the Bidder is a JV consisting of a Japanese entity and a Philippines entity, (C) is the total share of the Japanese entity in the JV.			(C)
Total Amount of Japanese Component (D) = (A) + (C)			(D)
Total Bid Amount (Equivalent to Japanese Yen)			(E)
Total Percentage of Japanese Component (F) = (D) / (E)			(F)

Bidder's Signature \_\_\_\_\_

**FORM SCJ: SUMMARY FOR THE TOTAL COST OF GOODS,  
 SERVICES AND MAJOR COMPONENTS PROCURED FROM JAPAN**

The Bidder is to complete the Form SCJ: Summary for the Total Cost of Goods, Services and Major Components Procured from Japan below, including the calculation of the percentage which is to be not less than ten percent (10%) of the Contract Price, in accordance with the requirement of Eligible Source Countries of Japanese ODA Loans.

Summary for the Total Cost of Goods and Services Procured from Japan

Item	Description	Country	Price
		Japan	
		Japan	
		Japan	
	<b>TOTAL (A)</b>		

Exchange Rate: (as provided in BDS ITB 37.1)

Description	Local PHP	Foreign JPY	Total JPY
Sub-total of Price Schedules 1.1 to 1.6 of the Grand Summary			
Provisional Sum as per Schedule 1.9	152,000,000	34,500,000	
<b>(B) Total Bid Amount without VAT</b>			
<b>VAT</b>			
<b>(C) Base for Calculation (Total Bid Amount (Equivalent to Japanese Yen))</b>			
<b>(D) General Administration Expenses (7.41%): (B)*7.41%</b>	JP	JAPAN	
<b>(E) Total Amount Japanese Content (A) + (D)</b>			
<b>Total % of Japanese Contents (E) / (C)</b>			

Bidder's Signature \_\_\_\_\_



**FORM DEC: DECLARATION AS TO THE ORIGIN OF GOODS,  
SERVICES AND MAJOR COMPONENTS AND ELIGIBILITY OF  
SUBCONTRACTORS/SUPPLIERS**

(Refer to Sub-Clause 4.1 of the General Conditions of Contract)

**[Where the Bidder is a single entity]**

To: **Department of Transportation**  
Pinatubo St. corner Sergio Osmeña Sr. St.  
Clark Freeport Zone  
Angeles City, Pampanga  
2009 Philippines

**Declaration**

The Malolos-Clark Railway Project and the  
North-South Railway Project-South Line (Commuter)  
Package CP NS-03: Rolling Stock - Limited Express Trainsets

I, the undersigned, hereby certify that the total costs of goods, services and major components procured from Japan, the Eligible Local Manufacturing Company(ies), the Eligible Development Partners' Manufacturing Company(ies), the Eligible Developed Countries' Manufacturing Company(ies) and the Eligible Foreign Company(ies) shall not be less than *[Insert numbers of percentage]* percent (*[Insert figures]*) % of the Contract Price.

I, the undersigned, further certify that *[Insert name of the Contractor]* satisfies either (a) or (b) below:

- (a) It was incorporated and is registered in Japan, has its appropriate facilities for producing or providing the goods and services in Japan, and actually conducts its business there; or
- (b) It satisfies both of the following conditions:
  - (i) It is a subsidiary company in a country or area other than Japan, whose financial statements are required to be in a consolidated financial statement of the Japanese Company (as a parent company) made in accordance with the Financial Instruments and Exchange Act of Japan and the related ministerial ordinances; and
  - (ii) It is registered in the country or area where it was incorporated, has its appropriate facilities for producing or providing goods and services there, and actually conducts its business therein.

Date: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signatory

For and on behalf of the Contractor

**[Where the Bidder is a Joint Venture]**

To: **Department of Transportation (DOTr)**  
Pinatubo St. corner Sergio Osmeña Sr. St.  
Clark Freeport Zone  
Angeles City, Pampanga  
2009 Philippines

**Declaration**

The Malolos-Clark Railway Project and the  
North-South Railway Project-South Line (Commuter)  
Package CP NS-03: Rolling Stock - Limited Express Trainsets

I, the undersigned, hereby certify that the total costs of goods, services and major components procured from Japan, the Eligible Local Manufacturing Company(ies), the Eligible Development Partners' Manufacturing Company(ies), the Eligible Developed Countries' Manufacturing Company(ies) and the Eligible Foreign Company(ies) shall not be less than *[Insert numbers of percentage]* percent (*[Insert figures]*) % of the Contract Price.

I, the undersigned, further certify that the total share of work of Japanese partners in the joint venture will be more than fifty percent (50%) of the Contract Price; and that all of the following conditions are satisfied:

- (a) Lead partner and each of other partners, if any, regarded as Japanese partners satisfy either (i) or (ii) below:
  - (i) It was incorporated and is registered in Japan, has its appropriate facilities for producing or providing the goods and services in Japan, and actually conducts its business there; or
  - (ii) It satisfies both of the following conditions:
    - It is a subsidiary company in a country or area other than Japan, whose financial statements are required to be in a consolidated financial statement of the Japanese Company (as a parent company) made in accordance with the Financial Instruments and Exchange Act of Japan and the related ministerial ordinances; and
    - It is registered in the country or area where it was incorporated, has its appropriate facilities for producing or providing goods and services there, and actually conducts its business therein.
- (b) The partners, except the Japanese partners, have been incorporated and registered in Japan or the Republic of the Philippines, have their appropriate facilities for producing or providing the goods and services in Japan or the Republic of the Philippines, and actually conduct their business there.

Date: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signatory

For and on behalf of the Contractor

\_\_\_\_\_

**SECTION IV. BIDDING FORMS (BF)**  
***D. BIDDER'S QUALIFICATION FORMS***

## Form ELI - 1: Bidder Information

Date: *[insert day, month, year]*

IFB No.: 21-031-4

Page *[insert page number]* of *[insert total number]* pages

*[The Bidder shall provide the following information.]*

Bidder's legal name: *[insert full name]*

In the case of a JV, the legal name of the representative member and of each member: *[insert full name of each member in the JV and specify the representative member]*

Bidder's actual or intended country of registration: *[insert country of registration]*

Bidder's actual or intended year of incorporation: *[insert year of incorporation]*

Bidder's legal address in country of registration: *[insert street/number/town or city/country]*

Bidder's authorized representative information

Name: *[insert full name]*

Address: *[inset street/number/town or city/country]*

Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]*

Email Address: *[insert E-mail address]*

1. Attached are copies of original documents of:
  - Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of legal entity named above, in accordance with ITB 4.3.
  - In the case of a JV, the JV agreement or the letter of intent to form a JV with the draft JV agreement, in accordance with ITB 4.1.
2. Included are the organizational chart, a list of the Board of Directors, and details of the beneficial ownership.

## Form ELI - 2: Bidder's Party Information

Date: *[insert day, month, year]*

IFB No.: 21-031-4Page *[insert page number]* of *[insert total number]* pages

*[The following form is additional to Form ELI-1, and shall be completed to provide information relating to each JV member (in case the Bidder is a JV) as well as any specialist Subcontractor proposed to be used by the Bidder for any part of the Contract resulting from this process.]*

Bidder's legal name: <i>[insert full name]</i>
Bidder's Party legal name: <i>[insert full name of Bidder's Party]</i>
Bidder's Party country of registration: <i>[insert country of registration]</i>
Bidder's Party year of incorporation: <i>[insert year of incorporation]</i>
Bidder's Party legal address in country of registration: <i>[insert street/number/town or city/country]</i>
Bidder's Party authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/number/town or city/country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[insert E-mail address]</i>
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITB 4.3.
2. Included are the organizational chart, a list of the Board of Directors, and details of the beneficial ownership.

## Form CON: Historical Contract Non-Performance

*[The following table shall be filled in for the Bidder and for each member of a JV.]*

Date: *[insert day, month, year]*  
 Bidder's Legal Name: *[insert full name]*  
 Joint Venture Party Legal Name: *[insert full name]*  
 IFB No.: 21-031-4  
 Page *[insert page number]* of *[insert total number]* pages

### 1. History of Non-Performing Contracts

Non-Performing Contracts			
<input type="checkbox"/> Contract non-performance did not occur since 1 <sup>st</sup> January 2019, in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 <sup>st</sup> January 2019, in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.2.1 is (are) indicated below:			
Year	Non-Performed Portion of Contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and USD equivalent)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	<ul style="list-style-type: none"> <li>Contract Identification: <i>[indicate complete Contract name, number, and any other identification]</i></li> <li>Name of Employer: <i>[insert full name]</i></li> <li>Address of Employer: <i>[insert street/city/country]</i></li> <li>Reason(s) for non-performance: <i>[indicate main reason(s)]</i></li> </ul>	<i>[insert amount]</i>

## 2. Pending Litigation

<b>Pending Litigation</b>				
<input type="checkbox"/> No pending litigation in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.2.2.				
<input type="checkbox"/> Pending litigation in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.2.2, is indicated below:				
<b>Year of dispute</b>	<b>Amount in dispute (currency)</b>	<b>Outcome as Percentage of Net Worth</b>	<b>Contract Identification</b>	<b>Total Contract Amount (current value, currency, exchange rate and USD equivalent)</b>
<i>[insert year]</i>	<i>[insert amount]</i>	<i>[insert percentage]</i>	<ul style="list-style-type: none"> <li>• Contract Identification: <i>[indicate complete Contract name, number, and any other identification]</i></li> <li>• Name of Employer: <i>[insert full name]</i></li> <li>• Address of Employer: <i>[insert street/ city/ country]</i></li> <li>• Matter in dispute: <i>[indicate main issues in dispute]</i></li> <li>• Status of dispute: <i>[indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i></li> </ul>	<i>[insert amount]</i>

### 3. Litigation History

<b>Litigation History</b>		
<input type="checkbox"/> No court/arbitral award decisions against the Bidder since 1 <sup>st</sup> January 2015, in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.2.3.		
<input type="checkbox"/> Court/arbitral award decisions against the Bidder since 1 <sup>st</sup> January 2015, in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.2.3, are indicated below:		
<b>Year of award</b>	<b>Contract Identification</b>	<b>Total Contract Amount (current value, currency, exchange rate and USD equivalent)</b>
[insert year]	<ul style="list-style-type: none"> <li>• Contract Identification: [indicate complete Contract name, number, and any other identification]</li> <li>• Name of Employer: [insert full name]</li> <li>• Address of Employer: [insert street/city/country]</li> <li>• Matter in dispute: [indicate main issues in dispute]</li> <li>• Party who initiated the dispute: [indicate “Employer” or “Contractor”]</li> <li>• Status of dispute: [indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</li> </ul>	[insert amount]



### Form FIN - 1: Financial Situation

[The following table shall be filled in for the Bidder and for each member of a JV.]

Date: [insert day, month, year]

Bidder's Legal Name: [insert full name]

Joint Venture Party Legal Name: [insert full name]

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#### 1. Financial Data

Type of Financial information in (currency)	Historic information for previous five (5) years (amount, currency, exchange rate, USD equivalent)				
	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Statement of Financial Position (Information from Balance Sheet)</b>					
Total Assets (TA)					
Total Liabilities (TL)					
Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
<b>Information from Income Statement</b>					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Profits After Taxes (PAT)					

## 2. Financial Documents

The Bidder and its parties shall provide copies of the financial statements for five (5) years pursuant to Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.3.1. The financial statements shall:

- (a) reflect the financial situation of the Bidder or in case of JV member, of each member, and not an affiliated entity (such as parent company or group member);
  - (b) be independently audited or certified in accordance with local legislation;
  - (c) be complete, including all notes to the financial statements; and
  - (d) correspond to accounting periods already completed and audited.
- Attached are copies of financial statements<sup>1</sup> for the five (5) years required above; and complying with the requirements.

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<sup>1</sup> If the most recent set of financial statements is for a period earlier than 12 months from the date of Bid, the reason for this should be justified.

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## Form FIN - 2: Average Annual Turnover

*[The following table shall be filled in for the Bidder and for each member of a JV.]*

Date: *[insert day, month, year]*

Bidder's Legal Name: *[insert full name]*

Joint Venture Party Legal Name: *[insert full name]*

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Annual Turnover Data			
Year	Amount and Currency	Exchange Rate	USD Equivalent
<i>[indicate year]</i>	<i>[insert amount and indicate currency]</i>	<i>[insert applicable exchange rate]</i>	<i>[insert amount in USD equivalent]</i>
<b>Average Annual Turnover *</b>			

\* Total USD equivalent for all years divided by the total number of years, in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.3.2.

### Form FIR - 1: Financial Resources

*[The following table shall be filled in for the Bidder and for each member of a JV.]*

Date: *[insert day, month, year]*

Bidder's Legal Name: *[insert full name]*

Joint Venture Party Legal Name: *[insert full name]*

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*[Specify proposed sources of financing, such as liquid assets, unencumbered real assets, lines of credit, and other financial means, net of current commitments, available to meet the total construction cash flow demands of the subject Contract or Contracts as indicated in Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.3.3.]*

Financial Resources		
No.	Source of Financing	Amount (USD equivalent)
1		
2		
3		

## Form FIR - 2: Current Contract Commitments

*[The following table shall be filled in for the Bidder and for each member of a JV.]*

Date: *[insert day, month, year]*

Bidder's Legal Name: *[insert full name]*

Joint Venture Party Legal Name: *[insert full name]*

IFB No.: 21-031-4

Page *[insert page number]* of *[insert total number]* pages

*[Bidders and each member of a JV should provide information on their current commitments on all Contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for Contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued, in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.3.3.]*

Current Contract Commitments					
No.	Name of Contract	Employer's Contact Address, Tel, Fax	Value of Outstanding Work [Current USD Equivalent]	Estimated Completion Date	Average Monthly Invoicing Over Last Six Months [USD/month]
1					
2					
3					
4					
5					

### Form EXP-1: General Experience

*[The following table shall be filled in for the Bidder and for each member of a JV to be used by the Bidder for any part of the Contract resulting from this process.]*

Date: *[insert day, month, year]*

Bidder's Legal Name: *[insert full name]*

Joint Venture Party Legal Name: *[insert full name]*

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*[Identify contracts that demonstrate continuous work over the past ten (10) years pursuant to Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.4.1. List Contracts chronologically, according to their commencement (starting) dates.]*

General Experience			
Starting Year	Ending Year	Contract Identification	Role of Bidder
<i>[indicate year]</i>	<i>[indicate year]</i>	<ul style="list-style-type: none"> <li>• Contract name: <i>[insert full name]</i></li> <li>• Brief description of the works performed by the Bidder: <i>[describe works performed briefly]</i></li> <li>• Amount of Contract: <i>[insert amount, currency, exchange rate and USD equivalent]</i></li> <li>• Name of Employer: <i>[indicate full name]</i></li> <li>• Address : <i>[indicate street/number/town or city/country]</i></li> </ul>	<i>[insert "Prime Contractor (single entity or JV member)" or "Subcontractor" or "Management Contractor"]</i>

### Form EXP-2(a): Specific Experience

*[The following table shall be filled in for contracts performed by the Bidder and each member of a JV as well as the specialist subcontractor satisfying the relevant requirement in Section III, Evaluation and Qualification Criteria.]*

Date: *[insert day, month, year]*

Bidder's Legal Name: *[insert full name]*

Joint Venture Party Legal Name: *[insert full name]*

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*[Fill out one (1) form per contract, in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.4.2(a).]*

Similar Contract			
Similar Contract No. <i>[insert number] of [insert number of similar Contracts required]</i>	Information		
Contract Identification	<i>[insert contract name and reference identification number, if applicable]</i>		
Award Date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>		
Completion Date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>		
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor		Subcontractor
	Single entity <input type="checkbox"/>	JV member <input type="checkbox"/>	Single entity <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount(s) and currency(ies)]</i>		USD <i>[insert exchange rate and total contract amount in USD equivalent]</i>
If member in a JV, specify participation in total Contract amount	<i>[insert percentage amount]</i>	<i>[insert amount(s) and currency(ies) of participation]</i>	USD <i>[insert exchange rate and amount of participation in USD equivalent]</i>
Employer's Name:	<i>[insert full name]</i>		
Address:	<i>[indicate street / number / town or city / country]</i>		
Telephone/Fax Number:	<i>[insert telephone/fax numbers, including country and city area codes]</i>		
E-mail:	<i>[insert E-mail address, if available]</i>		

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<b>Similar Contract No.</b> <i>[insert number of similar contracts required]</i>	<b>Information</b>
Description of the similarity in accordance with Sub-Factor 2.5.4.2(a) of Section III:	
1. Physical size of required works items	<i>[insert physical size of items]</i>
2. Complexity	<i>[insert description of complexity]</i>
3. Methods/Technology	<i>[insert specific aspects of the methods/ technology involved in the contract]</i>
4. Other Characteristics	<i>[insert other characteristics as described in Section VI, Employer's Requirements]</i>



### Form EXP-2(b): Experience in Key Activities

[The following table shall be filled in for Contracts performed by the Bidder and by each member of a JV as well as the specialist subcontractor.]

Date: [insert day, month, year]

Bidder's Legal Name: [insert full name]

Joint Venture Party Legal Name: [insert full name]

Specialist Subcontractor's Legal Name [insert full name]

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[Fill out one (1) form per contract in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.5.4.2(b).]

Key Activity No. (1) \_\_\_\_: [insert brief description of the Activity, emphasizing its specificity]

Total Quantity of Activity under the Contract: \_\_\_\_\_

Contract with Similar Key Activities			
Item	Information		
Contract Identification	[insert contract name and number, if applicable]		
Award Date	[insert day, month, year, e.g., 15 June, 2015]		
Completion Date	[insert day, month, year, e.g., 03 October, 2017]		
Role in Contract [check the appropriate box]	Prime Contractor		Management Contractor <input type="checkbox"/>
	Single entity <input type="checkbox"/>	JV member <input type="checkbox"/>	
Total Contract Amount	[insert total contract amount and currency(ies)]		USD [insert Exchange rate and total contract amount in USD equivalent]*
Quantity (Volume, number or rate of production, as applicable) performed under the Contract per year or part of the year. [Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]	Total Quantity in the Contract (i)	Percentage Participation (ii)	Actual Quantity Performed (i) x (ii)
	Year 1		
	Year 2		
	Year 3		
	Year 4		
Employer's Name:	[insert full name]		

Address:	<i>[indicate street / number / town or city / country]</i>
Telephone/Fax Number:	<i>[insert telephone/fax numbers, including country and city area codes]</i>
E-mail:	<i>[insert E-mail address, if available]</i>

\* Refer to ITB 37.1 for date and source of exchange rate.

2. Activity No. (2) \_\_\_\_\_

3. Activity No. (3) \_\_\_\_\_

**SECTION IV. BIDDING FORMS (BF)**  
***E. ANNEXES FOR TECHNICAL BID FORMS***

## Form PER - 1: Proposed Personnel

Date: *[insert day, month, year]*

Bidder's Legal Name: *[insert full name]*

Joint Venture Party Legal Name: *[insert full name]*

IFB No.: 21-031-4

Page *[insert page number]* of *[insert total number]* pages

*[The Bidder shall provide the names of suitably qualified personnel to meet the specified requirements stated in Section III, Evaluation and Qualification Criteria, Sub-Section 3.2-2,2 (Proposed Key Personnel).]*

1.	Title of position*
	Name
2.	Title of position*
	Name
3.	Title of position*
	Name
4.	Title of position*
	Name

\*As listed in Section III.

## Form PER - 2: Resume of Proposed Personnel

Date: *[insert day, month, year]*

Bidder's Legal Name: *[insert full name]*

Joint Venture Party Legal Name: *[insert full name]*

IFB No.: 21-031-4

Page *[insert page number]* of *[insert total number]* pages

*[The Bidder shall provide the data on the experience of the personnel indicated in Form PER-1, in the form below.]*

<b>Name of Bidder</b>
-----------------------

<b>Position</b>							
<b>Personnel information</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"><b>Name</b></td> <td style="width: 50%; padding: 5px;"><b>Date of birth</b></td> </tr> <tr> <td colspan="2" style="padding: 5px;"><b>Professional qualifications</b></td> </tr> </table>	<b>Name</b>	<b>Date of birth</b>	<b>Professional qualifications</b>			
	<b>Name</b>	<b>Date of birth</b>					
<b>Professional qualifications</b>							
<b>Present employment</b>	<b>Name of employer</b>						
	<b>Address of employer</b>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"><b>Telephone</b></td> <td style="width: 50%; padding: 5px;"><b>Contact (manager / personnel officer)</b></td> </tr> <tr> <td style="padding: 5px;"><b>Fax</b></td> <td style="padding: 5px;"><b>E-mail</b></td> </tr> <tr> <td style="padding: 5px;"><b>Job title</b></td> <td style="padding: 5px;"><b>Corporate Affiliation and Years with Present Employer</b></td> </tr> </table>	<b>Telephone</b>	<b>Contact (manager / personnel officer)</b>	<b>Fax</b>	<b>E-mail</b>	<b>Job title</b>	<b>Corporate Affiliation and Years with Present Employer</b>
	<b>Telephone</b>	<b>Contact (manager / personnel officer)</b>					
	<b>Fax</b>	<b>E-mail</b>					
<b>Job title</b>	<b>Corporate Affiliation and Years with Present Employer</b>						

*[Summarize professional experience over the last 20 years, in reverse chronological order. Indicate particular technical and managerial experience relevant to the project and the nominee's proposed position.]*

<b>From</b>	<b>To</b>	<b>Company / Project / Position / Relevant technical and management experience</b>

## Form EQU: Equipment

Date: [insert day, month, year]  
 Bidder's Legal Name: [insert full name]  
 Joint Venture Party Legal Name: [insert full name]  
 IFB No.: 21-031-4  
 Page [insert page number] of [insert total number] pages

*[The Bidder shall provide adequate information to demonstrate clearly that it has the capability to meet the requirements for the key equipment listed in Section III, Evaluation and Qualification Criteria, Sub-Section 3.2-4 (Plant and Equipment); a separate Form (Table 2) shall be prepared for each item of equipment listed, or for alternative equipment proposed by the Bidder. Summary of the equipment shall be provided in the Table 1.]*

Table 1 Summary of Equipment Type and Characteristic:

No.	Equipment Type and Characteristics	Numbers Intended to Mobilize at the Site

Table 2 Item of Equipment:

Item of Equipment		
<b>Equipment Information</b>	Name of Manufacturer	Model and Power Rating
	Capacity	Year of Manufacture
<b>Current Status</b>	Current Location	
	Details of Current Commitments	
<b>Source</b>	Indicate Source of the Equipment <input type="checkbox"/> Owned <input type="checkbox"/> Rented <input type="checkbox"/> Leased <input type="checkbox"/> Specially manufactured	

Omit the following information for equipment owned by the Bidder.

<b>Owner</b>	<b>Name of Owner</b>	
	<b>Address of Owner</b>	
	<b>Telephone</b>	<b>Contact Name and Title</b>
	<b>Fax</b>	<b>Telex</b>
<b>Agreements</b>	<b>Details of rental / lease / manufacture agreements specific to the project</b>	



## **Form SUB: Proposed Subcontractors/Manufacturers for Major Items of Plant and Installation Services**

A list of major items of Plant and Installation Services is provided below.

The following subcontractors and/or manufacturers are proposed for carrying out the item of the facilities indicated. Bidders are free to propose more than one for each item.

<b>Major Items of Plant and Installation Services</b>	<b>Proposed Subcontractors / Manufacturers</b>	<b>Nationality / Country of Manufacturing</b>
1. Carbody		
2. Bogie		
3. Wheel and Axle		
4. Brake Caliper		
5a. Traction Motor		
5b. Propulsion Unit		
6. Power Conversion Equipment (PCE)		
7. Gear Box		
8. Coupler and Draft-Gear		
9. Brake System with train-set brake control function		
10. Air Compressor		
11. Auxiliary Power Supply Equipment		
12. Air Conditioning Unit		
13. Pantograph		
14. Door system		
15. Train Management System with control transmission		
16. LCD Display System for passenger cabin		
17. Battery		
18. Communications System		
19. CCTV System		

### **Form MAN: Manufacturer's Authorization**

*[The Bidder shall require the Manufacturer to fill in this Form in accordance with the instructions indicated. This letter of authorization should be signed by a person with the proper authority to sign documents that are binding on the Manufacturer.]*

Date: *[insert date (as day, month and year) of Bid Submission]*  
IFB No.: 21-031-4

To: *[insert complete name of Purchaser]*

#### WHEREAS

We *[insert complete name of Manufacturer or Manufacturer's authorized agent]*, who are official manufacturers of *[insert type of goods manufactured]*, having factories at *[insert full address of Manufacturer's factories]*, do hereby authorize *[insert complete name of Bidder]* to submit a Bid the purpose of which is to provide the following goods, manufactured by us *[insert name and/or brief description of the goods]*, and to subsequently negotiate and sign the Contract.

We hereby extend our full guarantee and warranty in accordance with Clause 11, Defect Liability, of the General Conditions of Contract, with respect to the goods offered by the above firm.

Name: *[insert complete name of person signing the Bid]*

In the capacity of *[insert legal capacity of person signing the bid]*

Signed: *[insert signature of person whose name and capacity are shown above]*

Duly authorized to sign the bid for and on behalf of: *[insert complete name of Bidder]*

Dated on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ *[insert date of signing]*

### **Form CM: Compliance Matrix**

The Bidder shall confirm conformance with the Employer’s Requirements by placing a check mark (tick) in either the Conformance column or the Partial Conformance column.

If the Bidder ticks in the Partial Conformance column, then the Bidder shall describe details of the area of non-conformance and shall explain reasons for such non-conformance and why the Employer should consider accepting such non-conformance without the Employer determining the Bidder’s Technical Bid to be not substantially responsive to the Employer’s Requirements.

The Bidder shall note that if the Employer determines that the Bidder’s Technical Bid is not substantially responsive to the Employer’s Requirements, its Bid will be rejected by the Employer.

**Employer’s Requirements – General Requirements/Technical Requirements:**

<b>Required Performance / Specific Guarantee</b>			
<b>Description</b>	<b>Reference Clause</b>	<b>Conformance</b>	<b>Partial Conformance</b>

Detail of Non-conformance and Explanation of Reasons

<b>Clause No.</b>	<b>Details of Non-conformance</b>	<b>Explanation of reasons for non-conformance and why it may be considered by the Employer to accept.</b>

Bidder's Signature: \_\_\_\_\_

### **Form SPA-1: Contractor’s List of Proposed Spare Parts**

The Bidder shall provide below full particulars, including available sources, of all spare parts, special tools, etc., in the table below, necessary for the proper and continuing functioning of the Plant for the period specified in the BDS, following completion of the Works:

No	Description	Parts No.	Source of Supply	
			Supplier	Country

The final list shall be determined during the design stage.

## **Form ELG: Japanese Origin of Plant, Materials and Services [Without Prices]**

The Bidder shall provide the information of full particular of Japanese origin of plant, materials and services procured from eligible source countries to comply with the requirements specified in Section V, Eligible Source Countries of Japanese ODA Loans, including documentary evidence establishing its eligibility.

Item	Description of Plant, Materials and Services to be procured from Eligible Sources defined Section V.	Source of Supply	
		Manufacturer/Supplier	Country

- Note: 1) The Bidder shall attach the documentary evidence/certificate substantiating the origin of the listed plant, materials and services to meet the requirements of Section V, Eligible Source Countries of Japanese ODA Loans.
- 2) Any financial information shall not be included in the Technical Bid; otherwise the Bid shall be rejected.

## Form ACK: Acknowledgement of Compliance with the Guidelines for Procurement under Japanese ODA Loans

A) I, [*insert name and position of authorized signatory*], being duly authorized by [*insert name of Bidder/members of joint venture (“JV”)*] (hereinafter referred to as the “Bidder”) to execute this Acknowledgement of Compliance with the Guidelines for Procurement under Japanese ODA Loans, hereby certify on behalf of the Bidder and myself that:

- (i) all information provided in the Bid submitted by the Bidder and its subcontractors for North South Commuter Railway Extension (NSCR-Ex) Project – the Malolos-Clark Railway Project and the North-South Railway Project - South Line (Commuter) is true, correct and accurate to the best of the Bidder’s and my knowledge and belief; and
- (ii) the Bidder or any of its subcontractors has not, directly or indirectly, taken any action which is or constitutes a corrupt or fraudulent practice and is not subject to any conflict of interest as stipulated in the relevant section of the Guidelines and the Bidding Document.

*<If debarment for more than one year by the World Bank Group is NOT imposed, use the following sentence B).>*

B) I certify that the Bidder has NOT been debarred by the World Bank Group for more than one year since the date of issuance of Invitation for Bids.

*<If debarment for more than one year by the World Bank Group has been imposed BUT three (3) years have passed since the date of such debarment decision, use the following sentence B’).>*

B’) I certify that the Bidder has been debarred by the World Bank Group for a period more than one year BUT that on the date of issuance of Invitation for Bids at least three (3) years had passed since the date of such debarment decision. Details of the debarment are as follows:

name of the debarred firm	starting date of debarment	ending date of debarment	reason for debarment

C) I certify that the Bidder will not enter into a subcontract with a firm which has been debarred by the World Bank Group for a period more than one year, unless on the date of the subcontract at least three (3) years have passed since the date of such debarment decision.

D) I certify, on behalf of the Bidder and its subcontractors, that if selected to undertake works and services in connection with the Contract, the Bidder and its subcontractors shall carry out such works and services in continuing compliance with the terms and conditions of the Contract.

- E) I further certify, on behalf of the Bidder and its subcontractors, that if the Bidder and any of its subcontractors is requested, directly or indirectly, to engage in any corrupt or fraudulent practice under any applicable law, such as the payment of a rebate, at any time or any stage of a process of procurement such as negotiations, execution or implementation of contract (including amendment thereof), the Bidder shall report all relevant facts regarding such request to the relevant section in JICA (details of which are specified below) in a timely manner.

JICA's information desk on fraud and corruption (A report can be made to either of the offices identified below.)

- (1) JICA Headquarters: Legal Affairs Division, General Affairs Department

URL: <https://www2.jica.go.jp/en/odainfo/index.php>

Tel: +81 (0)3 5226 8850

- (2) JICA Philippine office

Tel: +63 (0)2 889 7119

The Bidder acknowledges and agrees that the reporting obligation stated above shall NOT in any way affect the Bidder's responsibilities, obligations or rights, under relevant laws, regulations, contracts, guidelines or otherwise, to disclose or report such request or other information to any other person(s) including the Employer or to take any other action, required to or allowed to, be taken by the Bidder. The Bidder further acknowledges and agrees that JICA is not involved in or responsible for the procurement process in any way.

- F) If any of the statements made herein is subsequently proven to be untrue or incorrect based on facts subsequently determined, or if any of the warranties or covenants made herein is not complied with, the Bidder will accept, comply with, and not object to any remedies taken by the Employer and any sanctions imposed by or actions taken by JICA.

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**Authorized Signatory**  
[insert name of signatory; title]

**For and on behalf of**  
[insert name of the Bidder]  
Date: [insert date]



## Form of Bid Security (Bank Guarantee)

[*Guarantor letterhead or SWIFT identifier code*]

**Beneficiary:** Procurement Service  
RR Road, Cristobal Street  
Paco, Manila

**IFB No.:** 21-031-4

**Date:** [*insert date of issue*]

**BID GUARANTEE No.:** [*insert guarantee reference number*]

**Guarantor:** [*insert name and address of place of issue, unless indicated in the letterhead*]

We have been informed that [*insert name of the Bidder, which in the case of a joint venture shall be the name of the joint venture (whether legally constituted or prospective) or the names of all members thereof*] (hereinafter called “the Applicant”) has submitted or will submit to the Beneficiary its Bid (hereinafter called “the Bid”) for the execution of the Procurement of Package CP NS-03: Rolling Stock - Limited Express Trainsets for the Malolos-Clark Railway Project and the North South Railway Project-South Line (Commuter) under Loan Agreement No. PH-P270 dated 21 January 2019.

Furthermore, we understand that, according to the Beneficiary’s conditions, Bids must be supported by a bid guarantee.

At the request of the Applicant, we, as Guarantor, hereby irrevocably undertake to pay the Beneficiary any sum or sums not exceeding in total an amount of [*insert amount in words, (insert amount in figures)*] upon receipt by us of the Beneficiary’s complying demand, supported by the Beneficiary’s statement, whether in the demand itself or a separate signed document accompanying or identifying the demand, stating that either the Applicant:

- (a) has withdrawn its Bid during the period of Bid validity set forth in the Applicant’s Letter of Bid (hereinafter called “the Bid Validity Period”), or any extension thereto provided by the Applicant; or
- (b) having been notified of the acceptance of its Bid by the Beneficiary during the Bid Validity Period or any extension thereto provided by the Applicant, (i) fails to execute the Contract Agreement, or (ii) fails to furnish the Performance Security, in accordance with the Instructions to Bidders of the Beneficiary’s Bidding Documents.

This guarantee will expire and shall be returned to the Applicant: (a) if the Applicant is the successful Bidder, upon our receipt of copies of the Contract Agreement signed by the Applicant and the Performance Security issued to the Beneficiary in relation to such Contract Agreement; or (b) if the Applicant is not the successful Bidder, upon the earlier of (i) our receipt of a copy of the Beneficiary’s notification to the Applicant of the results of the bidding process; or (ii) twenty-eight (28) days after the end of the Bid Validity Period.

Consequently, any demand for payment under this guarantee must be received by us at the office indicated above on or before that date.

This guarantee is subject to the Uniform Rules for Demand Guarantees (URDG) 2010 Revision, ICC Publication No. 758.

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*[signature(s)]*

*[Note: All italicized text is for use in preparing this form and shall be deleted from the final product.]*

## Form of Bid Security (Bid Bond)

BOND No. *[insert Bond No.]*

BY THIS BOND *[insert name of Bidder]* as Principal (hereinafter called “the Principal”), and *[insert name, legal title, and address of surety]*, authorized to transact business in the Republic of the Philippines, as Surety (hereinafter called “the Surety”), are held and firmly bound unto Procurement Service as Obligee (hereinafter called “the Employer”) in the sum of *[insert amount of Bond in words and figures]*<sup>1</sup>, for the payment of which sum, well and truly to be made, we, the said Principal and Surety, bind ourselves, our successors and assigns, jointly and severally, firmly by these presents.

WHEREAS the Principal has submitted a written Bid to the Employer dated the *[insert day]* day of *[insert month]*, 20 *[insert year]*, for the execution of the Procurement CP NS-03: Rolling Stock - Limited Express Trainsets for the North-South Commuter Railway Extension (NSCR-Ex) Project – the Malolos-Clark Railway Project and the North-South Railway Project - South Line (Commuter) (hereinafter called the “Bid”).

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the Principal:

- (a) withdraws its Bid during the period of Bid validity specified in the Form of Bid, or any extension thereto provided by the Applicant; or
- (b) having been notified of the acceptance of its Bid by the Employer during the period of Bid validity; (i) fails or refuses to execute the Contract Form, if required; or (ii) fails or refuses to furnish the Performance Security in accordance with the Instructions to Bidders;

then the Surety undertakes to immediately pay to the Employer up to the above amount upon receipt of the Employer’s first written demand, without the Employer having to substantiate its demand, provided that in its demand the Employer shall state that the demand arises from the occurrence of any of the above events, specifying which event(s) has occurred.

The Surety hereby agrees that its obligation will remain in full force and effect up to and including the date twenty-eight (28) days after the date of expiration of the Bid validity as stated in the Invitation for Bid or extended by the Employer at any time prior to this date, notice of which extension(s) to the Surety being hereby waived.

IN TESTIMONY WHEREOF, the Principal and the Surety have caused these presents to be executed in their respective names this *[insert day]* day of *[insert month]* *[insert year]*.

Principal: \_\_\_\_\_

Surety: \_\_\_\_\_  
Corporate Seal (where appropriate)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed name and title)

\_\_\_\_\_  
(Printed name and title)

<sup>1</sup> The amount of the Bond shall be denominated in the currency of the Employer’s country or the equivalent amount in a freely convertible currency.

**SECTION V. ELIGIBLE SOURCE COUNTRIES OF  
JAPANESE ODA LOANS (ESC)**

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## **ELIGIBLE SOURCE COUNTRIES OF JAPANESE ODA LOANS (ESC)**

### **Eligible Nationality**

- (1) The Eligible Nationality of all Bidder(s) shall be the following:
  - (a) Japan in case of the prime contractor; and
  - (b) Any countries and areas in the case of sub-contractor(s).
- (2) With regard to (1) above, in case where the prime contractor is a joint venture, such joint venture will be eligible provided that the nationality of the lead partner is Japan, that the nationality of the other partners is Japan and/or the Republic of the Philippines and that the total share of work of Japanese partners in the joint venture is more than fifty percent (50%) of the contract amount.
- (3) With regard to (1) and (2) above,
  - (i) The prime contractor or, in case of a joint venture, the lead partner and other partners regarded as the Japanese partners shall be nationals of Japan or juridical persons incorporated and registered in Japan, have their appropriate facilities for producing or providing the goods and services in Japan, and actually conduct their business there (hereinafter referred as the “Japanese Company”).
  - (ii) In the case of a joint venture, the partners except Japanese partners shall be nationals of the Republic of the Philippines or juridical persons incorporated and registered in Japan or the Republic of the Philippines, and have their appropriate facilities for producing or providing the goods and services in Japan or the Republic of the Philippines, and actually conduct their business there.
  - (iii) Notwithstanding (3)(i) above, a juridical person incorporated in a country or area other than Japan that satisfies all of the following conditions can be regarded as a Japanese Company;
    - it is a subsidiary included in the scope of consolidation and factored into the aggregated accounting figure of a consolidated financial statement of the Japanese Company made in accordance with the Financial Instruments and Exchange Act of Japan and the related ministerial ordinances; and
    - it is registered in the country or area where it was incorporated, has its appropriate facilities for producing or providing goods and services there, and actually conducts its business therein.

### **Eligible Source Country(ies) for Procurement of Goods and Services**

- (4) The total cost of goods and services procured from Japan shall not be less than ten percent (10%) of the total amount of contracts.
- (5) With regard to (4) above, the goods procured from the eligible local manufacturing company(ies) invested by the Japanese Companies (hereinafter referred to as the “Eligible Local Manufacturing Company(ies)”) can be regarded and counted as Japanese

origin if such Eligible Local Manufacturing Company(ies) satisfy(ies) all of the following conditions:

- (a) Juridical persons incorporated and registered in the Republic of the Philippines, and which have their appropriate facilities for producing or providing the goods and services in the Republic of the Philippines and actually conduct their business there.
  - (b) Not less than ten percent (10%) of shares are held by a single Japanese Company; and
  - (c) The proportion of the shares held by the Japanese Company mentioned in (b) above (or the company having the largest share among Japanese Companies if more than one Japanese Company meet the condition stated in (b) above) is the same as or greater than that of the shares held by any company of a third country or area.
- (6) With regard to (4) above, the goods procured from the eligible development partners' manufacturing company(ies) invested by Japanese Companies (hereinafter referred to as the "Eligible Development Partners' Manufacturing Company(ies)") can be regarded and counted as Japanese origin if such Eligible Development Partners' Manufacturing Company(ies) satisfy(ies) all of the following conditions:
- (a) Juridical persons incorporated and registered in a country or area on the DAC List of ODA Recipients effective at the time of conclusion of the Loan Agreement and which have their appropriate facilities for producing or providing the goods and services in the country or area and actually conduct their business there.
  - (b) Not less than one-third of shares are held by a single Japanese Company; and
  - (c) The proportion of the shares held by the Japanese Company mentioned in (b) above (or the company having the largest share among Japanese Companies, if more than one Japanese Company meet the condition stated in (b) above) is the same as or greater than that of the shares held by any company of a third country or area.
- (7) With regard to (4) above, the goods procured from the eligible manufacturing company(ies) in developed countries invested by Japanese Companies (hereinafter referred to as the "Eligible Developed Countries' Manufacturing Company(ies)") can be regarded and counted as of Japanese origin if such Eligible Developed Countries' Manufacturing Company(ies) satisfy(ies) all of the following conditions:
- (a) It is a subsidiary company in a country or area other than Japan that is included in the scope of consolidation, and factored into the aggregated accounting figure of a consolidated financial statement of the Japanese Company made in accordance with the Financial Instruments and Exchange Act of Japan and the related ministerial ordinances;
  - (b) It was incorporated and is registered in a country or area other than that on the DAC List of ODA Recipients effective at the time of conclusion of the Loan Agreement.
  - (c) It has its appropriate facilities for producing or providing goods and services there, and actually conducts its business therein.

- (8) With regard to (4) above, the services procured from the eligible foreign company(ies) invested by the Japanese Companies (hereinafter referred to as the “Eligible Foreign Company(ies)”) can be regarded and counted as Japanese origin if such Eligible Foreign Company(ies) satisfy(ies) both of the following conditions:
- (a) It is a subsidiary company in a country or area other than Japan that is included in the scope of consolidation and factored into the aggregated accounting figure of a consolidated financial statement of the Japanese Company made in accordance with the Financial Instruments and Exchange Act of Japan and the related ministerial ordinances.
  - (b) It is registered in the country or area where it was incorporated, has its appropriate facilities for producing or providing goods and services there, and actually conducts its business therein.
- (9) With regard to the total costs of goods under (4) above, the price of major component(s) thereof, manufactured in Japan or by a consolidated subsidiary of a Japanese Company(ies) in a foreign country, can be regarded and counted as Japanese origin, regardless of the nationality of the company which carries out final assembly (in the case of machinery etc.) or the final refinement/processing (in the case of material etc.) of the good(s).
- (10) With regard to (9) above, measures of promoting visibility of Japanese ODA among citizens in both recipient countries and Japan (for example, inscribe logos of the Japanese companies that produce the major component(s) on good or a memorial monument put up on the project site) should be considered between the Employer and the Contractor within a range that business custom and system of a recipient country allow.