

BIDS AND AWARDS COMMITTEE FOR CONSULTING SERVICES (BAC-C)

**CONSTRUCTION MANAGEMENT AND SUPERVISION (CMS) OF THE DESIGN AND BUILD PROJECT
FOR THE NATIONAL ACADEMY OF SPORTS (NAS) - PHASE 1 AT NEW CLARK CITY**

Bid Bulletin No. 2

16 February 2021

This is in response to an additional question received via email.

Questions	Answer/ Clarification
<p>In case of a JV with a foreign consultant, are both partners required to submit Class A documents at this stage?</p>	<p>(erratum)</p> <p>Previous reply Section 1.3. of the Philippine Bidding Documents provide that, "If the Request for Expression of Interest allows participation of foreign consultants, prospective foreign bidders may be eligible subject to the conditions stated in the EDS."</p> <p>Per section 1.3. of the Eligibility Data Sheet of the Project, it provides that, "No further instructions." With that, participation of foreign consultants, for this project, is not allowed.</p> <p>New reply</p> <p>Joint venture with a foreign consultant may be allowed based on Section 24.3.1. of the Revised IRR of RA 9184 which provides that, <i>"The following persons/entities shall be allowed to participate in the bidding for Consulting Services</i></p> <p>xxx</p> <p><i>e. Persons/entities forming themselves into a joint venture, i.e., a group of two (2) or more persons/entities that intend to be jointly and severally responsible or liable for a particular contract: Provided, however, That Filipino ownership or interest thereof shall be at least sixty percent (60%). For this purpose, Filipino ownership or interest shall be based on the contributions of each of the members of the joint venture as specified in their JVA.</i></p> <p>On the required documents to be submitted, Section 8.5.2 of the Revised IRR of RA 9184 provides that:</p> <p><i>"All bidders shall upload and maintain in PhilGEPS a current and updated file of the following Class "A" eligibility documents under</i></p>

	<p>Sections 23.1(a) and 24.1(a):18</p> <ol style="list-style-type: none">a. Registration Certificate;b. Mayor's/Business Permit or its Equivalent Document;c. Tax Clearance;d. Philippine Contractors Accreditation Board (PCAB) license and registration (for infrastructure project, only); ande. Audited Financial Statements. <p>For Foreign Bidders, the foregoing documents may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.</p> <p><i>However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, as defined in Section 8.5.2 paragraph 4 of the 2016 revised IRR of RA No. 9184, except for countries identified by the DFA that will still require legalization (red ribbon) by the relevant Embassy or Consulate"</i></p> <p>This means that Public documents executed in Apostille-contracting countries and territories to be used in the Philippines no longer have to be authenticated by the Philippine Embassy or Consulate General once Apostillized.</p> <p>Further, in case there is no appropriate equivalent document from their country of origin, foreign bidders may indicate "No Appropriate Equivalent Document". The foregoing statement will be subject to validation with their respective embassies/consulate or equivalent offices in the Philippines during the post-qualification process.</p>
--	---

For Your Information.

BIDS AND AWARDS COMMITTEE FOR CONSULTING SERVICES



Joshua M. Bingcang
BAC-C Chairperson