

**Bids and Awards Committee for Infrastructure (BAC-I)**

**RE-BIDDING OF THE CONSTRUCTION OF SEWAGE TREATMENT PLANT, ACCESS ROAD, AND FREEDOM PARK IN BONIFACIO CAPITAL DISTRICT, TAGUIG CITY**

**RESOLUTION NO. 06**

**(Declaration of Post-Disqualification of LCB and Post-Qualification of next/2<sup>nd</sup> LCB)**

The BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA), through the 2020 and 2021 General Appropriations Act (GAA), has put on bid the **Contract for the Construction of Sewage Treatment Plant, Access Road, and Freedom Park in Bonifacio Capital District, Taguig City** (the Project) with an Approved Budget for the Contract (ABC) in the sum of **Pesos: One Hundred Fifty One Million One Hundred Sixty Thousand and 00/100 Pesos (Php151,160,000.00)**, inclusive of all applicable taxes and fees.

**WHEREAS**, the BAC for Infrastructure, through its Secretariat, advertised the Invitation to Bid on 01 February 2021 in newspaper of nationwide circulation, and on 01-08 February 2021 in the following:

- a. DBM Philippine Government Electronic Procurement System (PhilGEPS);
- b. BCDA Website; and
- c. In a conspicuous place reserved for the purpose in the premises of BCDA.

**WHEREAS**, in response to the said advertisements, nine (9) interested bidders bought the bidding documents but only seven (7) of them submitted their bids prior to the set deadline for the submission of bids for the project on 10 March 2021 at 12:00 noon;

**WHEREAS**, on 10 March 2021, the first envelopes which contained the Eligibility and Technical Requirements of the 7 bidders were opened and subjected to a preliminary evaluation by determining the presence or absence of the required documents using "pass/fail" criterion;

**WHEREAS**, during the said preliminary evaluation and after checking the sufficiency of the required documents as regards its presence or absence, only the Eligibility and Technical Proposals of five (5) bidders were rated "passed";

**WHEREAS**, the second envelopes which contained the Financial Proposals of the 5 bidders, who "passed" the preliminary examination of the eligibility/technical requirements, were opened and were likewise subjected to a preliminary evaluation of the financial proposals. During the said preliminary evaluation of the financial proposals, and after checking the sufficiency of the required documents as regards its presence or absence, the BAC-I declared the bids (Eligibility/Technical and Financial

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Proposals) of the 5 bidders as “passed” and were considered for the detailed evaluation and comparison of financial bids. Table below shows the ranking and bid amounts of the 5 bidders (as read):

BIDDERS	BID AMOUNT (AS READ)	RANKING
Jomarcann General Construction / D.L. Cervantes Construction Corporation Joint Venture	128,486,486.00	1
MSV Construction & Supplies	130,904,560.00	2
Tryst Builders Enterprises	132,874,113.65	3
Wing-An Construction and Development Corporation	133,035,149.33	4
Square Cube Construction / Netforce International Inc.	149,000,000.00	5

**WHEREAS**, on 11 to 16 March 2021, the BAC-I Technical Working Group (TWG) conducted the detailed evaluation and verification of the bids of the aforementioned 5 bidders whose Eligibility/Technical and Financial Proposals were rated “passed” during the preliminary evaluation, to determine the bidder with the Lowest Calculated Bid (LCB) in accordance with Section 32 of the Revised Implementing Rules and Regulations (RIRR) of R.A. 9184 and Clause 27.2 of the ITB. After the said detailed bid evaluation, only the bids of the three (3) bidders were rated “passed” and were ranked in ascending order based on their financial bids or total bid price as calculated, evaluated, and or corrected for computational errors, and other bid modifications to determine the bidder with the LCB who shall undergo the post-qualification. Table below shows the bid amounts of the 3 bidders (as calculated):

BIDDERS	BID AMOUNT (AS CALCULATED)	RANKING
Jomarcann General Construction / D.L. Cervantes Construction Corporation Joint Venture	128,486,457.28	1
MSV Construction & Supplies	130,904,761.69	2
Tryst Builders Enterprises	132,874,287.36	3

**WHEREAS**, consequent to the above results of the detailed bid evaluation, Jomarcann General Construction / D.L. Cervantes Construction Corporation Joint Venture was declared the bidder with the LCB for the Project in BAC Resolution No. 03 dated 17 March 2021;

**WHEREAS**, on 23 March to 15 April 2021, pursuant to Section 34 of the RIRR of R.A. 9184, the TWG conducted the post-qualification on Jomarcann General Construction/D.L. Cervantes Construction Corporation Joint Venture to determine

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whether it is compliant with and responsive to the requirements and conditions in the bidding documents for the Project;

**WHEREAS**, on 16 April 2021, the BAC-I deliberated the Report of TWG on the results of Post-Qualification on **Jomarcann General Construction/D.L. Cervantes Construction Corporation Joint Venture**. The results of the said post-qualification show that the said Joint Venture is post-disqualified due to the non-submission of the required document or non-compliance with the requirements provided under the bidding documents for the project, and other violations under R.A. 9184, to wit:

REQUIREMENT	NON-COMPLIANCE
<p>Statement of all its ongoing government and private contracts including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid.</p>	<p>D.L. Cervantes Construction Corporation failed to declare four (4) ongoing projects with different agencies, to wit:</p> <p><u>Philippine Ports Authority (PPA)</u></p> <p>1. "Rehabilitation/Expansion of Existing PTB 1 &amp; 2 Port of Calapan, Oriental Mindoro", (Contract Cost: PhP353,000,848.44)</p> <p><u>City Government of Muntinlupa</u></p> <p>2. "Construction of Muntinlupa City Aquatic Center Phase 3 &amp; 4", (Contract Cost: PhP98,782,843.56)</p> <p>3. "Site Development of Sucat Senior High School", (Contract Cost: PhP22,442,307.84)</p> <p><u>Department of Interior and Local Government (DILG)</u></p> <p>4. "Construction of Three-Storey Emergency 911 National Office and Command Center Building", (Contract Cost: PhP195,031,151.01)</p> <p><u>The non-declaration of the ongoing projects is in violation of Clause 12.1(a)(ii) of the Instructions to Bidders (ITB)] and Section 23 of the RIRR of R.A. 9184. (emphasis supplied)</u></p>

Section 23.1(a) of the RIRR of R.A. 9184 provides that, "For purposes of determining the eligibility of bidders using the criteria stated in Section 23.4 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:

a) Class "A" Documents

Legal Documents

Xxx xxx xxx;

Technical Documents

Xxx xxx xxx;

iv) Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid." (emphasis supplied)

Moreover, the Government Procurement Policy Board (GPPB) NPM No. 006-2018 states that:

"Failure to declare an ongoing government and private contract, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid is a ground for disqualification. These contracts, as reflected in the "Statement of all ongoing contracts", are vital to the computation of the Net Financial Contracting Capacity of the bidder, and they are necessary information during the post-qualification stage to verify, validate and ascertain the technical qualification of the Lowest Calculated Bidder for the ultimate determination whether it is the Lowest Calculated and Responsive Bidder." (emphasis supplied)

**NOW, THEREFORE**, foregoing considered and after careful evaluation and thorough deliberation of the bids submitted for the Project, we, the Members of the Bids and Awards Committee (BAC) for Infrastructure, hereby **RESOLVE** as it is hereby **RESOLVED** to recommend the following:

1. To declare **Jomarcann General Construction / D.L. Cervantes Construction Corporation Joint Venture** as **Post-Disqualified** for the Re-Bidding of the **Construction of Sewage Treatment Plant, Access Road, and Freedom Park in Bonifacio Capital District, Taguig City** based on the aforementioned grounds;
2. To declare **MSV Construction & Supplies** as the bidder with the **next/2<sup>nd</sup> Lowest Calculated Bid (LCB)** for the Project, subject to post-qualification; and
3. For the BAC-I TWG to proceed with the **Post-Qualification of MSV Construction & Supplies**, being the bidder with the next/2<sup>nd</sup> LCB, pursuant to Section 34.6 of the Revised IRR of R.A. 9184.

**RESOLVED**, at the BCDA Corporate Center Office, this 16<sup>th</sup> day of April 2021.

**BIDS AND AWARDS COMMITTEE FOR INFRASTRUCTURE (BAC-I)**

  
**AILEEN ANUNCIACION B. ZOSA**  
Chairperson

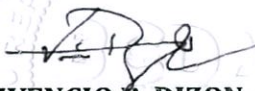
  
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Vice Chairperson

  
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Member

  
**ATTY. GISELA Z. KALALO**  
Member

  
**ENG. RYAN PAUL S. GALURA**  
Member

Approved by:

  
**VIVENCIO B. DIZON**  
President and CEO

**BCDA**  
Bases Conversion and  
Development Authority

BAC for Infrastructure  
BACI2021-0110

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