

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. 08
(Declaration of LCRB)**

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 Bids and Awards Committee for Infrastructure (BAC-I), 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 their 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 the financial proposals were subjected to a preliminary evaluation. During the said preliminary evaluation of the financial proposals, and after checking the sufficiency of the required documents as regards their presence or absence, the BAC-I declared the bids (Eligibility/Technical and Financial Proposals) of the 5 bidders as "passed" and the same were considered for 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

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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. Joint Venture	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, subject to post-qualification. Thereafter, the post-qualification on the said Joint Venture commenced on 23 March 2021. However, the BAC-I, in its BAC Resolution No. 06 dated 16 April 2021, declared the said Joint Venture as **post-disqualified** for the Project due to the non-submission of the required document or non-compliance with the requirements provided under the bidding documents for the Project and R.A. 9184, to wit:

REQUIREMENT	NON-COMPLIANCE
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.	D.L. Cervantes Construction Corporation failed to declare its four (4) ongoing projects with different agencies, to wit: <u>Philippine Ports Authority (PPA)</u> 1. “Rehabilitation/Expansion of Existing PTB 1 & 2 Port of Calapan, Oriental Mindoro”, (Contract Cost: PhP353,000,848.44)

City Government of Muntinlupa

2. "Construction of Muntinlupa City Aquatic Center Phase 3 & 4", (Contract Cost: PhP98,782,843.56)
3. "Site Development of Sucat Senior High School", (Contract Cost: PhP22,442,307.84)

Department of Interior and Local Government (DILG)

4. "Construction of Three-Storey Emergency 911 National Office and Command Center Building", (Contract Cost: PhP195,031,151.01)

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).

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)

	<p>Moreover, the Government Procurement Policy Board (GPPB) NPM No. 006-2018 states that:</p> <p><i>“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 on-going 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.”</i> (emphasis supplied)</p>
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WHEREAS, in the same BAC Resolution No. 06, **MSV Construction & Supplies** was declared the bidder with the **next/second LCB** for the Project, subject to post-qualification pursuant to Section 34.6 of the Revised IRR of R.A. 9184. Thereafter, the post-qualification on the said contractor commenced on 19 April 2021. However, in its BAC Resolution No. 07 dated 28 April 2021, the BAC-I declared MSV Construction & Supplies as **post-disqualified** for the Project due to the non-submission of the required document or non-compliance with the requirements provided under the bidding documents for the Project and R.A. 9184, to wit:

REQUIREMENT	NON-COMPLIANCE
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>MSV Construction & Supplies failed to declare its seven (7) ongoing projects with the Department of Public Works and Highways (DPWH) Regions III and IV-B Offices, to wit:</p> <p><u>Region III – Bulacan 1st District Engineering Office</u></p> <p>1. “20CC0151 Construction of Road Brgy Malibong Matanda, Pandi, Bulacan”, (Contract Cost: PhP9,602,974.00)</p> <p><u>Region IV-B Regional Office</u></p> <p>2. “20E00102 Cluster 8- Rehab/Reconst. of Road With Slips, Slope Collapse & Landslide along San Jose-Port Barton Road Section”, (Contract Cost: PhP150,887,762.22)</p> <p>3. “20E00103 Cluster 9 - Rehab/Reconst. of</p>

	<p>Road With Slips, Slope Collapse & Landslide along San Jose-Port Barton Road Section (Contract Cost: Php151,012,779.34)</p> <p>4. "20E00104 Cluster 10 - Rehab/Reconst of Roads with Slips, Slope Collapse & Landslide along San Jose-Port Barton Road Section", (Contract Cost: Php146,942,540.72)</p> <p>5. "20E00106 Cluster 12 - Rehab/Reconst. of Roads with Slips, Slope Collapse & Landslide along Langogan-Roxas Road Section", (Contract Cost: 139,079,637.10)</p> <p>6. "20E00107 Cluster 13 - Rehab/Reconst. of Roads with Slips, Slope Collapse & Landslide along Langogan-Roxas Road Section", (Contract Cost: 178,409,960.86)</p> <p>7. "20E00108 Cluster 14 - Rehab/Reconst. of Roads with Slips, Slope Collapse & Landslide along Langogan-Roxas Road Section", (Contract Cost: Php99,209,936.50)</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> <p>Section 23.1(a) of the RIRR of R.A. 9184 provides that, "<u>For purposes of determining the eligibility of bidders</u> 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:</p> <p>a) Class "A" Documents</p> <p>Legal Documents</p> <p>Xxx xxx xxx;</p> <p><u>Technical Documents</u></p> <p>Xxx xxx xxx;</p> <p>iv) <u>Statement of the prospective bidder of all its ongoing government and private contracts,</u></p>
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	<p><u>including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid.</u>" (emphasis supplied)</p> <p>Moreover, the Government Procurement Policy Board (GPPB) NPM No. 006-2018 states that:</p> <p><u>"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.</u> These contracts, as reflected in the "Statement of all on-going 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)</p>
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WHEREAS, in the same BAC Resolution No. 07, **Tryst Builders Enterprises** was declared the bidder with the **next/third LCB** for the Project, subject to post-qualification pursuant to Section 34.7 of the Revised IRR of R.A. 9184. Thereafter, the post-qualification on the said contractor commenced on 10 May 2021;

WHEREAS, on 19 May 2021, the BAC-I deliberated the TWG Report on the results of post-qualification on Tryst Builders Enterprises. The deliberation revealed the need to obtain pertinent documents relating to the projects of the said contractor with other government agency, for validation and verification. Thus, the BAC-I issued Bid Bulletin No. 8 extending the post-qualification on the said contractor until 31 May 2021. The said extension of post-qualification, which is also the period of completion of post-qualification process for the Project, was approved by the BCDA President and CEO;

WHEREAS, on 01 June 2021, the BAC-I evaluated the additional documents presented by the BAC-I TWG, which are material in determining compliance by Tryst Builders Enterprises with the requirements provided under the bidding documents for the Project and R.A. 9184. The BAC-I deliberated further the TWG Report on the results of post-qualification on Tryst Builders Enterprises. The TWG Report shows that, after careful examination, validation and verification of all the submitted eligibility, legal, technical, and financial documents, the BAC-I TWG found **Tryst Builders Enterprises** compliant with and responsive to the requirements under the bidding documents for the Project and R.A. 9184. The TWG, in its Post-Qualification Report, recommended to the BAC-I to declare Tryst Builders Enterprises as the bidder with the **Lowest Calculated and Responsive Bid (LCRB)** for the Project;

WHEREAS, **Tryst Builders Enterprises** is not included in the GPPB List of Blacklisted
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Constructors as of 01 June 2021.


NOW, THEREFORE, foregoing considered and after careful evaluation and thorough deliberation of the bids submitted for the Project, we, the Members of the BAC-I, hereby **RESOLVE** as it is hereby **RESOLVED** the following:

1. To declare **Tryst Builders Enterprises** as the bidder with the **Lowest Calculated and Responsive Bid (LCRB)** based on the BAC-I TWG post-qualification report on **Tryst Builders Enterprises**;
2. To recommend to the President/CEO, as duly authorized and delegated by the HOPE, the award of the contract to **Tryst Builders Enterprises** for the **Construction of Sewage Treatment Plant, Access Road, and Freedom Park in Bonifacio Capital District, Taguig City**, being the bidder with the LCRB for the re-bidding of the Project, in the amount of **PESOS: One Hundred Thirty-Two Million Eight Hundred Seventy-Four Thousand One Hundred Thirteen & 65/100 (PhP132,874,113.65)**, pursuant to Section 34.4 of the revised IRR of R.A. 9184; and
3. To recommend to the President/CEO, as duly authorized and delegated by the HOPE, the issuance of the corresponding Notice of Award (NOA) to **Tryst Builders Enterprises**, being the bidder with LCRB.

RESOLVED, at the BCDA Corporate Center Office, this 1st day of June 2021.

BIDS AND AWARDS COMMITTEE FOR INFRASTRUCTURE (BAC-I)


AILEEN ANUNCIACION R. ZOSA
Chairperson

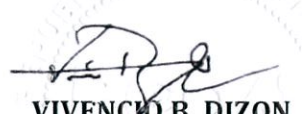

ARREY A. PEREZ
Vice Chairperson


ENG. RICHARD BRIAN M. CEPE
Member


ATTY. GISELA Z. KALALO
Member


ENG. RYAN PAUL S. GALURA
Member

Approved by:


VIVENCIO B. DIZON
President and CEO

