

Bids and Awards Committee for Consulting Services (BAC-C)

CONSULTING SERVICES FOR THE CONSTRUCTION MANAGEMENT AND SUPERVISION (CMS) FOR THE VARIOUS STRUCTURES AND FACILITIES WITHIN THE 100-HA AREA AT BATAAN TECHNOLOGY PARK (BTP), MORONG, BATAAN (PACKAGE 2)

**RESOLUTION NO. 028
(Declaration of Failure of Bidding)**

The Bases Conversion and Development Authority, through the 2021 General Appropriations Act, approved the procurement of the Consulting Services for the Construction Management and Supervision (CMS) for the Various Structures and Facilities within the 100-Ha Area at Bataan Technology Park (BTP), with an Approved Budget for the Contract (ABC) in the amount of **Pesos: Ninety-Two Million Four Hundred Sixty-Seven Thousand Two Hundred & 00/100. (Php 92,467,200.00)**, inclusive of applicable taxes and fees;

WHEREAS, the BAC-C, through its Secretariat, advertised the Request for Expression of Interest (REI) on 17 September 2021 in a newspaper of nationwide circulation, and on September 17 to 23, 2021 in the following:

1. DBM Philippine Government Electronic Procurement System (PhilGEPS);
2. BCDA Website; and
3. In a conspicuous place reserved for the purpose within the premises of BCDA.

WHEREAS, in response to the said advertisements of REI, two (2) prospective bidders submitted their Eligibility Documents. The Joint Venture of Schema Konsult, Inc. and Filipinas Dravo Corporation submitted its Eligibility Documents prior to the deadline set for the submission of the Eligibility Documents for the Project on 08 October 2021 at 12:00 noon, while the Consortium of Rhodium 688 Builders, Inc. and Meinhardt Philippines, Inc. submitted its eligibility documents late which was at 12:02PM of 08 October 2021. Thus, the Consortium's envelope containing its Eligibility Documents was immediately returned unopened;

WHEREAS, on 08 October 2021, the submitted Eligibility Documents of Joint Venture of Schema Konsult, Inc. and Filipinas Dravo Corporation was opened and subjected to preliminary evaluation by determining the presence or absence of the required documents using a non-discretionary "pass/fail" criterion;

WHEREAS, from 09 to 10 October 2021, the BAC-C Technical Working Group (TWG) conducted the Eligibility Check and Shortlisting of the Eligibility Documents of the Joint Venture in accordance with Section 24 of the revised IRR of R.A. 9184, and using the criteria and rating system for shortlisting as provided under Section 14 of the TOR for the project;

WHEREAS, on 11 October 2021, the BAC-C deliberated on the results of the said Eligibility Check and Shortlisting. The said results show that the Joint Venture of Schema Konsult, Inc.

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and Filipinas Dravo Corporation was rated “Failed” due to its non-submission of the required documents or incomplete or insufficient documents or non-compliance with the requirements provided under the Eligibility Documents and Terms of Reference (TOR) for the project, to wit:

NON-COMPLIANCE

- Based on the submitted PRC license and Curriculum Vitae, the number of years of practice of profession and the experience of the nominated Sr. Architect are less than the required minimum number of years which are at least 10 years and 5 years, respectively.

The submitted PRC ID/License shows that his practice of profession as Architect covers only four (4) years & eight (8) months which is from the date he was registered with PRC as an Architect on 12 January 2017 up to the deadline for the submission of the Eligibility Documents on 08 October 2021. Further, his submitted CV also shows that the number of years of his work experience as a licensed Architect is only 2 years & 4 months. **[In violation of Clause 1.2 of the Eligibility Data Sheet (EDS) and Section 9 - Manning Requirement of the Terms of Reference (TOR)]**

- The number of years of practice of profession of the nominated Sr. Sanitary/Plumbing/Drainage Engineer is less than the required minimum number of years which is at least 10 years as Licensed Civil or Sanitary Engineer.

The submitted PRC ID/License shows that his practice of profession as Civil Engineer covers only six (6) years & nine (9) months which is from the date he was registered with PRC as Civil Engineer on 16 December 2014 up to the deadline for the submission of Eligibility Documents on 08 October 2021. **[In violation of Clause 1.2 of the Eligibility Data Sheet (EDS) and Section 9 - Manning Requirement of the Terms of Reference (TOR)]**

- The number of years of practice of profession of the nominated Sr. QA/QC Engineer is less than the required minimum number of years which is at least 10 years as Licensed Civil Engineer and DPWH Accredited Materials Engineer II.

The submitted PRC ID/License shows that his practice of profession as Civil Engineer covers only seven (7) years & ten (10) months which is from the date he was registered with PRC as Civil Engineer on 02 December 2013 up to the deadline for the submission of the Eligibility Documents on 08 October 2021. Likewise, his DPWH Certificate of Accreditation shows that he has been accredited with the DPWH for only one (1) year & two (2) months which is from 30 July 2020 up to the deadline of the submission of eligibility documents on 08 October 2021. **[In violation of Clause 1.2 of the Eligibility**

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Data Sheet (EDS) and Section 9 - Manning Requirement of the Terms of Reference (TOR)]

- The Joint Venture failed to submit a valid/complete Special Power of Attorney (SPA) authorizing its representative to sign the documents for the Joint Venture. Virgilio de Asis of Fildravo issued the SPA authorizing Manolo G. Dador as the representative/signatory of the Joint Venture but the latter failed to sign on the Conforme portion of the SPA. Thus, the submitted SPA for the Joint Venture is incomplete or not valid.

Although it is recognized that Mr. Dador has signed most of the documents as representative of the Joint Venture, the lack of signature on the conforme section of the SPA by Mr. Dador deems it patently insufficient and does not automatically give the grantee authority to sign for and on behalf of the Joint Venture on all documents submitted with his signature.

[In violation of Section 24.1.b of the 2016 Revised IRR of R.A. 9184 and Section 2.1(b) of the Eligibility Documents for the project]

- The Secretary's Certificate submitted by Filipinas Dravo Corporation authorizing its representative does not explicitly state that its representative is authorized to enter into a Joint Venture Agreement. Thus, it is tantamount to non-submission of JVA or notarized statements stating that they will enter into a JVA for the purpose of the bidding for the project. **[In violation of Section 24.1.b of the 2016 Revised IRR of RA9184 and Section 2.1(b) of the Eligibility Documents for the project]**

WHEREAS, Section 30.1 of the 2016 Revised IRR of R.A. 9184 provides:

“xxx.. the BAC shall check the submitted documents of each bidder against a checklist of required documents to ascertain if they are all present, using a non-discretionary “pass/fail” criterion , as stated in the Instructions to Bidders. If a bidder submits the required document, it shall be rated “passed” for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as “failed.” xxx”.

WHEREAS, Section 35.1 of the 2016 Revised IRR of R.A. 9184 provides:

“The BAC shall declare the bidding a failure when:

Xxx

- b) All prospective bidders are declared ineligible;*
- c) All bids fail to comply with all the bid requirements..., xxx.”*

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NOW, THEREFORE, foregoing considered and after careful evaluation and thorough deliberation of the Eligibility Documents submitted for the project, we the Members of the Bids and Awards Committee for Consulting Services, hereby RESOLVE as it is hereby RESOLVED to recommend the following:

1. To declare the Eligibility Documents of the **Joint Venture of Schema Konsult, Inc. and Filipinas Dravo Corporation** as **FAILED**, and to declare the said Joint Venture as **INELIGIBLE** to proceed to the next stage of the Bidding for the Consulting Services for the Construction Management and Supervision (CMS) for the Various Structures and Facilities within the 100-ha area at Bataan Technology Park (BTP), Morong, Bataan, based on the aforementioned grounds;
2. To declare a **FAILURE OF BIDDING** for the Bidding of the Project as the submitted eligibility documents failed to comply with all the bidding requirements;
3. To conduct a mandatory review and evaluation of the terms, conditions, and specification in the Eligibility and Bidding Documents, including its cost estimates, pursuant to Section 35.2 of the Revised IRR of RA 9184; and
4. To proceed with the rebidding of the Project based on the results of the aforementioned mandatory review pursuant to Section 35.3 of the Revised IRR of RA 9184.

RESOLVED, at the BCDA Corporate Center Office, this 11th day of October 2021.

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


AILEEN ANUNCIACION R. ZOSA
Chairperson


FERNANDO T. GALLARDO, JR.
Vice Chairperson

not present

MADONNA M. CINCO
Member


ARISTOTLE E. GUERRERO
Member


VIRGIL M. ALVAREZ
Member

Approved by:


ARISTOTLE B. BATUHAN
Member, BCDA Board

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