

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

**REBIDDING OF THE CONSULTING SERVICES FOR THE CONSTRUCTION
MANAGEMENT AND SUPERVISION (CMS) OF VARIOUS STRUCTURES AND
FACILITIES WITHIN THE 100-HA AREA AT BATAAN TECHNOLOGY PARK
(BTP), MORONG, BATAAN (PHASE 1-PACKAGE 2)**

**RESOLUTION NO. 032
(Declaration of Failure of Bidding)**

The Bases Conversion and Development Authority, through the 2021 General Appropriations Act, approved the procurement of the Rebidding of the Consulting Services for the Construction Management and Supervision (CMS) of 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 (Php92,467,200.00)**, inclusive of applicable taxes and fees;

WHEREAS, the BAC-C, through its Secretariat, advertised the Request for Expression of Interest (REI) on 18 October 2021 in a newspaper of nationwide circulation, and on 18 October 18 to 25, 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, three (3) prospective bidders submitted their Eligibility Documents prior to the set deadline for submission on 09 November 2021 at 12:00 noon, to wit:

1. KMV Asia Development Corporation;
2. Joint Venture of Schema Konsult, Inc. and Filipinas Dravo Corporation; and
3. Asyana Construction Consultancy and Trading

WHEREAS, the submitted Eligibility Documents of the said prospective bidders were opened and subjected to preliminary evaluation on the same day by determining the presence or absence of the required documents using a non-discretionary “pass/fail” criterion;

WHEREAS, from 09 to 10 November 2021, the BAC-C Technical Working Group (TWG) conducted the Eligibility Check and Shortlisting of the Eligibility Documents of the aforementioned prospective bidders 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 12 November 2021, the BAC-C deliberated the results of the said Eligibility Check and Shortlisting. The said results show that the aforementioned prospective bidders were rated “failed” due to its non-submission of the required document or non-compliance with the requirements provided under the Eligibility Documents and Terms of Reference (TOR) for the project, to wit:

PROSPECTIVE BIDDERS	NON-COMPLIANCE
<p>KMV Asia Development Corporation</p>	<ul style="list-style-type: none"> Failed to submit PRC License for its nominated Sr. Fire and Safety Engineer. [In violation of Clause 1.2 of the Eligibility Data Sheet (EDS), Section 9 - Manning Requirement of the Terms of Reference (TOR), and Bid Bulletin No. 01] Failed to submit a valid Eligibility Document Submission Form (EF1). The submitted EF1 is not notarized. [In violation of Bid Bulletin No. 1 which officially issued the PDF copy of Presentation during the Pre-Eligibility Conference in which the notarization of EF1 was emphasized)
<p>Joint Venture of Schema Konsult, Inc. (SKI) and Filipinas Dravo Corporation (FDC)</p>	<ul style="list-style-type: none"> Failed to meet the required number of years of experience for the nominated Project Manager which is at least 5 years as Project Manager for vertical construction projects. The number of years of experience for the nominated Project Manager based on the submitted CV is only 1 year & 4 months as Project Manager for vertical construction projects. [In violation of Clause 1.2 of the Eligibility Data Sheet (EDS) and Section 9 - Manning Requirement of the TOR] Failed to submit a valid EF9 – Statement of Project/Contract in the amount of at least Php47M. The submitted EF9 of the designated lead JV Partner Schema Konsult, Inc., as supported by the Certifications issued by DOTr, shows the Detailed Engineering Design project in the amount of PhP43.9 Million, and not a CMS for vertical project. This is in violation of Clause 13.2 of the Terms of Reference for

	<p>the Project which provides, <i>“The Consultant should have experience in handling at least one (1) construction management and supervision project with a contract amount of at least Php 47,000,000.00. In case of a JV, at least one of the members of the JV should have experience in handling at least one construction management project with a contract amount at least of Php 47,000.000.00, provided further that the member that has the experience of handling the construction management project with a contract amount of at least Php 47,000,000.00 must be designated as the lead of the JV”.</i></p> <ul style="list-style-type: none"> Failed to specify/indicate the nationality of all nominated key personnel in the submitted EF7. (In violation of Clause 2.1.iii of the Eligibility Documents and Section 24.1.a.v the Revised IRR of R.A. 9184) Failed to submit a valid Eligibility Document Submission Form (EF1). The submitted EF1 is not notarized. (In violation of Bid Bulletin No. 1 which officially issued the PDF copy of Presentation during the Pre-Eligibility Conference in which the notarization of EF1 was emphasized)
<p>Asyana Construction Consultancy and Trading</p>	<ul style="list-style-type: none"> Failed to meet the required number of years of experience for the nominated Sr. Geodetic Engineer which is at least 5 years as Geodetic Engineer. The submitted CV indicates only 2 years & 8 months of experience as Geodetic Engineer. [In violation of Clause 1.2 of the Eligibility Data Sheet (EDS) and Bid Bulletin No. 01] Failed to meet the required number of years of experience for the nominated Sr. Fire and Safety Engineer which is at least 5 years as

	Fire and Safety Engineer. The submitted CV indicates 1 year only of experience as Fire and Safety Engineer. [In violation of Clause 1.2 of the Eligibility Data Sheet (EDS), Section 9 - Manning Requirement of the TOR and Bid Bulletin No. 01]
--	---

WHEREAS, the results of the Evaluation/Eligibility Check and Shortlisting likewise show that the three (3) prospective bidders were rated “Failed” due to the garnered total scores below the required minimum score of 70%, to wit:

PROSPECTIVE BIDDERS	TOTAL SCORE (%)
KMV Asia Development Corporation	57.13%
Joint Venture of Schema Konsult, Inc and Filipinas Dravo Corp.	53.85%
Asyana Construction Consultancy and Trading	53.78%

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.”*

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 **KMV Asia Development Corporation, Joint Venture of Schema Konsult, Inc. and Filipinas Dravo Corporation, and Asyana Construction Consultancy and Trading** as **FAILED**, and to declare the said


proponents as **INELIGIBLE** to proceed to the next stage of the Rebidding 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 (Phase 1-Package 2) based on the aforementioned grounds;

2. To declare a **FAILURE OF BIDDING** for the Rebidding 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 12th day of November 2021.

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


AILEEN ANUNCIACION R. ZOSA
Chairperson



FERNANDO T. GALLARDO, JR.
Vice Chairperson


MADONNA M. CINCO
Member


ARISTOTLE E. GUERRERO
Member


VIRGIL M. ALVAREZ
Member

Approved by:


ARISTOTLE B. BATUHAN
Officer-in-Charge
BACC2021-0211