

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

**CONSULTING SERVICES FOR THE CONSTRUCTION MANAGEMENT AND SUPERVISION (CMS) FOR THE SITE DEVELOPMENT OF 100-HECTARE AREA AT BATAAN TECHNOLOGY PARK (BTP), MORONG, BATAAN (Phase 1-Package 1)**

**RESOLUTION NO. 035  
(Declaration of Failure of Bidding)**

**WHEREAS**, 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 Site Development of 100-hectare area at Bataan Technology Park (BTP), with an Approved Budget for the Contract (ABC) in the amount of **Pesos: Forty-Nine Million Nine Hundred Eighty Thousand and 00/100 (PhP49,980,000.00)**, inclusive of applicable taxes and fees;

**WHEREAS**, the BAC-C, through its Secretariat, advertised the Request for Expression of Interest (REI) on 13 September 2021 in a newspaper of nationwide circulation, and on 13-20 September 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 deadline set for the submission of the Eligibility Documents for the Project on 01 October 2021 at 12:00 noon, namely:

1. Joint Venture of Design Science Inc. and Philipps Technical Consultants Corp;
2. Asyana Construction Consultancy and Trading;
3. Urban Integrated Consultants, Inc.

**WHEREAS**, on 01 October 2021, the submitted Eligibility Documents of the aforementioned prospective bidders were opened and subjected to a preliminary evaluation by determining the presence or absence of the required documents using a non-discretionary “pass/fail” criterion;

**WHEREAS**, from 01 to 02 October 2021, the BAC-C Technical Working Group (TWG) conducted the Eligibility Check and Shortlisting 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 04 October 2021, the BAC-C deliberated the results of the said Eligibility Check and Shortlisting. The said results show that one (1) prospective bidder was rated “Failed” due to the absence 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 BIDDER	NON-COMPLIANCE
Joint Venture of Design Science Incorporated and Philipps Technical Consultants Corporation	Failed to submit the appropriate PRC License for the nominated Sr. Landscape Architect for the project. Thus, failed to nominate/submit the qualified key personnel for Landscape Architect.  In the submitted EF5 - Summary of Key Personnel, Miguel Arevalo was listed as Sr. Landscape Architect. His proposed position in his EF-6 – Curriculum Vitae (CV) is likewise Sr. Landscape Architect. However, his submitted PRC license indicates that he is a licensed “Architect” and not a licensed “Landscape Architect”. <b>[In violation of Clause 1.2 of the Eligibility Data Sheet (EDS) and Section 9 - Manning Requirement of the Terms of Reference (TOR)]</b>

**WHEREAS**, the results of the Evaluation/Eligibility Check and Shortlisting likewise show that the two (2) prospective bidders were rated “Passed” and garnered a total score above the required minimum score of 70%, to wit:

PROSPECTIVE BIDDERS	TOTAL SCORE (%)
1. Urban Integrated Consultants, Inc.	82.48%
2. Asyana Construction Consultancy and Trading	76.73%

Consequent to the above results of evaluation and shortlisting, the BAC-C issued BAC Resolution No. 027 dated 04 October 2021 declaring the aforementioned two (2) prospective bidders as shortlisted and eligible to proceed to the next stage of the bidding. Thereafter, the BAC-C issued the Notice of Eligibility to the two (2) shortlisted bidders inviting them to bid for the project and informing them of the schedule of the Pre-Bid Conference. The shortlisted bidders attended the Pre-Bid Conference held on 14 October 2021.

**WHEREAS**, the two (2) shortlisted bidders submitted their Technical and Financial Proposals prior to the set deadline for the submission of Bids for the Project on 28 October 2021 at 12:00 noon. On the same day, their submitted Technical Proposals were opened and subjected to a preliminary examination by determining the presence or absence of the required documents using “pass/fail” criterion. Thereafter, the TWG conducted the detailed evaluation of the submitted Technical Proposals for the Project from 28 to 31 October 2021.

As provided under Section 16 of the TOR for the Project, the evaluation of the Bids shall be conducted using the Quality-Cost Based Evaluation (QCBE) procedure wherein the Technical and Financial Proposals shall be given a corresponding weight equivalent to 70% and 30%,

respectively. Likewise, the evaluation of bids shall be conducted using the criteria and rating provided under Section 15 of the TOR;

**WHEREAS**, on 03 November 2021, the BAC-C deliberated the TWG Report on the results of detailed evaluation of Technical Proposals of the 2 shortlisted bidders. The said results show that the total technical score garnered by the shortlisted bidders are as follows:

<b>BIDDERS</b>	<b>RELEVANT EXPERIENCE OF THE CONSULTANT (10%)</b>	<b>QUALIFICATION OF THE KEY PERSONNEL (60%)</b>	<b>PLAN OF APPROACH AND METHODOLOGY (30%)</b>	<b>TOTAL SCORE (%)</b>
Urban Integrated Consultants, Inc.	9.50%	45.95%	22.80%	78.25%
Asyana Construction Consultancy and Trading	9.00%	35.90%	7.50%	52.40%

Based on the above results, Urban Integrated Consultants, Inc. passed the minimum required technical score of 70% for the Technical Proposal component and had no non-compliance based on its submitted Technical Proposal.

Based also on the above results, Asyana Construction Consultancy and Trading failed to meet the required minimum technical score of 70% for the Technical Proposal component. This is in violation of **Clause 25.3 Section II. Instructions to Bidders and Clause 25.3 of the Bid Data Sheet (BDS)**;

Further to the above non-compliance of **Asyana Construction Consultancy and Trading**, the results of the evaluation of Technical Proposals likewise show that the said bidder was rated **“failed”** due to its non-submission of the required documents or non-compliance with the requirements provided under the bidding documents for the Project and 2016 revised IRR of R.A. 9184, to wit:

<b>REQUIREMENT</b>	<b>NON-COMPLIANCE</b>
<p><b>Section 33.3 of the 2016 revised IRR of R.A. 9184:</b></p> <p>There should be no replacement of key personnel before the awarding of contract, except for justifiable reason as may be determined by the BAC, such as, illness, death, or resignation provided it is duly supported by relevant certificates, or any delay caused by the Procuring Entity. The BAC shall immediately consider</p>	<ul style="list-style-type: none"> <li>• <b>Replacement of the nominated Sr. Sanitary Engineer.</b></li> </ul> <p>In the submitted Eligibility Documents, the nominated Sr. Sanitary Engineer/Plumbing/Drainage Engineer as indicated in the EF6 - Curriculum Vitae (CV) for Proposed Professional Staff was Virgilio D. Simbulan. However, in the submitted Technical Proposal, the nominated Sr. Sanitary Engineer/Plumbing/Drainage</p>

<p>negotiation with the next ranked consultant if unjustifiable replacement of personnel by the first ranked firm is made. Once the contract has been awarded, no replacement shall be allowed by the HoPE until after fifty percent (50%) of the personnel's man-months have been served, except for justifiable reasons, subject to appropriate sanctions as prescribed in the PBDs.</p>	<p>Engineer as indicated in the TPF6 - Curriculum Vitae (CV) for Proposed Professional Staff was Anthony Jerome M. Lara.</p> <p><b>[In violation of Section 33.3 of the Revised IRR of R.A. 9184]</b></p>
<p><b>Terms of Reference Section 9 - Manning Requirements - Item I</b></p> <p><b>Sr. QA/QC Engineer</b> should be a licensed Civil Engineer and a DPWH Accredited Materials Engineer II for at least five years with at least five (5) years of experience as QA/QC Engineer.</p>	<ul style="list-style-type: none"> <li>• <b>Failed to submit a valid DPWH Certificate of Accreditation as Materials Engineer II for the nominated Sr. QA/QC Engineer.</b> Thus, Asyana failed to nominate/submit the qualified key personnel for Sr. QA/QC Engineer.</li> </ul> <p>In the submitted TPF6 - Curriculum Vitae (CV) for Proposed Professional Staff, Nelita Casiquin-Alcala was nominated as Sr. QA/QC Engineer. However, her submitted DPWH Certificate of Accreditation as Materials Engineer II has expired on 20 July 2021. <b>[In violation of Clause 10.1(c) of the Bid Data Sheet (BDS) and Section 9 - Manning Requirements of the Terms of Reference (TOR)]</b></p>

Further, Section 30.1 of the 2016 revised IRR of R.A. 9184 provides:

*“The BAC shall open the first bid envelopes in public to determine each bidder’s compliance with the documents required to be submitted for eligibility and for the technical requirements, as prescribed in this IRR. For this purpose, 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.” Otherwise, the BAC shall rate the said first bid envelope as “passed.””*

In view of the foregoing and consequent to the above results of the evaluation of Technical Proposals, the BAC-C, on 03 November 2021, issued the Notice to Asyana Construction Consultancy and Trading informing its ineligibility to proceed to the next stage of the bidding for the Project and that its Financial Proposal will not be opened, and likewise issued the Notice to Open the Financial Proposal of Urban Integrated Consultants, Inc. (UICI) on the same day;

**WHEREAS**, on 04 November 2021, the Financial Proposal of UICI was opened and subjected to a preliminary evaluation by determining the presence or absence of the required documents using the non-discretionary “pass/fail” criterion. Thereafter, the detailed evaluation of the



Financial Proposal of UICI was conducted from 04 to 05 November 2021. The table below shows the results of the said evaluation of Financial Proposal, based solely on the submitted documents:

BIDDER	FINANCIAL BID		TOTAL SCORE (%)
	As Read	As Calculated	
Urban Integrated Consultants, Inc.	49,243,600.00	49,243,600.00	100.00%

The results of the detailed evaluation of Technical and Financial Proposals of UICI showed that UICI was rated “passed” for both Technical and Financial components and the combined numerical ratings for both components are as follows:

BIDDER	TECHNICAL SCORE (70%)	FINANCIAL SCORE (30%)	TOTAL SCORE (%)
Urban Integrated Consultants, Inc.	54.78%	30.00%	84.78%

Consequent to the above results of evaluation, the BAC-C issued BAC Resolution no. 029 dated 08 November 2021 recommending UICI as the bidder with the Single Rated Bid (SRB) for the Project, subject to negotiations and Post-Qualification. Thereafter, the BAC-C issued the Notice to Negotiate to UICI, and the negotiation with the said bidder was held on 10 November 2021;

**WHEREAS**, from 10 to 17 November 2021, the TWG conducted the post-qualification on UICI. Thereafter, the BAC-C deliberated the Report of TWG on the results of the said post-qualification. The TWG Report shows that the BAC-C needs to further validate some details/information on the said results of post-qualification;

**WHEREAS**, on 25 November 2021, the BAC-C convened again to further deliberate the results of post-qualification, including the results of further validation by TWG on the documents submitted by UICI and due diligence by BAC-C. After careful evaluation and thorough deliberation of the results of post-qualification and said due diligence, and based on detailed and deeper evaluation of the CV of and interview with the Project Manager of **Urban Integrated Consultants, Inc. (UICI)**, UICI was declared as **non-responsive** and **post-disqualified** due to the non-submission of the required documents or non-compliance with the requirements provided under the Terms of Reference (TOR) for the Project and the revised IRR of R.A. 9184, to wit:

REQUIREMENT	NON-COMPLIANCE
<p><b>Clauses 9 of TOR, 10.1(c) of the BDS, 1.2 of EDS, and Bid Bulletin No. 01 for the Project</b></p> <p>The Project Manager required for the Project is a licensed Civil Engineer for at</p>	<ul style="list-style-type: none"> <li>Failed to meet the required number of years of experience for the nominated Project Manager which is at least five (5) years as Project Manager.</li> </ul>

least 10 years with at least 5 years of experience as Project Manager for site development and horizontal projects.

The bidder's nominated Project Manager (Engr. Ernesto F. Cunanan, Jr.) has only a total of one (1) year and ten (10) months of experience as project manager based on his submitted CV. **[In violation of Clauses 9 of the TOR, 10.1(c) of the Bid Data Sheet (BDS), 1.2 of the EDS, and Bid Bulletin No. 01 for the Project]**

The BAC-C noted that in the submitted CV of the nominated Project Manager, his experiences include "Project Manager/Resident Engineer" and "Resident Engineer". The BAC-C considered the experience as "Project Manager/Resident Engineer" but not the experience as "Resident Engineer".

During the conduct of post-qualification on UICI, the nominated Project Manager submitted/presented a copy of the pages of Terms of Reference (TOR) for the Samar Road Rehabilitation project he had undertaken to support his claim that the Resident Engineer position is equivalent to Project Manager position. Section 5.3.6 of the said TOR with heading, "Project Manager/Resident Engineer for each construction segment", which specifies/provides the duties/responsibilities of the Project Manager for the said project, may indicate that the duties and responsibilities of the Resident Engineer are equivalent to the duties and responsibilities of Project Manager, and that the Resident Engineer is equivalent to the Project Manager due to the heading of the said section of the TOR which is "Project Manager/Resident Engineer". However, this document is for the Samar Road Rehabilitation project only and thus cannot be used to support his claim that his position as Resident Engineer for another project, the JICA-assisted projects, is equivalent to the position of Project Manager.

Further, the nominated Project Manager (Engr. Ernesto F. Cunanan, Jr.)

	submitted/presented a List (signed by him) of his duties and responsibilities as Resident Engineer in his JICA-assisted projects, in which “Report and recommend solution to the Project Manager problems pertaining to the project” was among his listed duties and responsibilities for the said projects. Thus, it is clear from the List of his duties and responsibilities that he is only a Resident Engineer and not a Project Manager for the JICA-assisted DPWH project.
--	---

Further, Section 34.3 (b)(i) of the revised IRR of R.A. 9184 provides:

*“The post-qualification shall verify, validate, and ascertain all statements made and documents submitted by the bidder with the Lowest Calculated Bid/Highest Rated Bid, using non-discretionary criteria, as stated in the Bidding Documents. These criteria shall consider, but shall not be limited to, the following:*

*Xxx*

*b) **Technical Requirements.** To determine compliance of the goods, infrastructure projects, or consulting services offered with the requirements specified in the Bidding Documents, including, where applicable:*

*i) **Verification and validation of the bidder’s stated competence and experience, and the competence and experience of the bidder’s key personnel to be assigned to the project, for the procurement of Infrastructure Projects and Consulting Services;***

*xxx*

On another note, the TWG Post-Qualification Report shows that one of the end-user departments of the BCDA project awarded to UICI entitled, “Detailed Engineering Design of the Proposed Airport-CGC Access Road, McArthur-CGC Access Road, McArthur-SCTEX Access Road and Olympic Village Access Road” has adverse feedback on the performance of UICI for the said project. The BAC-C instructed the TWG to conduct further due diligence and gather the documentation on the said adverse feedback on the performance of UICI.

**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 or fail post-qualification..., xxx.”*

**NOW, THEREFORE**, the foregoing considered and after a careful evaluation and thorough deliberation of the results of the evaluation of the Technical and Financial Proposals submitted by UICI for the project, the members of the Bids and Awards Committee for Consulting Services (BAC-C), hereby RESOLVE, as it is hereby RESOLVED to recommend the following:

1. To declare **Urban Integrated Consultants, Inc. (UICI)** as **non-responsive** and **post-disqualified** for the Consulting Services for the Construction Management and Supervision (CMS) for the Site Development of 100-hectare area at Bataan Technology Park (BTP) based on the aforecited grounds;
2. To declare a **Failure of Bidding** for the Bidding of the Project pursuant to Section 35.1 of the 2016 Revised IRR of R.A. 9184;
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 said mandatory review pursuant to Section 35.3 of the Revised IRR of RA 9184.

RESOLVED, at the BCDA Corporate Center Office, this 25<sup>th</sup> 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

BACC2021-0222



## SECRETARY'S CERTIFICATE

Republic of the Philippines)  
Taguig City ) SS.

I, **GISELA Z. KALALO**, of legal age, being the Corporate Secretary of the Bases Conversion and Development Authority (BCDA), with office address at the 2/F Bonifacio Technology Center, 31<sup>st</sup> Street corner 2<sup>nd</sup> Avenue, Bonifacio Global City, Taguig City, do hereby certify that on the occasion of the 600<sup>th</sup> Regular BCDA Board Meeting held on 01 December 2021, with a quorum being present, the Board of Directors, upon motion duly seconded, unanimously approved the following resolution:

### Resolution No. 2021-12-154

Resolve, as it is hereby resolved, that the declaration of Urban Integrated Consultants, Inc. (UICI) as non-responsive and post-disqualified for the Consulting Services for the Construction Management and Supervision (CMS) for the Site Development of 100-hectare area at Bataan Technology Park (BTP) based on the grounds cited in the BAC Resolution No. 035 be, as it is hereby APPROVED.

Resolve further, as it is hereby further resolved, that the declaration of Failure of Bidding for the Bidding for the Project pursuant to Section 35.1 of the 2016 Revised IRR of RA 9184 be, as it is hereby APPROVED.

Resolve further, as it is hereby further resolved, that the conduct of a mandatory review and evaluation of the terms, conditions, and specifications in the Eligibility and Bidding Documents, including its cost estimates, pursuant to Section 35.2 of the Revised IRR of RA 9184 be, as it is hereby APPROVED.

Resolve finally, as it is hereby finally resolved, that the authority to proceed with the rebidding of the Project based on the results of the said mandatory review pursuant to Section 35.3 of the Revised IRR of RA 9184 be, as it is hereby APPROVED.

This certification is being issued subject to the final approval of the Minutes of the 01 December 2021 BCDA Board Meeting.


IN WITNESS WHEREOF, I have hereunto affixed my signature this 3<sup>rd</sup> day of December 2021.

  
**GISELA Z. KALALO**  
Corporate Secretary

SUBSCRIBED AND SWORN to before me this DEC 03 2021 at Taguig City, Philippines, by Atty. GISELA Z. KALALO who exhibited to me her Passport No. P6042520B, issued at the DFA Manila on 05 January 2021 and valid until 04 January 2031.

Doc. No. 479  
Page No. 97  
Book No. 02  
Series of 2021.

Purpose: Attachment to BAC Reso No. 035  
SC2021-182  
YB2021-0393

  
**ATTY MARICEL C CORONACION-SANTOS**  
NOTARY PUBLIC FOR AND IN TAGUIG CITY  
NOTARIAL COMMISSION UNTIL DECEMBER 31 2021  
ROLL OF ATTORNEYS NO 63834  
IBP NO 1492918 1-07-2021 RIZAL  
PTR NO A-3069446 1-07-2021 TAGUIG CITY  
MCLE COMPLIANCE NO VI-0014157 05 NOV 2018