

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

**RELOCATION OF POWERHOUSE AND ELECTRICAL UTILITIES AT FORT BONIFACIO
VIA NEGOTIATED PROCUREMENT**

RESOLUTION NO. 001

The BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA), through negotiated procurement via emergency cases, has put on negotiations the **Contract for the Relocation of Powerhouse and Electrical Utilities at Fort Bonifacio via Emergency Contract**, with an Approved Budget for the Contract (ABC) in the sum of **Pesos: Twenty-Nine Million Nine Hundred Nine Thousand and 00/100 (Php29,909,000.00)**, inclusive of all applicable taxes and fees.

WHEREAS, on 10 November 2022, the BCDA President and CEO approved the Procurement of the Relocation of Powerhouse and Electrical Utilities at Fort Bonifacio.

WHEREAS, on 23 November 2022, the BCDA Board approved the issuance of the Certificate of Budget Inclusion and the inclusion of the above mentioned project in the Annual Procurement Plan

WHEREAS, on 01 December 2022, the Engineering and Social Support Department (ESSD) requested the BAC-I to facilitate the procurement of the Project: Relocation of Powerhouse and Electrical Utilities at Fort Bonifacio through Negotiated Procurement via Emergency Cases in accordance with Section 53.2 of the 2016 Revised IRR of RA9184;

WHEREAS, the project falls within the instances that allows for emergency procurement due to the possibility of the collapse of the building and the electrical posts of the existing powerhouse which poses threat to workers and bystanders alike. Its collapse will likewise result in loss of electricity within the Headquarters of the Philippine Army which is critical as this will disrupt vital public services. The immediate removal of the powerhouse will prevent the loss of life, injury as well as damage to property that may occur. The foregoing consideration in accordance with the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 (updated as of 31 March 2021), Section 53.2. Emergency Cases, which states that:

"53. 2 Emergency Cases. In case of imminent danger to life or property during a state of calamity, or when time is of the essence arising from natural or man-made calamities or other causes where immediate action is necessary to prevent damage to or loss of life or property, or to resolve vital public services, infrastructure facilities and other public utilities.

The instances or situation where the foregoing conditions may be applied include

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the provision of immediate response and initial recovery steps to avoid loss of life, injury, disease and other negative affects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption and environmental degradation.

In the case of Infrastructure Projects, the Procuring Entity has the option to undertake the project through negotiated procurement or by administration or, in high security risk areas, through the AFP."

WHEREAS, the BAC-I may directly negotiate with a legally, technically, and financially capable contractor in accordance with Annex H "Consolidated Guidelines for the Alternative Methods of Procurement" of the 2016 Revised IRR, thus:

"The HoPE may delegate to either the BAC or the End-user unit or any other appropriate bureau, committee, support or procuring unit the authority to directly negotiate with a legally, technically, and financially capable supplier, contractor, or consultant for procurement undertaken through any of the allowable instances of Negotiated Procurement (Emergency Cases) under Section 53.2 of the 2016 revised IRR."

WHEREAS, with the authority duly delegated by the HoPE, the BAC-I sent a Request for Quotation (RFQ) to Jonas Power Design and Construction (JPDC), a contractor endorsed by the Philippine Army. The RFQ was sent on 03 February 2023 and required JPDC to submit its quotation and other proof of capability to undertake the project on or before 15 February 2023;

WHEREAS, the BAC-I negotiated with JPDC on 08 February 2023. The table below summarized the points discussed during negotiations:

NEGOTIATION POINTS / SUBJECT	AGREEMENT/ COMMITMENT
1. After successful negotiation, the Contractor shall submit a valid Mayor's/Business Permit, valid PCAB License, Computation of the Net Financial Contracting Capacity (NFCC), Latest Income/Business Tax Returns, and Omnibus Sworn Statement upon submission of quotation.	Agree
2. The Contractor must remove from its current location the critical portion of the existing powerhouse jointly identified by BCDA and Philippine Army (PA) within one (1) month upon the issuance of the Notice to Proceed. Likewise, the Contractor must provide a temporary line to ensure that there is no interruption of power	Agree

within the camp until the permanent powerhouse is completed and made operational.	
3. The Contractor must complete the construction of the permanent powerhouse within five (5) months or one hundred fifty (150) calendar days after the issuance of the Notice to Proceed.	Agree
4. The Contractor agreed to the scope of works, unit costs and the total contract amount of Twenty-Nine Million Nine Hundred Nine Thousand and 00/100 (Php29,909,000.00) as the negotiated price of this Emergency Procurement. The Contractor has reviewed the scope of works, technical specifications, and the detailed design plans to be able to prepare their quotation intelligently, as attached in Annex A.	Agree
5. Upon award of the contract, the Contractor shall post a performance security in accordance with Section 39 of 2016 RIRR of R.A.9184. In addition, to guarantee that the Contractor shall perform its responsibilities as prescribed in Section 62.2.3.1(a) of 2016 RIRR of R.A.9184, the Contractor shall post a warranty security in accordance with Section 62.2.3.3 of 2016 RIRR of R.A.9184.	Agree
6. Scope of the Contract The Contractor shall: a. Be responsible for relocating the existing powerhouse, electrical poles, electrical wires, and other electrical utility affecting the construction of STS Building at Fort Bonifacio, Taguig City. b. Construct the Project according to the Detailed Engineering Design (DED) approved by the BCDA. c. Undertake the repair works, at its own expense, during the defects liability period, one year from project completion up to final acceptance, of any damage to the infrastructure on account of the	Agree

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<p>use of materials of inferior quality, within ninety (90) days from the time the HoPE has issued an order to undertake repair in accordance with Section 62.2.2 of the IRR of RA 9184.</p> <p>d. Liable for the design and structural defects and/or failure of the completed project within the warranty period specified in Section 62.2.3 of the RIRR of RA 9184.</p> <p>e. Be responsible for the demolition/clearing of all existing structures/facilities, improvements, and utilities affected by the Project, if any.</p> <p>f. All other responsibilities, works, and tasks that are necessary for the completion of the relocation of the powerhouse until acceptance of the Project by BCDA.</p>	
<p>7. The Contractor must deploy the following personnel full time on the duration of the project:</p> <p>a. Project Manager -Licensed Civil or Electrical Engineer with at least 5 years of work experience as a Construction Project Manager.</p> <p>b. Electrical Engineer -Licensed Electrical Engineer with at least 3 years of work experience as an Electrical Engineer</p> <p>c. Quantity Surveyor -Licensed Civil Engineer with at least 3 years of work experience as Quantity Surveyor</p> <p>d. Health and Safety Officer -DOLE-accredited Health and Safety Officer with at least 3 years of work experience as a Health and Safety Officer</p>	<p>Agree</p>

WHEREAS, on 15 February 2023, the BAC-I received the required eligibility documents and sealed quotation from the Jonas Power Design and Construction

("Annex A") with a total cost of **Twenty-Nine Million Nine Hundred Nine Thousand and 00/100 (Php29,909,000.00)**;

NOW, THEREFORE, foregoing considered and after careful evaluation and thorough deliberation of the bid 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 award of contract to Jonas Power Design and Construction in the amount of Pesos: **Twenty-Nine Million Nine Hundred Nine Thousand and 00/100 (Php29,909,000.00)**, inclusive of applicable taxes and fees, through Negotiated Procurement under Emergency Cases.


RESOLVED, at the BCDA Corporate Center Office, this 27th day of February 2023.

BIDS AND AWARDS COMMITTEE (BAC) FOR INFRASTRUCTURE


ATTY. GISELA Z. KALALO
Chairperson



ATTY. MARIA SOLEDAD C. SAN PABLO
Vice Chairperson


ATTY. RITCHIE P. PACLIBAR
Member


MADONNA M. CINCO
Member


ENGR. RYAN S. GALURA
Member

Approved by:


AILEEN ANUNCIACION R. ZOSA ⁰³⁻⁰²⁻²⁰²³
President and CEO