

BIIDDING FOR THE CONSTRUCTION OF THE NCC-TO-SCTEX ACCESS ROAD PROJECT

Bid Bulletin No. 2

06 February 2018

Relative to the **Bidding for the Construction of the NCC-to-SCTEX Access Road Project**, the following documents have been posted at the PhilGEPS and BCDA Websites:

1. Revised Schedule of Bidding Activities; and
2. Minutes of the Pre-Bid Conference held on 31 January 2018
3. URL link to the Slide Presentation used in the Pre-Bid Conference

The deadline for the submission of Bid Proposals originally scheduled on 16 February 2018 has been moved to 19 February 2018 at 12:00 Noon because 16 February 2019 is a holiday (Chinese New Year). Opening of bid proposals shall be on 19 February 2018 at 1:00 PM. Said activities shall be held at the:

BCDA Corporate Center
2/F Bonifacio Technology Center
31st Street corner 2nd Avenue
Bonifacio Global City, Taguig City.

For the information of all concerned.

SPECIAL BIDS AND AWARDS COMMITTEE FOR NCC ACCESS ROADS

By:


AILEEN AN. R. ZOSA
Chairperson

REVISED SCHEDULE OF BIDDING ACTIVITIES

Construction of the NCC-SCTEX Access Road Project

ACTIVITY		DATE
1	Posting of Invitation to Bid/Request for Expression of Interest/Issuance	24-Jan-18 o 30-Jan-18 (Wed to Tues)
2	Issuance and Availability of Bid Documents	24-Jan-18 to 19-Feb-18 (Wed to Mon)
3	Pre-bid Conference	31-Jan-18 / 8:30 AM (Wednesday)
4	Deadline for Request for Clarification	09-Feb-18 (Fri)
5	Deadline of Issuance of supplemental/bid bulletin	12-Feb-18 (Mon)
6	a) Deadline of Submission of Technical and Financial Proposals	19-Feb-18 (Mon) 12:00 Noon
7	b) Opening and Preliminary Examination of Technical Proposals	1:00 PM
8	Bid Evaluation and Determination of the Bidder with Lowest Calculated Bid (LCB)	19-Feb-18 o 21-Feb-18 (Mon to Wed)
9	Post-qualification & Deliberation	22-Feb-18 o 23-Feb-18 (Thurs to Fri)
10	Issuance of Notice of Award	on or before 26-Feb-18
11	Contract signing and posting of performance security	on or before 27-Feb-18
12	Issuance of Notice to Proceed (NTP)	on or before 27-Feb-18

(Subject to Change)

SPECIAL BIDS & AWARDS COMMITTEE (SBAC) FOR NCC ACCESS ROADS

MINUTES OF THE MEETING

PRE-BID CONFERENCE FOR THE CONSTRUCTION OF THE NCC TO SCTEX ACCESS ROAD PROJECT

31 January 2018, 8:30 AM, Lobby Hall, BCDA Corporate Center, BGC, Taguig

ATTENDEES:

SBAC

Aileen An R. Zosa	Chairperson
Arrey A. Perez	Vice Chairperson
Atty. Maricel C. Santos	member
Richard Brian M. Cepe	member
María Josefina V. Pe	member

SBAC Technical Working Group (TWG)

Ryan Galura	Vergel Paras	Roy Jiao	Peter Lester Carreon
Ryan Pineda	Jerry Mendoza	Jericho Bondoc	

SBAC Secretariat

Jeannine Escolano	Aileen Schwartz	Melinda Docallos	Crizelle Anzures
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Development Bank of The Philippines (DBP)

Angel P. Borlaza	Raquel Atienza	Gabriel Mapili	Rachel Ninzon
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BCDA Consultants

Victor C. Luna (BCDA)	Buenaventura Solo (UICI)	Alberto Cañete (UICI)	Nimfa Del Prado(UICI)
Roel Y. Tungcab (UICI)	Ernesto San Miguel (UICI)	Amber Montemayor (UICI)	
Faith Dumaligan (UICI)	Christian G. Viray (UICI)	Lorenzo Vicente Nabong (UICI)	

Observers

Marvin Obaob	Internal Audit Service Office
Dep Hanopol	Commission on Audit
Luis Palafox	NCC PMO Engineering

Prospective Bidder Firms

- | | | |
|--------------------------------|---|-------------------------------|
| 1. BSP & Co., Inc. | 12. China Construction Front | 23. China Road & Bridge Corp. |
| 2. CRBC | 13. Link Up | 24. AG Araja Construction |
| 3. CAMCE | 14. Persan Construct./Sino D. Bridge JV | 25. Phesco Inc. |
| 4. Unimasters | 15. Tokwing Construction | 26. 3W Builders |
| 5. Freyssinet Int. Manila Inc. | 16. Northern Builders | 27. Makati Devt Corp |
| 6. Aura Construction Corp | 17. Premium Megastructures Inc. | 28. EM Cuerpo, Inc. |
| 7. Verzontal builders Inc. | 18. Mac Builders | 29. IPM Construction |
| 8. Vincente Lao Construction | 19. FF Cruz & Co., Inc. | 30. Dumduma Const. |
| 9. Golden Deer | 20. Sta Clara International Corporation | 31. Embrocal Builders Inc. |
| 10. CM Pancho Const. Inc. | 21. UTLC | |
| 11. Granby Trading Corp. | 22. GHCB Philippines | |

I Call to Order

With the quorum present, the Pre-Bid Conference commenced at 8:40AM with Chairperson Zosa presiding. After acknowledging the presence of all attendees, she proceeded to brief the bidders of the following:

- 1.1. There is a "no contact" rule with the SBAC members and TWG. Hence, queries and requests for clarification by the bidders shall be coursed through the Secretariat, whose email addresses and contact numbers shall be provided later on.
- 1.2. Bidding documents and bid bulletins to be issued subsequent to this conference, and all other documents and information pertinent to the bidding for the bidders' reference, shall be posted in the PhilGEPS and BCDA Websites.
- 1.3. To date, only four (4) bidders have purchased the bidding documents. However, other interested proponents who have not purchased the bidding documents are welcome to participate in the Pre-Bid Conference to ensure that everyone is on the same level of information and understanding of the project, ensuring a "clear, transparent and credible bidding."
- 1.4. Bidders are allowed to enter into Joint Venture partnerships to participate in this bidding, provided they are able to comply with the requirements in the ITB and Terms of Reference (TOR).
- 1.5. Bidders should ensure pertinent documents, especially of foreign partners, be readily available for examination by the TWG during post-qualification stage.
- 1.6. The schedule shown on the bidding documents, including typo errors, were corrected, revised, and presented as follows:

ACTIVITY		DATE
1	Posting of Invitation to Bid/Request for Expression of Interest/Issuance	24-Jan-18 to 30-Jan-18
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3	Pre-bid Conference	31-Jan-18 / 8:30 AM
4	Deadline for Request for Clarification	09-Feb-18
5	Deadline for Issuance of supplemental/bid bulletin	12-Feb-18
6	a) Deadline of Submission of Technical & Financial Proposal	19-Feb-18, 12:00 noon
7	b) Opening & Preliminary Examination of Technical Proposal	1:00:00 PM
8	Bid Evaluation and Determination of the Bidder with Lowest Calculated Bid (LCB)	19-Feb-18 to 21-Feb-18
9	Post-qualification & Deliberation	22-Feb-18 to 23-Feb-18
10	Issuance of Notice of Award	on or before 26-Feb-18
11	Contract signing and posting of performance security	27-Feb-18
12	Issuance of Notice to Proceed (NTP)	27-Feb-18

- 1.7. The bid opening originally set on February 16, 2018 was moved to February 19 in consideration of the celebration of the Chinese New Year, which is a non-working holiday.

1.8. The Chairperson encouraged bidders to:

- attend the opening and preliminary examination of Eligibility and Technical Documents on 19 February 2018 at 1:00 PM;
- anticipate being awarded the project, so that the winning bidder must be ready to post a Performance Security by February 27, 2018 (set date of contract signing);
- consult / coordinate with the DBP representatives after the pre-bid conference regarding their financial needs/requirements for the bidding and project implementation, in case they are awarded the project.

II Presentation of the TOR and Bidding Requirements

Engr Galura presented the following:

- 2.1 NCC stands for New Clark City, a government project that intends to develop a 9,450-Hectare land (*in the Clark Economic Zone covering portions of Tarlac and Pampanga*) into a modern metropolis with a mix of residential, commercial, agro-industrial, institutional, IT development as well as a community of working residents and business establishments. The NCC is among the big-ticket infrastructure projects under President Duterte's "Build, Build Build" Program envisioned to propel the country's economic growth in the next five (5) years.
- 2.2 The Philippines is hosting the Southeast Asian (SEA) Games in 2019 and NCC is among the venues for the said event. In preparation for the hosting, BCDA shall be undertaking various infrastructure projects for the purpose, which includes the construction of two (2) major roads, as follows:
 - 19.82 Km. Airport-to-NCC access road with 1 Km Bridge, bike lanes, pedestrian lanes, roadway lighting and linear park;
 - (subject of bidding) 12.05 Km, NCC-to-SCTEX access road with, 3 bridges, 2 interchanges, bike lanes, pedestrian lanes, roadway lighting and linear park (*cross-section presented on screen*):
- 2.3 The Approved Budget of the Contract (ABC) is P3,358,500,000.00 inclusive of all applicable taxes and fees and the duration of project completion is 540 days.
- 2.4 Eligibility Requirements:
 - Duly licensed Filipino citizens/sole proprietorships;
 - Partnership, with at least 75% of the interest belongs to Filipino Citizens;
 - Corporations of at least 75% of the outstanding capital stock belongs to Filipino Citizens;
 - Cooperatives
 - Persons/entities forming a Joint Venture, provided however, that Filipino ownership or interest of the JV shall be at least 75% (Filipino ownership or interest of the JV shall be at least 75%. Filipino ownership/interest shall be based on contributions of each member of the JV;
 - Must have completed a road and/or bridge project with a contract amount of not less than 50% of the ABC or P1,679,250,000.00; and
 - Must have a Net Financial Contracting Capacity (NFCC) equivalent to 100% of the ABC .

2.5 Bidding requirements/Documents

1st envelope must contain the following:

1. PhilGEPS Certificate of Registration under Platinum Membership.
2. Statement of all on-going 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. Shall be supported by contracts or notices of award or notices to proceed.
3. Statement of Single Largest Completed Contract similar to the contract on bid, equivalent to at least fifty percent (50%) of the ABC. Shall be supported by contract, CPES rating which must be at least Satisfactory (if applicable), certificate of completion or owner's acceptance.
4. Special PCAB License if in case of joint ventures and registration for at least category "AAA" and classification "Large B"
5. NFCC computation at least equal to the ABC.
6. Valid joint venture agreement, in case of joint ventures.
7. Valid Bid Security.
8. Organizational Chart for the contract.
9. List of contractor's personnel nominated/to be assigned to the project.
10. List of contractor's equipment (owned, leased and/or under purchase agreement) supported by certification of availability of equipment from the lessor/vendor for the duration of the project.
11. Notarized Omnibus Sworn Statement.

Minimum Key Personnel Requirements

- 1 Project Manager (licensed Civil Engineer with 10 years' experience)
- 2 Project Engineer (Licensed Civil Engineer with 5 years' experience)
- 3 Bridge/Structural Engineer (licensed Civil Engineer with 5 years' experience)
- 4 Quantity Engineer (Licensed Civil Engineer with 5 years' experience)
- 5 Materials Engineer (DPWH Accredited Materials Engineer II with 5 years' experience)
- 6 Site Engineer (Licensed Civil Engineer with 5 years' experience)
- 7 Electrical Engineer (registered Electrical Engineer with 5 years' experience)
- 8 Health and Safety Officer (DOLE Accredited Safety Officer with 5 years' experience)
- 9 Drainage Engineer (licensed Civil Engineer with 5 years' experience)

2nd Envelope must contain the following:

- Financial Bid
- Bid Price and Bill of Quantities
- Daywork rates
- Detailed Unit Price Analysis
- Cash Flow and Payment Schedule

2.6 Modified Payment Scheme

Under the modified payment scheme, payment shall be made after the completion of each segment of the project as follows:

- 1st segment:** NCC-to-McArthur, 8-lane road
- 2nd segment:** McArthur-to-SCTEX 4 lane road (same as SCTEX)
- 3rd Segment:** three (3) bridges (Rosario 1, 2 and bridge 3)
- 4th segment:** full-cloverleaf McArthur Interchange
- 5th segment:** "trumpet-type" SCTEX interchange

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2.7 The Chairperson added that:

- a bidder cannot assign two (2) personnel to one (1) key personnel position;
- a bidder cannot assign one (1) personnel to two (2) key personnel positions; and
- there should be a one-to-one correspondence between an assigned personnel and his personnel position.

III Discussion/Forum

3.1 A bidder requested clarification on why there is a need for all JV Partners to submit a PhilGEPS Registration when there is a provision on the Instruction to Bidders (ITB, Sec. 24.7) which states that submission of documents by any of the joint venture partners already "constitutes compliance".

Chairperson Zosa and Engr. Galura clarified, in case of a JV, that:

- all JV members must submit a PhilGEPS Registration
- Only one (1) member of the JV is required to submit an NFCC, Statement of On-going Contracts and Audited Financial Statements for the JV to be compliant. Further, whichever member submits the NFCC must likewise be the JV member that submits the Statement of On-going Contracts and Audited Financial Statements.

The Chairperson stated that a bid bulletin will be issued to clarify this.

3.2 A bidder whose foreign JV partner has yet to secure a PhilGEPS registration asked if it will be allowed to submit the PhilGEPS registration just before the Award.

Engr Galura confirmed that this is allowable, but submission should be during post-qualification. However, the foreign partner must submit on February 19, the following Class "A" Documents or its equivalent foreign counterpart in lieu of the PhilGEPS registration:

- a. SEC, DTI or CDA registration
- b. Mayor's or Business Permit
- c. Tax Clearance
- d. Special PCAB license for foreign partners of a JV
- e. Audited Financial Statements

3.3 Same bidder opined that they only have 2-3 weeks before bidding and PCAB issues licenses once every two (2) months. Can BCDA accept an Official Receipt (OR) of payment of PCAB registration as proof of intent to secure said License. He claimed that other government agencies have allowed this.

The Chairperson said the Special PCAB License is an eligibility requirement per law which BCDA cannot change. However, the SBAC shall include, whether or not said OR is acceptable, as among matters to be considered and responded to in a bid bulletin.

3.4 Regarding the largest completed contract, a bidder asked if there is a particular amount that must be a road component or bridge component or if would be taken as a whole?

Per Engr Galura, it can be taken as a whole.

- 3.5 A Bidder pointed out that in the bidding documents, the the single largest project of similar nature refers to completed roads and bridges. However, in Engr. Galura's slide presentation "projects of similar nature" means roads and/or bridges. Hence, the bidder requested that this be clarified in the bid bulletin.

- 3.6 The same Bidder asked if the BAC would consider an escalated budget cost for completed projects done 7-8 years ago, and if so, what requirement must the bidder submit for it to be acceptable?

Engr Galura stated that an escalated budget cost of a contract is acceptable provided it is accompanied by a certification from the NSO (now the Philippine Statistics Authority) as pointed out by another bidder.

- 3.7 A bidder bought a set of bidding documents and was registered to the bidding under the name of the JV. However, said bidder changed its JV Partner. She asked if there was a need to purchase a new set of bidding documents in the name of the new JV.

The Chairperson and Engr Galura clarified that they need not buy a new set of documents. The JV name submitted during the bidding is what matters. However, the percentage of interest shares of the JV must be compliant with the conditions stipulated in the ITB and TOR.

- 3.8 A Bidder stated that per their consultation with a PCAB Director, their foreign partner will not be issued a Special PCAB License unless the procuring entity of the bidding explicitly states that it shall accept foreign bidders.

The Chairperson, acceded to said request and stated that this shall be emphasized in a bid bulletin that BCDA may accept foreign participation in the Bidding but subject to the requirements in the bidding documents and R.A. 9184 and its IRR.

- 3.9 The bidder stated that the BDS was silent on the acceptability of a lease or purchase agreement as supporting documents for equipment, to which Engr Galura clarified that only provisions in the ITB which need further clarification is referred to in the BDS. Wherefore if a requirement is already explicitly stated in the ITB and not modified in the BDS, this means the ITB requirement stands and must be complied with.

- 3.10 A Bidder asked if a sales invoice is acceptable as proof of ownership of equipment. Consultant Vic Luna explained that it may be acceptable if invoice indicates that it includes VAT payments.

However, the Chairperson recommended the bidders follow the required proofs of ownership listed in the bidding documents and Atty Maricel Santos read Section 25.2 (b) (viii) (3) of the IRR of RA 9184, to wit:

"List of contractor's major equipment units, which are owned, leased, and/or under purchase agreements, (must be) supported by proof of ownership or certification of availability of equipment from the equipment lessor/vendor for the duration of the project, as the case may be..."

Engr Galura explained that BCDA accepts sales invoice as proof ownership only for small equipment such as bagger mixer. However this project requires big machinery such as drilling rigs, excavators and cranes.

Another bidder who owns a commercial company explained that it is standard practice for a commercial establishment to issue a sales invoice when selling an item on credit. He only issues an OR after payment on the credit has been made. The same is done in Greenhills, where sellers issue a buyer a sales invoice when paid cash.

The Chairperson decided that the official response on whether or not a sales invoice is acceptable shall be included in the Bid Bulletin.

- 3.11 A bidder pointed out that in the BDS, the minimum requirement for key personnel number 9, drainage engineer, is 5 years' experience in sanitary engineering, to which Engr Galura responded that the correction shall be indicated in the bid bulletin.
- 3.12 A foreign bidder who has financial statements and official receipts pending authentication at the Embassy, asked if copies of said documents be accepted during bidding, the Chairperson replied that these would be responded to in the bid bulletin.
- 3.13 In response to a bidder's question on the status of the acquisition of Road-Right-of-Way for the Project, Engr Galura explained that:
- a) Right-of-way for NCC to McArthur segment is almost 100% acquired. There is only one lot owner under negotiation.
 - b) Acquisition of right-of-way of the the McArthur to SCTEX segment is still on-going but is expected to be completed in two (2) weeks.
 - c) The SCTEX Interchange area has been fully acquired on which the winning proponent can begin work.
- 3.14 A bidder who already bought bidding documents noticed the absence of the Geotechnical description/Technical Report, hence requested for a copy of said data which shall be basis in determining cost of the drilling process.

In response BCDA Consultant, UICI shall provide copies of said data.

- 3.15 In response to a bidder's question if BCDA will accept lahar as embankment material, Engr Galura responded with a yes, provided that it passes the specification requirement.
- 3.16 FF Cruz asked if a JV with only one member with the required experience be qualified for the bidding.

The Chairperson explained that the purpose of forming a JV is to pool together the members' assets, resources/equipment to be capable to complete the project. Wherefore it is acceptable for only one member to have the experience and another member to have the equipment. However, all JV members still need to submit the required PhilGEPS registration or Class "A" Documents.

- 3.17 Sta Clara Construction, who already bought bid documents, requested an extension on the submission of bid proposals to enable them to prepare the required documents.

- 3.18 The Chairperson explained that the bid opening cannot be moved since BCDA needs the access roads completed by August 2019 in time for the SEA Games on December 2019. The DBM requires a processing time of 3 months because funds for the roads would be partially sourced from the General Annual Appropriations (GAA).
- 3.19 In response to the question whether or not BCDA will accept development of a power plant which includes roads and bridges, to be a project of similar nature, the Chairperson and Engr Galura said no.
- 3.20 In response to the question whether a land development project is considered a project of similar nature, Engr Galura responded in the affirmative.
- 3.21 A bidder also asked how much the rate of the VAT is on the project, if any and how is "inclusive tax" computed, to which the Chairperson said will be responded to in the bid bulletin.
- 3.22 For the Statement of Completed Contracts, a bidder asked if there is a prescribed amount of the contract budget for the road component and the bridge component or would it be taken as a whole?
- Engr Galura affirmed that it shall be taken as a whole.
- 3.23 The Section of the bidding documents states that contracts of similar nature are roads and bridges, but Engr Galura's PowerPoint presentation clarified that it can be roads and/or bridges. Hence the bidder's request that this be clarified in a bid bulletin was acceded to by Engr Galura.
- 3.24 Another Bidder asked, if BCDA would accept the aggregate amount of one road project that was awarded in phases, to which Engr Galura responded yes, provided it was under one contract.
- 3.25 A bidder requested for BCDA to consider adjusting the payment scheme to the standard progress billing or repackage the milestones.
- 3.26 Mr. Chan of Unimaster asked if BCDA can guarantee payment on time so the that the winning proponent can project its cash flow for the succeeding segments. PD 5094 provides that government pay contractors within 45 days, but the new law (RA 9184) only penalizes delinquent contractors but not the government for late payments.
- 3.27 Per Consultant Vic Luna government is required to pay a contractor within 84 days from billing. He then offered to research on what types of guarantees the government can extend to contractors to ensure payments on time.
- 3.28 The Chairperson addressed the question to the assembly if this is the first government project using the modified payment scheme.

Mr Chan of Unimaster claimed that DOTR applied the same payment scheme for the proposed railway project. However, when prospective bidders requested for an advance payment upon delivery of the materials to the project site, DOTR acceded.

- 3.29 Mr. Chan stressed that government is encouraging contractors to move fast but is hampering movement by using this modified payment scheme. Under this scheme, contractors cannot build simultaneously the interconnected segments. "Mahihipan sila" (*in terms of funding*).

Vice Chairman Perez explained that the government is looking for a contractor with a strong financial and technical capability to implement the project, which is why the bidders are required to have an NFCC equal to the ABC. The DBP was invited to the proceedings to assist the contractors/bidders regarding their financial requirement.

- 3.30 The same bidder asked if DBP shall be able to finance and guarantee the Contractors collectibles from BCDA.

- 3.31 Yes, DBP can finance contractors/winning bidder as long as they are able to provide the PO or the contract with BCDA. In terms of guarantee, BCDA has all the contractor's collections/collectibles in a DBP account that can be released upon completion of a milestone.

- 3.32 Upon a bidder's request, Engr Galura set the ocular inspection of the project area on February 2, 2018, Friday at 9:00 AM to begin from the meeting place at the BCDA PMO in Clark, Pampanga. He further committed to send details of the activity and location map of the PMO through bid bulletin to be posted in the PhilGEPS and BCDA website and emailed via the Secretariat.

- 3.33 A bidder asked for either a bid bulletin or at least the minutes of the Meeting, that they may determine whether there are still some matters or items that they need clarified.

- 3.34 The Chairperson directed the Secretariat to provide copies of the minutes by February 2, 2018.


IV Adjournment

With no other matter to discuss, the meeting was adjourned at 10:15 AM.

Prepared by


Jeannine A. Escolano
BAC Secretariat
SBAC for NCC Access Roads

Approved by:


Aileen An. R Zosa
Chairperson
SBAC for NCC Access Roads

URL LINK

Prospective Bidders may view the slide presentations used in the Pre-Bid Conference held on 31 January 2018 for the **Bidding for the Construction of the NCC-SCTEX Access Road Project**, using the URL link below.

https://drive.google.com/file/d/1mJby0_hEZxzwPqOqkEz-TOqm8W2wQFbr/view?usp=sharing

Uncontrolled when printed or emailed