

JOINT VENTURE SELECTION COMMITTEE

COMPETITIVE SELECTION FOR THE
JOINT VENTURE DEVELOPMENT OF THE
WATER AND WASTEWATER INFRASTRUCTURE PROJECT
NEW CLARK CITY

BID BULLETIN NO. 2

TO ALL PROSPECTIVE PRIVATE SECTOR PARTICIPANTS:

This Bid Bulletin No. 2 is being issued to amend, revise, modify, supplement, and clarify the Invitation Documents for the Competitive Selection for the Joint Venture Development of the Water and Wastewater Infrastructure Project in New Clark City (the "**Project**").

Capitalised terms used and not otherwise defined in this Bid Bulletin No. 2 shall have the meaning given to them in the Instructions to Private Sector Participants ("**IPSP**"): Volume 1 - Eligibility Documents relating to the Project issued by the Joint Venture Selection Committee of the Bases Conversion and Development Authority for the Project on 16 May 2018, as amended.

In accordance with Section 2.3 of IPSP: Volume 1 — Eligibility Documents, this Bid Bulletin No. 2 is issued to all parties who purchased the IPSP: Volume 1 – Forms and Annexures and is automatically incorporated into and made an integral part of the particular document to which it relates.

1. Amendments to IPSP: Volume 1 – Eligibility Documents

a. Definition of the term “Lead Member”: Amendment of Section 1.2

The definition of the term “Lead Member” found in Section 1.2 of IPSP: Volume 1 – Eligibility Documents is amended as follows:

“Lead Member” means, for a PSP that is a Consortium, the Consortium Member designated in writing as such by the other Consortium Members.

b. Queries and Supplemental Notices: Amendment of Section 2.7

The first sentence, last paragraph of Section 2.7 of IPSP: Volume 1 — Eligibility Documents is amended as follows (amended portion identified in **bold underlined font** for convenience):

The JVSC will accept all reasonable queries, comments, and clarifications only in relation to the Invitation Documents not later than 12:00 p.m. on **8** June 2018.

c. Language and Foreign Documents: Amendment of Section 2.9 (d)

Section 2.9 (d) of the IPSP: Volume 1 - Eligibility Documents is hereby amended as follows:

(d) The JVSC will accept foreign documents that are not yet acknowledged and/or authenticated but shall be subject to compliance with the following conditions:

- (1) the photocopy of the foreign document must be submitted to the JVSC;
- (2) the acknowledged and/or authenticated foreign document must be submitted to the JVSC no later than the Proposals Submission Date;
- (3) the acknowledged and/or authenticated foreign document submitted to the JVSC must be identical to the photocopy of the foreign document previously submitted by the PSP; and
- (4) the foreign document must be listed in **Annex-EPF 1** of IPSP: Volume 1 – Forms and Annexures.

d. Design and Construction Experience Requirements: Amendment of Section 3.2.1 (f)

Section 3.2.1 (f) of the IPSP: Volume 1 - Eligibility Documents is hereby amended as follows (amended portion identified in **bold underlined font** for convenience):

(f) Each entity whose completed projects are being submitted to fulfill the Design Experience Requirement and Construction Experience Requirement, whether the PSP, a Consortium Member, **a Contractor or any of their Affiliates:**

e. Operation and Maintenance Experience Requirements: Amendment of Sections 3.2.2

Sections 3.2.2 of the IPSP Volume 1 - Eligibility Documents are hereby amended as follows (amended portion identified in **bold underlined font** for convenience):

(a) The Operation and Maintenance Experience Requirement may be fulfilled by the relevant entity referred to in Section 3.2.2(b). The entity nominated to fulfill the Operation and Maintenance Experience Requirement must have completed at least 5 full years of operation and maintenance of the following facilities within the last 10 years from the date of this IPSP: Volume 1 — Eligibility Documents:

Table 2: Operation and Maintenance Experience Requirements

Category of Operation and Maintenance	Minimum Requirement
a) Water supply	one <u>project</u> with water supplied in excess of 100,000 m ³ /day
b) Wastewater	one <u>project</u> with wastewater treated in excess of 50,000 m ³ /day
Combined water and wastewater <u>projects</u> can count towards the Operation and Maintenance Experience Requirements under a) and b) above if they exceed the respective minimum capacities.	

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(b) The entit(y/ies) which fulfill(s) the Operation and Maintenance Experience Requirements may be:

(1) if the PSP is a partnership or corporation:

i. the PSP itself; or

ii. an Affiliate of the PSP.

(2) if the PSP is a Consortium:

i. **a Consortium Member**, that is neither a natural person nor a sole proprietorship, or

ii. an Affiliate of a Consortium Member.

(c) Each entity whose completed projects are being submitted to fulfill the Operation and Maintenance Experience Requirements, whether the PSP, a Consortium Member **or any of their Affiliates**, must certify that it has no Unsatisfactory Performance Record.

f. **Operation and Maintenance Experience Requirements: Amendment of Sections 4.2.2**

Sections 4.2.2, 4.2.3, and 4.2.4 of the IPSP Volume 1 - Eligibility Documents are hereby amended as follows (amended portion identified in **bold underlined font** for convenience):

4.2.2 Operation and Maintenance Experience Requirements (using the form in **Annex EPF-10B** of IPSP: Volume 1 - Forms and Annexures) to be submitted by the entity that fulfills the Operation and Maintenance Experience Requirement(s) in Section 3.2.2, as identified in the Business Structure, together with the following required attachments:

(1) Notarized Certification of Absence of Unsatisfactory Performance Record.

(2) Notarized copy of the original signed contract agreement for the project(s) satisfying the specified Operation and Maintenance Experience Requirements under Section 3.2.2.

(3) Notarized Certificate of Project Completion from the project's owner, or an entity authorized to issue such certificate on behalf of the project's owner, payment certificate or any other document from the project's owner, or an entity authorized to issue such certificate on behalf of the project's owner. A copy of the original Certificate of Project Completion or other certificate or document will be accepted, provided that it is accompanied by a notarized certification issued by the relevant officer of the project owner, authorized entity or the relevant officer of the PSP


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that such copy is a true and faithful reproduction of the original Certificate of Project Completion.

(4) If the project was completed by an Affiliate of the PSP or a Consortium Member, evidence of such affiliation.

(5) Statement of Willingness to Participate In, and Capacity to Undertake the Operation and Maintenance, and Commitment to Enter into an Agreement with the JV to Undertake the Operation and Maintenance (using the form in **Annex EPF-11B** of IPSP: Volume 1 - Forms and Annexures) to be submitted by the entity proposed by the PSP to meet the Operation and Maintenance Experience Requirement.

(6) List of Key Personnel (using the form in **Annex EPF-12** of IPSP: Volume 1 - Forms and Annexures) to be submitted by the PSP. More than one name can be submitted for each position.”

2. Amendment to EPF-10B (Operation and Maintenance Experience Requirements) of IPSP: Volume 1 - Forms and Annexures

A new paragraph (iv) is added to EPF-10B as follows (amended portion identified in **bold underlined font** for convenience):

(iv) If the project was completed by an Affiliate of the PSP or a Consortium Member, evidence of such affiliation.

3. Amendments to Invitation to Apply for Eligibility and to Submit a Proposal

Section 2.2 of the Invitation to Apply for Eligibility and to Submit a Proposal is hereby amended as follows (amended portion identified in **bold underlined font** for convenience):

a) **The Operation and Maintenance Experience Requirements may be fulfilled by the PSP, a Consortium Member or its Affiliate.**

b) **The entity nominated to fulfill the Operation and Maintenance Experience Requirements** must have at least **five (5)** full years of operation and maintenance of the following facilities within the last ten (10) years from the date of issuance of the IPSP Volume 1 – Eligibility Documents:

Category of Operation and Maintenance	Minimum Requirement
a) Water supply	one <u>project</u> with water supplied in excess of 100,000 m ³ /day
b) Wastewater	one <u>project</u> with wastewater treated in excess of 50,000 m ³ /day

Combined water and wastewater **projects** can count towards the Operation and Maintenance Experience Requirements under a) and b) above if they exceed the respective minimum capacities

Each entity whose completed projects will be submitted to fulfill the Technical Requirements for Eligibility must certify that it has no Unsatisfactory Performance Record. The term "Unsatisfactory Performance Record" shall be defined in IPSP Volume 1 – Eligibility Documents.

4. Availability of Electronic (MS Word) Version of the IPSP: Volume 1 - Forms and Annexures

The JVSC will make available an electronic version (MS Word Format) of the IPSP: Volume 1 — Forms and Annexures for the sole purpose of reference and convenience of prospective Private Sector Participants who have purchased the IPSP: Volume 1 — Forms and Annexures. The electronic version will be made available in a [flash drive/compact disc] and may be secured by PSPs at:

JVSC for the Water and Wastewater Infrastructure Project - New Clark City
Bases Conversion and Development Authority
BCDA Corporate Center
2/F Bonifacio Technology Center
31st Street corner 2nd Avenue, Bonifacio Global City, Taguig City

In the event of conflict between the electronic version of the IPSP: Volume 1 — Forms and Annexures and the [hard copy/portable document format] of the IPSP: Volume 1 — Forms and Annexures, the [hard copy/ portable document format] shall prevail.

5. Miscellaneous Provisions

If any one or more of the provisions of this Bid Bulletin No. 2 is held invalid, illegal or unenforceable, the validity, legality or enforceability of the remaining provisions will not be affected thereby.

This Bid Bulletin No. 2 is incorporated into and made an integral part of the relevant Invitation Documents.

This Bid Bulletin No. 2 is issued this 4th day of June 2018.

Joint Venture Selection Committee


NENA D. RADO
Chairperson