

**Joint-Venture Selection Committee for the Bonifacio East Project (JVSC-BEP)**

Special Bid Bulletin No. 1

25 October 2018

Please be informed of the following clarifications on questions/queries that were raised during the Pre-Bid Conference on subject bidding held on 10 October 2018. This Bid Bulletin shall form an integral part of the Tender Documents.

ISSUE/QUERIES	CLARIFICATIONS
1. "Is the BCDA schedule open to extension?"	Schedule may be adjusted if deemed necessary.
2. What is the nationality of the Original Proponent?	The Original Proponent is a foreign owned company.
3. Is BCDA allowed to enter into a JV with a 100% Foreign Entity?  Isn't this a violation of the constitutional provision on the 60% (Filipino) 40% (Foreign) rule?	Yes. Although it is termed as a JV. It is actually a long term lease.  No. The proposal is similar to a long term lease with development rights. There will be no transfer of ownership of property. After the lease term, the leased property will revert to BCDA together with the improvements.
4. Is Bonifacio East the original name of the Property?  <i>(A Pre-Bid attendee from the private sector alleges to have a project with the same name)</i>	The trademark name of the project area is Bonifacio East as filed with the Intellectual Property Office of the Philippines (IPOPHL).  Per IPOPHL, there are currently no patented trademark of the same name in the Philippines.
5. Does "in-city relocation" for the project pertains to relocation within the project site or other areas within the City of Taguig?	The Project involves for an on-site relocation, which means within the BEP property and an in-city relocation, which means outside the BEP but within Taguig City. The government may also provide other relocation areas outside of Taguig City.
6. What is the subject of Challenge?	The subject of the challenge is the 3% Variable Share on gross revenues of the joint venture. All other components of the proponent's proposal such as the annual fixed payments, investment commitment, ISF relocation program, development timelines, etc. are deemed fixed parameters, hence, not subject to change.
7. Who will ensure the development is within schedule? Are there conditions in case the Proponent fails to deliver its commitment?	The JV Agreement contains provisions to protect government from the non-performance of the other party of its obligations under the JV Agreement.



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**JVSC – BHIT2018 – 0014**



<p>8. What is the source of the revenue from which the 3% shall be derived?</p>	<p>3% shall be derived from the gross revenues of the JV or cash proceeds collected from the disposition of residential, commercial, institutional and other development of the Project.</p> <p>The winning Proponent shall pay the 3% Annual Variable Share on the gross revenues of the JV, and an additional 0.5% on Gross Revenues for every accumulated ten percent (10%) tax incentives secured in favor of the JV.</p>												
<p>9. The requirement to purchase the Tender Documents before it can be read discourages participation from interested bidders.</p> <p>Doesn't this violate the law on Procurement that warrants transparency?</p>	<p>The competitive challenge is based on the 2017 BCDA JV Guidelines. Pursuant to the 2013 Revised NEDA Guidelines on Private-Public Joint Ventures, government entities with a primary mandate to dispose government assets or properties are authorized to adopt its own guidelines for JV activities. Said BCDA Guidelines was also reviewed and approved by the Office of the Government Corporate Counsel (OGCC).</p>												
<p>10. Since the Project involves only Usufructuary rights, does this mean the area shall be subject only to long term leases of 50 years, extendable for another 50 years?</p>	<p>No, the property shall be subject to the constitutionally allowed maximum lease period of 50 years and renewable for another 25 years.</p>												
<p>11. Schedule of Activities of Competitive Challenge</p>	<table border="0"> <tr> <td>05 Oct 2018</td> <td>Publication of the Invitation to Apply for Eligibility and Submit Proposal</td> </tr> <tr> <td>05-26 Oct 2018</td> <td>Issuance of Tender Documents</td> </tr> <tr> <td>10 Oct 2018</td> <td>Pre-Bidding Conference</td> </tr> <tr> <td>09 Nov 2018</td> <td>Submission and Evaluation of Eligibility Documents, Technical and Financial Proposals</td> </tr> <tr> <td>14 Nov 2018</td> <td>Award of Contract</td> </tr> <tr> <td>19-21 Nov 2018</td> <td>Signing of JVA</td> </tr> </table>	05 Oct 2018	Publication of the Invitation to Apply for Eligibility and Submit Proposal	05-26 Oct 2018	Issuance of Tender Documents	10 Oct 2018	Pre-Bidding Conference	09 Nov 2018	Submission and Evaluation of Eligibility Documents, Technical and Financial Proposals	14 Nov 2018	Award of Contract	19-21 Nov 2018	Signing of JVA
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The clarifications herein issued effectively amend, modify or revise provisions of the Tender Documents and dates published in newspapers and posted in the BCDA Website , which are inconsistent or contradictory thereto.

For the information of all concerned.

By:

  
**JOSHUA M. BINGCANG**  
 Chairperson, JVSC-BEP

