

Special Bids and Awards Committee (SBAC) for New Clark City (NCC) Access Roads

**CONSTRUCTION OF AIRPORT TO NCC ACCESS ROAD PHASE 2
(Aranguren-Dapdap Segment)
at New Clark City**

**RESOLUTION NO. 06
(Declaration of LCRB)**

The BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA) has put on bid the **CONSTRUCTION OF AIRPORT TO NCC ACCESS ROAD PHASE 2 (Aranguren-Dapdap Segment)**, located at New Clark City, Capas, Tarlac with an Approved Budget for the Contract (ABC) in the amount of **Three Billion Two Hundred Twenty-Eight Million Six Hundred Five Thousand Five Hundred Sixty-Four Pesos and 43/100 (Php3,228,605,564.43)**, inclusive of all applicable taxes and fees, under a modified payment scheme.

WHEREAS, the SBAC for NCC Access Roads, through its Secretariat, advertised the Invitation to Bid on 14 January 2019 in a newspaper of nationwide circulation, and on January 14 to 20, 2019 in the following:

- a. DBM Philippine Government Electronic Procurement System (PhilGEPS);
- b. BCDA Website; and
- c. In a conspicuous place reserved for the purpose in the premises of BCDA.

WHEREAS, in response to the said advertisements, twenty-three (23) interested bidders bought the bid documents, namely:

1. Sta. Clara International Corporation
2. China Geo-Engineering (Phil.) Corporation
3. C.M. Pancho Construction Incorporated (CMPCI)
4. E.C. De Luna Construction Corporation
5. R-II Builders, Inc.
6. Prime Metro BMD Corporation
7. China International Water & Electric Corporation / MSB Vitug Construction Corporation (Consortium)
8. JASA Builders & Development Corporation
9. China Road and Bridge Corporation
10. Tokwing Construction Corporation
11. I.P.M. Construction Development Corporation
12. A.G. Araja Construction & Development Corporation
13. Agafer Construction
14. Pacific Concrete Products, Inc.
15. Eddmari Construction and Trading / 11-16 Construction / Ilsung Construction Co., Ltd. (Consortium)

Resolution no. 06 – Declaration of LCRB for the Construction of Airport to NCC Access Road (Phase 2)

Page 1 of 7

July 2019/Version 3

16. Dynamic Builders & Construction Co., (Phil.) Inc. / IBC International Builders Corporation / China Civil Engineering Construction Corporation (Consortium)
17. R.D. Interior Junior Construction / China CAMC Engineering Co., Ltd. (Consortium)
18. Almeria International Construction Corporation / BSP Co., Inc. (Joint Venture)
19. Verizontal Builders, Inc.
20. The 13th Bureau of China City Construction Phils. Corporation
21. Cavite Ideal International Construction & Development Corporation (CAVDEAL)
22. JH Pajara Construction Corporation / 3K Rock Engineering (Joint Venture)
23. Maer Summit Konstruct Company

WHEREAS, there were only thirteen (13) proponents who submitted their bid proposals for the project prior to the deadline set for the submission of bids. During the Opening of Bids on 11 April 2019, the first envelopes (which contained the eligibility/technical requirements) of the 13 proponents were opened and subjected to a preliminary evaluation which is checking the presence or absence of the required documents using "pass/fail" criterion;

WHEREAS, after the presence or absence of the required documents were ascertained, the first envelope of JH Pajara Construction Corporation/The 13th Bureau of China City Construction Philippines / 13th CCCC China (Consortium), which contained their eligibility/technical requirements, was rated "FAILED" due to the absence of Tax Clearance or the appropriate equivalent documents or any document as substitute for valid Tax Clearance of 13th CCCC China;

WHEREAS, the second envelopes, which contained the financial proposals, of the twelve (12) proponents who "passed" the preliminary examination of the eligibility/technical requirements were opened. The financial bids of these proponents were rated "PASSED" during the preliminary evaluation of the financial bids and were considered for the detailed evaluation of the eligibility/technical bids and for the comparison of financial bids. Table below shows the bid amount of the 12 proponents (as read):

BIDDERS	BID AMOUNT (AS READ)	RANKING
BSP & Co., Inc./Almeria International Construction Corporation Joint Venture	2,658,536,315.03	1
Grace Construction Corporation/ China Road and Bridge Corporation Consortium	2,713,294,635.15	2
C.M. Pancho Construction, Inc.	2,719,957,632.55	3
Cavite Ideal International Construction & Development Corporation (CAVDEAL)	2,737,857,518.65	4

IPM Construction and Development Corporation/EEL Corporation Joint Venture	2,744,314,640.00	5
Pacific Concrete Products, Inc./ China Construction First Group Corporation Limited Consortium	2,752,246,459.16	6
E.C. De Luna Construction Corporation	2,839,023,825.10	7
R.D. Interior Junior Construction/China CAMC Engineering Co., Ltd. Consortium	2,860,786,659.08	8
Eddmari Construction & Trading/11-16 Construction/ILSUNG Construction Co., LTD. Consortium	2,902,517,048.07	9
Dynamic Builders & Construction Co. (Phil.), Inc. / IBC International Builders Corporation/ China Civil Engineering Construction Corporation Consortium	3,098,888,888.08	10
Tokwing Construction Corporation /ITP Construction, Inc./China Railway 22nd Bureau Group Co., Ltd. Consortium	3,131,625,088.93	11
Sta. Clara International Corporation / Atlantic Gulf & Pacific Company of Manila Inc. /Peregrine Construction and Management L.L.C., Inc. Joint Venture	3,146,896,476.00	12

WHEREAS, the detailed evaluation and verification of the bids of the 12 proponents, whose Eligibility/Technical Requirements and Financial Proposals were rated "PASSED", were conducted on April 15 to May 10, 2019, pursuant to Sec. 30 of the Revised Implementing Rules and Regulations (IRR) of RA 9184, to determine the bidder with the Lowest Calculated Bid (LCB) who shall undergo the post-qualification process. The SBAC found the bids of the following bidders as **non-responsive** due to the following reasons:

BIDDERS	REASONS FOR NON-COMPLIANCE
BSP & Co., Inc./Almeria International Construction Corporation Joint Venture	<ul style="list-style-type: none"> Submitted an incomplete DUPA for Phase 2 project, i.e. the Form of DUPA used for Pay Item No. 100(1) (Clearing and Grubbing) Part C, sheet 23 was for different project.
Grace Construction Corporation/ China Road and Bridge Corporation Consortium	<ul style="list-style-type: none"> A mere Letter of Procurement Intent to procure the following equipment was submitted in lieu of the required Purchase Agreement: <ul style="list-style-type: none"> - Backhoe/Loader - Cargo Trucks

	<ul style="list-style-type: none"> - Crane, Hydraulic - Concrete Pump - Crawler Crane - Dump Trucks - Pumpcrete - Transit Mixers - Water Trucks - Crawler Loader - Trailer Dolly - Service Truck <p>Further, no proof of ownership or Certificate of Availability of the equipment from the vendor was attached.</p> <p>As specified/indicated under 12.1 (b)(ii.3) of Instructions to Bidders as one of the project requirements, "<i>List of contractor's major equipment units, which are <u>owned, leased, and/or under purchase agreements</u>, supported by proof of ownership, certification of availability of equipment from the equipment lessor/vendor for the duration of project which must meet the minimum requirements for the contract set in the BDS.</i>"</p>
<p>IPM Construction and Development Corporation/EEI Corporation Joint Venture</p>	<ul style="list-style-type: none"> • Submitted one (1) main contract with multiple supplemental contracts for the required Single Largest and Completed Contract (SLCC), but the contract amount of each contract is less than the required 50% of the ABC. As per consultation with GPPB, the main contract and supplemental contracts are to be taken separately from each other.
<p>Pacific Concrete Products, Inc./ China Construction First Group Corporation Limited Consortium</p>	<ul style="list-style-type: none"> • The submitted Proforma Invoice for the following equipment was not supported by a Sales Invoice: <ul style="list-style-type: none"> - Backhoe Hydraulic Excavator, W.M. 0.92 cu.m., 130 hp; and - Concrete Batching Plant, Ross

	<p>Uniplant, 80 cu.m./hour</p> <p>One of the acceptable proofs of ownership of minimum equipment required is "<u>Proforma Invoice supported by a Sales Invoice</u>" as indicated under 12.1(b)(ii.3) of Bid Data Sheet (BDS). Thus, the Sales Invoice of the aforementioned equipment should have been attached or submitted along with the submitted Proforma Invoice.</p>
<p>Tokwing Construction Corporation /ITP Construction /China Railway 22nd Bureau Consortium</p>	<ul style="list-style-type: none"> In the submitted BOQ, the quantity indicated for Pay Item no. SPL-1200-23 SHRUB-PEANUT PLANT (Arachis Pintoi), 150mm Ht. was 46,668.00 pcs, which is non-compliant with the required quantity for the said Pay Item which is 49,668.00 pcs. as indicated in ITB Section 15.2.

WHEREAS, the bidders with **responsive** bids were ranked in ascending order based on their financial bids or total bid price as calculated, evaluated and corrected for computational errors, and other bid modifications to identify the Lowest Calculated Bid (LCB) pursuant to Section 32.2.4 of the IRR of RA 9184:

RANK	BIDDERS	BID AMOUNT (as calculated)
1	C.M. Pancho Construction, Inc.	Php2,719,957,632.55
2	Cavite Ideal International Construction & Development Corporation (CAVDEAL)	Php2,737,882,905.83
3	E.C. De Luna Construction Corporation	Php2,839,012,474.56
4	R.D. Interior Junior Construction/China CAMC Engineering Co., Ltd. Consortium	Php2,860,786,659.08
5	Eddmari Construction & Trading/11-16 Construction/ILSUNG Construction Co., LTD. Consortium	Php2,902,517,048.06
6	Dynamic Builders & Construction Co. (Phil.), Inc. / IBC International Builders Corporation/ China Civil Engineering Construction Corporation Consortium	Php3,098,888,888.08
7	Sta. Clara International Corporation / Atlantic Gulf Pacific/Peregrine (Joint Venture)	Php3,146,904,199.04

WHEREAS, consequent to the above results of the said detailed evaluation and verification of bids, the BAC Resolution No. 03 was issued on 14 May 2019, **declaring C.M. Pancho Construction, Inc. (CMPCI) as the bidder with the Lowest Calculated Bid (LCB)** for the construction of Airport to NCC Access Road Phase 2 (Aranguren-Dapdap Segment) at New Clark City;

WHEREAS, on May 21 to June 4, pursuant to Section 34 of the Revised IRR of R.A. 9184, the SBAC Technical Working Group (TWG) conducted Post-Qualification on the bidder with LCB to determine whether it is compliant and responsive to the requirements and conditions specified in the Bidding Documents;

WHEREAS, after careful examination, validation and verification of all the eligibility, legal, technical and financial documents submitted to the SBAC, the TWG, in its Post-Qualification Report (attached as Annex A), recommended the award of the contract to **CMPCI** who was found compliant and responsive;

WHEREAS, **CMPCI** is not included in the GPPB List of Blacklisted Constructors as of June 30, 2019;

WHEREAS, a certain director of JEL Construction Corporation (JELCON), Mr. Teddy Bustamante sent a letter dated 27 June 2019 to BCDA addressed to its President and CEO, Vivencio B. Dizon, informing BCDA that C.M. Pancho made misrepresentation/false statement in its bid submission because it was never a sub-contractor of Cavite-Laguna Expressway (CALAX) Project as far as the records of the Department of Public Works and Highways (DPWH) are concerned;

WHEREAS, on the basis of Mr. Bustamante's letter, the SBAC conducted further verification and consultations on the allegations stated in said letter;

WHEREAS, as part of SBAC's due diligence and consultations, it sought the advice/legal opinion of BCDA's Legal Services Department on the allegations of Mr. Bustamante and other related issues as far as the allegations of Mr. Bustamante on the bid of C.M. Pancho is concerned;

WHEREAS, on 23 July 2019, the SBAC received the opinion of BCDA's Legal Services Department (attached as Annex B) stating, among others, that *"there is no startling inconsistencies between the statement declared by CMPCI vis-à-vis the letters, agreement and contract presented in support of said statement. In other words, the established fact based on the submission of documents for eligibility in the bidding process belies the unfounded allegations, accusations and charges of JELCON against CMPCI. Xxx, there is no misrepresentation on the part of CMPCI as alleged by JELCON. The alleged invalidity of the Subcontract Agreement between DMCI and CMPCI is a matter which should be raised by a party to the contract or the entity or person who is affected thereby."*

NOW, THEREFORE, We, the Members of the Special Bids and Awards Committee (SBAC) for NCC Access Roads, hereby **RESOLVE** as it is hereby **RESOLVED**, to recommend the following:

1. To award the contract to **C.M. Pancho Construction, Inc.** as the bidder with the **Lowest Calculated and Responsive Bid (LCRB)** for the Construction of Airport to NCC Access Road Phase 2 (Aranguren-Dapdap Segment) at New Clark City, in the amount of **PESOS: Two Billion Seven Hundred Nineteen Million Nine Hundred Fifty-seven Thousand Six Hundred Thirty-two & 55/100 (Php2,719,957,632.55)**, pursuant to Sec. 34.4 of the revised IRR of R.A. 9184;
2. To issue the corresponding Notice of Award (NOA) to **C.M. Pancho Construction, Inc., being the bidder with LCRB.**

RESOLVED, at the BCDA Corporate Center Office, this 24th day of July 2019.

SPECIAL BIDS AND AWARDS COMMITTEE (BAC) FOR NCC ACCESS ROADS


AILEEN ANUNCIACION R. ZOSA
Chairperson

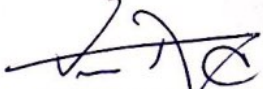
on leave
ARREY A. PEREZ
Vice Chairperson


MARIA JOSEFINA V. PE
Member


RICHARD BRIAN M. CEPE
Member


ATTY. MARICEL C. SANTOS
Member

Approved by:


VIVENCIO B. DIZON
President and CEO

