

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
BASES CONVERSION AND DEVELOPMENT AUTHORITY

ELIGIBILITY DOCUMENTS

CONSULTING SERVICES FOR CONSTRUCTION MANAGEMENT AND SUPERVISION OF THE AIRPORT (CIA) TO NEW CLARK CITY (NCC) ACCESS ROAD PHASE 3 (DAPDAP-CALUMPANG SEGMENT)

2019

for

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*Section I. Request for Expression of
Interest*

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Section II. Eligibility Documents

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1. Eligibility Criteria

- 1.1. The following persons/entities shall be allowed to participate in the bidding for Consulting Services:
- (a) Duly licensed Filipino citizens/sole proprietorships;
 - (b) Partnerships duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the interest belongs to citizens of the Philippines;
 - (c) Corporations duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the outstanding capital stock belongs to citizens of the Philippines;
 - (d) Cooperatives duly organized under the laws of the Philippines; or
 - (e) Persons/entities forming themselves into a joint venture, *i.e.*, a group of two (2) or more persons/entities that intend to be jointly and severally responsible or liable for a particular contract: Provided, however, That Filipino ownership or interest thereof shall be at least sixty percent (60%). For this purpose, Filipino ownership or interest shall be based on the contributions of each of the members of the joint venture as specified in their JVA.
- 1.2. When the types and fields of Consulting Services involve the practice of professions regulated by law, those who will actually perform the services shall be Filipino citizens and registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions specified in the EDS.
- 1.3. If the Request for Expression of Interest allows participation of foreign consultants, prospective foreign bidders may be eligible subject to the qualifications stated in the EDS.
- 1.4. Government owned or controlled corporations (GOCC) may be eligible to participate only if they can establish that they (a) are legally and financially autonomous, (b) operate under commercial law, and (c) are not attached agencies of the Procuring Entity.

2. Eligibility Requirements

- 2.1. The following eligibility requirements, together with the Eligibility Documents Submission Form, shall be submitted on or before the date of the eligibility check specified in the Request for Expression of Interest and Clause 5 for purposes of determining eligibility of prospective bidders:
- (a) Class "A" Documents –

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Legal Documents

- (i) PhilGEPS Certificate of Registration and Membership in accordance with Section 8.5.2 of the IRR, except for foreign bidders participating in the procurement by a Philippine Foreign Service Office or Post, which shall submit their eligibility documents under Section 24.1 of the IRR, provided, that the winning Consultant shall register with PhilGEPS in accordance with Section 37.1.4 of the IRR;

Technical Documents

- (ii) Statement of the prospective bidder of all its ongoing and completed 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, within the relevant period provided in the **EDS**. The statement shall include, for each contract, the following:

- (ii.1) the name and location of the contract;
- (ii.2) date of award of the contract;
- (ii.3) type and brief description of consulting services;
- (ii.4) consultant's role (whether main consultant, subcontractor, or partner in a JV)
- (ii.5) amount of contract;
- (ii.6) contract duration; and
- (ii.7) certificate of satisfactory completion or equivalent document specified in the **EDS** issued by the client in case of completed contract;

- (iii) Statement of the consultant specifying its nationality and confirming that those who will actually perform service are registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions in accordance with Clause 1.2, including their respective curriculum vitae.

- (b) Class "B" Document –

If applicable, the Joint Venture Agreement (JVA) in case the joint venture is already in existence, or duly notarized statements from all the potential joint venture partners in accordance with Section 24.1(b) of the IRR of RA 9184.

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- 2.2. The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate document, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post of the equivalent office having jurisdiction over the foreign bidder's affair in the Philippines. The English translation shall govern, for purposes of interpretation of the bid.
- 2.3. Prospective bidders may obtain a full range of expertise by associating with individual consultant(s) and/or other consultants or entities through a JV or subcontracting arrangements, as appropriate. However, subconsultants may only participate in the bid of one short listed consultant. Foreign Consultants shall seek the participation of Filipino Consultants by entering into a JV with, or subcontracting part of the project to, Filipino Consultants.

3. Format and Signing of Eligibility Documents

- 3.1. Prospective bidders shall submit their eligibility documents through their duly authorized representative on or before the deadline specified in Clause 5.
- 3.2. Prospective bidders shall prepare an original and copies of the eligibility documents. In the event of any discrepancy between the original and the copies, the original shall prevail.
- 3.3. The Eligibility Documents Submission Form shall be signed by the duly authorized representative/s of the Bidder. Failure to do so shall be a ground for the rejection of the eligibility documents.
- 3.4. Any interlineations, erasures, or overwriting shall be valid only if they are signed or initialed by the duly authorized representative/s of the prospective bidder.

4. Sealing and Marking of Eligibility Documents

- 4.1. Prospective bidders shall enclose their original eligibility documents described in Clause 2.1, in a sealed envelope marked "ORIGINAL – ELIGIBILITY DOCUMENTS". Each copy thereof shall be similarly sealed duly marking the envelopes as "COPY NO. ___ - ELIGIBILITY DOCUMENTS". These envelopes containing the original and the copies shall then be enclosed in one single envelope.

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- 4.2. The original and the number of copies of the eligibility documents as indicated in the EDS shall be typed or written in ink and shall be signed by the prospective bidder or its duly authorized representative/s.
- 4.3. All envelopes shall:
- (a) contain the name of the contract to be bid in capital letters;
 - (b) bear the name and address of the prospective bidder in capital letters;
 - (c) be addressed to the Procuring Entity's BAC specified in the EDS;
 - (d) bear the specific identification of this Project indicated in the EDS; and
 - (e) bear a warning "DO NOT OPEN BEFORE..." the date and time for the opening of eligibility documents, in accordance with Clause 5.
- 4.4. Eligibility documents that are not properly sealed and marked, as required in the bidding documents, shall not be rejected, but the bidder or its duly authorized representative shall acknowledge such condition of the documents as submitted. The BAC shall assume no responsibility for the misplacement of the contents of the improperly sealed or marked eligibility documents, or for its premature opening.

5. Deadline for Submission of Eligibility Documents


Eligibility documents must be received by the Procuring Entity's BAC at the address and on or before the date and time indicated in the Request for Expression of Interest and the EDS.

6. Late Submission of Eligibility Documents

Any eligibility documents submitted after the deadline for submission and receipt prescribed in Clause 5 shall be declared "Late" and shall not be accepted by the Procuring Entity. The BAC shall record in the minutes of submission and opening of eligibility documents, the Bidder's name, its representative and the time the eligibility documents were submitted late.

7. Modification and Withdrawal of Eligibility Documents

- 7.1. The prospective bidder may modify its eligibility documents after it has been submitted; provided that the modification is received by the Procuring Entity prior to the deadline specified in Clause 5. The prospective bidder shall not be allowed to retrieve its original eligibility documents, but shall be allowed to submit another set equally sealed, properly identified, linked to its original bid marked as "ELIGIBILITY MODIFICATION" and stamped "received" by the



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BAC. Modifications received after the applicable deadline shall not be considered and shall be returned to the prospective bidder unopened.

- 7.2. A prospective bidder may, through a letter of withdrawal, withdraw its eligibility documents after it has been submitted, for valid and justifiable reason; provided that the letter of withdrawal is received by BCDA prior to the deadline prescribed for submission and receipt of eligibility documents.
- 7.3. Eligibility documents requested to be withdrawn in accordance with this Clause shall be returned unopened to the prospective bidder concerned. A prospective bidder that withdraws its eligibility documents shall not be permitted to submit another set, directly or indirectly, for the same project. A prospective bidder that acquired the eligibility documents may also express its intention not to participate in the bidding through a letter which should reach and be stamped by the BAC before the deadline for submission and receipt of eligibility documents.

8. Opening and Preliminary Examination of Eligibility Documents

- 8.1. The BAC will open the envelopes containing the eligibility documents in the presence of the prospective bidders' representatives who choose to attend, at the time, on the date, and at the place specified in the **EDS**. The prospective bidders' representatives who are present shall sign a register evidencing their attendance.

In case the submitted eligibility envelopes cannot be opened as scheduled due to justifiable reasons, the BAC shall take custody of the said envelopes and reschedule the opening on the next working day or at the soonest possible time through the issuance of a Notice of Postponement to be posted in the PhilGEPS website and the website of the Procuring Entity concerned.

- 8.2. Letters of withdrawal shall be read out and recorded during the opening of eligibility documents and the envelope containing the corresponding withdrawn eligibility documents shall be returned unopened to the withdrawing prospective bidder.
- 8.3. The eligibility documents envelopes and modifications, if any, shall be opened one at a time, and the following read out and recorded:
 - (a) the name of the prospective bidder;
 - (b) whether there is a modification or substitution; and
 - (c) the presence or absence of each document comprising the eligibility documents vis-à-vis a checklist of the required documents.

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8.4. The eligibility of each prospective bidder shall be determined by examining each bidder's eligibility requirements or statements against a checklist of requirements, using non-discretionary "pass/fail" criterion, as stated in the Request for Expression of Interest, and shall be determined as either "eligible" or "ineligible." If a prospective bidder submits the specific eligibility document required, he shall be rated "passed" for that particular requirement. In this regard, failure to submit a requirement, or an incomplete or patently insufficient submission, shall be considered "failed" for the particular eligibility requirement concerned. If a prospective bidder is rated "passed" for all the eligibility requirements, he shall be considered eligible to participate in the bidding, and the BAC shall mark the set of eligibility documents of the prospective bidder concerned as "eligible." If a prospective bidder is rated "failed" in any of the eligibility requirements, he shall be considered ineligible to participate in the bidding, and the BAC shall mark the set of eligibility documents of the prospective bidder concerned as "ineligible." In either case, the BAC chairperson or his duly designated authority shall countersign the markings.

9. Short Listing of Consultants

- 9.1. Only prospective bidders whose submitted contracts are similar in nature and complexity to the contract to be bid as provided in the EDS shall be considered for short listing.
- 9.2. The BAC shall draw up the short list of prospective bidders from those declared eligible using the detailed set of criteria and rating system to be used specified in the EDS.
- 9.3. Short listed consultants shall be invited to participate in the bidding for this project through a Notice of Eligibility and Short Listing issued by the BAC.

10. Protest Mechanism

Decision of the Procuring Entity at any stage of the procurement process may be questioned in accordance with Section 55 of the IRR of RA 9184.

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Section III. Eligibility Data Sheet

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Eligibility Data Sheet

Eligibility Documents	
1.2	<p>The key staff shall be licensed professionals registered by the Professional Regulations Commission or accredited professionals in their specific areas of specialization.</p> <p>List of key staff:</p> <ol style="list-style-type: none"> 1. Team Leader/Project Manager 2. Deputy Project Manager 3. Sr. Highway Engineer 4. Sr. Bridge Engineer 5. Sr. Materials Engineer II (DPWH Accredited) 6. Sr. Drainage/Hydraulic Engineer 7. Sr. Structural Engineer 8. Sr. QA/QC Engineer 9. Sr. Quantity Surveyor 10. Sr. Geodetic Engineer 11. Professional Electrical Engineer 12. Sr. Landscape Architect <p>The Consultant's nominated personnel and its support staffs shall be different from the previously awarded CMS Projects of BCDA. Furthermore, the key personnel nominated shall have no on-going projects to ensure full-time supervisory of the project.</p>
1.3	No further instructions.
2.1.(a)(ii)	The statement of all on-going and completed government and private contracts shall include all such contracts within ten (10) years (period of March 2009 to March 2019) prior to the deadline for the submission and receipt of eligibility documents.
2.1.(a)(ii.7)	Certificate of Completion or Acceptance or Valid proof of final payment issued by the client in case of completed contracts. Notice of Award, Notice to Proceed or signed contracts issued by the client for on-going contracts and for contracts awarded but not yet started. Only contracts that are supported with proofs shall be considered for evaluation.
4.2	Each prospective bidder shall submit one (1) original and one (1) other copy of its eligibility documents.
4.3(c)	<p>Bids and Awards Committee for Consulting Services Bases Conversion and Development Authority 2/F Bonifacio Technology Center 31st St., corner 2nd Avenue, Bonifacio Global City</p>

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4.3(d)	Construction Management and Supervision of the Airport (CIA) to New Clark City (NCC) Access Road Phase 3.
5	<p>The address for submission of eligibility documents is:</p> <p style="padding-left: 40px;">Bases Conversion and Development Authority 2/F Bonifacio Technology Center 31st St., corner 2nd Avenue, Bonifacio Global City</p> <p>The deadline for submission of eligibility documents is on Tuesday, April 16, 2019 at 12:00 NN.</p>
8.1	<p>The place of opening of eligibility documents is:</p> <p style="padding-left: 40px;">Bases Conversion and Development Authority 2/F Bonifacio Technology Center 31st St., corner 2nd Avenue, Bonifacio Global City</p> <p>The date and time of opening of eligibility documents is on Tuesday, April 16, 2019 at 1:00 PM.</p>
9.1	Similar contracts shall refer to Consulting Services for Construction Management and Supervision of road and/or bridge projects.
9.2	<p>Criteria for shortlisting for the five (5) highest ranked proponents:</p> <ol style="list-style-type: none"> 1. Relative Experience of the consultants. (20%) 2. Qualifications of the Key Personnel to be assigned to the Project. (30%) 3. Current Workload of Key Personnel relative to capacity. (50%) <p>Provided that the bidder must obtain a minimum total score of 70% to be considered for shortlisting.</p>

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Section IV. Eligibility Forms

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EF 1. ELIGIBILITY DOCUMENTS SUBMISSION FORM

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[Date]

The Bids and Awards Committee for Consulting Services
Bases Conversion and Development Authority
2/F Bonifacio Technology Center
31st Street, corner 2nd Avenue, Bonifacio Global City

Ladies/Gentlemen:

In connection with your Request for Expression of Interest dated *[Insert date]* for Consulting Services for the Construction Management and Supervision of the Airport (CIA) to New Clark City (NCC) Access Road Phase 3 (Dapdap-Calumpang Segment), *[Name of Consultant]* hereby expresses interest in participating in the eligibility and short listing for said project and submits the attached eligibility documents in compliance with the Eligibility Documents therefore.

In line with this submission, we certify that:

- a) *[Name of Consultant]* is not blacklisted or barred from bidding by the GOP or any of its agencies, offices, corporations, or LGUs, including foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board, and that each of the documents submit; and
- b) Each of the documents submitted herewith is an authentic copy of the original, complete, and all statements and information provided therein are true and correct.

We acknowledge and accept BCDA's right to inspect and audit all records relating to our submission irrespective of whether we are declared eligible and short listed or not.

Yours sincerely,

[Signature over printed name of Authorized Signatory]

[Title]

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EF 2. STATEMENT OF ALL ON-GOING AND COMPLETED GOVERNMENT AND PRIVATE CONTRACTS, INCLUDING CONTRACTS AWARDED BUT NOT YET STARTED

[Letterhead]

[Date]

The Bids and Awards Committee for Consulting Services
Bases Conversion and Development Authority
2/F Bonifacio Technology Center
31st Street, corner 2nd Avenue, Bonifacio Global City

Ladies/Gentlemen:

In compliance with the eligibility requirements of the Bids and Awards Committee for Consulting Services of the Bases Conversion and Development Authority for the bidding of the Consulting Services for the Construction Management and Supervision of the Airport (CIA) to New Clark City (NCC) Access Road Phase 3 (Dapdap-Calumpang Segment), we certify that *[name of bidding firm]* has *[state applicable statement: on-going and completed government and private contracts, including awarded but not yet started]*, as enumerated in EF 3. Summary of Projects.

Sincerely,

[Signature over printed name of Authorized Signatory]
[Title]

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EF 3. Summary of Projects

No. ¹	Project Name & Location	Project Description	Client	Type of Consulting Service	Contract Amount ²	If JV Partner, Contract Amount for Consultant's Involvement (if applicable)	Part of Contract Amount for Consultant's involvement in Construction Management and Supervision (CMS ³) (if applicable)	Date of Contract Award	Contract Period ⁴	Proof of Undertaking ⁵

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Certified by:

[Signature over printed name of Authorized Representative]
 [Title]
 [Name of Bidding Firm]

¹ Indicate Project No. as shown in EF 4. Consultant's References.
² In Philippine Peso.
³ If Consulting services for CMS is just part of the required services I the contract, state how much For JVAs, state how much is the subcontracted amount allocated for consulting services to this contract, in Philippine Peso.
⁴ State the start and completion dates of the contract.
⁵ Certificate of Completion or Acceptance or valid proof of final payment issued by the client in case of completed contracts. Notice of Award, Notice to Proceed or signed contracts for on-going contracts and for contracts awarded but not yet started.

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EF 4. CONSULTANT'S REFERENCES

Relevant Services Carried Out That Best Illustrate Qualifications

[Using the format below, provide information on each contract, whether similar or not similar in nature and complexity to the contract to be bid, for which your firm/entity, either individually, as a corporate entity, or as one of the major companies within an association, was legally contracted].

Project No. *[State numerical order starting with number 1]*

Name of Contract:		Country:
Location within Country:		Professional Staff Provided by Your Firm/Entity(profiles):
Name of Client:		Nº of Staff:
Address:		Nº of Staff-Months; Duration of Project:
Start Date (Month/Year):	Completion Date (Month/Year):	Approx. Value of Services (in PhP):
Name of Associated Consultants, if any:		Nº of Months of Professional Staff Provided by Associated Consultants:
Name of Senior Staff (Project Director/Coordinator, Team Leader) Involved and Functions Performed:		
Narrative Description of Project:		
Description of Actual Services Provided by Your Staff:		

Consultant's Name: _____

Important Note: Applicable supporting documents to substantiate undertaking shall be provided during the submission of Technical Proposal. Only those contracts with supporting documents will be considered for evaluation.

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EF 5. Summary of CVs

No.	Name of Key Staff	Nominated Position	Registered Profession ¹	Highest Educational Attainment ²	No. of Trainings Relevant to Profession ³		Over-all Work Experience ⁴	Number of Projects Undertaking related to CMS of Road and Bridge Projects
					Local	Foreign		
1		Team Leader/Project Manager						
2		Deputy Project Manager						
3		Sr. Highway Engineer						
4		Sr. Bridge Engineer						
5		Sr. Materials Engineer II (DPWH Accredited)						
6		Sr. Drainage/Hydraulic Engineer						
7		Sr. Structural Engineer						
8		Sr. QA/QC Engineer						
9		Sr. Quantity Surveyor						
10		Sr. Geodetic Engineer						
11		Professional Electrical Engineer						
12		Sr. Landscape Architect						

Certified by:

[Signature over printed name of authorized representative]
[Title]

¹ Provide proof of professional registration during the submission of Technical Proposal.

² Provide proof of highest educational attainment during the submission of Technical Proposal.

³ Provide proof of trainings undertaken during the submission of Technical Proposal.

⁴ State number of years.

EF 6. FORMAT OF CURRICULUM VITAE (CV) FOR PROPOSED PROFESSIONAL STAFF

Proposed Position: _____

Name of Firm: _____

Name of Staff: _____

Registered Profession: _____

Date of Birth: _____ Nationality: _____

Years with Firm: _____ Current Position in the Firm: _____

Education

[Summarize college/university and other specialized education, giving names of schools, dates attended, and degrees obtained using the matrix below]

College/University	Degree/Title Obtained	Inclusive Dates

Trainings/Seminars

[Summarize the trainings, seminars and workshops undertaken, including those conducted by the nominated key staff, using the matrix below]

Title/Description	Conducted by	Inclusive Dates	Venue	Involvement*

*Such as participant, speaker or trainer

Projects Undertaken Related to Construction Management and Supervision of Road and/or Bridge Projects

[Provide outline of projects undertaken using the matrix below]

Title/Description	Client	Position	Completion Date

On-Going Projects

[Provide outline of on-going projects using the matrix below]

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Title/Description	Client	Position	Start Date	End Date

Memberships in Professional Societies

[Give an outline of memberships in professional societies using the matrix below]

Name of Society/Commission	Date of Conferment/Registration	License/Professional Number	Validity Date

Languages

[Using the format below, indicate proficiency of languages familiar with proficiency whether excellent, good, fair, or poor in speaking, reading, and writing]

Language	Proficiency		
	Speaking	Reading	Writing

Employment Record:

[Starting with present position, list in reverse order every employment held by nominated staff. List all positions since graduation, giving dates, names of employing organizations, titles of positions held, and locations of projects. Indicate relevant work experience of staff in his/her nominated position. For experience in last ten years, also give types of activities performed and client references, where appropriate]

Certification:

I, *[full name of proposed professional staff]*, certify that to the best of my knowledge and belief, these data correctly describe me, my qualifications, and my experience.

I Further commit that I shall work for the Construction Management and Supervision of the Airport (CIA) to New Clark City (NCC) Access Road Phase 3 (Dapdap-Calumpang Segment) as *[nominated position]* of *[name of bidding firm]* once awarded the contract..

[Signature over printed name of nominated key staff] Date: _____

 Date: _____

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[Signature over printed name of authorized representative of the firm]

Important Note: Applicable documents to substantiate professional registration, educational attainment and trainings undertaken shall be provided during the submission of Technical Proposal. Only those attainments and undertakings with supporting documents will be considered for evaluation

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**EF 7. STATEMENT OF CONSULTANT SPECIFYING ITS NATIONALITY AND
CONFIRMING THAT THOSE WHO WILL ACTUALLY PERFORM THE SERVICES
ARE REGISTERED PROFESSIONALS**

[Letterhead]

[Date]

The Bids and Awards Committee – Consultancy Services
Bases Conversion and Development Authority
2/F Bonifacio Technology Center
31st Street, corner 2nd Avenue, Bonifacio Global City

Ladies/Gentlemen:

[name of bidding firm] is issuing this statement in compliance with the requirements of the Bases Conversion and Development Authority (BCDA) Bids and Awards Committee – Consultancy Services, that the members of the Project Team below are all Filipino in nationality and that they can actually perform the service in accordance with the eligibility requirements.

Proposed Project Team for the project:

Name	Assignment
	Team Leader/Project Manager
	Deputy Project Manager
	Sr. Highway Engineer
	Sr. Bridge Engineer
	Sr. Materials Engineer II (DPWH Accredited)
	Sr. Drainage/Hydraulic Engineer
	Sr. Structural Engineer
	Sr. QA/QC Engineer
	Sr. Quantity Surveyor
	Sr. Geodetic Engineer
	Professional Electrical Engineer
	Sr. Landscape Architect

[name of bidding firm] issues this statement in accordance with Clause 2.1.a.v of the eligibility requirements for the project.

Sincerely,

[Signature over printed name of Authorized Signatory]
[Title]

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EF 8. FORMAT OF CURRICULUM VITAE (CV) OF THE FIRM

Name of Firm: _____

Address: _____

No. of Years of Operation: _____

Years of Professional Experience: _____ years

Membership in Professional Experience:

Year	Professional Society

Certification

I, the undersigned, certify that to the best of my knowledge and belief, these data correctly describe the firm, its qualification and experiences.

Signature over Printed Name
Date: _____

Signature over Printed Name
Date: _____

Signature over Printed Name of Authorized Representative of the Firm
Date: _____

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BASES CONVERSION AND DEVELOPMENT AUTHORITY

**Construction Management and Supervision of the Airport (CIA) to New Clark City (NCC)
Access Road Phase 3 (Dapdap-Calumpang Segment)**

CHECKLIST AND TABBING OF ELIGIBILITY REQUIREMENTS

Tab #		Description
1	EF 1	Eligibility Submission Form
2		PhilGEPs Certificate of Registration under Platinum Membership Per GPPB Resolution No. 26-2017, during bid submission, prospective bidders may still submit their Class "A" Eligibility Documents pursuant to Section 8.5.2 of the 2016 revised AIRR (i.e. Registration Certificate from SEC, DTI, or CDA; Mayor's Permit; Tax Clearance; Philippine Contractors Accreditation Board (PCAB) license and registration; and Audited Financial Statements), or if already registered in the PhilGEPs under Platinum category, their Certificate of Registration and Membership in lieu of their uploaded file of Class "A" Documents, the Certificate of PhilGEPs Registration (Platinum Membership) shall remain a post-qualification requirement to be submitted in accordance with Section 34.2 of the 2016 revised IRR of RA 9184.
3	EF 2	Statement of all on-going and completed government and private contracts, including contracts awarded but not yet started.
4	EF 3	Summary of all on-going and completed government and private contracts, including contracts awarded but not yet started.
5	EF 4	Consultant's References
6	EF 5	Summary of CVs
7	EF 6	Curriculum Vitae for each of the following nominated key staff:
7.a		Team Leader/Project Manager
7.b		Deputy Project Manager
7.c		Sr. Highway Engineer
7.d		Sr. Bridge Engineer
7.e		Sr. Materials Engineer II (DPWH Accredited)
7.f		Sr. Drainage/Hydraulic Engineer
7.g		Sr. Structural Engineer
7.h		Sr. QA/QC Engineer
7.i		Sr. Quantity Surveyor
7.j		Sr. Geodetic Engineer
7.k		Professional Electrical Engineer
7.l		Sr. Landscape Architect
8	EF7	Statement of the Consultant specifying its nationality and confirming that those who will actually perform the services are registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions.
9	EF8	Format CV of the firm
10		Audited financial statement for CY 2017, duly stamped "RECEIVED" by the BIR or its duly accredited and authorized institutions.
11		Valid joint venture agreement, in case a joint venture is in existence. (In the absence of JVA, duly notarized statement that all potential partners shall enter into and abide by the provisions of the JVA in the instance that the bid is successful)

Note: BCDA shall not assume any responsibility regarding erroneous interpretations or conclusions by the Consultant out of the data furnished by BCDA in relation to this bidding. The Consultant shall take the responsibility to ensure the completeness of its submission after taking the steps to carefully examine all of the Bidding Documents and its amendments.

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**TERMS OF REFERENCE
CONSULTANCY SERVICES FOR THE
CONSTRUCTION MANAGEMENT & SUPERVISION OF THE
AIRPORT (CIA) TO NEW CLARK CITY (NCC) ACCESS ROAD PHASE 3
(DAPDAP-CALUMPANG SEGMENT)**

1. GENERAL BACKGROUND

The Bases Conversion and Development Authority (BCDA) is mandated under Republic Act No. 7227, as amended by Republic Act 7917, to accelerate the sound and balanced conversion into alternative productive uses of the military reservations and their extensions, including the former Clark Air Base in Angeles, Pampanga; to raise funds by the sale of portions of Metro Manila Military Camps; and to apply said funds for the development and conversion into alternative productive uses of these properties.

In 1993, the Clark Special Economic Zone (CSEZ) was established by virtue of Proclamation No. 163 signed by former President Fidel V. Ramos covering a total area of 33,653 hectares, more or less, in which 4,400 hectares is the former U.S. Clark Air Base proper (Main Zone) and the remaining areas are the Subzones A, B, D and the Sacobia Resettlement Area which became part of CSEZ by virtue of Proclamation No. 805.

On 29 May 2014, the National Economic and Development Authority (NEDA) Board chaired by President Benigno Aquino III approved the Master Plan for the development of 9,450 hectares of idle land within the Clark Special Economic Zone (CSEZ) - the New Clark City also known as NCC (formerly "Clark Green City"- CGC Project). Subsequently, the House of Representatives passed Resolution No. 116 on 28 July 2014 expressing support to the NCC Project.

New Clark City Project is a flagship project of the Government of the Republic of the Philippines, which is a modern metropolis with a mix of residential, commercial, agro-industrial, institutional and information technology development as well as a community of residents, workers, and business establishments within a balanced, healthy and safe environment.

The Airport - NCC access road is prescribed in the Comprehensive Master Development Plan (CMDP) of NCC. To encourage prospective locators to start investing in NCC, BCDA must implement immediately the construction of the primary access roads leading to and from NCC and also the access leading to the Clark International Airport.

The Airport - NCC Access Road Phase 3 is 5.70 kilometer long, 6-lane road with bridge, overpass, bike lanes, pedestrian lanes, roadway lighting and linear parks that will eventually connects the access to the Clark International Airport.

2. DESCRIPTION OF CONSULTING SERVICES

The Consulting Services required under this Terms of Reference shall be for the Construction Management and Supervision of the Airport (CIA) to New Clark City (NCC) Access Road Phase 3, hereinafter referred to as the "PROJECT". Construction works include earthworks, preparation of sub-base and base courses, application of surface courses, bridges, drainage, slope protection works, streetlights, landscape works and other ancillary miscellaneous works.

The Consulting Services required under this Terms of Reference (TOR) shall be the Project Implementation and Management Services for the Construction Supervision of the mentioned work items.

3. OBJECTIVES

The tasks to be rendered by the Consultants shall include the following Services:

- a. Project Management Support,
- b. Construction Supervision,
- c. Detailed Design Services in case there are changes in the original plans during project implementation,
- d. Assistance to BCDA on the coordination with Local Government Units (LGUs) concerned; and
- e. Enforce the Environmental Management and Monitoring of the Environmental Compliance Certificate (ECC) requirements.

BCDA shall require the Consultant to render other technical support Services which are deemed relevant to the Project.

4. SCOPE OF SERVICES

The Consultant shall fulfill its obligations using its technical expertise in construction management and supervision according to the best accepted professional and industry standards. It shall exercise all reasonable skill, care, diligence and prudence in discharging its duties and shall always work in the best interest of BCDA. It shall deploy to the Project its technical personnel with sufficient qualification and experience to ensure the full and satisfactory accomplishment of the required Services.

The Consultant shall undertake construction management and supervision of the Project according to what are required in this TOR. Instructions and directions may be made by BCDA from time to time during the duration of its Service to ensure proper and efficient implementation of the Project. It shall conduct regular consultation and coordination with BCDA in relation to its obligations and responsibilities to the Project.

Construction Phase

- 1.1 Maintain all documents of the Project from pre-construction up to its completion and final acceptance;
- 1.2 Manage and control the day to day activities of the Project;
- 1.3 Ensure that appropriate safety measures are strictly complied with at the construction site and its surrounding limits;
- 1.4 Deploy and maintain a fulltime supervisory and inspection staff to perform overall supervision and inspection of the Project;
- 1.5 Present charts showing on-site personnel and organizational channels. Changes shall be made only upon prior written approval from BCDA;
- 1.6 Monitor works in progress to ensure that the Project complies with approved drawings, specifications, schedule and budget;
- 1.7 Ensure that all works are accomplished according to approved plans and specifications;
- 1.8 Witness all the required testing and calibrations;
- 1.9 Ensure effective deployment of labor and equipment;
- 1.10 Ensure timely delivery of material requirements;
- 1.11 Establish procedures for the proper coordination and consultation among the Contractor, Designer, BCDA and the CMS Consultant;
- 1.12 Review cost estimates regularly as the Project progress and update the estimates as required;
- 1.13 Establish procedures to facilitate the effective approval of shop drawings, progress billings, change orders, time extensions and other claims on the Project;

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- 1.14 Prepare alternative measures when labor and equipment are inadequate for the work on schedule;
- 1.15 Ensure that the safety program developed by the contractor is appropriate to the requirements of the Project and is strictly followed;
- 1.16 Review and recommend the update of the PERT-CPM and S-Curve of the Project when conditions so require;
- 1.17 Ensure that all plans, documents and records related to the Project are properly maintained at the construction site;
- 1.18 Ensure that the Contractor maintains its own set of plans, documents and records related to the Project;
- 1.19 Conduct regular review of accomplishment of the Contractor and submit a report based from MS Project Format to BCDA. Control slippages when it occurs and prepare recommendations for catch up programs;
- 1.20 Keep accurate progress reports during all stages of construction and provide BCDA with weekly and monthly progress reports;
- 1.21 Evaluate and recommend all requests for payments submitted by the contractor;
- 1.22 Verify all quantities involved in, but not limited to, the as-staked quantities, progress billings, final quantities and related information.
- 1.23 Evaluate and recommend all requests for variation orders and time extensions;
- 1.24 Provide appropriate documents that may be required to handle claims and disputes, if any;
- 1.25 Set up appropriate procedures and ensure the safe and efficient inspection of concerned government agencies, parties recognized by BCDA and the BCDA Inspectorate. Prepare and make recommendations on these inspections;
- 1.26 Prepare recommendations to BCDA on matters that require immediate action;
- 1.27 Seek guidance from BCDA on certain project issues that may arise; and
- 1.28 Implement any special requirement or instruction deemed necessary by BCDA for the timely and effective implementation of the Project.
- 1.29 Prepare detailed design plans in case there are changes in the original design plans during project implementation.

Post Construction Phase

- 1.30 Set up appropriate procedures for the conduct of preliminary (punchlisting) and final inspections;
- 1.31 Conduct preliminary and final inspections and ensure that construction defects are properly rectified;
- 1.32 Prepare and submit a Final Project (or Close Out) Report based from MS Project Format at the satisfaction of BCDA;
- 1.33 Certify that construction works are completed according to plans and specifications and recommend to BCDA that the Project can then be issued a certificate of completion; and
- 1.34 Ensure that all documents, plans and records required by the Project from the contractor are complied with, including manuals and brochures of equipment that may be installed.

5. OTHER RESPONSIBILITIES

Notwithstanding the obligation of the Contractor to secure permits, licenses and other documents needed to implement the Project, the Consultant shall ensure that all requirements of the Commission on Audit, other concerned government agencies are properly and promptly complied with for the efficient implementation, completion and turn-over of the Project.

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6. DELIVERABLES

The Consultant shall be required to prepare and submit, but not limited to, the following documents:

- 6.1 Original copies of clearances, permits and licenses required to implement the Project;
- 6.2 Approved safety program;
- 6.3 Minutes of all progress meetings and consultations;
- 6.4 Field reports on all site inspections/investigations;
- 6.5 Original copies of materials test results and calibrations of equipment;
- 6.6 Updates in manpower and equipment deployment;
- 6.7 Schedule of delivery of materials;
- 6.8 Weather charts;
- 6.9 Weekly and monthly progress reports and the final (close-out) report;
- 6.10 Incident reports when required;
- 6.11 Endorsements on all claims, such as billings, change orders, time extensions and similar requests;
- 6.12 Updates on S-Curves and PERT-CPMs that may be brought about by changes in design, cost or construction period in MS Project Format;
- 6.13 Recommendations for the most effective implementation of the Project when changes in plans, cost and schedule occur or are necessary;
- 6.14 Recommendations for corrective measures on inconsistencies, defects and inadequacies on documents related to the Project;
- 6.15 Approved shop drawings;
- 6.16 Approved as-built plans;
- 6.17 All other reports and documents that may be required by BCDA.

7. OBLIGATIONS OF THE CONSULTANT

- 7.1. **Responsibilities of the Consultant.** Generally but without limiting the Consultant's responsibilities elsewhere stated under this TOR which shall form part of the Contract, the Consultant shall:
 - 7.1.1. Accept full responsibility for the Consulting Services to be performed under this TOR.
 - 7.1.2. Perform the work in an efficient and diligent manner.
- 7.2. **Records.** The Consultant shall keep accurate and systematic records and accounts with respect to the Consulting Services in such form and with such details as is customary and sufficient to establish accurately that the costs and expenditures have been duly incurred.
- 7.3. **Information and Progress Reports.** In addition to the reports required in the TOR, the Consultant shall furnish BCDA monthly progress reports and any such information relative to the Consulting Services as BCDA may from time to time reasonably request and as the Commission on Audit (COA) may require on post audit.
- 7.4. **Assignment and/or Sub-Contract.** Except with prior written approval of BCDA, the Consultant shall neither assign nor sub-contract any part of the professional Consulting Services to any other person or firm.
- 7.5. **Prohibition on Professional Engagement.** No full-time Staff of the Consultant during his assignment under the Contract shall, without the written consent of BCDA, engage directly

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or indirectly, either in his name or through the Consultant, in any activity in the Philippines which will conflict with the performance of his duties or assignment under the Contract.

- 7.6. **Confidentiality.** Except with the prior written consent of BCDA, the Consultant or its Principals and Staff shall not at any time communicate to any person or entity any information disclosed thereto for the purpose of the Consulting Services, nor shall the Consultant or its Principals and Staff make public any information as to the recommendations formulated in the course of or as a result of the Consulting Services.
- 7.7. **Independent Contractor.** Nothing contained herein shall be construed as establishing or creating between BCDA and the Consultant the relationship of employer and employee or principal and agent, it being understood that the position of the Consultant and anyone else performing the Consulting Services is that of an independent contractor.

8. OBLIGATIONS OF BCDA

- 8.1. **Project Data.** BCDA shall make available to the Consultant for reference all existing documents pertaining to the Project. Whenever practicable, BCDA shall provide assistance to the Consultant in securing data from concerned government agencies/offices. BCDA shall furnish the Consultant all available construction and survey plans and such other instructions or documents that may be needed for the effective performance of its duties.
- 8.2. **Availability of Funds.** Funds required for the engagement of the Consulting Services of the Consultant in the amount of **Pesos: Sixty-Five Million Eight Hundred Fifty-Six Thousand and 00/100 Pesos (PhP65,856,000.00)** inclusive of all applicable taxes and fees, is made available by BCDA through the issuance of Certificate of Funds Availability (CFA) for that purpose.
- 8.3. **Evaluation of Consultant's Outputs.** BCDA shall review and evaluate the documents submitted by the CONSULTANT as required herein.

9. MANNING REQUIREMENT

The Consultant shall provide a team comprising qualified technical personnel, support and administrative staff (not necessarily limited to those listed below) with duties and responsibilities described in this TOR and with satisfactory experience in implementing projects of similar nature and size.

The Consultant's nominated key personnel and its technical support staffs shall maintain a fulltime supervisory to perform overall supervision and inspection of the Project. The Consultant shall provide the resources to fulfil the general requirements described in this TOR.

The Consultant is required to have previous experience in supervision of road and/or bridges construction works and, as well as having the following minimum qualifications and experience amongst its team members.

The Consultant's nominated personnel and its support staffs shall be different from the previously awarded CMS Projects of BCDA. Furthermore, the key personnel nominated shall have no on-going projects to ensure full-time supervisory of the project.

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Key Staff

Personnel/Minimum Qualifications	Responsibilities
<p>a. Team Leader/Project Manager [should be a licensed Civil Engineer with at least ten (10) years of managerial experience in projects of a similar nature and magnitude]</p>	<p>The Team Leader/Project Manager shall be responsible for the following:</p> <ul style="list-style-type: none"> • Overall supervision of the project team, and in the management and organization of the project; • Leading the team in the preparation of all project deliveries; • Ensuring all reporting required by BCDA is fully and punctually delivered; and • Any other task required to complete the Consulting Services.
<p>b. Deputy Project Manager [should be a licensed Civil Engineer with at least ten (10) years of managerial experience in projects of a similar nature and magnitude]</p>	<p>The Deputy Project Manager shall be responsible for the following:</p> <ul style="list-style-type: none"> • Oversee the progress of works, the Contractor's performance, the quality of works and the project's financial status and forecasts; • In constant coordination with the Team Leader and other members of the team; • Supervision of the works of the Contractor in the subject site at all times and issuance of instruction(s) and timely assistance and direction to the Contractor; and • Any other task required to complete the Consulting Services.
<p>c. Sr. Highway Engineer [should be a licensed Civil Engineer with at least ten (10) years experience in projects of a similar nature and magnitude]</p>	<p>The Sr. Highway Engineer shall be responsible for the following:</p> <ul style="list-style-type: none"> • Oversee the progress of all works related to highway/road; • Coordinates with the Sr. Bridge Engineer with regards to the design and details of the bridges; and • Any other task required to complete the Consulting Services.

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<p>d. Sr. Bridge Engineer [should be a licensed Civil Engineer with at least ten (10) years experience in projects of a similar nature and magnitude]</p>	<p>The Sr. Bridge Engineer shall be responsible for the following:</p> <ul style="list-style-type: none"> • Inspection, monitoring and construction supervision of bridge construction in compliance with the particular plans and specifications; • Coordinates with the Sr. Highway Engineer with regards to the design and details of the roads; and • Any other task required to complete the Consulting Services.
<p>e. Sr. Materials Engineer [should be a licensed Civil Engineer and DPWH accredited Materials Engineer II with at least ten (10) years experience in projects of a similar nature and magnitude]</p>	<p>The Sr. Materials Engineer shall be responsible for the following:</p> <ul style="list-style-type: none"> • Ensure that all works are accomplished according to approved plans and specifications; • Witness all the required testing and calibrations; and • Any other task required to complete the Consulting Services.
<p>f. Sr. Drainage/Hydraulic Engineer [should be a licensed Civil Engineer with at least ten (10) years experience in projects of a similar nature and magnitude]</p>	<p>The Sr. Drainage/Hydraulic Engineer shall be responsible for the following:</p> <ul style="list-style-type: none"> • Inspection, monitoring and construction supervision of drainage structures construction in compliance with the approve drainage plans and specifications; and • Any other task required to complete the Consulting Services.
<p>g. Sr. Structural Engineer [should be a licensed Civil Engineer with at least ten (10) years experience in projects of a similar nature and magnitude]</p>	<p>The Sr. Structural Engineer shall be responsible for the following:</p> <ul style="list-style-type: none"> • Inspection, monitoring and construction supervision of bridges bridge construction in compliance with the approve bridge plans and specifications; and • Coordinates with the Sr. Bridge Engineer with regards to the design and details of the bridges; and

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	<ul style="list-style-type: none"> Any other task required to complete the Consulting Services.
<p>h. Sr. QA/QC Engineer [should be a licensed Civil Engineer with at least ten (10) years experience in projects of similar in nature and magnitude]</p>	<p>The Sr. QA/QC Engineer shall be responsible for the following:</p> <ul style="list-style-type: none"> Supervision of the works of the Contractor in the subject site at all times and issuance of instruction(s) and timely assistance and direction to the Contractor on all matters related to quality control and assurance; and Any other task required to complete the Consulting Services.
<p>i. Sr. Quantity Surveyor [should be a licensed Civil Engineer with at least ten (10) years experience in projects of similar in nature and magnitude]</p>	<p>The Sr. Quantity Engineer shall be responsible for the following:</p> <ul style="list-style-type: none"> Supervise and manage works in progress to ensure that the Project complies with approved budget; Review cost estimates regularly as the Project progress and update the estimates as required; Verify all quantities involved in, but not limited to, the as-staked quantities, progress billings, final quantities and related information; and Any other task required to complete the Consulting Services.
<p>j. Sr. Geodetic Engineer [should be a licensed Geodetic Engineer with at least ten (10) years experience in projects of similar in nature and magnitude]</p>	<p>The Sr. Geodetic Engineer shall be responsible for the following:</p> <ul style="list-style-type: none"> Supervise and manage all survey field work and data processing; Preparation of field reports; Ensuring that the survey activities are within survey standards; Periodic monitoring of the surveying works during construction; and Any other task required to complete the Consulting Services.
<p>k. Professional Electrical Engineer [should be a licensed Electrical Engineer with at least ten (10) years experience in electrical design of associated works]</p>	<p>The Professional Electrical Engineer shall be responsible for the following:</p> <ul style="list-style-type: none"> Supervise and manage all the electrical engineering aspects of the project; and

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	<ul style="list-style-type: none"> Any other task required to complete the Consulting Services.
<p>I. Sr. Landscape Architect [Should be a licensed Landscape Architect with at least ten (10) years experience in projects of similar in nature.</p>	<p>The Sr. Landscape Architect shall be responsible for the following:</p> <ul style="list-style-type: none"> Supervise and manage all the outdoor design of public areas, landmarks and structures; and Any other task required to complete the Consulting Services.

Support Staff:

- a. Bridge Inspector
- b. Structural Engineer
- c. Drainage/Hydraulic Inspector
- d. Highway Inspector
- e. Electrical Engineer
- f. Geodetic Engineer
- g. Asst. QA/QC Engineer
- h. Asst. Quantity Surveyor
- i. Field/Site Engineer 1
- j. Field/Site Engineer 2
- k. Architect
- l. CAD Operator
- m. Administrative Officer
- n. I.T. Specialist
- o. Document Specialist
- p. Secretary
- q. Encoder
- r. Utility Personnel
- s. Messenger

10. PROJECT DURATION

The duration of the Consulting Services for Construction Management and Supervision being required under this TOR is eighteen (18) months for the construction phase and three (3) month post-construction/documentation phase.

11. APPROVED BUDGET FOR THE SERVICES

The approved budget for the Consulting Services under this TOR is **Pesos: Sixty-Five Million Eight Hundred Fifty-Six Thousand and 00/100 Pesos (PhP65,856,000.00)**, inclusive of all applicable taxes and fees. Bids received in excess of the ABC shall be automatically rejected during the opening of the financial proposal.

12. MODE OF PAYMENT

In consideration of the Services being required under this TOR, the Consultant shall be paid in the following manner:

Advance Payment equivalent to fifteen percent (15%) of the Contract Price upon written request from the Consultant and the submission and approval by BCDA of an irrevocable standby letter of credit of equivalent value from a commercial bank.

The advance payment shall be recouped by BCDA by deducting an amount equal to twenty percent (20%) of the value of invoice issued from the progress payments until the aforementioned advance payment shall have been fully recouped or recovered.

Progress Payment shall be made on a quarterly progress billing, which shall be proportionate to the value of actual work accomplished by the Contractor and acceptable to BCDA. The billing shall be accompanied by a certification issued by an authorized officer of BCDA certifying to the percentage of actual and acceptable works accomplished by the Contractor and that the amount being claimed by the Consultant is based on the percentage of accomplishment of the Contractor for the period.

Final Payment shall be made upon the submission of the Final Billing together with the following documents:

- Certificate of Completion issued by BCDA to the Consultant;
- Sworn statement that all liabilities incurred by the Consultant have been paid and that there are no outstanding liens, garnishments, attachments or claims relative to the Project;
- Release and Quitclaim by the Consultant, in a form acceptable to BCDA, releasing BCDA from any further claims relating to the Consultancy Contract; and
- Such other documents that BCDA may require.

Consistent with the provisions of R.A. 9184, all consultancy contracts shall be fixed price contracts. Any extension of contract time shall not involve any additional cost.

13. QUALIFICATION OF BIDDERS

13.1. The Consultant should be a reputable firm with at least ten (10) years of business operation in Construction Management and Supervision. In case of Joint Venture (JV), each member firm should have at least (10) years of business operation in Construction Management and Supervision.

13.2. The Consultant should have undertaken at least one (1) Construction Management & Supervision of road and/or bridge project for the last ten (10) years whose value must be at least fifty percent (50%) of the ABC. In case of JV, at least one (1) of the JV partners should have undertaken at least one (1) Construction Management & Supervision of road and/or highway project for the last ten (10) years whose value must be at least fifty percent (50%) of the ABC.

14. SHORTLISTING OF THE PROSPECTIVE BIDDERS

TOR for the Consulting Services for the Construction Management & Supervision of the Airport (CIA) to New Clark City (NCC) Access Road Phase 3 (Dapdap-Calumpang Segment)

The shortlist shall consist of at most five (5) prospective bidders who will be entitled to submit bids. The criteria and rating system for shortlisting are as follows:

Criteria	Rating
1. Relevant Experience of the Consultant	20%
2. Qualification of the Key Personnel to be assigned to the Project	30%
3. Current Workload of Key Personnel relative to Capacity	50%
Total	100%

The Consultant(s) must pass the required minimum score of seventy percent (70%) to be shortlisted. Failure of the Consultant to meet the specified requirement would result to a zero (0) rating for the specific criterion.

15. DETERMINATION OF THE HIGHEST RATED BID (HRB)

The shortlisted bidders shall be subjected to evaluation to determine the bidder with HRB, wherein the criteria and rating are as follows:

Criteria	Rating
1. Relevant Experience of the Consultant	30%
2. Qualification of the Key Personnel to be assigned to the Project	40%
3. Plan Approach and Methodology	30%
Total	100%

16. EVALUATION PROCEDURE

In order to determine the Consultant with the HRB, BCDA shall conduct an evaluation of bids using the Quality-Cost Based Evaluation (QCBE) procedure wherein the technical and financial proposals shall be given a corresponding weight equivalent to 85% and 15%, respectively.

17. PERFORMANCE SECURITY

17.1. To guarantee the faithful performance by the winning Consultant of its obligations, it shall post a performance security within a maximum period of ten (10) calendar days from the receipt of the Notice of Award from BCDA and in no case later than the signing of the Contract.

17.2. The performance security shall be denominated in Philippine Pesos and posted in favor of BCDA in an amount equal to the percentage of the total contract price in accordance with the following schedule:

Form of Performance Security	Amount of Performance Security (Equal to Percentage of the Total Contract Price)
(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	Five percent (5%)
(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	

17.3. The Performance Security shall be forfeited in favor of BCDA should the Consultant fail to fulfill any of its obligations under the TOR or the Contract. Additional penalties may also be imposed upon the Consultant for such failure.

18. STANDARD OF SERVICES

The Consultant shall fulfill its obligations under the agreement by using its technical expertise and according to the best-accepted professional and industry standards. The Consultant shall exercise all reasonable skill, care, diligence, and prudence in the discharge of the duties agreed to be performed and shall always work in the best interest of BCDA. To attain these, the consultant shall provide personnel with sufficient qualifications and experience to ensure the full and satisfactory accomplishment of the required Consulting Services/undertakings.

The Consulting Services shall be conducted by the Consultant in accordance with the instructions or directions made or to be made by the BCDA at any time before its completion. The Consultant shall conduct regular consultation with BCDA in relation to the undertaking of its responsibilities.

19. GENERAL TERMS AND CONDITIONS

19.1. Delay: Extension of time: Force Majeure

Any delay on the agreed completion date from failure of performance by either of the party shall not constitute a default hereunder nor shall give rise to any claim if such delay or failure is wholly attributable to acts of God, any act of sabotage, war, armed invasion, revolution insurrection blockade, riot, declaration of national emergency, industry-wide strike, or any other cause which cannot be foreseen, or even through foreseen, is beyond the reasonable control of either Party, or which cannot be avoided by the Consultant or BCDA despite the exercise of due diligence.

Within ten (10) days from the occurrence of such event, the Party affected shall notify in writing the other Party of such event of force majeure and of the obligations or part of the works the performance of which is affected by such force majeure. Immediately after such notification, the parties shall meet to discuss and agree on the appropriate steps/measures to be taken to minimize the effect(s) of the force majeure: provided that the party affected shall be entitled to an extension of the contract time for the number of days of the delay incurred by reason of the causes above mentioned.

19.2. Ownership of Reports and Documents

The reports, drawings, documents and materials compiled or prepared in the course of the performance of the Consulting Services are and shall remain the absolute properties of BCDA and shall not be used by the Consultant for purposes unrelated to the Consulting Services without the prior written approval of BCDA. Any equipment supplied by the BCDA, or for which payments are made or reimbursed shall become and remain the property of BCDA.

19.3. Representation and Warranties

The Parties hereby represent and warrant that no government official has benefitted directly or indirectly from this Consulting Services. The Parties warrant that they have not offered or given, and will not offer or give to any employee, agent or representative of either Party, any gratuity, with a view toward securing any business from one another, or influencing such persons with respect to terms, conditions or performance of any contract with each other.

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