

**JOINT VENTURE SELECTION COMMITTEE (JVSC)**

**SELECTION OF JOINT VENTURE PARTNER FOR THE COMMERCIALIZATION OF THE  
INFORMATION AND COMMUNICATIONS TECHNOLOGY INFRASTRUCTURE PROJECT IN  
NEW CLARK CITY (NCC)**

**BID BULLETIN NO. 8**

In connection with the ongoing Selection of Joint Venture partner for the commercialization of Information and Communications Technology Infrastructure Project in NCC, we are hereby issuing this bid bulletin to provide interested Private Sector Participants (PSPs) of the following:

**Responses to the Queries from the Prospective Bidders**

|    | Query  | Response  |
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| 1. | Can a construction company with a Quadruple A PCAB License be considered to fulfill the Triple-A Large B PCAB License requirement?   | Yes. The referred license is a minimum requirement therefore, any exceeding license qualification is equally accepted. Please also refer to Bid Bulletin No. 6 for more information on the lowering of the PCAB License requirement and the timing in terms of submission.  |
| 2. | Which entity can submit documents on the Eligibility Documents Submission Date? Should it be the same entity that signed the LOI and paid the fee? Can it be a partner of the one who signed and paid the fee? | BCDA will only accept Eligibility Documents from the following: (1) an entity that paid the PhP250,000.00 to purchase the Invitation Documents (" <u>Purchasing Entity</u> "); and (2) a Consortium in which the Purchasing Entity is a Consortium Member. Thus, the submission of a partner of a Purchasing Entity will only be admitted if the said partner forms a Consortium with the Purchasing Entity.<br><br>By way of accommodation, BCDA will also accept Eligibility Documents from an Affiliate (as defined in IPSP Volume 1) of a Purchasing Entity, subject to the One Entity, One Submission rule under Section 5 of IPSP Volume 1. For submissions by an Affiliate of a Purchasing Entity, the submitting entity must also submit a separate cover letter (explaining why it is submitting the Eligibility Documents instead of the Purchasing Entity) together with the latest GIS or its equivalent document to establish that the submitting entity is indeed the Affiliate (as defined in IPSP Volume 1) of the Purchasing Entity. |
| 3. | There is a requirement to have a PCAB License of a certain type for the  | No. A copy of the PCAB license (or its equivalent) of the entity nominated to meet the  |

|           | Query  | Response  |
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|           | <p>entity nominated to meet the Construction Experience Requirement. However, the bid documents do not appear to require such an entity to submit a copy of this PCAB license. The PCAB license equivalent appears to be required to be submitted only in the case of a foreign entity that is nominated to meet the Construction Experience Requirement. Is this correct?</p> | <p>Construction Experience Requirements, both domestic and foreign, must be submitted under Section 3.2.4.2 of IPSP Volume 1.</p> <p>However, please be guided by the response in Bid Bulletin No. 6 for the timing of submission of PCAB license (or equivalent) , which is now moved to Stage 2 (i.e., submission of technical and financial proposals).</p>  |
| <p>4.</p> | <p>In certain Annexes (such as EF-10D and EF-10E), there is a requirement to show evidence of affiliation, if an affiliate of a PSP or Consortium Member is used to meet certain Technical Capability requirements. Can you provide guidance as to what this evidence of affiliation should be?</p>  | <p>Evidence of affiliation must be the document provided in Section 4.1.4(a)(1) of IPSP Volume 1 (i.e., the latest General Information Sheet or, for a foreign entity, its equivalent document) showing that the entity is effectively Controlled by or Controlling the PSP or associated with the PSP under common ownership and Control as defined in Section 1.2 of IPSP Volume 1.</p> <p>For clarity, Section 4.2.1(c) of IPSP Volume 1 is also revised to read as follows:</p> <p>If the project was <del>completed</del> <u>undertaken</u> by an Affiliate of the PSP or Consortium Member, evidence of such affiliation, <u>as in the document mentioned in Section 4.1.4(a)(1).</u> <del>a certified true copy of its latest GIS, or for a foreign entity, the equivalent document submitted to and acknowledged/accepted by the appropriate government agency equivalent to the SEC in the foreign country where the foreign entity was registered for creation or recognition of its juridical personality or capacity subject to the requirements under Section 2.9. The certified true copies may be issued by either the SEC or its equivalent in a foreign country, or the entity's corporate secretary. If it is issued by the entity's corporate secretary, the certification must be under oath and notarized (using the form in Annex EF-8 of IPSP: Volume 1 Forms and Annexures). If the certification is issued or notarized outside the Philippines, the certification must comply with the requirements in Section 2.9. Further, if the</del></p> |

|    | Query   | Response  |
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|    |   | <p><del>foreign country does not require an equivalent document of the GIS, a notarized certification setting out the same or similar information executed by the corporate secretary or equivalent officer of the foreign entity will suffice.</del></p> <p>The revised language of Section 4.2.1(c) is also inserted as Sections 4.2.2(d), and 4.2.3(d).</p> <p>Further, a new Section 4.3.1(c) added. It provides:</p> <p style="padding-left: 40px;"><u>If an Affiliate will be used to comply with the Financial Capability Requirements, evidence of such affiliation, as in the document mentioned in Section 4.1.4(a)(1).</u></p> <p>Finally, the relevant portions of EF-10A, EF-10B, EF-10D, EF-10E, EF-12 are amended to reflect the foregoing changes.</p>  |
| 5. | <p>Can a PSP or members of the Consortium (in case the PSP is a Consortium) nominate more than one authorized representative? Certain sections of the IPSP appear to imply that this is allowed (See 6.2 and 6.4). In case this is allowed, can the nominated representatives sign singly? (i.e., only one of their signatures and/or initials are required for eligibility documents to be compliant under the IPSP)</p> | <p>Yes. A PSP or the Consortium Members are given the option to nominate up to two (2) authorized representative by indicating their names in the relevant portions of EF-2A and EF-2B. For consistency, the phrase “authorized representative” in Sections 4.1.4(a), 6.1, and 7.2 are revised to read “authorized representative/s”.</p> <p>If there are two authorized representatives, PSPs can decide whether they will sign or place their initials on the Eligibility Documents jointly or singly. Either will be accepted as compliant with the requirements under IPSP Volume 1.</p> <p>The relevant portions in Paragraph 4 of EF-2A and of EF2B are also updated as follows:</p> <p>1. EF-2A:</p> <p style="padding-left: 40px;"><u>“RESOLVED FURTHER, that (name of representative) [and (name of representative) (insert if two representatives)] be and is/are hereby appointed as the authorized representative/s of the PSP during the</u></p> |

|  | Query | Response  |
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|  |       | <p>Competitive Selection for the Project, and for such purpose shall have authority to <u>[jointly/singly (select which one is applicable if there will be two representatives)]</u> execute, sign, submit and receive documents for, and otherwise act in the name of, the PSP;</p> <p>RESOLVED, FINALLY, that any and all acts done and/or performed by <i>(name of representative)</i> <u>[and <i>(name of representative)</i> (insert if two representatives)]</u> under and by virtue of these resolutions be, as they are hereby, confirmed and ratified.”</p> <p>2. For EF-2B:</p> <p>RESOLVED FURTHER, that <i>(name of Consortium Member)</i> in the exercise of its interest in the Consortium hereby:</p> <p>(a) x x x</p> <p>(b) designates <i>(name of authorized representative of Consortium)</i> <u>[and <i>(name of representative)</i> (insert if two representatives)]</u> as the authorized representative/s of the Consortium during the Competitive Selection for the Project, and for such purpose shall have the authority to <u>[jointly/singly (select which one is applicable if there will be two representatives)]</u> execute, sign, submit and receive documents for, and otherwise act in the name of the Consortium;</p> <p>RESOLVED FURTHER, that any and all acts done and/or performed by <i>(name of Lead Member of Consortium)</i> and <i>(name of authorized representative of Consortium)</i> <u>[and <i>(name of representative)</i> (insert if two representatives)]</u> under and by virtue of these resolutions be, as they are hereby, confirmed and ratified;</p> |

|     | Query  | Response  |
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| 6.  | For items that are not applicable in the forms, how do we respond to the questions? Can we delete it, leave it blank, or just state not applicable?  | Please indicate "N/A" for items in the forms that are not applicable.   |
| 7.  | In cases where we are required to submit an original signed contract agreement, can we submit a certification instead as we have to consider the restrictions of the NDA and the requirement to secure the consent before disclosure?  | Yes. As alternatives to submitting copies of the agreements under NDA to prove client-facing experience ( <i>i.e.</i> , a copy of the agreement with sensitive information redacted), the following document is also accepted:<br><br>A notarized certification from the counterparty or client under the agreement which attests to and describes, in sufficient detail, the scope under the agreement which is being used to satisfy the Technical Experience Requirements. |
| 8.  | The Notarized Statement of Financial Capability references EF-12 to fill out. However, on page 50 of the Instructions to PSP Vol. 1 - Forms and Annexures, EF-12 is for the Key Personnel. Kindly advise the exact form to use.  | EF-12 is the correct form to use. Please await the final version of the IPSP Vol. 1 – Eligibility Documents and Forms and Annexures that will be published on 01 February 2024.   |
| 9.  | Upon review, we found that the official hard copy of bidding documents have different number of pages and sample forms, i.e. IPSP Forms and Annexures: hard copy has 57 pages while soft copy has 54 pages. Please further check the Bid Bulletin #5, page 2 #3.1 (EF-12). Which should prevail? | Please await the final version of the IPSP Vol. 1 – Eligibility Documents and Forms and Annexures that will be published on 01 February 2024.   |
| 10. | As a follow up to the previous question on when the Customer Telco, who happens to be a member of the JV, be expected to pay the lease for the IRU, will there be another COMPENSATION mechanism?  | No. Creating a separate compensation mechanism for a telco Consortium Member once the PSP is selected as a Winning Bidder is a violation/breach of the Joint Venture Agreement.<br><br>Please refer to the response to Query 3 in Bid Bulletin No. 7.   |

This Bid Bulletin No. 8 is being issued to amend, revise, modify and update previous postings/issuances pertaining to the items discussed above related to the subject disposition.

For your guidance and information.

Issued this 29<sup>th</sup> day of January 2024.

**JOINT VENTURE SELECTION COMMITTEE**

[ON OFFICIAL TRAVEL]  
**HEDDA LOURDES Y. RULONA**  
Chairperson

[SIGNED]  
**VIRGIL M. ALVAREZ**  
Vice Chairperson

[SIGNED]  
**MARIA SOLEDAD C. SAN PABLO**  
Member

[SIGNED]  
**RYAN S. GALURA**  
Member

[SIGNED]  
**CHRISTIAN T. DULDULAO**  
Member

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