

BIDS AND AWARDS COMMITTEE FOR INFRASTRUCTURE PROJECTS (BAC-I)

**CONSTRUCTION OF AIRSIDE ACCESS ROAD AT THE
CLARK INTERNATIONAL AIRPORT**

**RESOLUTION NO. 2024-006
(DECLARATION OF FAILURE OF BIDDING)**

The BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA), through the 2024 BCDA Corporate Funds, has put on bid the **CONSTRUCTION OF AIRSIDE ACCESS ROAD AT THE CLARK INTERNATIONAL AIRPORT** with an Approved Budget for the Contract (ABC) in the sum of **Pesos: Forty-Five Million Eighteen Thousand Four Hundred Eight Pesos and 42/100 Centavos (Php 45,018,408.42)**, inclusive of all applicable taxes and fees.

WHEREAS, the BAC-I, through its Secretariat, advertised the Invitation to Bid on 13 February 2024 in the following platforms:

- 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, eighteen (18) prospective bidders bought the bid documents, namely:

1. 1920 CONSTRUCTION & TRADING
2. JCRD BUILDERS/ 21 TH CONSTRUCTION CORPORATION JOINT VENTURE
3. RJAC CONSTRUCTION, TRUCKING & EQUIPMENT RENTAL CORPORATION
4. ZUIWIN ENTERPRISES AND CONTRACTOR
5. EDISON DEVELOPMENT & CONSTRUCTION, INC.
6. 1REDDRAGON CONSTRUCTION SERVICES
7. ARROWHEAD CONSTRUCTION/ RONMARK CONSTRUCTION JOINT VENTURE
8. KCD BUILDERS CORPORATION
9. ALTIUS TRADING AND CONSTRUCTION/ RED TREE CONSTRUCTION
10. 3-SIDES BUILDERS AND TRADING CORP
11. EUS CONSTRUCTION
12. SYNDTITE CONSTRUCTION CORPORATION
13. ROMA CONSTRUCTION AND DEVELOPMENT CORP.
14. GERCEL CONSTRUCTION AND DEVELOPMENT GROUP INC.

15. YZK BUILDERS
16. KALAHAN GENERAL CONSTRUCTION AND SUPPLIES
17. VVH CONSTRUCTION CORPORATION
18. JEK TRADING & CONSTRUCTION

WHEREAS, on 14 April 2024, 1REDDRAGON CONSTRUCTION SERVICES submitted a letter of withdrawal;

WHEREAS, out of the aforementioned interested bidders, twelve (12) submitted their bids prior to the set deadline of submission of bids for the project on 15 April 2024 at 12:00PM:

1. 3 SIDES BUILDERS AND TRADING CORP.
2. ROMA CONSTRUCTION AND DEVELOPMENT CORPORATION
3. ALTIUS TRADING AND CONSTRUCTION / RED TREE CONSTRUCTION
4. UES CONSTRUCTION
5. 1920 CONSTRUCTION AND TRADING
6. GERCEL CONSTRUCTION AND DEVELOPMENT GROUP INC.
7. KALAHAN GENERAL CONSTRUCTION AND SUPPLIES
8. YZK BUILDERS
9. VVH CONSTRUCTION CORP.
10. JEK TRADING AND CONSTRUCTION
11. ZUIWIN ENTERPRISES AND CONTRACTOR
12. EDISON DEVELOPMENT & CONSTRUCTION, INC.

WHEREAS, on 15 April 2024, the first envelopes which contained the Eligibility and Technical Requirements of the eleven (11) bidders were opened and subjected to a preliminary evaluation by determining the presence or absence of the required documents using the "pass/fail" criterion;

WHEREAS, during the said preliminary evaluation and after checking the sufficiency of the required documents as regards their presence or absence, the BAC-I declared that the bids of the following bidders "failed" due to the absence of the required documents or non-compliance with the requirements provided under the bidding documents for the project, to wit:

BIDDERS	NON-COMPLIANCE
ALTIUS TRADING AND CONSTRUCTION / RED TREE CONSTRUCTION	The bidder failed to provide a Certificate of Final Acceptance as a supporting document for the declared SLCC.

	This is non compliant to Section 23.4.2.5 of the 2016 Revised IRR of R.A. 9184, and ITB Clause 5.2 of the Bid Data Sheet, which states that:
	<i>"The SLCC shall be supported by an Owner's Certificate of Final Acceptance issued by the project owner other than the contractor or a final rating of at least Satisfactory in the Constructors Performance Evaluation System (CPES). In case of contracts with the private sector, an equivalent document shall be submitted"</i>
EUS CONSTRUCTION	<p>The Annex "B-2" - Statement of Availability of Leased Equipment was signed by the Authorized Managing Officer instead of the Lessor, in violation of ITB Clause 10.5b, which provides that:</p> <p><i>"If leased, supported by all of the following:</i></p> <ol style="list-style-type: none"> 1. <i>lease agreement between lessor and lessee,</i> 2. <i>proof of ownership of the lessor, and</i> 3. <i>certification of availability of equipment from the equipment lessor for the duration of the project <u>using the prescribed form in Annex "B-2"</u></i>
1920 CONSTRUCTION AND TRADING	<p>The bidder failed to provide a Certificate of Final Acceptance as a supporting document for the declared SLCC.</p> <p>This is non compliant to Section 23.4.2.5 of the 2016 Revised IRR of R.A. 9184, and ITB Clause 5.2 of the Bid Data Sheet which states that:</p> <p><i>"The SLCC shall be supported by an Owner's Certificate of Final Acceptance issued by the project owner other than the contractor or a final rating of at least Satisfactory in the Constructors Performance Evaluation System (CPES). In case of contracts with the private sector, an equivalent document shall be submitted"</i></p>

<p>GERCEL CONSTRUCTION AND DEVELOPMENT GROUP INC.</p>	<p>The bidder failed to submit a Statement of Availability of Owned Equipment (Annex "B-1").</p> <p>This is non compliant with ITB Clause 10.5a, to wit:</p> <p><i>"If owned, supported by a certification by the bidder of availability of equipment for the duration of the project using the prescribed form in Annex "B-1", and any proof of ownership as follows:</i></p> <ul style="list-style-type: none"> • Any contract or instrument evidencing transfer or acquisition of ownership (i.e Deed of Sale, Deed of Donation, Deed of Conveyance, etc.) • OR/CR • Sales invoice showing payment of VAT • Proforma Invoice supported by a Sales Invoice • Letter of credit from bank with attached Purchase Order supported by a Sales Invoice • Original Invoice with attached Packing List • Bill of Lading"
<p>KALAHAN GENERAL CONSTRUCTION AND SUPPLIES</p>	<p>1) The bidder failed to submit a Statement of Availability for Owned Equipment (Annex "B-1") as required under ITB Clause 10.5a, to wit:</p> <p><i>"If owned, supported by a certification by the bidder of availability of equipment for the duration of the project using the prescribed form in Annex "B-1", and any proof of ownership as follows:</i></p> <ul style="list-style-type: none"> • Any contract or instrument evidencing transfer or acquisition of ownership (i.e Deed of Sale, Deed of Donation, Deed of Conveyance, etc.) • OR/CR • Sales invoice showing payment of VAT • Proforma Invoice supported by a Sales Invoice • Letter of credit from bank with attached Purchase Order supported by a Sales Invoice • Original Invoice with attached Packing List • Bill of Lading"

	<p>2) The bidder failed to provide a Lease Agreement for leased equipment required under ITB Clause 10.5b of the BDS, which states that:</p> <p><i>"If leased, supported by all of the following:</i></p> <ul style="list-style-type: none"> • <i>lease agreement between lessor and lessee,</i> • <i>proof of ownership of the lessor, and</i> • <i>certification of availability of equipment from the equipment lessor for the duration of the project using the prescribed form in Annex "B-2"</i>
YZK BUILDERS	<p>The bidder failed to update the Annex "A" on PHILGEPS registration. The DTI Certificate as indicated in Annex A of the PHILGEPS Certificate expired on 24 March 2024.</p> <p>This is non compliant with Section 8.5.2 of the 2016 Revised IRR of RA9184 which provides that:</p> <p><i>"All bidders shall upload and maintain in PhilGEPS a current and updated file of the following Class "A" eligibility documents under Sections 23.1(a) and 24.1(a):</i></p> <ul style="list-style-type: none"> a) <i>Registration Certificate;</i> b) <i>Mayor's/Business Permit or its Equivalent Document;</i> c) <i>Tax Clearance;</i> d) <i>Philippine Contractors Accreditation Board (PCAB) license and registration; and</i> e) <i>Audited Financial Statements"</i> <p>xxx</p> <p><i>The failure by the prospective bidder to update its Certificate with the current and updated Class "A" eligibility documents shall result in the automatic suspension of the validity of its Certificate until such time that all of the expired Class "A" eligibility documents has been updated."</i></p>

JEK TRADING AND CONSTRUCTION	<p>The bidder failed to provide a Certificate of Final Acceptance as a supporting document for the declared SLCC.</p> <p>This is non compliant with Section 23.4.2.5 of the 2016 Revised IRR of R.A. 9184, and ITB Clause 5.2 of the Bid Data Sheet, which states that:</p> <p><i>“The SLCC shall be supported by an Owner’s Certificate of Final Acceptance issued by the project owner other than the contractor or a final rating of at least Satisfactory in the Constructors Performance Evaluation System (CPES). In case of contracts with the private sector, an equivalent document shall be submitted.”</i></p>				
ZUIWIN ENTERPRISES AND CONTRACTOR	<p>1) The bidder submitted a receipt from PHILGEPS in lieu of the PHILGEPS platinum membership Certificate.</p> <p>Section 23.3 of the Revised IRR of RA9184 provides that:</p> <p><i>“Xxx a Procuring Entity shall use the contents of the PhilGEPS electronic registry of manufacturers, suppliers, distributors, contractors, and/or consultants, in accordance with Section 8.5.2 of the IRR. In lieu of the Class “A” eligibility documents mentioned under Section 8.5.2 of this IRR, <u>the Bidder shall only submit a valid and updated PhilGEPS Certificate of Registration and Membership in accordance with Section 8.5.2 of this IRR for purposes of determining eligibility.</u>”</i></p> <p>2) The bidder failed to nominate a key personnel for the position of Highway Engineer, which is non-compliant with ITB Clause 10.4 of the Bid Data Sheet, which states that:</p> <p><i>“The list of nominated key personnel with the minimum required years of experience for the project are as follows:</i></p> <table><tr><td>Key Personnel</td><td>Qty</td><td>Required Profession</td><td>Required Experience</td></tr></table>	Key Personnel	Qty	Required Profession	Required Experience
Key Personnel	Qty	Required Profession	Required Experience		

	<table><tr><td>Highway Engineer</td><td>1</td><td>Licensed Civil Engineer at least 5 years</td><td>At least 3 years as Highway/Road Engineer</td></tr></table> <p>xxx"</p> <p>3) The form provided for CV attached in the Bidding Documents as Annex "D" was not used, therefore, the signature of the Authorized Managing Officer cannot be ascertained.</p> <p>This is non compliant with ITB Clause 10.4 (3), which states that:</p> <p><i>"The bidder must accomplish the prescribed form in Annex "C" of the Bid Forms for the above list of the nominated key personnel and must be supported by the following documents:</i></p> <p><i>1. Individual CV/resumes as prescribed in Annex "D" of the Bid Form under Section IX. Checklist of Technical and Financial Documents; and</i></p> <p>xxx"</p>	Highway Engineer	1	Licensed Civil Engineer at least 5 years	At least 3 years as Highway/Road Engineer
Highway Engineer	1	Licensed Civil Engineer at least 5 years	At least 3 years as Highway/Road Engineer		
ED1SON DEVELOPMENT & CONSTRUCTION, INC.	<p>The bidder was able to submit its financial component prior to the deadline of submission. However, its technical component was only submitted at 12:04 PM which is already beyond the submission deadline.</p> <p>This is non compliant to Item 8 of the ITB, to wit:</p> <p><i>"8. Bids must be duly received by the BAC Secretariat through manual submission at the office address as indicated below on or before 15 April 2024 at 12:00 PM. Late bids shall not be accepted."</i></p>				

WHEREAS, the second envelopes which contained the financial proposals of the Three (3) bidders, who "passed" the preliminary examination of the eligibility/technical requirements, were opened and were likewise subjected to a preliminary evaluation of the financial proposals. After checking the sufficiency of the required documents as

regards its presence or absence, the BAC declared the bids of the Three (3) proponents "passed" and were considered for the detailed evaluation and comparison of financial bids. The table below shows the ranking and bid amounts of the 3 proponents (as read):

BIDDERS	BID AMOUNT (AS READ)	RANKING
ROMA CONSTRUCTION AND DEVELOPMENT CORPORATION	₱ 43,538,905.52	1
VVH CONSTRUCTION CORP.	₱ 43,594,669.88	2
3 SIDES BUILDERS AND TRADING CORP.	₱ 44,106,179.09	3

WHEREAS, Section 32.2 of the RIRR of R.A. 9184 provides that, "For the procurement of Goods and Infrastructure Projects, the BAC shall evaluate the financial component of the bids to determine the Lowest Calculated Bid. xxx."

WHEREAS, on 16 to 22 April 2024, in accordance with Section 32.2 of the RIRR of R.A. 9184 mentioned above, the BAC Technical Working Group (TWG) conducted the detailed evaluation of the Financial Component of the bids of the aforementioned 3 proponents. After the said detailed evaluation of the Financial Component, the three (3) proponents were ranked in ascending order based on their financial bids or total bid price as calculated, evaluated, and/or corrected for computational errors, to identify the bidder with the Lowest Calculated Bid (LCB) who shall undergo the post-qualification. The table below shows the bid amount of the three (3) proponents (as calculated):

BIDDERS	BID AMOUNT (AS CALCULATED)	RANKING
ROMA CONSTRUCTION AND DEVELOPMENT CORPORATION	₱ 43,538,878.27	1
VVH CONSTRUCTION CORPORATION	₱ 43,594,689.64	2
3 SIDES BUILDERS AND TRADING CORPORATION	₱ 44,106,193.15	3

WHEREAS, based on the above results of the detailed evaluation conducted by the BAC-I TWG, the BAC-I found **Roma Construction and Development Corporation** as the

bidder with the Lowest Calculated Bid (LCB) who shall undergo the Post-Qualification process pursuant to Section 34 of the RIRR of R.A. 9184;

WHEREAS, the following bidders submitted a request for reconsideration, pursuant to Section 55.1 of the 2016 RIRR of RA 9184, and upon deliberation, the BAC-I has reached the following decisions:

BIDDERS	BAC-I Decision
1920 Construction and Trading	Denied base on the reply letter dated 18 April 20, 2024
YZK Builders	Denied base on the reply letter dated 18 April 20, 2024
EUS Construction	Denied base on the reply letter dated 23 April 20, 2024

WHEREAS, from April 23 to May 03, 2024, the BAC-I TWG conducted the Post-Qualification of **Roma Construction and Development Corporation** pursuant to Section 34 of the RIRR of R.A. 9184;

WHEREAS, on 06 May 2024, the BAC-I deliberated the Post-Qualification Report of BAC-I TWG. The results of Post-Qualification show that **Roma Construction and Development Corporation** was post-disqualified on 06 May 2024 due to its non-compliance with the requirements provided under the bidding documents for the project. Specifically on the following grounds.

REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS						
<p>ITB Clause 10.4 of the BDS provide that:</p> <p><i>"The list of nominated personnel with the minimum required years of experience for the project are as follows:</i></p> <p>Xxx</p> <table border="1"> <thead> <tr> <th>Position</th><th>Required Profession</th><th>Required Experience</th></tr> </thead> <tbody> <tr> <td></td><td></td><td></td></tr> </tbody> </table>	Position	Required Profession	Required Experience				<p>Two (2) of the nominated key personnel lack the required experience relative to the position, to wit:</p> <p>1. As to Key Personnel, Engr. Karen L. Reyes:</p> <p>Based on the submitted Curriculum Vitae, the nominated key personnel for Quantity Surveyor did not</p>	<p>Section 34.3 of the RIRR of RA 9184 states that:</p> <p><i>"The post-qualification shall verify, validate and ascertain the veracity, authenticity and validity of xxx all the other statements made and documents submitted by the bidder with the Lowest Calculated Bid / Highest Rated Bid, using non-discretionary criteria, as</i></p>
Position	Required Profession	Required Experience						

Quantity Surveyor	License Civil Engineer for at least 5 years	At Least 3 years as Quantity Surveyor	meet the minimum required experience of at least 3 years.	<i>stated in the Bidding Documents. These criteria shall consider, but shall not be limited to, the following:</i>
Site Engineer	License Civil Engineer for at least 3 years	At Least 3 years as Site Engineer	Engr. Karen L. Reyes only has 2 years and 2 months of experience as a Quantity Surveyor as cited in the Relevant Work Experience portion of the Curriculum Vitae	

Xxx”

2. As to Key Personnel, Antoine Kyle A. Hilario:

Based on the submitted Curriculum Vitae, the nominated key personnel for Site Engineer I did not meet the minimum required experience of at least 3 years.

Engr. Hilario only has 2 years and 8 months of experience as a Site Engineer I.

It was noted that Engr. Hilario was registered as Licensed Civil Engineer with PRC only on 02 December 2019. Thus, the period for which he is not yet a registered civil engineer must be excluded.

Section 21, Article IV of R.A. No. 544 (Civil Engineering Law) provides that:

“Unless exempt from registration, no person shall practice or offer to practice civil engineering in the Philippines without having obtained the proper certificate of registration

b) Technical Requirements. To determine compliance of the goods, infrastructure projects, or consulting services offered with the requirements specified in the Bidding Documents, including, where applicable:

i) Verification and validation of the bidder’s stated competence and experience, and the competence and experience of the bidder’s key personnel to be assigned to the project, for the procurement of Infrastructure Projects xxx;”

Relative thereto, ITB Clause 10.4 of the BDS provides that:

“The list of nominated personnel with the minimum required years of experience for the project are as follows:

Xxx

Position	Required Profession	Required Experience
Quantity Surveyor	License Civil Engineer for at least 5 years	At Least 3 years as Quantity Surveyor

	<p>from the Board for Civil Engineers."</p> <p>Records show that Mr. Antoine Kyle A. Hilario obtained his license to practice on 02 December 2019</p> <p>The reckoning date for the experience of the site engineer shall be counted from the date of his PRC registration.</p>	<table border="1"> <tr> <td data-bbox="1024 318 1150 481">Site Engineer</td><td data-bbox="1150 318 1289 481">License Civil Engineer for at least 3 years</td><td data-bbox="1289 318 1422 481">At Least 3 years as Site Engineer</td></tr> </table> <p>Two (2) of the nominated key personnel lack the required experience relative to the position, to wit:</p> <ol style="list-style-type: none"> 1. The nominated quantity surveyor only has 2 years and 2 months of experience as a Quantity Surveyor based on the relevant Work Experience in the submitted CV. 2. One of the nominated Site Engineers only has 2 years and 8 months of experience as a PRC licensed Site Engineer based on the relevant Work Experience in the submitted CV. 	Site Engineer	License Civil Engineer for at least 3 years	At Least 3 years as Site Engineer
Site Engineer	License Civil Engineer for at least 3 years	At Least 3 years as Site Engineer			

WHEREAS, pursuant to Section 34.8 of the 2016 RIRR of RA 9184, the BAC-I approved and issued the Notice of Post Qualification to **VVH Construction Corporation** being the bidder with the next lowest calculated bid.

WHEREAS, on 08 May 2024, **Roma Construction and Development Corporation** submitted a request for reconsideration, pursuant to Section 55.1 of the 2016 RIRR of RA 9184, which was denied by the BAC-I on 13 May 2024.

WHEREAS, from May 07 to 15, 2024, the BAC-I TWG conducted the Post-Qualification on **VVH Construction Corporation** pursuant to Section 34 of the RIRR of R.A. 9184;

WHEREAS, on 16 May 2024, the BAC-I deliberated the Post-Qualification Report of BAC-I TWG. The results of Post-Qualification show that **VVH Construction Corporation** was post-disqualified on 16 May 2024 due to its non-compliance with the requirements provided under the bidding documents for the project. Specifically on the following grounds:

REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
<p>ITB Clause 20 of the Bid Data Sheet (BDS) provides that:</p> <p><i>"For purposes of Post-qualification, the following document(s) shall be required to be submitted <u>within five (5) calendar days</u> from receipt of notice from the BAC:</i></p> <ol style="list-style-type: none"> <i>1. Income Tax Returns for year 2022 (BIR Form 1701 or 1702);</i> <i>2. Latest Value Added Tax Returns (Forms 2550M and 2550Q) or Percentage Tax Returns (Form 2551M) for the last six (6) months before the deadline of the submission of bids. The income tax and business tax returns stated above should have been filed through the Electronic Filing and Payment System (eFPS);</i> <i>3. Certificate of accomplishments signed by the Owner or Owner's Project Engineer for on-going projects;</i> <i>4. Valid PRC license ID of key personnel assigned (if the bidder opted to submit expired PRC license together with the proof of renewal during the opening of bids);</i> <i>5. One (1) softcopy of its original bid in PDF format in</i> 	<p>The bidder submitted the documents required in ITB clause 20 of the BDS on 14 May 2024 or eight (8) calendar days from 06 May 2024, when the Notice of Post Qualification was received by the bidder via electronic mail.</p>	<p>Failure of the Bidder to submit the required documents within the prescribed period constitutes non-compliance with Section 34.2 of the Revised Implementing Rules and Regulations (RIRR) of Republic Act (RA) No. 9184 which states that:</p> <p><i>"Within five (5) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the Lowest Calculated Bid or Highest Rated Bid, the bidder shall submit to the BAC its latest income and business tax returns, and other appropriate licenses and permits required by law and stated in the Bidding Documents.</i></p> <p><u>Failure to submit any of the post-qualification requirements on time, or a finding against the veracity thereof, shall disqualify the bidder for award xxx."</u></p> <p>ITB Clause 20 of the BDS further required the submission of the post qualification documents within five (5) calendar days from receipt of notice from the BAC. This was reiterated in the Notice of Post Qualification sent to the bidder on 06 May 2024.</p>

<p>USB Flashdrive. In case of discrepancies and technical issues in the submitted drive, it shall not be a ground for disqualification and the original hardcopy shall prevail in terms of its contents;</p> <p>6. Proof of capacity for the Post-Qualification of the submitted minimum required equipment;</p> <p>7. Detailed As-Built Quantities of Single Largest Completed Contract;</p> <p>8. Certification authorizing BCDA to request for necessary and additional information to validate the bidder's compliance with existing labor laws and standards."</p>		<p>Thus, the failure to submit the said documents within the 5-day period constitutes a violation of the aforementioned provisions. Consequently, the bid of VVH Construction Corporation should be considered as non-responsive.</p>						
<p>ITB Clause 10.4 of the BDS provide that:</p> <p>The list of nominated personnel with the minimum required years of experience for the project are as follows:</p> <p>xxx</p> <table border="1" data-bbox="165 1664 576 1877"> <thead> <tr> <th>Position</th><th>Required Profession</th><th>Required Experience</th></tr> </thead> <tbody> <tr> <td>Quantity Surveyor</td><td>License Civil Engineer for at least 5 years</td><td>At Least 3 years.3 experience</td></tr> </tbody> </table>	Position	Required Profession	Required Experience	Quantity Surveyor	License Civil Engineer for at least 5 years	At Least 3 years.3 experience	<p>The TWG found that the following nominated key personnel lack the required number of years of experience prescribed under ITB clause 10.4 of the BDS:</p> <ul style="list-style-type: none"> The nominated Highway / Road Engineer, Jessie P. Pumaras, has only 8 ½ months of relevant work experience relative to the position based on the submitted CV. The nominated Quantity Surveyor, Gio Boy Dila, has only 2 years and 11 	<p>Upon validation of the competence and experience of the bidder's key personnel pursuant to Section 34.3 of the RIRR of RA 9184, it was found that five (5) of the nominated key personnel lack the required experience relative to the position in violation of the ITB Clause 10.4 of the BDS, which states that:</p> <p><u>The list of nominated personnel with the minimum required years of experience for the project are as follows:</u></p> <p>Xxx</p>
Position	Required Profession	Required Experience						
Quantity Surveyor	License Civil Engineer for at least 5 years	At Least 3 years.3 experience						

		as Quantity Surveyor
Materials Engineer I	License Civil Engineer for at least 5 years	At Least 3 years.3 experience as Materials Engineer
Geodetic Engineer	License Geodetic Engineer for at least 5 years	At Least 3 years.3 experience as Geodetic Engineer
Safety Officer	DOLE accredited safety officer for at least 3 years	At Least 3 years.3 experience as Safety Officer
Quantity Surveyor	License Civil Engineer for at least 5 years	At Least 3 years.3 experience as Quantity Surveyor

Xxx

months of relevant work experience relative to the position based on the submitted CV.

- The nominated Materials Engineer I, Florencio R. Quillope, Jr., has only 4 months of relevant work experience relative to the position based on the submitted CV.
- The nominated Geodetic Engineer, Bobby A. Buduan, has only 2 years and 5 months of relevant work experience relative to the position based on the submitted CV.
- The nominated Safety Officer, Lafayette P. Coloma, has only 2 years and 1 month of relevant work experience relative to the position based on the submitted CV.

Position	Required Profession	Required Experience
Highway / Road Engineer	License Civil Engineer for at least 5 years	At Least 3 years.3 experience as Highway / Road Engineer
Quantity Surveyor	License Civil Engineer for at least 5 years	At Least 3 years.3 experience as Quantity Surveyor
Materials Engineer I	License Civil Engineer for at least 5 years	At Least 3 years.3 experience as Materials Engineer
Geodetic Engineer	License Geodetic Engineer for at least 5 years	At Least 3 years.3 experience as Geodetic Engineer
Safety Officer	DOLE accredited safety officer for at least 3 years	At Least 3 years.3 experience as Safety Officer

Xxx

WHEREAS, pursuant to Section 34.8 of the 2016 RIRR of RA 9184, the BAC-I approved and issued the Notice of Post Qualification to **3 Sides Builders and Trading Corp.** being the bidder with the next lowest calculated bid.

WHEREAS, the BAC-I conducted the post-qualification of **3 Sides Builders and Trading Corp.** on May 16 to 22, 2024, being ranked as the 3rd LCB of the subject bidding, but was declared post-disqualified on 27 May 2024 for being non-responsive and non-compliant with the bidding requirements for the project, as stated on the observations herein:

REQUIREMENTS	BIDDER'S SUBMISSION	FINDINGS
Bid Data Sheet ITB Clause 10.4 provides that:	Based on the submitted Curricula Vitae of the	Bid Data Sheet ITB Clause 10.4 provides that:

<p><i>"The list of nominated personnel with the minimum required years of experience for the project are as follows:</i></p> <p>Xxx</p> <table border="1"> <thead> <tr> <th>Position</th><th>Required Profession</th><th>Required Experience</th></tr> </thead> <tbody> <tr> <td>Materials Engineer I</td><td>DPWH Accredited Materials Engineer I for at least 5 years</td><td>At least 3 years as Materials Engineer I</td></tr> <tr> <td>Health and Safety Officer</td><td>DOLE accredited Safety Officer</td><td>At least 3 years DOLE accredited Health and Safety Officer</td></tr> </tbody> </table> <p>Xxx"</p>	Position	Required Profession	Required Experience	Materials Engineer I	DPWH Accredited Materials Engineer I for at least 5 years	At least 3 years as Materials Engineer I	Health and Safety Officer	DOLE accredited Safety Officer	At least 3 years DOLE accredited Health and Safety Officer	<p>nominated key personnels, all the nominated key personnel did not meet the minimum required experience to wit:</p> <ul style="list-style-type: none"> • The nominated Materials Engineer I had been an Accredited Materials Engineer for a period of 4 years and has only 1 year and 2 mos. of relevant work experience relative to the position based on the submitted CV. • The nominated Safety Officer has only 2 years and 4 mos. of relevant work experience relative to the position based on the submitted CV. 	<p><i>"The list of nominated personnel with the minimum required years of experience for the project are as follows:</i></p> <p>Xxx</p> <table border="1"> <thead> <tr> <th>Position</th><th>Required Profession</th><th>Required Experience</th></tr> </thead> <tbody> <tr> <td>Materials Engineer I</td><td>DPWH Accredited Materials Engineer I for at least 5 years</td><td>At least 3 years as Materials Engineer I</td></tr> <tr> <td>Health and Safety Officer</td><td>DOLE accredited Safety Officer</td><td>At least 3 years DOLE accredited Health and Safety Officer</td></tr> </tbody> </table> <p>Xxx"</p>	Position	Required Profession	Required Experience	Materials Engineer I	DPWH Accredited Materials Engineer I for at least 5 years	At least 3 years as Materials Engineer I	Health and Safety Officer	DOLE accredited Safety Officer	At least 3 years DOLE accredited Health and Safety Officer
Position	Required Profession	Required Experience																		
Materials Engineer I	DPWH Accredited Materials Engineer I for at least 5 years	At least 3 years as Materials Engineer I																		
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Materials Engineer I	DPWH Accredited Materials Engineer I for at least 5 years	At least 3 years as Materials Engineer I																		
Health and Safety Officer	DOLE accredited Safety Officer	At least 3 years DOLE accredited Health and Safety Officer																		

<p>Section 34.2 of RA 9184 provides that:</p> <p><i>"Within five (5) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the Lowest Calculated Bid or Highest Rated Bid, the bidder shall submit to the BAC its latest income and business tax returns, and other appropriate licenses and permits required by law and stated in the Bidding Documents."</i></p>	<p>The bidder submitted the documents provided in the Instruction to Bidder ITB Clause 20 beyond the Five (5) days requirements of Section 34.2 of the RIRR of RA 9184.</p>	<p>Section 34.2 of RA 9184 provides that: <i>"Within five (5) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the Lowest Calculated Bid or Highest Rated Bid, the bidder shall submit to the BAC its latest income and business tax returns, and other appropriate licenses and permits required by law and stated in the Bidding Documents."</i> This was further reiterated in Clause 20 of The Bid Data Sheet of the ITB which states that:</p> <p><i>"For the purpose of Post-qualification, the following document (s) shall be required to be submitted within five (5) calendar days from the receipt of the notice from the BAC:</i></p> <ol style="list-style-type: none"> 1. Income tax return year 2022 (BIR Form 1701 or 1702); 1. Latest value Added Tax Returns (Form 2550M and 2550Q) or Percentage Tax Returns (Form 2551M) for the last six (6) months before the deadline of the submission of the bids. The income tax and business tax returns stated above should have been filed through the Electronic
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		<p>Filing and Payment System (eFPS);</p> <p>2. Certificated of accomplishments signed by the Owner or Owner's Project Engineer for on-going projects;</p> <p>3. Valid PRC license ID of key personnel assigned (if the bidder submit expired PRC license together with the proof of renewal during the opening of the bids);</p> <p>4. One (1) softcopy of its original bid in PDF format in USB Flash Drive. Incase of discrepancies and technical issues in the submitted drive, it shall not be a ground for disqualification and the original copy shall prevail in terms of its contents;</p> <p>5. Proof of Capacity for the Post Qualification of submitted minimum required equipment such as but not limited to any of the following:</p> <ul style="list-style-type: none"> a. Manufacturer's Brochure b. Bill of Lading c. Valid OR/CR d. Sales Invoice showing payment of VAT e. Proforma Invoice supported by a Sales Invoice f. Letter of credit from the bank with attached Purchase
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		<i>Order and Sales Invoice</i> <i>g. Original Invoice with attached Packing List;</i> <i>6. Detailed As-built Quantities of the Single Largest Completed Contract;</i> <i>7. Certificate Authorizing BCDA to request for necessary additional information to validate the bidder's compliance with existing labor laws and standards."</i>
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WHEREAS, on 27 May 2024, the BAC-I deliberated the results of the Post-Qualification. Based on its findings, the Committee declared **3 Sides Builders and Trading Corporation** as post-disqualified.

WHEREAS, BCDA did not receive within the prescribed period a request for reconsideration or protest from **3 Sides Builders and Trading Corporation**, pursuant to Section 55 of the RIRR of R.A. 9184.

WHEREAS, based on the aforementioned, the BAC-I declares a failure of bidding, pursuant to the Section 35.1 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (R.A.) No. 9184, to wit:

"35.1. The BAC shall declare the bidding failure when:

- c) All bids fail to comply with all the bid requirements or fail post-qualification, or, in the case of Consulting Services, there is no successful negotiation;

xxx"

NOW, THEREFORE, We, the Members of the Bids and Awards Committee for Infrastructure Projects, hereby RESOLVE as it is hereby RESOLVED the following:

1. To declare a Failure of Bidding for the Construction of Airside Access Road in Clark International Airport, in accordance with Section 35.1 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (R.A.) No. 9184;

2. To direct the end-user, Strategic Project Management Department (SPMD) to conduct a mandatory review and evaluation of the terms, conditions and specifications of the Bidding Documents, including the cost estimates and other requirements relative to this procurement pursuant to the Section 35.2 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (R.A.) No. 9184; and,
3. To proceed with the rebidding of the Project based on the results of the aforementioned mandatory review pursuant to the Section 35.3 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (R.A.) No. 9184.

RESOLVED, at the BCDA Corporate Center Office, this 27th day of **MAY 2024**.

BIDS AND AWARDS COMMITTEE (BAC) FOR INFRASTRUCTURE

on leave
ATTY. GISELA Z. KALALO
Chairperson

ENGR. MARK P. TORRES
Vice Chairperson

ENGR. VERGEL Q. PARAS
Member

ENGR. RYAN PAUL S. GALURA
Member

SAMUEL JOHN L. VIDALLON
Member

ENGR. RANDY S. VIACRUSIS
Provisional Member

ENGR. TERESITO P. TAN
Provisional Member

Approved by:

JOSHUA M. BINGCANG
President and CEO



BAC for Infrastructure

BACI2024-0219