

23 November 2022

Minutes No. 11-04, Series of 2022

MINUTES OF THE BAC MEETING

Date : 23 November 2022
Time : 10:00 a.m.
Venue : CIAC Board Room and Via Zoom Application

1.0 ATTENDANCE

BAC Members: Atty. Rustico G. Quizon III (Chairperson)
Atty. Misheena Joyce C. Tiatco (Vice Chairperson)
Melissa D. Feliciano (Member)
Gerry A. Naguit (Member)
Engr. Federico E. Primero Jr. (Member)
Engr. Antonio O. Pamintuan III (Provisional Member-EMD)
Engr. Dennis T. Lumanlan (Provisional Member-EMD)

BAC-TWG: Kristober S. Gomez (Member)
Vina May Manalili (Member)
Engr. Vergel Maria D. Lakanlale (Member)
Arthur Z. Galang (Member)
Engr. Josephine S. Cuyos (Provisional Member-EMD)

Secretariat: Sharon C. Lingad
Miriam M. Pamindanan
Sierra Korina D. Siguenza

Also Present: Michelle S. Cruz (Observer-IAD)

2.0 CALL TO ORDER

After the certification of a quorum by the BAC Secretariat, Chairperson Rustico G. Quizon III called the meeting to order and presided thereat.

Ms. Lingad acknowledged the Technical Working Group (TWG) and observer, Mr. Michelle S. Cruz from the Internal Audit Department (IAD) of CIAC.

3.0 AGENDA ITEM

- Pre-bid Conference for the project: "Renovation and Improvement of ASD Building (Bldg. 7535) – Phase I"

On a motion duly made by Atty. Misheena Joyce C. Tiatco and seconded by M.s Melissa D. Feliciano, the BAC unanimously approved the above cited agenda.

Prior to start of the meeting, the Secretariat informed the body that there is no prospective bidder to attend the Pre-bid Conference.

To proceed, Engr. Vergel Maria D. Lakanlale presented the following:

23 November 2022

Project Title: Renovation and Improvement of ASD Building (Bldg. 7535) – Phase I.
 Approved Budget for Contract (ABC): PHP3,998,000.00
 Project Duration: 90 Calendar Days

Section III. Bid Data Sheet

ITB Clause										
5.2	<p>The Bidder must have completed a single contract that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC.</p> <p>For this purpose, similar contracts shall refer solely to complete the supply of labor and materials for building renovation and improvement works. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II.</p> <p>The Bidder shall submit documented proof such as certified copy of Contract and certified copy of Certificate of Completion/Acceptance.</p>									
7.1	No further instruction.									
10.3	<p>Bidders must have at least a License Category "D" General Building, from the Philippine Contractors Accreditation Board (PCAB). The PCAB license must be valid and effective at the time of submission of the bid.</p> <p>In case of Joint Venture (JV), the Special PCAB License of the JV is required for submittal in the bidding. To secure the required Special PCAB License, it is required that:</p> <ol style="list-style-type: none"> 1. Partnerships consisting of constructors must apply to PCAB as a Joint Venture, wherein all constructor partners are required to have or apply for a Regular PCAB License or in case of a foreign partner, a "Special PCAB License for Foreign Constructors". 2. Partnerships consisting of constructors and non-constructors (e.g. financier or equipment supplier) must apply as a Consortium, wherein a PCAB License of one (1) partner constitutes compliance. <p>Under IRR of RA 4566, the following are defined:</p> <ul style="list-style-type: none"> • Consortium – means a cooperative arrangement between licensed constructor(s) and non-constructor(s) to jointly perform a single specific undertaking/project with the licensed constructor(s) as managing and operating partner(s) and the others as financier(s) or any such other construction supportive role. • Joint Venture – means a cooperative arrangement of licensed constructors/contractors to jointly perform a single specific undertaking/project with each of the partners contributing to the performance. <p>"Constructor" shall have the same meaning as "Contractor".</p>									
10.4	The key personnel must meet the required minimum years of experience set below:									
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">No.</th> <th style="width: 60%;">Key Personnel</th> <th style="width: 30%;">Minimum Required</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td>Project Engineer, licensed Civil Engineer, with three (3) years minimum work experience</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">2.</td> <td>Construction Foreman with 2 years minimum work experience</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	No.	Key Personnel	Minimum Required	1.	Project Engineer, licensed Civil Engineer, with three (3) years minimum work experience	1	2.	Construction Foreman with 2 years minimum work experience	1
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23 November 2022

10.5	<p>The minimum major equipment requirements are the following:</p> <ol style="list-style-type: none"> 1. One (1) unit 4 cu. m. drop side truck 2. One (1) unit concrete breaker 3. One (1) unit concrete mixer 4. One (1) unit portable welding machine 5. One (1) set scaffolding <p>Must attach proof of ownership for Owned or Leased and Certificate of good running condition together with the bid.</p>
12	No further instruction.
15.1	<p>The bid security shall be in the form of a Bid Securing Declaration or any of the following forms and amounts:</p> <ol style="list-style-type: none"> a. The amount of not less than Seventy Nine Thousand Nine Hundred Sixty Pesos (Php79,960.00), if bid security is in cash, cashier's/manager's check, bank draft/guarantee or irrevocable letter of credit; b. The amount of not less than One Hundred Ninety Nine Pesos (Php199,900.00) if bid security is in Surety Bond.
16	Each Bidder shall submit one (1) original and two (2) certified true copies of its bid.
19.2	Partial bid is not allowed. The infrastructure project is packaged in a single lot and the lot shall not be divided into sub-lots for the purpose of bidding, evaluation, and contract award.
20	<p>Only tax returns filed and taxes paid through the BIR Electronic Filing and Payment System (EFPS) shall be accepted.</p> <p>The Bidder shall submit Certified True Copy of the following documents filed using the Electronic Filing and Payment System (EFPS):</p> <ol style="list-style-type: none"> a. INCOME TAX RETURN- refer to the latest ITR (BIR Form No. 1702 for Corporation and Partnership) and b. BUSINESS TAX RETURNS- refers to the: <ol style="list-style-type: none"> b.1 Value Added Tax Return (Monthly-BIR Form No. 2550-M; Quarterly-BIR Form No. 2550-Q); b.2 Percentage Tax Returns (BIR Form No.2551-M) covering the previous six (6) months immediately preceding the date of submission and opening of bids. <p>NOTE: Per BIR Revenue Regulations No. 3-2005: For Income Tax Returns: For participants already with an Annual ITR, Latest ITR shall refer to the ITR for the preceding Tax Year be it on a calendar or fiscal year. For new establishments which, therefore, have no annual ITR yet, it shall refer to the most recent quarter's ITR.</p>
21	<p>List of additional contract documents relevant to the Project:</p> <ol style="list-style-type: none"> 1. Program of Work; 2. Construction Schedule and S-Curve; 3. Manpower Schedule; 4. Construction Methods; 5. Equipment Utilization Schedule; and 6. Safety and Health Program approved by DOLE

Section V. Special Conditions of Contract

GCC Clause	
2	There shall be no sectional completion of the Project.
4	No further instruction.

23 November 2022

6	No further instruction.
7.2	The warranty against Structural Defects/Failures, except that occasioned-on force majeure, shall cover the period from the date of issuance of the Certificate of Final Acceptance by the Procuring Entity shall be fifteen (15) years.
10	Dayworks are applicable at the rate shown in the Contractor's original Bid.
11.1	The Contractor shall submit the Program of Work to the Procuring Entity's Representative prior to contract signing.
11.2	No further instructions.
13	Pursuant to the DOTr Department Memorandum, no advance payments or mobilization fees shall be extended or paid to the Contractor.
14	No further instructions.
15.1	The As-Built Drawings shall be required before the issuance of a Certificate of Completion.
15.2	The final payment shall be withheld for failing to submit the complete set of As-Built Drawings.

Section VIII. Checklist of Technical and Financial Documents

I. TECHNICAL COMPONENT ENVELOPE

Class "A" Documents

Legal Documents

- (a) Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages) in accordance with Section 8.5.2 of the IRR;

Technical Documents

- (b) Statement of the prospective bidder of all its ongoing 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; **and**
- (c) Statement of the bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided under the rules; **and**
- (d) Special PCAB License in case of Joint Ventures **and** registration for the type and cost of the contract to be bid; **and**
- (e) Original copy of Bid Security. If in the form of a Surety Bond, submit also a certification issued by the Insurance Commission **or** original copy of Notarized Bid Securing Declaration; **and**
- (f) Project Requirements, which shall include the following:
 - 1. Organizational chart for the contract to be bid;
 - 2. List of contractor's key personnel (*e.g.*, Project Manager, Project Engineers, Materials Engineers, and Foremen), to be assigned to the contract to be bid, with their complete qualification and experience data;
 - 3. List of contractor's major equipment units, which are owned, leased, and/or under purchase agreements, supported by proof of ownership or certification of availability of equipment from the equipment lessor/vendor for the duration of the project, as the case may be; **and**
- (g) Original duly signed Omnibus Sworn Statement (OSS) **and** if applicable, Original Notarized Secretary's Certificate in case of a corporation, partnership, or cooperative; or Original Special Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder.

23 November 2022

- (h) Original Notarized Affidavit of No Pending Case. In case of joint venture or consortium, each partner of the joint venture or consortium shall submit their respective certification, under oath.

Financial Documents

- (i) The prospective bidder's computation of Net Financial Contracting Capacity (NFCC).

Class "B" Documents

- (j) If applicable, duly signed joint venture agreement (JVA) in accordance with RA No. 4566 and its IRR in case the joint venture is already in existence **or** duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful.

II. FINANCIAL COMPONENT ENVELOPE

- (a) Original of duly signed and accomplished Financial Bid Form; **and**

Other documentary requirements under RA No. 9184

- (b) Original of duly signed Bid Prices in the Bill of Quantities; **and**
(c) Duly accomplished Detailed Estimates Form, including a summary sheet indicating the unit prices of construction materials, labor rates, and equipment rentals used in coming up with the Bid; **and**
(d) Cash Flow by Quarter.

There being no other queries and/or requests for clarifications to discuss, Ms. Lingad read the additional reminders for the information and guidance of all prospective bidders, as follows:

- The deadline for the submission of queries and/or requests for clarification is on **November 25, 2022 (Friday), not later than 5:00 p.m.** All queries should be sent thru the email address: ciac_bacsecretariat@yahoo.com and bacsecretariat@ciac.gov.ph. All letters and/or notices sent to and issued by the CIAC-BAC shall be coursed through the email address provided. All prospective bidders or bidders are required to provide the BAC Secretariat their respective official email addresses. Otherwise, the email address used by the company in communicating with the BAC thru the BAC Secretariat shall be considered the official email address of the said company. All prospective bidders or bidders are also required to acknowledge the receipt of all notices or letters issued by the BAC.
- The issuance of the Supplemental/Bid Bulletin is on **November 28, 2022 (Monday)** and shall be posted at the websites of CIAC (ciac.gov.ph) and PhilGEPS (philgeps.gov.ph) on the same day.
- The deadline for the Submission of Bids is on **December 5, 2022 (Monday)**. Bids must be duly received by the CIAC Records Management Office located in the CIAC Corporate Office Building **not later than 10:00 a.m.** Late bids shall not be accepted.
- The Opening of Bids shall be conducted at **10:15 a.m. of December 5, 2022 (Monday)** at the CIAC Board Room, Corporate Office Building, Civil Aviation Complex, Clark Freeport Zone and thru video conferencing using Zoom Application. Only one (1) representative for each bidder shall be allowed to attend the opening of bids physically onsite. Provided, that said representative shall present a Negative Antigen Test Result not later than 24 hours from the date of the Opening of Bids and shall be required to wear a face mask while within the Corporate Office Building. For bidders who shall attend the opening of bids thru

23 November 2022

video conferencing, they are advised to indicate their Company Name and Full Name as their username for proper identification.

- Bidders are required to submit one (1) original and two (2) copies of the first and second components of its bid which shall be signed or initialed on each and every page thereof by the duly authorized representative/s of the Bidder.
- Prospective bidders are reminded that a suspended or blacklisted supplier, contractor or consultant shall not be allowed to participate in all procurement opportunities of the government for the duration of the suspension or blacklisting, regardless of the modality of procurement employed by the procuring entity.
- Bid envelopes that are not properly sealed and marked shall be accepted provided that the bidder or its duly authorized representative shall acknowledge such condition of the bid as submitted. The BAC shall assume **no responsibility** for the misplacement of the contents of the improperly sealed or unmarked bid, or for its premature opening.
- Should a bidder decide **not to submit** a bid, said bidder should justify in writing to the BAC the reason for the non-submission. This provision is applicable to companies who have purchased the bidding documents for the said project. Pursuant to Section 69.1 of the Revised of IRR of RA No. 9184, sanctions shall be imposed to the bidder who habitually withdraws from bidding, submits late bids or patently insufficient bids for at least three (3) times within a year, except for a valid reason.
- Note: Caution to prospective bidders, should there be individuals posing in behalf of the CIAC-BAC and TWG as agents or fixers, the same should be reported to the CIAC-BAC immediately. This shall not be tolerated by the CIAC-BAC. The bidding shall be conducted impartially and fairly and no favoritism shall be extended to any prospective bidder or bidder. For as long as the same submits complete requirements, the said bidder shall be qualified.

There being no other concerns from the members of the BAC and TWG to discuss, Chairperson Quizon concluded the Pre-bid Conference.

4.0 ADJOURNMENT

There being no other matters to discuss, the meeting was adjourned at 10:30 a.m. on the 23rd day of November 2022.

Prepared by:

Reviewed by:

MIRIAM M. PAMINDANAN
Minutes/Agenda Officer

SHARON C. LINGAD
Manager-BAC Secretariat

Read and Approved by:

GERRY A. NAGUIT
Member

MELISSA D. FELICIANO, EnP
Member

23 November 2022

ENGR. FEDERICO E. PRIMERO JR.
Member

ENGR. ANTONIO O. PAMINTUAN III
Provisional Member

ENGR. DENNIS T. LUMANLAN
Provisional Member

ATTY. MISHEENA JOYCE C. TIATCO
Vice Chairperson

ATTY. RUSTICO G. QUIZON III
Chairperson