

17 January 2023

Minutes No. 01-04, Series of 2023

MINUTES OF THE BAC MEETING

Date : 17 January 2023
Time : 2:00 p.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) via Zoom App
Melissa D. Feliciano (Member)
Gerry A. Naguit (Member)
Engr. Federico E. Primero Jr. (Member)
Robert S. Urbano (Provisional Member)

BAC-TWG : Kristober S. Gomez (Member)
Noli D. Ocampo (Provisional Member)

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

Also Present : Mitchelle S. Cruz (Observer/IAD)

Prospective Bidder : Petron Corporation – Ms. Glance Henson (via Zoom App)

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

3.0 AGENDA ITEM

- Pre-bid Conference for the project: "Provision of Petroleum for Clark International Airport Corporation for CY 2023 (Re-bid).

On a motion duly made by Engr. Federico E. Primero Jr. and seconded by Ms. Melissa D. Feliciano, the BAC unanimously approved the above cited agenda.

4.0 DISCUSSION PROPER

To start the meeting, Mr. Noli D. Ocampo read the Invitation to Bid and presented the following:

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Section VI. Schedule of Requirements

The delivery schedule expressed as weeks/months stipulates hereafter a delivery date which is the date of delivery to the project site.

Item No.	Description	Qty (monthly) in liter	Total (9months) in liter	Delivered, Weeks/Months
1	Diesel (euro 4 compliant) for various vehicles	3,854	34,686	Estimated Monthly Requirement
2	Gasoline (euro 4 compliant)	130	1,170	Estimated Monthly Requirement
3	Diesel (euro 4 compliant) for Generator Sets	3,100	3,100 (total for 3 months)	4th Quarter

Note:

The list of vehicles and type of petroleum used for each vehicle will be provided during the actual implementation.

The fuel quantities above are for bidding purposes only. In the actual implementation of the contract, the quantities that may be required may increase or decrease, as the need arises, from the Notice of Proceed. In no case shall the total cost exceed the total contract amount.

For bidding purposes, the unit cost (per liter) shall be based on the bidder's actual fuel pump price three (3) days before the scheduled submission and opening of bids.

The bid item for this project: the discount (PHP per liter of actual pump price on date of purchase).

The discount/s in Peso per liter of Diesel and Gas shall be applicable for the duration of the contract.

Section VII. Technical Specifications

1. Estimated monthly supply of petroleum:
 - Diesel (euro 4 compliant) 3,854 liters/month (9 months);
2. Estimated monthly supply of petroleum:
 - Gasoline (euro 4 compliant); 130 liters/month for 9 months;
3. Diesel (euro 4 compliant) for Generator Sets
 - 3,100 liters (total for 3 months) 4th Quarter consumption;
4. Must have Gasoline Station within 15km radius from CIAC;
5. Must have fleet card application system; and

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6. Payment System: a. Credit charging (30-day cycle), b. Allows deduction of applicable withholding tax monthly billing statement and, c. Billing/Settlement through the CIACs Accounting/ Treasury Office.

Mr. Ocampo also enumerated the Checklist of Technical and Financial Documents followed by the Bidding Forms, as stated in the bidding documents.

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);
- (b) Pursuant to the Department of Transportation (DOTr) Department Order, the bidder is required to submit a certification, under oath, certifying that said bidder has no pending case(s) against the government.

Technical Documents

- (c) 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
- (d) Statement of the bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided for in Sections 23.4.1.3 and 23.4.2.4 of the 2016 revised IRR of RA No. 9184, within the relevant period as provided in the Bidding Documents; **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) Conformity with the Technical Specifications, which may include production/delivery schedule, manpower requirements, and/or after-sales/parts, if applicable; **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.

Financial Documents

- (h) The prospective bidder's computation of Net Financial Contracting Capacity (NFCC);
or
A committed Line of Credit from a Universal or Commercial Bank in lieu of its NFCC computation.

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Class "B" Documents

- (i) If applicable, a duly signed joint venture agreement (JVA) 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.
- Other documentary requirements under RA No. 9184 (as applicable)*
- (j) [For foreign bidders claiming by reason of their country's extension of reciprocal rights to Filipinos] Certification from the relevant government office of their country stating that Filipinos are allowed to participate in government procurement activities for the same item or product.
- (k) Certification from the DTI if the Bidder claims preference as a Domestic Bidder or Domestic Entity.

II. FINANCIAL COMPONENT ENVELOPE

- (a) Original of duly signed and accomplished Financial Bid Form; **and**
- (b) Original of duly signed and accomplished Price Schedule(s)

Lastly, Mr. Ocampo enumerated the bidding forms listed in Section IX of the bidding documents to be used for the bid proposal/s of all prospective bidders.

At this juncture, Mr. Ocampo ended his presentation and the BAC opened the floor for queries to Petron Corporation.

Below are the queries and requests for clarification raised by Petron Corporation, as well as the corresponding remarks or instructions made by the Bids and Awards Committee (BAC) members and Office of Prime Responsibility (OPR):

No.	Queries/Clarifications	Remarks from the BAC and OPR
1	<p>Under the Technical Documents, Item (c) 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, may we request the BAC to allow us to include all on-going projects of Petron Corporation that are confined within the Clark Freeport Zone.</p> <p>Also, Petron Corporation is willing to submit manifestation letter regarding the matter. Thus, may we know the email address where we can send our email.</p>	<p>We take note of your request and will answer the matter through a Supplemental/Bid Bulletin.</p> <p>Later, the BAC Secretariat will present some important reminders to all prospective bidders which shall include the official email addresses of the BAC.</p>
2	<p>In Section VII: Technical Specifications of the Bidding Documents, it is stated that "Bidders must state here either "Comply" or "Not Comply" against each of the individual parameters of each Specification stating the corresponding performance</p>	

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	<p>parameter of the equipment offered.^{XX}.</p> <p>We understand that we are restricted to use the statements "Comply" or "Not Comply", however, are we allowed putting additional provision/s or instruction/s that may explain and elaborate further certain limitations for specific items (e.g. towing provider).</p>	<p>The BAC is constrained to grant your request as it is clearly stated in Section VII: Technical Specifications of the Bidding Documents that Bidder/s must state either "Comply" or "Not Comply" in the Statement of Compliance.</p>
<p>3</p>	<p>Lastly, since we purchased the bidding documents the first (1st) bidding, is there a possibility for the bidding documents fee is waived for the re-bid of the said project if we already have official receipt for the first (1st) payment.</p> <p>We do not request for a refund but rather a request to consider our previous payment as our payment for the bidding documents fee if we decided to join the upcoming re-bid for the said project.</p>	<p>As provided for in Section 17.5 of the 2016 revised Implementing Rules and Regulations (IRR) of R.A. 9184 provides that Bidding Documents Fee may be refunded unless for a cause, based on the grounds provided for under Section 41 of the revised IRR of R.A. 9184.</p> <p>Although it is not a refund, historically the BAC have not yet allowed non-payment of bidding documents fee. Nonetheless, we will search for specific provisions in the IRR of R.A. 9184 concerning your request for consideration and will answer the matter through a Supplemental/Bid Bulletin.</p>

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 **January 20, 2023 (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 or before **January 23, 2023 (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 **January 30, 2023 (Monday)**. Bids must be duly received by the CIAC Records Management Office located in the CIAC Corporate Office Building **not later than 2:00 p.m.** Late bids shall not be accepted.
- The Opening of Bids shall be conducted at **2:15 p.m. of January 30, 2023 (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

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said representative shall present a Negative Antigen Test Result taken within 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 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 by extending his appreciation to the representative of Petron Corporation and everyone present for attending the said meeting.

6.0 ADJOURNMENT

There being no other matters to discuss, the meeting was adjourned at 2:21 p.m. on the 17th day of January 2023.

Prepared by:

Reviewed by:

MIRIAM M. PAMINDANAN
Minutes/Agenda Officer

SHARON C. LINGAD
Manager-BAC Secretariat

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Read and Approved by:

GERRY A. NAGUIT
Member

MELISSA D. FELICIANO, EnP
Member

ENGR. FEDERICO E. PRIMERO JR.
Member

ANTONIO D. VILLANUEVA JR.
Vice Chairperson

ROBERT S. URBANO
Member

ATTY. MISHEENA JOYCE C. TIATCO
Vice Chairperson

ATTY. RUSTICO G. QUIZON III
Chairperson