

PHILIPPINE BIDDING DOCUMENTS

Procurement of
**CONSULTING
SERVICES**

Government of the Republic of the Philippines

**Fifth Edition
August 2016**

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*Section I. Request for Expression of
Interest*

**REQUEST FOR EXPRESSION OF INTEREST FOR CONSTRUCTION
MANAGEMENT FOR THE 2-STOREY UP RURAL HIGH SCHOOL
SENIOR HIGH SCHOOL BUILDING ACADEMIC WING (PHASE 1)
NEGOTIATED PROCUREMENT- TWICE FAILED**

1. The UP Los Baños, through the *RCC: 8226000* intends to apply the sum of One Million Sixteen Thousand Nine Hundred Forty Nine and 15/100 only *PhP1,016,949.15* being the Approved Budget for the Contract (ABC) to payments under the contract for *UPLB-CSLT-001-17 NP(2)*. Bids received in excess of the ABC shall be automatically rejected at the opening of the financial proposals.
2. The UP Los Baños now calls for the submission of eligibility documents for CONSTRUCTION MANAGEMENT FOR THE 2-STOREY UP RURAL HIGH SCHOOL SENIOR HIGH SCHOOL BUILDING ACADEMIC WING (PHASE 1) *NP (2)*¹. Eligibility documents of interested consultants must be duly received by the BAC Secretariat on or before **August 7, 2017, 1:00PM (Monday) at SPMO CONFERENCE ROOM, SPMO BUILDING, RAMBUTAN ROAD, UPLB**. Applications for eligibility will be evaluated based on a non-discretionary “pass/fail” criterion.
3. Interested bidders may obtain further information from *BAC Secretariat, UP Los Baños* and inspect the Bidding Documents at the address given below during *8:00am to 5:00 pm*.
4. A complete set of Bidding Documents may be acquired by interested Bidders on **31 July, 2017** from the address below. It may also be downloaded free of charge from the website of the Philippine Government Electronic Procurement System (PhilGEPS) and the website of the Procuring Entity, provided that Bidders shall pay the applicable fee for the Bidding Documents not later than the submission of their bids.
5. The BAC shall draw up the short list of consultants from those who have submitted Expression of Interest, including the eligibility documents, and have been determined as eligible in accordance with the provisions of Republic Act 9184 (RA 9184), otherwise known as the “Government Procurement Reform Act”, and its Implementing Rules and Regulations (IRR). The short list shall consist of *three (3)*² prospective bidders who will be entitled to submit bids. Should less than the required number apply for eligibility and short listing, pass the eligibility check, and/or pass the minimum score required in the short listing, the BAC shall consider the same. The criteria and rating system for short listing are:
 - a. Applicable experience of the consultant and members in case of joint ventures, considering both the overall experiences of the firm or, in the case of new firms, the individual experiences of the principal and key staff, including the times when employed by other consultants (40%);
 - b. Qualification of personnel who may be assigned to the job vis-à-vis extent and complexity of the undertaking (30%); and
 - c. Current workload relative to capacity (30%).
6. Bidding will be conducted through open competitive bidding procedures using non-discretionary “pass/fail” criterion as specified in the 2016 Revised IRR of RA 9184. Bidding is restricted to

¹ A brief description of the terms of reference of the Consulting Service should be provided, including outputs/deliverables, location of project, and other information necessary to enable potential bidders to decide whether or not to respond to the invitation.

² For World Bank financed contract, the short list should be six (6) Consultants.

Filipino citizens/sole proprietorships, cooperatives, and partnerships or organizations with at least sixty percent (60%) interest or outstanding capital stock belonging to citizens of the Philippines.

1. The CONSTRUCTION MANAGEMENT CONSULTANT shall be a firm/company providing construction management services, duly registered with the Security and Exchange Commission (SEC) or the Department of Trade and Industry (DTI), owned and managed by professionals qualified to undertake work in construction management.
 - a. An Architectural and/or Engineering Firm, registered under Philippine Laws, a sole proprietorship, partnership or corporate entity; represented by a Filipino Principal Architect or Civil Engineer. Registered and licensed to practice Architecture or Civil Engineering in the Philippines, provided that said Principal Architect or Civil Engineer shall be nominated in the bid documents as the Principal Architect / Professional responsible to lead the CONSTRUCTION MANAGEMENT CONSULTANT's team who shall be tasked with signing all final project documentation requirements;
Or a Joint Venture (JV), Association or Consortium of Firms where the lead firm must be an architectural and/or engineering firm, following the same conditions cited in the previous paragraphs provided that all member firms of said JV, association or consortium shall satisfy the pertinent eligibility requirements.
 2. The CONSTRUCTION MANAGEMENT CONSULTANT shall have demonstrated competence and creativity to address Project and Construction Management for projects of similar complexity, use and character. The CONSTRUCTION MANAGEMENT CONSULTANT shall show previous experience in:
 - a. Management of building and infrastructure projects for government agencies and institutions.
 - b. Implementing contracts covered by the RA 9184
 3. The CONSTRUCTION MANAGEMENT CONSULTANT must be operational for at least fifteen (15) years and shall have proven capacity to complete the project and provide the appropriate experts and project staffing.
7. The Procuring Entity shall evaluate bids using the *Quality Based Evaluation/Selection (QBE/QBS)* procedure. The criteria and rating system for the evaluation of bids shall be provided in the Instructions to Bidders.
8. The contract shall be completed within three hundred twenty five (325) *days*.
9. The UP Los Baños reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Section 41 of RA 9184 and its IRR, without thereby incurring any liability to the affected bidder or bidders.

For further information, please refer to:

Ms. Liza G. Custodio
Chair, BAC Secretariat
SPMO, Rambutan Road, College, Laguna
Tel. No. (049) 544-0382
<http://www.bac.uplb.edu.ph>

Dr. Rossana Marie C. Amongo
Chair, BAC Infrastructure

Section II. Eligibility Documents

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 conditions stated in the **EDS**.
- 1.4. Government owned or –controlled corporations (GOCCs) 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 –

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, subconsultant, 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 the case of a completed contract;
- (iii) Statement of the consultant specifying its nationality and confirming that those who will actually perform the 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.

- 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 documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs 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.
- 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 0 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 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 the Procuring Entity 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:

- f) the name of the prospective bidder;
- g) whether there is a modification or substitution; and
- h) the presence or absence of each document comprising the eligibility documents vis-à-vis a checklist of the required documents.

- 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.

Section III. Eligibility Data Sheet

Eligibility Data Sheet

Eligibility Documents	
1.2	Construction Management Regulatory Body: GOP Professional Regulation Commission
1.3	No further instructions.
2.1(a)(ii)	The statement of all ongoing and completed government and private contracts shall include all such contracts within <i>five (5) years period</i> prior to the deadline for the submission and receipt of eligibility documents.
2.1(a)(ii.7)	<i>Acceptable proof of satisfactory completion of completed contracts.</i>
4.2	Each prospective bidder shall submit one (1) original and <i>one (1)</i> copies of its eligibility documents.
4.3 (c)	Bids and Awards Committee Infrastructure, BAC Secretariat Office, SPMO Building, Rambutan Road, UP Los Baños, College, Laguna
4.3 (d)	Bid Proposal for the Construction Management
5	The address for submission of eligibility documents is BAC Infrastructure, BAC Secretariat Office, SPMO Building, Rambutan Road, UP Los Baños, College, Laguna. The deadline for submission of eligibility documents is <i>August 7, 2017 (Monday)/ 1:00pm.</i>
8.1	The place of opening of eligibility documents is BAC Secretariat Office, SPMO Building, Rambutan Road, UP Los Baños, College, Laguna. The date and time of opening of eligibility documents is <i>August 7, 2017 (Monday)/ 1:00pm.</i>
9.1	Similar contracts shall refer to <i>Construction Management.</i>
9.2	a)Applicable experience of the consultant and members in case of joint ventures, considering both the overall experiences of the firm or, in the case of new firms, the individual experiences of the principal and key staff, including the times when employed by other consultants (40%); b) Qualification of personnel who may be assigned to the job vis-à-vis extent and complexity of the undertaking (30%); and c) Current workload relative to capacity (30%).

