



Republic of the Philippines
ZAMBOANGA CITY WATER DISTRICT
Pilar Street, Zamboanga City

SUPPLEMENTAL/BID BULLETIN

| Purchase Requisition No. | Description | Approved Budget Cost (ABC) |
|--------------------------|---|----------------------------|
| 19-0136 | Design, Build, Testing & Commissioning of the 4,000 cu.m. per day Sewage-Septage Treatment Plant (SSTP) | P 161,200,000.00 |

ADDENDUM NO. 2019-008

This Addendum is issued to clarify, modify or amend items in the Bid Documents in view of the Pre-Bid Conference last June 6, 2019. This shall form an integral part of the Bid Documents.

| ITEM | QUERY/PARTICULAR | ANSWER/CLARIFICATION |
|------|---|---|
| 1 | PhilGEPS Certificate of Registration requirement | <p>2016 Revised Implementing Rules and Regulations of Republic Act No. 9160, as Amended" (2016 RIRR), Sec. 23.1 (b) -</p> <p>...xxx...</p> <p>For Infrastructure Projects, JV bidders shall submit a JVA in accordance with R.A. 4566 and its IRR.</p> <p>Each partner of the joint venture shall submit their respective PhilGEPS Certificates of Registration in accordance with Section 8.5.2 of this IRR.</p> <p>...xxx...</p> |
| 2 | Equivalent documents of foreign partner for PhilGEPS registration | <p>2016 RIRR, Sec. 8.5.2. –</p> <p>...xxx...</p> <p>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):</p> <ul style="list-style-type: none">a) Registration Certificate;b) Mayor's/Business Permit or its Equivalent Document;c) Tax Clearance;d) Philippine Contractors Accreditation Board (PCAB) license and registration; ande) Audited Financial Statements. <p>For Foreign Bidders, the foregoing documents may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English issued 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.</p> <p>These documents shall be accompanied by a Sworn Statement in a form prescribed by the GPPB stating that the documents submitted are complete and authentic copies of the original, and all statements and</p> |

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| | | <p>information provided therein are true and correct. Upon receipt of the said documents, the PhilGEPS shall process the same in accordance with the guidelines on the Government of the Philippines – Official Merchants Registry (GoP-OMR).</p> <p>...XXX...</p> |
| 3 | Duly received PCAB license application form in lieu of PCAB license | <p>Government Procurement Policy Board Non Policy Matter (GPPB NPM) NO. 126-2014</p> <p>...XXX...</p> <p>[T]he eligibility requirements under Section 23 of the revised Implementing Rules and Regulation (IRR) of Republic Act (RA) No. 9184 is absolute and exclusive, which means that Procuring Entities (PE) cannot delete, replace or add to any of the requirements that are applicable to each procurement activity.</p> <p>The requirement of submitting PCAB License in bidding activities is an imposition not solely by the revised IRR of RA 9184. Under RA 4566 or the Contractors' Licensing Law, it is necessary for a contractor to secure a PCAB License before submitting a bid. This magnifies the significance of requiring all contractors to secure a PCAB License prior to joining any infrastructure procurement activities of the government.</p> <p>[A] valid PCAB License, as an eligibility requirement for the procurement of infrastructure projects, cannot be replaced or substituted by any other document including the above-mentioned certifications. It is the responsibility of the prospective bidder to ensure that it has a valid PCAB License before participating in public bidding.</p> <p>...XXX...</p> |
| 4 | Foreign designer (Relative to the requirement of a Professional Regulation Commission license) | <p>2016 RIRR, Annex "G" 9.2</p> <p>...XXX...</p> <p>Provided, finally, that when the design services in which the joint venture wishes to engage involve the practice of professions regulated by law, all 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 and where foreign designers are required, the foreign designer must be authorized by the appropriate Philippine Government professional regulatory body to engage in the practice of those professions and allied professions.</p> <p>...XXX...</p> |
| 5 | Submission and form of Bid Security | <p>2016 RIRR, Sec. 27.1 and 27.2</p> <p>...XXX...</p> <p>27.1. All bids shall be accompanied by a bid security, payable to the Procuring Entity concerned as a guarantee that the successful bidder shall, within ten (10) calendar days from receipt of the notice of award, enter into contract with the Procuring Entity and furnish the performance security required in Section 39 of this</p> |

IRR, except when Section 37.1 of this IRR allows a longer period. Failure to enclose the required bid security in the form and amount prescribed herein shall automatically disqualify the bid concerned.

27.2. The bidder shall submit a Bid Securing Declaration, or any form of Bid Security, in an amount not less than the required percentage of the ABC in accordance with the following schedule:

| Form of Bid Security | Amount of Bid Security (Not less than the required percentage of the ABC) |
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| a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank. For biddings conducted by LGUs, the cashier's/manager's check may be issued by other banks certified by the BSP as authorized to issue such financial instrument. | Two percent (2%) |
| b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: however, Provided, That it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank. For biddings conducted by LGUs, bank draft/guarantee, or irrevocable letter of credit may be issued by other banks certified by the BSP as authorized to issue such financial instrument. (a) | |
| c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security. | Five percent (5%) |

...XXX...

2016 RIRR, Sec. 23.1 (b) –


...XXX...

The submission of technical and financial eligibility documents by any of the joint venture partners constitutes compliance: Provided, That the partner responsible to submit the NFCC shall likewise submit the Statement of all of its ongoing contracts and Audited Financial Statements.

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Bid Security is a technical eligibility requirement.

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| 6 | Is consortium agreement also accepted? | 2016 RIRR, Sec. 23.1 (b) – |
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| | | <p>...XXX...</p> <p>For Infrastructure Projects, JV bidders shall submit a JVA in accordance with R.A. 4566 and its IRR.</p> <p>...XXX...</p> |
| 7 | Issuance of PhilGEPS under Platinum category; equivalent documents | <p>Answered in item # 2</p> <p>GPPB Circular No. 26-2017, Clause 4.1.1 -</p> <p>...XXX...</p> <p>For all procurement projects advertised and/or posted after the effectivity of this Circular, bidders may still submit their Class "A" Eligibility Documents required to be uploaded and maintained current and updated in the PhilGEPS pursuant to Section 8.5.2 of the same IRR, or if already registered in the PhilGEPS under Platinum category, their Certificate of Registration and Membership in lieu of their uploaded file of Class "A" Documents, or a combination thereof. In case the bidder opted to submit their Class "A" Documents, the Certificate of PhilGEPS Registration (Platinum Membership) shall remain as a post-qualification requirement to be submitted in accordance with Section 34.2 of the 2016 Revised IRR of RA 9184</p> <p>...XXX...</p> |
| 8 | Time Extension for the Submission of Bids | <p>Issuance of Addendum 2019-006 by the Procuring Entity</p> |
| 9 | Is the budget cost limited to that amount? | <p>2016 RIRR, Sec. 31. –</p> <p>...XXX...</p> <p>The ABC shall be the upper limit or ceiling for acceptable bid prices. If a bid price, as evaluated and calculated in accordance with this IRR, is higher than the ABC, the bidder submitting the same shall be automatically disqualified. There shall be no lower limit or floor on the amount of the award.</p> <p>...XXX...</p> |
| 10 | If the reference project may not necessarily be in the Philippines. | <p>GPPB NPM 069-2007 –</p> <p>...XXX...</p> <p>Details</p> <p>1. If the bidder subject for post-qualification has no installation yet in the Philippines and that its present installation is located outside of the country, is it mandatory to conduct the verification/inspection where the present installation is located?</p> <p>[T]he objective of post-qualification under Section 34 of R.A. 9184 is to determine whether the bidder complies with and is responsive to all the requirements and conditions for eligibility and the bidding of the contract, as specified in the bidding documents. During the post qualification, the procuring entity verifies, validates and ascertains all statements made and the documents submitted by the bidder with the lowest calculated bid or highest rated bid, as the case may be, using non-discretionary criteria, as stated in the bidding documents.</p>  |

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| | | <p>These criteria shall consider the legal, technical and financial requirements, such as, but not limited to, the bidder's stated competence and experience, the availability and commitment, and/or inspection and testing of the equipment units to be owned or leased by the bidder, the performance of the bidder in its ongoing government and private contracts, the good/product, after-sales and/or maintenance capabilities for the procurement of goods.</p> <p>Based on the foregoing, the procuring entity must conduct such verification/inspection where the present installation is located, which may be outside of the Philippines, if the same is a requirement and condition of eligibility and the bidding for the contract, as specified in the bidding documents.</p> <p>...XXX...</p> |
| 11 | Experience requirement of a bidder for a design and build project. | <p>2016 RIRR, Annex G 9.2 (ii) –</p> <p>...XXX...</p> <p>ii. Eligibility Criteria</p> <p>a) The eligibility of design and build contractors shall be based on the legal, technical and financial requirements abovementioned. In the technical requirements, the design and build contractor (as solo or in joint venture/consortia) should be able to comply with the experience requirement under the IRR of R.A. 9184, where one of the parties (in a joint venture/consortia) should have at least one similar project, both in design and construction, with at least 50% of the cost of the ABC.</p> <p>b) If the bidder has no experience in design and build projects on its own it may enter into subcontracting, partnerships, or joint venture with design or engineering firms for the design portion of the contract.</p> <p>...XXX...</p> <p>GPPB NPM 081-2013 –</p> <p>...XXX...</p> <p>Details</p> <p>Whether the experience requirement of a bidder for a design and build project to be awarded consist of a single contract or separate contracts, i.e., one (1) contract for design and another contract for construction.</p> <p>Section 9.2(ii)(a) of the Guidelines for the Procurement and Implementation of Contracts for Design and Build Infrastructure Project states that:</p> <p>The eligibility of design and build contractors shall be based on the legal, technical and financial requirements abovementioned. In the technical requirements the design and build contractor, (as solo or in joint venture/consortia) should be able to comply with the experience requirement under the IRR of RA 9184, where one of the parties (in a joint venture/consortia) should have at least one similar project, both in design</p> |

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| | | <p>and construction, with at least 50% of the cost of the ABC. (Emphasis ours)</p> <p>A design and build project is an infrastructure project awarded as a single contract for architectural design and construction. As such, it involves two (2) components, i.e., a design component, (architectural/engineering aspect of the project, and a construction component (infrastructure aspect of the project), both of which are to be carried out by the winning bidder. Consequently, the bidders are required to have experience both in the architectural/engineering and construction aspects of the project.</p> <p>The phrase both in design and construction, as mentioned above, should be interpreted to mean that the bidder participating in a bidding for an infrastructure project that will be implemented through a design and build scheme is required to submit, as technical requirement, either at least one (1) similar contract for design and build that is at least fifty percent (50%) of the cost of the Approved Budget for the Contract (ABC) for the project; or at least one (1) contract for design and at least one (1) contract for construction, each of which should be at least fifty percent (50%) of the cost of the ABC.</p> <p>Thus, in the event that the bidder does not have a similar largest completed contract for design and build, it should submit at least one (1) similar contract for design, which should be at least fifty percent (50%) of the ABC for the project, and at least one (1) similar contract for construction, which should also be at least fifty percent (50%) of the ABC for the project.</p> <p>...XXX...</p> |
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For guidance and information of all concerned.


MICHAEL ANGELO M. CARBON *6/28*
 Chairperson
 Bids and Awards Committee

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