



Republic of the Philippines
 Department of Budget and Management
 PROCUREMENT SERVICE
 BIDS AND AWARDS COMMITTEE



13 June 2018

Public Bidding No. 18-031-8

**THE ESTABLISHMENT AND OPERATION OF A
 FUEL MARKING AND FIELD TESTING SYSTEM**

Issued to clarify and/or amend certain provisions in the Bidding Documents (Part I – Request for Expression of Interest) issued for this project, considering the issues raised and clarifications made by prospective Firms during the Pre-Engagement Conference held on **June 8, 2018** likewise, respond to Firms' written queries received.

A. CLARIFICATIONS

The Department of Budget and Management – Procurement Service – Bids and Awards Committee hereby clarifies bidders' concerns and queries.

AUTHENTIX¹

ITEM	CONCERN	REFERENCE	CLARIFICATION/ RESOLUTION
1	Request for special lane for securing a Tax Clearance Certificate for Foreign Bidders		Please coordinate with Accounts Receivable Monitoring Division of the BIR, National Office, Quezon City.

E-KONEK PILIPINAS, INC.²

ITEM	CONCERN	REFERENCE	CLARIFICATION/ RESOLUTION
2	Foreign partner interests in joint venture <i>versus</i> Direct participation of a foreign consultant	Implementing Rules and Regulations of Republic Act No. 9184 (IRR of RA9184) Section 24.3.1.e.	Persons/entities forming themselves into a joint venture shall be allowed to participate provided, however, that Filipino ownership or interest thereof shall be at least sixty percent (60%). Percentage will not apply since the project is open for direct participation of foreign bidders.

¹Letter received through e-mail on 10 June 2018.

²Letter received through e-mail on 08 June 2018.

For the purpose of this Bulletin and for better understanding of its contents, the following rules shall apply: (a) ~~Double Strike out~~ denotes deletion; (b) Underline denotes inclusion or new item/requirement; and "xxx" denotes separation of phrase/s being amended from the rest of the main text.

T

ITEM	CONCERN	REFERENCE	CLARIFICATION/ RESOLUTION
		IRR of RA9184, Appendix 9, Section 4.3.	In the procurement of consulting services, foreign consultants may be hired if local consultants do not have the sufficient expertise, capability, and capacity to render the services required under the project, as determined by the head of the procuring entity, in accordance with Section 24.3.3 of the IRR of R.A. 9184.
3	Request for a copy of the pre-engagement conference presentation		

UNITED COLOR³

ITEM	CONCERN	REFERENCE	CLARIFICATION/ RESOLUTION
4	Requirements to qualify as a foreign consultant		Please refer to checklist of documents. Also, tax clearance certificate is a mandatory requirement.
5	Tax Clearance Certificate for a foreign consultant	NPM 039-2014, 2014-10-09, GPPB	Only the Tax Clearance issued by the BIR in the form defined under BIR Revenue Regulations No. 3-2005 shall be accepted by the Procuring Entity. However, an exception to this rule is the tax clearance requirement for Non-Resident Foreign Corporations (NRFC) and Non-Resident Alien Not Engaged in Trade or Business (NRANETB). As regards the Tax Clearance form required under BIR Revenue Regulation No. 3-2005, the Collection Enforcement Division of the BIR issues Delinquency Verification Certificates to NRFC and NRANETB attesting to the fact that the taxpayer has no outstanding Final Assessment Notice and/or delinquent account. Hence, we previously opined that for NRFC and NRANETB, a Delinquency Verification Certificate may be

³Letter received through e-mail on 08 June 2018.

ITEM	CONCERN	REFERENCE	CLARIFICATION/ RESOLUTION
			submitted as a form of Tax Clearance.
6	50-50 interests in a joint venture partnership		Percentage will not apply since the project is open for direct participation of foreign bidders.
7	Extension of the deadline of submission of eligibility documents	Procurement timeline	Denied. The project is under the constraint of the procurement timelines.

AUTHENTIX⁴

ITEM	CONCERN	REFERENCE	CLARIFICATION/ RESOLUTION
8	Eligibility documents of a foreign consultant that need to be authenticated	ITB Clause 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.
9	Submission of an equivalent document for the Tax Clearance Certificate for foreign consultants	Refer to Item No. 5	No, submission of an equivalent document for the Tax Clearance Certificate is not allowed.
10	Whether the required percentage of Filipino and foreign ownership, participation or interest for a Joint Venture is mandatory.		Percentage will not apply since the project is open for direct participation of foreign bidders.

⁴Letter received through e-mail on 10 June 2018.

For the purpose of this Bulletin and for better understanding of its contents, the following rules shall apply: (a) ~~Double Strike out~~ – denotes deletion; (b) Underline – denotes inclusion or new item/requirement; and "xxx" – denotes separation of phrase/s being amended from the rest of the main text.

11	Whether a prospective consultant may declare its intention to participate as a joint venture after the submission of eligibility documents.	IRR of RA9184, Section 24.1.b	"Class "B" Document. Valid joint venture agreement (JVA), in case a joint venture is already in existence. In the absence of a JVA, 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, shall be included in the bid. Failure to enter into a joint venture in the event of a contract award shall be ground for the forfeiture of the bid security. Each partner of the joint venture shall submit the PhilGEPS Certificate of Registration in accordance with Section 8.5.2 of this IRR. The submission of technical and financial documents by any of the joint venture partners constitutes compliance."
12	Whether the Current Workload and Work Experience required under the Curriculum Vitae for Proposed Key Professional Staff are one and the same.	Curriculum Vitae for Proposed Key Professional Staff (pages 25-26 of REI)	No, they are not the same. In addition, the current workload relative to capacity is also a different criterion.
13	Whether the renewal/extension of on-going contracts may suffice to satisfy the requirement of Certificate of Good Standing as provided under EDS 2.1.(a)(ii.7)	REI, EDS 2.1.(a)(ii.7)	No, a Certificate of Satisfactory Completion is different from renewal/contract extension.
14	Definition of Financial Capacity on the Shortlist Evaluation Criteria Sheet		Please refer to Shortlisting Evaluation Criteria attached as Appendix "A"
15	Deadline of submission of eligibility documents		See revised timeline
16	Conduct of Pre-bid Conference on 28 June 2018		Shall be attended by Shortlisted consultants

All provisions of the bidding document that are affected by newly issued bidding documents templates are deemed modified / amended / revised.

By Rules, all other related provisions in the Bidding Documents correspondingly affected by these amendments are likewise deemed amended to conform to this Bid Bulletin.

Amendments made herein shall be considered an integral part of the Bidding Documents.



ENGR. JAIME M. NAVARRETE, JR.
Chairperson, Bids and Awards Committee VIII

For the purpose of this Bulletin and for better understanding of its contents, the following rules shall apply: (a) ~~Double Strike out~~ – denotes deletion; (b) Underline – denotes inclusion or new item/requirement; and "xxx" – denotes separation of phrase/s being amended from the rest of the main text.

APPENDIX A

SHORTLISTING EVALUATION CRITERIA

*ESTABLISHMENT AND OPERATION OF A FUEL MARKING
AND FIELD TESTING SYSTEM
FOR THE BUREAU OF CUSTOMS*

Reference: PB No. 18- _____ - __ (REI)

Date of Opening: _____

Bidder: _____

Criteria	Score	%	Score
A. Applicable Experience of the Consultant		70	70.00
1. Proven track record, of at least ten (10) years in delivering government sponsored/ funded Fuel Marking Programs.		50	50.00
- Fifteen (15) years or more	100		100.00
- Eleven (11) to Fourteen (14) years	85		
- Ten (10) years	70		
- Five (5) to Nine (9) years	55		
- Four (4) years and below	40		
2. Implementation of Fuel Marking Programs in at least two (2) countries, with preference for developing countries		50	50.00
- Implemented four (4) or more Fuel Marking Programs	100		100.00
- Implemented three (3) Fuel Marking Programs	85		
- Implemented two (2) Fuel Marking Programs	70		
- Implemented one (1) Fuel Marking Program	40		
B. Qualification of Key Personnel		20	20.00
1. At least ten (10) years of experience for projects of similar scope and complexity;		25	25.00
- Fifteen (15) years of experience or more	100		100.00
- Eleven (11) to Fourteen (14) years of experience	85		
- Ten (10) years of experience	70		
- Five (5) to Nine (9) years of experience	55		
- Four (4) years of experience and below	40		
2. At least five (5) years of experience as a project manager in a Fuel Marking Program;		25	25.00
- Ten (10) years of experience or more	100		100.00
- Six (6) to Nine (9) years of experience	85		
- Five (5) years of experience	70		
- Three (3) to Four (4) years of experience	55		
- Two (2) years of experience and below	40		
3. Has implemented Fuel Marking Programs in at least two (2) countries, with preference for developing countries		25	25.00
- Implemented four (4) or more Fuel Marking Programs	100		100.00
- Implemented three (3) Fuel Marking Programs	85		
- Implemented two (2) Fuel Marking Programs	70		
- Implemented one (1) Fuel Marking Program	55		

4. Relevant educational degree in management, accounting, law or engineering		25	25.00
- Master's Degree holder	100		100.00
- College Degree holder	85		
C. Current Workload		10	10.00
1. Current Project Workload (On-going contracts) Similar to the Project		50	50.00
- Zero (0) to One (1) project workload	100		
- Two (2) to Three (3) projects workload	85		100.00
- Four (4) or more projects workload	70		
2. Financial Capacity (Current Asset less Current Liabilities)		50	50.00
- More than the estimated cost of the project	100		
- Within 75% - 100% of the estimated cost of the project	85		100.00
- Within 50% - 74% of the estimated cost of the project	70		
- Below 50% of the estimated cost of the project	55		
Total		100	100.00
Total Points			100.00

NOTES:

1. Based on the above criteria, the bidders shall be ranked according to their total equivalent points.
2. Only the top **five (5) bidders** meeting the cut-off score of **sixty (60) points** shall be included in the the shortlist.