

Bids and Awards Committee (BAC) for Infrastructure

**DESIGN, CONSTRUCTION, INSTALLATION, AND COMMISSIONING OF THE
CONCEPCION-NCC SUB-TRANSMISSION LINE FOR THE NEW CLARK CITY**

**RESOLUTION NO. 001
(Declaration of Failure of Bidding)**

The BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA), through its 2019 Corporate Budget, has put on bid the **Contract for Design, Supply, Construction, Installation, and Commissioning of the Concepcion-NCC Sub-Transmission Line**, to connect the New Clark City (NCC) to the National Grid Corporation of the Philippines (NGCP) Concepcion substation, with an Approved Budget for the Contract (ABC) in the amount of **One Hundred Fifty Million Pesos (PhP150,000,000.00)**, inclusive of all applicable taxes and fees.

WHEREAS, the BAC for Infrastructure, through its Secretariat, advertised the Invitation to Bid on 10 January 2019 in newspaper of nationwide circulation, and on January 10 to 17, 2019 in the following:

- a. DBM Philippine Government Electronic Procurement System (PhilGEPS) website;
- b. BCDA Website; and
- c. In a conspicuous place reserved for the purpose in the premises of BCDA.

WHEREAS, in response to the said advertisements, six (6) interested bidders bought the bid documents, namely:

1. Superserve Corporation;
2. AER Construction Development Co., Inc.;
3. MN Electro Industrial Supply & Services, Inc.;
4. S.L. Development Construction Corporation;
5. Wyn Power Corporation; and
6. Philcantech Enterprises

WHEREAS, Out of six (6) interested bidders who bought the bidding documents, five (5) submitted their proposals prior to the set deadline for submission and receipt of bids, namely:

1. AER Construction Development Co., Inc.;
2. MN Electro Industrial Supply & Services, Inc.;
3. S.L. Development Construction Corporation;
4. Wyn Power Corporation; and
5. Philcantech Enterprises

WHEREAS, on February 6, 2019, the envelopes which contained the Eligibility and Technical Requirements of the aforementioned five (5) proponents were opened and subjected to a preliminary evaluation by determining the presence or absence of the required documents using “PASS/FAIL” criterion;

WHEREAS, during the said preliminary evaluation, the BAC declared that the Net Financial Contracting Capacity (NFCC) of Philcantech Enterprises will be verified further during the detailed bid evaluation. The BAC likewise declared that the Eligibility and Technical Requirements of four (4) other bidders are complete but will still be subjected to a more detailed evaluation and verification during the detailed bid evaluation;

WHEREAS, on February 6-7, 2019, the BAC Technical Working Group (TWG) conducted a detailed bid evaluation of the submitted Eligibility and Technical Proposals of the aforementioned five (5) proponents using “PASS/FAIL” criterion. After the presence or absence of the Eligibility and Technical Requirements were ascertained, the Eligibility/Technical Bids of the said five (5) proponents were found to be non-compliant with the eligibility/technical requirements stipulated in the Bidding Documents for the project, and consequently rated “FAILED”, to wit:

BIDDERS	PROJECT REQUIREMENTS	REASONS FOR BEING NON-COMPLIANT
Wyn Power Corporation	List of contractor's equipment 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.	Submitted a copy of Certificate of Availability of Equipment signed by the authorized representative of Wyn Power Corporation in support to additional equipment required for the project. However, the Certificate should be signed by the lessor duly supported by a proof of ownership.
S.L. Development Construction Corporation	List of contractor's equipment 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.	Submitted a copy of Certificate of availability of Lease of Contract to be in effect the moment the contract is awarded to SLDC. However, the bidder did not submit proof of ownership of the equipment by the lessor.
	The SLCC must be a Design & Build project with a project cost of at least 50% of the ABC.	Submitted a Contract for a Construction project only, i.e. w/o a design component
Philcantech Enterprises	The Net Financial Contracting Capacity (NFCC) must be at least equal to the ABC of the project.	The submitted computation of NFCC is below the ABC of the project.
	List of Contractor's Personnel nominated to the Project	Emmanuel Cortez was nominated to three (3) positions namely, Project

		Manager, Construction Manager and Design Manager, based on the submitted bid
	List of contractor's equipment 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.	Submitted a copy of Equipment Lease Agreement signed by the lessor. The said Agreement should have an attached proof of ownership by the lessor.
AER Construction Development Co., Inc.	Audited Financial Statements (AFS) for CY 2017.	No AFS (Submitted FS with no Auditor's Opinion page).
	SLCC must be a Design & Build project with a project cost of at least 50% of the ABC.	The Single Largest Completed Project submitted has no project design component
	List of Contractor's Personnel nominated to the Project	The nominated staff Devijah M. Alarcio-Paulo has no PRC License attached in the submitted bid.
	List of contractor's equipment 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.	Submitted a copy of Certification of Availability of Equipment with Contract of Lease Agreement executed between the lessor and the lessee. However, the said Agreement does not have an attached proof of ownership by the lessor.
MN Electro Industrial Supply & Services, Inc	The SLCC must be a Design & Build project with a project cost of at least 50% of the ABC.	The Single Largest Completed Project submitted has no project design component.
	List of Contractor's Personnel nominated to the Project	The PRC License of the nominated staff for the position of Project Manager attached in the submitted bid is already expired (11 Feb 2016)

WHEREAS, during its meeting on February 7, 2019, the BAC for Infrastructure declared failure of bidding for the aforementioned project, in accordance with Section 35.1 of the Revised IRR of Republic Act No. 9184, to wit:

"The BAC shall declare the bidding a failure when:

a) xxx;

b) All prospective bidders are declared ineligible;

xxx

Resolution no. 001 – Declaration of Failure of Bidding for the Bidding for Concepcion-NCC Sub-Transmission Line Page 3 of 4
February 2019/Version 1

NOW, THEREFORE, we, the Members of the Bids and Awards Committee (BAC) for Infrastructure, hereby RESOLVE as it is hereby RESOLVED:

1. To declare a **FAILURE OF BIDDING** for the Bidding for the Contract of the Design, Supply, Construction, Installation and Commissioning of the Concepcion-NCC Sub-Transmission Line for the New Clark City;
2. For the Task Force/End-User of the Project to conduct a mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents, including its cost estimates, pursuant to Section 35.2 of the Revised IRR of RA 9184; and
3. To proceed with the re-bidding of the Contract for the Design, Supply, Construction, Installation and Commissioning of the Concepcion-NCC Sub-Transmission Line for the New Clark City, pursuant to Section 35.3 of the Revised IRR of RA 9184.

RESOLVED, at the BCDA Corporate Center Office, this 11th day of February 2019.

BIDS AND AWARDS COMMITTEE (BAC) FOR INFRASTRUCTURE


AILEEN ANUNCIACION R. ZOSA
Chairperson


ATTY. EDILBERTO R. REBATO, JR.
Vice Chairperson



RICHARD BRIAN M. CEPE
Member


MARIA JOSEFINA V. PE
Member

MADONNA M. CINCO
Member


RAUL G. BUENSALIDA
Provisional Member

Approved by:


VIVENCIO B. DIZON
President and CEO

