



Bids and Awards Committee for Infrastructure (BAC-I)

CONSTRUCTION OF ROADS, UTILITIES AND PREPARATORY WORKS AT MORONG DISCOVERY PARK, MORONG BATAAN

RESOLUTION NO. 003 Declaration of Lowest Calculated and Responsive Bid (LCRB)

WHEREAS, The General Appropriations Act (GAA), through the BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA), has put on bid the Contract for the Construction of Roads, Utilities and Preparatory Works at Morong Discovery Park, with an Approved Budget for the Contract (ABC) in the sum of Pesos: One Billion Six Hundred Two Thousand Seven Hundred Eighty Six and 01/100 (Php1,000,602,786.01), inclusive of all applicable taxes and fees;

WHEREAS, the Bids and Awards Committee for Infrastructure Projects (BAC-I), through its Secretariat, advertised the Invitation to Bid on 18 January 2023 in the following:

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

WHEREAS, in response to the said advertisements, thirty three (33) interested bidders bought the bidding documents.

WHEREAS, the BAC-I issued Bid Bulletins to clarify queries about the eligibility, technical, and financial requirements raised by the bidders during the pre-bid conference conducted on 02 February 2023, sent via letters, and emails;

WHEREAS, C.M Pancho Construction Inc., Prime Metro BMD Corporation, and IPM Construction & Development Corporation submitted their letters of non-participation citing that 1) there was insufficient time for the preparation of bids and 2) their estimated project cost is higher than the ABC. Moreover, 1)Mundo Builders Inc.; 2) JV Kael Construction; and 3) Supply/Dragonhart Construction Enterprise, Inc. and 4) Superior BT Inc. did not submit bids;

WHEREAS on 20 March 2023, twenty seven (27) interested bidders submitted their bids before the deadline for the submission of bids;

WHEREAS, On 20 March 2023, the BAC-I opened the envelopes containing the bidders' Eligibility requirements and Technical proposals. However, only twenty (20) envelopes containing the Technical Proposals were opened and subsequently put to a preliminary examination, that is, to determine the presence or absence of required documents using "pass/fail" criterion. On the same day, the BAC-I issued a Notice of Temporary Suspension of the Bid Opening citing that the activity already went beyond the official business hours and had extended far too long for the day. The BAC-I deemed it prudent to suspend the bid opening of the remaining seven (7) bids in order to maintain the efficacy and efficiency of the BAC-I in conducting the





activity. Further, the Notice of Temporary Suspension was made in consideration of the health and well-being of all the attendees;

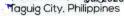
WHEREAS, the opening of bids for the project resumed the following day, 21 March 2023. BAC-I opened the remaining seven (7) envelopes containing the Technical Proposals left unopened the previous day, subject to a preliminary examination, that is, to determine the presence or absence of required documents using "pass/fail" criterion.;

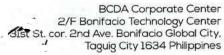
WHEREAS, based on the results of the preliminary evaluation, the BAC-I "failed" the nine (9) bidders' Technical Bids due to the non-submission of the complete required documents to be part of the bidding documents, pursuant to Republic Act (R.A.) No. 9184 and its Revised Implementing Rules and Regulations (RIRR);

WHEREAS, the BAC-I opened the financial proposals of the eighteen (18) bidders which "passed" the preliminary examination, subject to a preliminary examination, that is, to determine the presence or absence of required documents using "pass/fail" criterion. The results show that fifteen (15) financial bids passed the preliminary examination and three (3) financial bids "failed" due to the absence of the required documents, therefore, they were declared non-compliance;

WHEREAS, BAC-I ranked the fifteen (15) bids that passed the preliminary examination, subject to a detailed evaluation. The table below shows the bid amounts of the fifteen (15) bidders (as read):

BIDDERS	BID AMOUNT (in Php) (AS READ)	RANKING
Ed1son Development & Construction, Inc.	693,665,316.24	1
Unimasters Conglomeration, Inc. Dyson Construction & Trading Corporation (Joint Venture)	732,342,276.53	2
Grace Construction Corporation/ M.E. Sicat Construction, Inc. (Joint Venture)	739,998,509.99	3
Sta. Clara International Corporation	745,655,667.09	4
A.C. Tumang Construction/ Shamajaks Construction Services (Joint Venture)	776,160,190.53	5
J.C. Rodriguez Construction Corporation/ AM Oreta Co., Inc. Joint Venture	828,288,088.88	6
Positive Builders and Trading	830,502,502.93	7
R. D Interior Junior Construction/ China CAMC Engineering Co. Ltd. Consortium	888,887,688.89	8
R.D Policarpio & Co. Inc.	889,999,999.02	9
PERRC Construction and Development Corp.	892,520,233.12	10
Phesco, Inc.	900,540,454.27	11
Mac Builders	920,554,563.13	12
Tokwing Construction Corp-Mamsar Construction & Industrial Corp (JV)	930,414,256.95	13









Teodoro Construction Corp./ Totowao Development Corp (Joint Venture)	943,354,528.75	14
Tryst Builders Enterprises	998,409,962.77	15

WHEREAS, Section 32.2 of the RIRR of R.A. 9184 provides that, "for the procurement of Goods and Infrastructure Projects, the BAC shall evaluate the financial component of the bids to determine the Lowest Calculated Bid xxx".

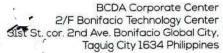
WHEREAS, on 21-27 March 2023, the BAC Technical Working Group (TWG) conducted a detailed evaluation of the Financial Component of the bids of the aforementioned fifteen (15) bidders in accordance with Section 32.2 of the RIRR of R.A. 9184.

WHEREAS, based on the results of the said detailed evaluation of the Financial Component, the BAC declared the Financial Bids of fifteen (15) bidders as "passed". Subsequently, BAC-I ranked their financial bids in ascending order and their total bid prices as calculated, evaluated, and/or corrected for computational errors, to identify the bidder with the Lowest Calculated Bid (LCB), pursuant to Section 34 of the RIRR of R.A. 9184. Table below shows the bid amount of the 15 proponents (as calculated):

BIDDERS	BID AMOUNT (in Php) (AS CALCULATED)	RANKING
Ed1son Development & Construction, Inc.	693,665,316.24	1
Unimasters Conglomeration, Inc./ Dyson Construction & Trading Corporation (Joint Venture)	732,342,276.53	2
Grace Construction Corporation/ M.E. Sicat Construction, Inc. (Joint Venture)	739,998,509.99	3
Sta. Clara International Corporation	745,655,667.09	4
A.C. Tumang Construction/ Shamajaks Construction Services (Joint Venture)	776,160,190.53	5
J.C. Rodriguez Construction Corporation/ AM Oreta Co., Inc. Joint Venture	828,288,088.88	6
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R.D Policarpio & Co. Inc.	889,999,999.02	9
PERRC Construction and Development Corp.	892,520,233.12	10
Phesco, Inc.	900,540,454.27	11
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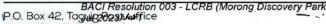




WHEREAS, consequent to the above results of the detailed bid evaluation, Ed1son Development & Construction, Inc. was declared the bidder with LCB for the Project through the BAC Resolution No. 002 dated 27 March 2023, subject to post-qualification from 28 March 2023 to 05 May 2023.

WHEREAS, On 05 May 2023, the BAC-I deliberated the results of post-qualification of Ed1son Development & Construction, Inc. and declared it as post-disqualified due to the following findings:

REQUIREMENTS	FINDINGS	RESULTS OF POST-QUALIFICATION OF 1ST LCB
Omnibus Sworn Statement (Section 25.3 of the Revised IRR of RA9184): The Omnibus Sworn Statement executed by the bidder, or its duly authorized representative, shall contain the following: Xxx (f) It complies with existing labor laws and standards Sworn Statement in accordance with Section 25.2(b)(ix) of the IRR of RA 9184 and using the form prescribed in Annex "I" in Bidding Forms	notarized and signed by the authorized representative of the bidder, which states: I, ELDONN FERDINAND UY, of legal age, married, Filipino and residing at 121 Le Mariche Subd. E. Rodriguez Sr. Avenue, Quezon City,	Clause 3.3 of the above-mentioned Circular allows the procuring entity to ascertain the statements made by the bidder in its certificate under oath that it



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On 04 May 2023, a matrix transmitted by SSS confirmed that Ed1son is "INTERMITTENTLY PAYING; With Billing Letter as of February 28, 2022 for the period 11/2018-11/2021 (ni) amounting to P 392, 043.54 sent via email on March 28, 2022. With Billing Letter as of April 30, 2023 for the period 03/2022-03/2023 (ni) amounting to P 140, 999.05."

On the same date at around 4:00PM, SSS transmitted an official communication stating that Edlson has fully paid the contribution and penalties subject of the above-mentioned billing statements, thus:

"CONTRIBUTION AND PENALTY PAYMENTS SUBJECT OF BILLING LETTERS SERVED DATED 2-28-2022 & APRIL 30, 2023 ALREADY PAID IN FULL ON MAY 4, 2023 PAID UNDER VARIOUS OR#S"

The official communication from SSS explicitly states that the LCB has back contributions penalty subject of billing letters dated February 2022 and April 2023. While the LCB was able to pay with their delinquencies, it is apparent that at the time of the execution of the Omnibus Sworn Statement (15 March 2023) and their bid submission (March 20, 2023), it was not regularly remitting SSS contributions and therefore not in compliance with existing labor laws and standards..

Section 23.6 of 2016 RIRR of RA9184 provides that:

"Notwithstanding the eligibility of a bidder, the Procuring Entity concerned reserves the right to review the qualifications of the bidder at any stage of the

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procurement if the process Procuring Entity has reasonable grounds believe that misrepresentation has made by the said bidder, or that there has been a change in the bidder's capability to undertake the project from the time it submitted its eliaibilitu requirements. Should such review uncover any misrepresentation made in the eligibility requirements, statements or **documents**, or any changes in the situation of the bidder which will affect the capability of the bidder to undertake the project so that it fails eligibility criteria, Procuring Entity shall consider the said bidder as ineligible and shall disqualify it from obtaining an award or contract, in accordance with Rules XXI, XXII, and XXIII of this IRR."

Regular remittance of Mandated Premiums (Sec. 3.3.2 of GPPB Circular No. 01-2008) During the site visit in their offices, Ed1son presented their proof of remittances for the period, February 2023.

With adverse findings

In relation to the above findings on the Omnibus Sworn Statement, the LCB failed to comply with GPPB Circular 01-2008. Section 3.3 provides that:

"xxx the procuring entity may, during post-qualification, verify, validate and ascertain the statements made by a bidder in its certificate under oath that it complies with existing labor laws and standards. Specifically, the procuring entity may verify whether the bidder-

xxx

3.3.2. Regularly remits mandated premiums to SSS, PhilHEALTH and PAG-IBIG

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Non-compliance with any one of the above shall be a ground to declare the bidder as "post-disqualified".

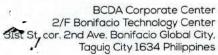
WHEREAS, pursuant to Section 34.7 of the revised IRR of RA 9184, BAC-I conducted the post qualification of the next or 2nd LCB, Unimasters Conglomeration, Inc. and Dyson Construction & Trading Corporation (Joint Venture), from 09 May to 05 June 2023, which included the extension of time needed to complete its post qualification process.

WHEREAS, on 05 June 2023, the BAC-I deliberated the results of post-qualification of Unimasters Conglomeration, Inc. and Dyson Construction & Trading Corporation (Joint Venture) and declared it as post-disqualified due to the following non-submission of the required document and non-compliance against the bidding requirements provided in the project's bidding documents:

REQUIREMENTS	FINDINGS	POST-QUALIFI	LTS OF CATION OF 2ND CB
Statement of the bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided	Implementation of Civil Works for Contract Package II-B, Pinamitinan Maslog Section, Western Samar The amount of the SLCC, calculated and adjusted until Jan 2023, is at PhP410.804.83 which is below PhP500,301,39 (50% of the ABC).		f the SLCC, as justed until January PhP410,804,835.28 PhP500,301,393.00
under the rules. This statement shall be supported by contracts, owner's final acceptance or	Province, Under the Arterial Road Link Development Project, Phase 1 (South Samar Coastal Road)	During the ocular inspection of the SLCC, it was evident that there were more than two (2) bridges constructed. This was further validated through the evaluation of the as-built quantities of the SLCC.	
equivalent document and CPES rating sheets, if applicable. Project Owner: Department of Public Works and Highways (DPWH) Start Date of Contract: 29 February 2019 Contract Duration: 720 calendar days Contract Amount (at		included bridge the items in amounting to Phi following work in	d that the SLCC components among its computation P74,990,192.31. The tems were removed ation of the SLCC, to
R	Contract Amount (at Award): PhP	Work Items	Amount (PhP)
	259,746,417.94 Contract Amount (per	Concrete Railing	561,096.20
	approved VO#4): PhP 274,338,159.64 Contract Amount (per	Reinforcing Steel	8,743,534.05
	As-Built): PhP 273,937,342.7333	Structure Conc.	7,090,983.90

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Cumporting
Supporting
Documents

- 1. Contract Agreement, Certificate of Completion, Certificate of Project Completion and Certificate of Acceptance issued by Department of Public Works and Highways -Philippine-Japan Friendship Highway Loan Project Office to Unimasters Conglomeration,
- Itemized Summary of Relevant Items for the Single Largest Completed Contract (SLCC)
- 3. Summary of Itemized of Final Change Order

Class A1 for Minor Structures	
Structure Conc. Class A1 for Onshore Structures	4,443,981.10
Structure Conc. Class A1 for Offshore Structures	2,908,824.00
Structure Conc. Class A2 for RCDG	804,752.00
Structure Cone. Class A2 for PSG	2,821,630.02
Lean Concrete	375,991.60
Prestressed Concrete Girder, Type IV, 24m	7,760,000.00
Prestressed Concrete Girder, Type IV, 28m	1,470,961.24
Elastomeric Bearing Pad (500x500x25)	146,000.00
Elastomeric Bearing Pad (450x450x25)	24,320.00
Elastomeric Bearing Pad (200x200x25)	45,630.00
Elastomeric Bearing Pad (500x5000x25)	25,280.00
Elastomeric Bearing Pad (250x250x25)	18,960.00
Precast Concrete Pile 0.4mx0.4m	5,009,773.20

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Onshore	
Precast Concrete Test Pile 0.4mx0.4m Onshore	358,530.00
Concrete Bored Piles 1.00m dia. Type II Onshore	25,792,620.00
Concrete Bored Piles 1.00m dia. Type II Offshore	6,587,325,00
TOTAL	74,990,192.31

If adjusted using PSA's multiplier (2.41), the removed work items amount to PhP 181,371,770.77.

BAC-I Bid Bulletin No. 4 issued on 27 February 2023 was explicit on the items in the SLCC that shall be included:

"For this <u>bidding</u>, <u>a similar contract</u> <u>shall refer to a single contract for:</u>

(1) construction of new roads (road project, for brevity): **OR**(2) construction project with road component.

The aforesaid similar contract shall include all of the following works for the <u>road project</u> **OR** the <u>road component in a construction project:</u>

- 1. **EARTHWORKS** shall include any of the following:
 - a. Embankment.
 - b. Excavation.
 - c. Clearing and Grubbing.
 - d. Soil stripping.
 - e. Hauling.
 - f. Drainage and Slope Protection
- 2. SUBBASE AND/OR BASE COURSE; and
- 3. SURFACE COURSE which shall include any of the following:
 a. Concrete Cement Pavement.
 b. Asphalt.

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The total cost of the above-mentioned works for the <u>road project</u> OR <u>road component in a construction project</u> should be equivalent to at least 50% of the ABC or at least PhP 500,301,393.00."
Hence, the line item of the bridge component was removed from the computation of the SLCC.

WHEREAS, after receiving the Notice of Post Disqualification, the Unimasters Conglomeration, Inc. and Dyson Construction & Trading Corporation (Joint Venture) filed a Request for Reconsideration (RR). On 15 June 2023, the BAC I responded to the MR dated 08 June 2023 citing that the bidder's SLCC is non responsive to the bidding requirements of the project;

WHEREAS, pursuant to Section 34.7 of the revised IRR of RA 9184, BAC-I conducted the post qualification of the next or 3rd LCB, Grace Construction and ME Sicat Construction Corp (Joint Venture), from 05 June to 22 June 2023;

WHEREAS, on 22 June 2023, the BAC-I deliberated the results of post-qualification of Grace Construction and ME Sicat Construction Corp (Joint Venture) and declared it as post-disqualified due to the following findings:

REQUIREMENTS	FINDINGS	RESULTS OF POST-QUALIFICATION OF 3RD LCB
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;	UNDECLARED ONGOING CONTRACT a Construction of the Multi-purpose Building (Capiz Provincial Government), Pueblo De Panay, Lawaan, Roxas City Capiz (Contract No. 23G00012) i. Contract Value at Award: PhP 47,773,965.68 ii. Planned Accomp.: 28.76% iii. Actual Accomp.: 9.46	With Adverse Findings Per validation with DPWH Region VI, M.E. Sicat has an ongoing contract for the Construction of the Multi-purpose Building (Capiz Provincial Government), Pueblo De Panay, Lawaan, Roxas City, Capiz (Contract No. 23G00012) which was started on 07 February 2023. Moreover, it has a slippage of -19.30%. In NPM No. 006-2018, the Government Procurement Policy Board - Technical Support Office stated: "[Flailure to declare an ongoing government and private
	iv. Slippage:	contract, including contracts

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-19.30%

Note: Monthly Time
Suspension
Report is to be
submitted and
will be
consolidated for
the approval of
Contract Time
Extension 1.

awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid is a ground for disqualification. These contracts, as reflected in the ["|Statement of all on-going contracts["], are vital to the computation of the Financial Contracting Capacity of the bidder, and they are necessary information during the post-qualification stage to verify, validate and ascertain the technical qualification of the Lowest Calculated Bidder for the ultimate determination whether it is the Lowest Calculated and Responsive Bidder."

In addition to this, Section 34.3(b)(ii)(b) of RA 9184 provides the criteria to be referenced during verification of bidder's compliance. This includes Technical requirements:

"XXX

ii. Verification of availability and commitment, and/or inspection and testing for the required capacities and operating conditions, of equipment units to be owned/leased/under purchase by the bidder for use in the contract under bidding, as well as checking the performance of the bidder in its ongoing government and private contracts, if any of these ongoing contracts shows:

a. Negative slippage of at least fifteen percent (15%) in any one project or a negative slippage of at least ten percent (10%) in each of two (2) or more contracts;

XXX

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If the BAC verifies any of these deficiencies to be due to the contractor's fault or negligence, the agency shall disqualify the contractor from the award, for the procurement of Infrastructure Projects."

In sum, one of the JV partners did not disclose one of its ongoing contracts which is a ground for disqualification following NPM006-2018. And even if the contract is declared, the slippage of -19.30% is also another ground to post-disqualify the JV under Section 34.3(b)(ii)(b) of RA 9184.

Statement of the bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided under the rules.

This statement shall be supported by contracts, owner's final acceptance or equivalent document, and CPES rating sheets, if applicable. Declared SLCC:

Construction/Improve ment (PCCP) Contract Package D, Section A Aurora - Monte Alegre Junction and Section B - Monte Alegre Junction - Molave Road, Mindanao Second Road Improvement Project

Project Owner:
Department of Public
Works and Highways
(DPWH)

Start Date of Contract:
13 May 2003
Contract Duration: 29
Months
Contract Amount
(modified Bill of
Quantities): PhP
310,371,701.10

Supporting Documents:
1. Contract Agreement,
 Certificate of
 Completion,
 Certificate of
 Acceptance issued by
 Department of Public

Works and Highways

With Adverse Findings

The JV of Grace Construction and M.E. Sicat Construction did not submit the Detailed As-Built Quantities of the SLCC in accordance with Section 20 of the Bid Data Sheet (BDS) and Section 34.2 of the revised Implementing Rules and Regulations (RIRR) of Republic Act. No.9184 (RA9184).

Section 20 of the BDS, states that:

"For the purposes of Post-qualification the following document(s) shall be required to be submitted within five (5) calendar days from receipt of notice from the BAC:

xxx

7. <u>Detailed As-Built Quantities</u> of Single Largest Completed Contract

xxx"

Furthermore, this is pursuant to Section 34.2 of RIRR of RA9184 which states that:

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- Kuwait Fund for Arab Economic Development (KFAED) Project Management Office to Grace Construction Corporation.

Note: The JV of Grace Construction and M.E. Sicat Construction was not able to submit the Detailed As-Built Quantities of the SLCC. "Within five (5) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the Lowest Calculated Bid or Highest Rated Bid, the bidder shall submit to the BAC its latest income and business tax returns, and other appropriate licenses and permits required by law and stated in the Bidding Documents.

Failure to submit any of the post-qualification requirements on time, or a finding against the veracity thereof, shall disqualify the bidder for award xxx".

WHEREAS, pursuant to Section 34.7 of the revised IRR of RA 9184, BAC-I conducted the post qualification of Sta. Clara International Corporation from 23 June to 05 July 2023;

REQUIREMENTS	RESULTS OF POST-QUALIFICATION OF 4TH LCB
Legal Documents	No adverse findings
Technical Documents	No adverse findings
Financial Documents	No adverse findings

WHEREAS, in the 10 July 2023 deliberation of the BAC-I, the BAC-I concurs with the recommendation of the TWG that Sta. Clara International Corporation is eligible, technically, and financially capable to undertake the project.

ACCORDINGLY, we, the members of the Bids and Awards Committee for Infrastructure Projects, hereby **RESOLVE**, as it is hereby **RESOLVED**:

- To declare **Sta. Clara International Corporation** as the Lowest Calculated and Responsive Bidder (LCRB) for the Construction of Roads, Utilities and Preparatory Works at Morong Discovery Park;
- To recommend to the BCDA Board of Directors the award of the contract to Sta. Clara International Corporation with the amount of Seven Hundred Forty Five Million Six Hundred Fifty Five Thousand Six Hundred Sixty Seven & 09/100 (₱745,655,667.09), inclusive of VAT and all applicable government taxes and fees; and





3. To direct the Engineering, being the end-user unit, to submit to the BAC-I the duly conformed Notice of Award, Notice to Proceed, and the duly executed agreement/contract.

RESOLVED, at the BCDA Corporate Center Office, Bonifacio Global City, Taguig City, this 10 July 2023.

BIDS AND AWARDS COMMITTEE FOR INFRASTRUCTURE (BAC-I)

GISELA Z. KALALO Chairperson

MARIA SOLEDAD C. SAN PABLO

Vice Chairperson

MADONNA M. CINCO

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Member

VERGEL Q. PARAS

Member

JACONTROLLED.

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Member

RYAN PAUL S. GALURA

Member

PETER LESTER D. CARREON

Member

MARK P. TORRES

Member

Approved by:

JOSHUA M. BINGCANG

President and CEO

BCDA*

BAC for Infrestructure

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