

PHILIPPINE PORTS AUTHORITY
Port Management Office of Davao
Km.10 Port Area, Sasa, Davao City

MINUTES OF OPENING OF BIDS
PMO-Davao Conference Room
September 13, 2019

I. ATTENDANCE

Present:

- | | |
|----------------------------------|-------------------------|
| 1. Elisha V. Ano-os | -BAC Chairperson |
| 2. Asterio C. Gallardo, Jr. | -BAC Vice-Chairperson |
| 3. Helen Teresita T. Luga | -BAC Regular Member |
| 4. Nancy A. Prieto | -BAC Provisional Member |
| 5. Gemma G. Cesar | -BAC Provisional Member |
| 6. Lara Simone L. Aba | -BAC Provisional Member |
| 7. Alex A. Ingente | -BAC Provisional Member |
| 8. Lilibeth M. Fernandez | -TWG, Head |
| 9. Loy Johanne L. Bedico | -TWG, Member |
| 10. Edelpeter De La L. Rosa | -TWG, Member |
| 11. Anna Lee Monica G. Alingalan | -Secretariat, Head |
| 12. Isabelle L. Sintos | -Secretariat, Member |
| 13. Cheryl C. Magnaye | -Secretariat, Member |
| 14. Jennifer O. Africa | -Secretariat, Member |
| 15. Victor A. Jaspe | -Secretariat, Member |
| 16. Lodrito G. Baculna, Jr. | -Secretariat, Member |
| 17. Daryl Mae U. Demerey | -Secretariat, Member |

Observers:

18. None

Bidders:

- | | |
|------------------------------|------------------------|
| 19. Philmor Curugan | - Corics Construction |
| 20. Fernando Fementira | - Corics Construction |
| 21. Russel Soco | - Corics Construction |
| 22. Kricktoffer John Fuentes | - Corics Construction |
| 23. Ferdie Rodriguez | - RRNB/DMMC |
| 24. Ma. Theresa Ceno | - KKCCDC |
| 25. Zedy Oschares | - KKCCDC |
| 26. Shion Capara | - Hi-Tone Construction |
| 27. Engr. Julpi J. Taung | - Zet Construction |
| 28. Severino Q. Pequiro, Jr. | - Zet Construction |
| 29. Arsenio Grospe | - KKCCDC |

II. AGENDA

To conduct **Eligibility Screening and Opening of Bids** for the Project: **Maintenance Repair of Sasa Port Container Yard Installed with Paving Blocks (Phase 1) Sasa Wharf, Davao City.**

III. PROCEEDINGS

1. The BAC Chairperson called the meeting to order at 9:45 a.m. after a quorum was declared.
2. The duly authorized representatives of the bidders were acknowledged by the BAC Secretariat Head during this meeting and introduced the BAC Members, the TWG, and the Secretariat to the bidders.
3. The secretariat informed the Chairperson that the Observers were properly informed of the bid opening schedule by ensuring that the invitations of the BAC for the Commission on Audit, the Philippine Institute of Civil Engineers (PICE), Archdiocesan Social Action and Philippine Liners and Shipping Association were sent to their end. No observers were present during this undertaking.
4. The Chairperson set the rules for the bidders who were present as follows:
 - a. For any question and/or clarification, the bidder shall ask permission from the BAC to avoid any unnecessary comments and delay during the bidding; and
 - b. Notice of clarification in writing shall be submitted to the BAC within three (3) calendar days and the BAC will answer it also within seven (7) calendar days upon receipt.
5. There were six (6) bidders who bought and submitted their Bidding documents, namely:
 1. Corics Construction;
 2. Teddie Construction Development, Inc.;
 3. RR & B Finest Construction and Development Corporation /Dan Mariano Maldia Corporation JV;
 4. Khan Kon Chi Construction & Development Corporation;
 5. Hi-Tone Construction & Development Corporation; and
 6. Zet Construction.

All of the above-mentioned bidders submitted their, eligibility, technical and financial components before the deadline set by the BAC which is on or before 8:00 a.m. of September 13, 2019.

6. The BAC Chair instructed the Technical Working Group (TWG) to start opening the submitted bid proposals in alphabetical order. Arch. Bedico, TWG, opened the Bidding documents of 1st bidder, Corics Construction and represented by Mr. Kristoffer John Fuentes. The bid containing the eligibility and technical component of Corics Construction was opened. The following were the observations made by the TWG:
 - a. The bidder acknowledged that the condition of the submitted bid documents was not properly sealed. Hence, the BAC noted and proceeded with the opening of bid documents.
 - b. PCAB Category of the bidder as submitted was Small B for General Engineering while what was required was Medium A for Ports, Harbor and Offshore Engineering – the BAC agreed that the bidder

was not compliant with the requirements, hence, was rated "FAILED" as motioned by Mr. Ingente and seconded by Ms. Cesar.

7. Arch. Bedico-TWG opened the 2nd bidding documents of Dan Mariano Maldia Corporation/RR & B Finest Construction and Development Corporation JV. The bid containing the eligibility and technical component of RR & B Finest Construction and Development was rated "PASSED" by the BAC as having complied with all the requirements, as motioned by Mr. Ingente and seconded by Ms. Prieto.
8. The 3rd bid proposal was submitted by Hi-Tone Construction & Development Corporation together with a Special Power of Attorney naming Ms. Shiony Mae Capara instead of a Secretary's Certificate although there was an attached Secretary's Certificate naming the President of the corporation Engr. Acosta on a separate project. The TWG noted that in the Instructions to Bidders Clause 6.2 (h) states that the bidder shall ensure that the signatory is the duly authorized representative of the bidder and granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract, accompanied by the duly notarized Special Power of Attorney, Board Partnership Resolution, or Secretary's Certificate, whichever is applicable.

The BAC decided not to open the bid proposal of Hi -Tone Construction & Development Corporation for the reason that the Secretary's Certificate submitted contained different project name and not the project to be bid.

9. The 4th bidder's bid proposal that was about to be opened was that of Khan Kon Chi Construction & Development Corporation. However, the Head of the Secretariat noted that Special Power of Attorney or Secretary's Certificate was not submitted during the submission of the bid together with the proposal/bidding documents.

A recess from 12:45 to 1:15 p.m. for lunch break and to decide on the issue at hand concerning Khan Kon Chi Construction & Development Corporation.

When the BAC resumed at around 1:45 p.m., the Chairperson announced the unanimous decision not to proceed with the opening of bid proposal due to failure to submit Secretary's Certificate/SPA by the person submitting the bid documents prior to deadline.

At this point, Engr. Arsenio Grospe of Khan Kon Chi Construction & Development Corporation manifested to file a Motion for Reconsideration and reasoned out that the Secretariat had already accepted the bid documents even without the SPA/Secretary's Certificate. However, the Chairperson responded that it is not the duty of the Secretariat to scrutinize and examine the bidding documents, and has only the responsibility to accept the submitted bidding documents of any bidder on the prescribed time set by the BAC.

Based on Section 25.3 of the IRR of RA 9184 on Omnibus Sworn Statement to be executed by the bidder or its duly authorized representative, it is stated that "the signatory is the duly authorized representative of the prospective bidder, and granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract accompanied by the duly notarized Special Power of Attorney, Board/Partnership Resolution, or Secretary's Certificate, whichever is applicable". Hence, the BAC decided not to proceed with the opening of the bid proposal of Khan Kon Chi Construction & Development Corporation and as motioned by Ms. Prieto and seconded by Ms. Cesar.

10. The 5th bidding documents opened was that of Teddie Construction Development, Inc. containing the 1st and 2nd components of the bid. Due to the absence of Statement of Time Elapsed for the two (2) projects declared by the bidder in the List of All On-Going Government and Private Construction Awarded Contracts but not yet started document, the BAC rated the technical bid documents of Teddie Construction Development, Inc. as "FAILED". No representative from Teddie Construction Development, Inc. was present. The motion was raised by Mr. Ingente and seconded by Ms. Aba.
11. The last bid proposal opened was from Zet Construction containing the 1st and 2nd components of the bid as required. The "Experienced Record on Similarly Completed Projects" submitted by the bidder was in pesos and not in area. However, it was indicated in the Project Accomplishment Report was 5,601.59 sqm which is higher than the 2,200 sqm requirement. The BAC agreed to proceed with the bid evaluation.

The 1st component submitted by Zet Construction was rated "PASSED" by the BAC upon the motion of Ms. Luga and seconded by Ms. Cesar.

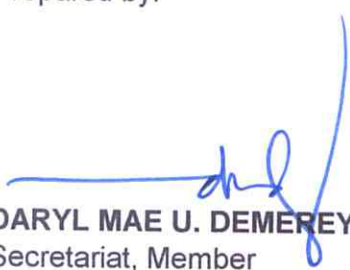
12. The financial bid submitted by Dan Mariano Mardia Corporation/RR & B Finest Construction and Development Corporation JV was opened and read in the amount of Php26,788,197.54. Arch. Bedico-TWG said, the financial documents of RR & B Finest Construction and Development was compliant and the total amount of Bid was lower than the ABC (Php29,768,469.00) of the project and it was declared as "PASSED".
13. On the other hand, the financial bid of Zet Construction was opened and read in the amount of Php23,766,145.03 which is compliant and lower than the ABC. An observation, however, was noted that per Item 13 on Construction Health and Safety Program, the Overhead Contingency Margin (OCM) submitted by the bidder is eight percent (8%) from the direct cost when what was required was zero percent (0%) OCM. However, the BAC decided through majority votes to rate the financial bid of Zet Construction as "PASSED" subject to bid evaluation.

III. ADJOURNMENT

There being no other matters to be discussed, bid opening proceeding was adjourned at 3:45 p.m.

Prepared by:

Noted by:


DARYL MAE U. DEMEREY
Secretariat, Member


ELISHA V. ANO-OS
BAC Chairperson