

BIDS AND AWARDS COMMITTEE

Bid Bulletin No. 2

04 November 2020

PROCUREMENT OF DESIGN AND BUILD SCHEME FOR THE ARCHITECTURAL AND ENGINEERING (A&E) DESIGN OF FIT-OUT AND LANDSCAPE WORKS AND CONSTRUCTION OF ESSENTIAL MECHANICAL, ELECTRICAL (DATA CONDUIT), FIRE PROTECTION, SANITARY (MEFPS) AND OTHER CIVIL WORKS FOR THE TWENTY-THREE (23) STOREY PHILIPPINE STATISTICS AUTHORITY (PSA) OFFICE BUILDING WITH COVERED ROOF DECK

This Bid Bulletin No. 2 modifies respective portions of the Bidding Documents, issued on 22 October 2020.

The changes to the Bidding Documents, as indicated in the succeeding pages, are being issued in compliance with Section 22.5 of the Revised 2016 Implementing Rules and Regulations of RA 9184. Under this section, the procuring entity is directed to issue an amendment at least seven (7) days before the deadline for submission of the bid.

Except as expressly amended by this Bid Bulletin, all other terms and conditions of the Bidding Documents issued on 22 October 2020 shall remain unchanged and shall remain in full force and effect in accordance with their terms.

For guidance and information of all concerned.

(Sgd.)

MINERVA ELOISA P. ESQUIVIAS

OIC Deputy National Statistician

BAC Chairperson

PROCUREMENT OF DESIGN AND BUILD SCHEME FOR THE ARCHITECTURAL AND ENGINEERING (A&E) DESIGN OF FIT-OUT AND LANDSCAPE WORKS AND CONSTRUCTION OF ESSENTIAL MECHANICAL, ELECTRICAL (DATA CONDUIT), FIRE PROTECTION, SANITARY (MEFPS) AND OTHER CIVIL WORKS FOR THE TWENTY-THREE (23) STOREY PHILIPPINE STATISTICS AUTHORITY (PSA) OFFICE BUILDING WITH COVERED ROOF DECK

Reference	Amendments / Revision																																																																												
<p>Bid Data Sheet – Item 10.1: Checklist for Stage I Architectural and Engineering (A&E) Design for Fitout and Landscape Works Technical Eligibility Requirements and Item 10.4</p> <p>Query: These two related items may have missing/ conflicting lists as to Electronics Engineer/ Landscape Architect.</p>	<p>FROM:</p> <table border="1" data-bbox="920 504 1962 1414"> <tr> <td colspan="2" data-bbox="920 504 1621 555">4. Landscape Architect</td> <td></td> <td></td> <td align="center" data-bbox="1816 504 1883 555">9</td> <td></td> </tr> <tr> <td data-bbox="920 555 987 603">a)</td> <td data-bbox="987 555 1621 603">Education</td> <td></td> <td align="center" data-bbox="1738 555 1805 603">60</td> <td></td> <td></td> </tr> <tr> <td></td> <td data-bbox="987 603 1621 692">Licensed Landscape Architect with MS Degree in Landscape Architecture</td> <td align="center" data-bbox="1621 603 1738 692">100</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td data-bbox="987 692 1621 743">Licensed Landscape Architect</td> <td align="center" data-bbox="1621 692 1738 743">85</td> <td></td> <td></td> <td></td> </tr> <tr> <td data-bbox="920 743 987 858">b)</td> <td data-bbox="987 743 1621 858">At least three (3) years of experience landscape architecture of offices on green and smart buildings.</td> <td></td> <td align="center" data-bbox="1738 743 1805 858">40</td> <td></td> <td></td> </tr> <tr> <td></td> <td data-bbox="987 858 1621 909">Above 5 years</td> <td align="center" data-bbox="1621 858 1738 909">100</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td data-bbox="987 909 1621 960">3 years to 5 years</td> <td align="center" data-bbox="1621 909 1738 960">85</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2" data-bbox="920 960 1621 1034">7. Professional Electronics Engineer (PECE) or Electronics Engineer (ECE)</td> <td></td> <td></td> <td align="center" data-bbox="1816 960 1883 1034">9</td> <td></td> </tr> <tr> <td data-bbox="920 1034 987 1069">a)</td> <td data-bbox="987 1034 1621 1069">Education</td> <td></td> <td align="center" data-bbox="1738 1034 1805 1069">60</td> <td></td> <td></td> </tr> <tr> <td></td> <td data-bbox="987 1069 1621 1171">Professional Electronics Engineer (PECE) or Electronics Engineer (ECE) with MS Degree</td> <td align="center" data-bbox="1621 1069 1738 1171">100</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td data-bbox="987 1171 1621 1238">Professional Electronics Engineer (PECE) or Electronics Engineer (ECE)</td> <td align="center" data-bbox="1621 1171 1738 1238">85</td> <td></td> <td></td> <td></td> </tr> <tr> <td data-bbox="920 1238 987 1414">b)</td> <td data-bbox="987 1238 1621 1414">At least seven (7) years of experience in Professional Electronics Engineering Design involving acoustic design, design of ICT (BMS), security and fire alarm system requirements on green and smart buildings.</td> <td></td> <td align="center" data-bbox="1738 1238 1805 1414">10</td> <td></td> <td></td> </tr> </table>					4. Landscape Architect				9		a)	Education		60				Licensed Landscape Architect with MS Degree in Landscape Architecture	100					Licensed Landscape Architect	85				b)	At least three (3) years of experience landscape architecture of offices on green and smart buildings.		40				Above 5 years	100					3 years to 5 years	85				7. Professional Electronics Engineer (PECE) or Electronics Engineer (ECE)				9		a)	Education		60				Professional Electronics Engineer (PECE) or Electronics Engineer (ECE) with MS Degree	100					Professional Electronics Engineer (PECE) or Electronics Engineer (ECE)	85				b)	At least seven (7) years of experience in Professional Electronics Engineering Design involving acoustic design, design of ICT (BMS), security and fire alarm system requirements on green and smart buildings.		10		
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	PECE 7 years and above;	100			
	PECE 3 to below 7 years;	85			
c)	For ECE at least five (5) years of experience in Electronics Engineering Design involving acoustic design, design of ICT (BMS), security and fire alarm system requirements on green and smart buildings.		10		
	ECE 5 years and above;	100			
	ECE 3 to below 5 years;	85			
d)	With proven experience in design of structured cabling for big data management and controlled environment on green and smart buildings.		20		
	Involved with more than 4 designs	100			
	Involved with 2-4 designs	85			
	Involved with less than 2 designs	0			

TO:

4. Landscape Architect				9	
a)	Education		60		
	Licensed Landscape Architect with MS Degree in Landscape Architecture	100			
	Licensed Landscape Architect	85			
b)	At least three (3) years of experience landscape architecture of offices on green and smart buildings.		40		
	Above 5 years	100			
	3 years to 5 years	85			
7. Professional Electronics Engineer (PECE) or Electronics Engineer (ECE)				9	
a)	For PECE and ECE: Education		60		

		Professional Electronics Engineer (PECE) or Electronics Engineer (ECE) with MS Degree	100			
		Professional Electronics Engineer (PECE) or Electronics Engineer (ECE)	85			
	b)	For PECE only: At least seven (7) years of experience in Professional Electronics Engineering Design involving acoustic design, design of ICT (BMS), security and fire alarm system requirements on green and smart buildings.		20		
		PECE 7 years and above;	100			
		PECE 3 to below 7 years;	85			
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QUESTIONS AND ANSWERS:

Item	Related Clause/ References/ Section	Query/ Clarificatory Question/ Request	Answer/ Amendment
1	Section II. Instructions to Bidders, Clause 5: Eligible Bidders	<p>1. The project to be bid is a design and build project which requires a capable designer to do the design aspect (green building compliant). Considering that we are a Contractor specializing in construction aspect of the project, what are the eligibility requirements if we decide to enter into a joint venture/ subcontract/ partnership with an equally competent design firm/ consultant?</p> <p>Kindly take note that under Annex “G” of the 2016 Revised II of RA9184, Clause 9.2: Eligibility Requirements, the bidder may enter into subcontracting, partnerships, or joint venture with design or engineering firms for the design portion of the contract.</p>	<p>Yes.</p> <p><i>Annex “G” of the 2016 Revised II of RA9184, Clause 9.2.ii: Eligibility Requirements</i></p> <p>a) <i>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.</i></p> <p>b) <i>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.</i></p> <p>c) <i>The relevant provisions under Section 23.4.2 of the IRR of R.A, 9184 on eligibility requirements shall be observed, with the following exceptions:</i></p> <p><i>Joint ventures/consortia among Filipino contractors and consultants or among Filipino contractors and foreign consultants shall be allowed subject to pertinent laws and the relevant provisions of the IRR of R.A. 9184. The joint venture/consortia shall be jointly and severally responsible for the obligations</i></p>

			<p><i>and the civil liabilities arising from the design and build contract: Provided, however, That Filipino ownership or interest thereof shall be at least seventy five percent (75%): Provided further, That joint ventures/consortia in which Filipino ownership or interest is less than The 2016 Revised Implementing Rules and Regulations – Annex “G” 120 seventy-five percent (75%) may be eligible where the structures to be built require the application of techniques and/or technologies which are not adequately possessed by Filipinos and that Filipino ownership or interest shall not be less than twenty-five percent (25%): 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.</i></p>
3	Sanitary Engineer or Registered Master Plumber	<p>These two professionals are being used interchangeably for pledges professional for Plumbing/Sanitary scope of works for this project. Can we pledge any of these two, although we were advised that building plumbing works are an exclusive domain of Registered Master Plumber, please clarify since Sanitary Engineers may not be allowed to sign building plumbing plans and design as per latest court resolution.</p>	<p>The Project has two stages:</p> <p>Design and Construction Phase.</p> <p>The Design Phase will require a Sanitary Engineer while in the Construction Phase, the Designer/Builder can employ Sanitary Engineer/ Master Plumber.</p> <p>The Court of Appeals (CA) has declared valid and effective the Department of Public Works and Highways (DPWH) rule giving master plumbers the</p>

			<p>right to sign plumbing permits and no longer requiring the green light from sanitary engineers.</p> <p>In a recent 16-page decision, the CA 12th Division granted the government's appeal concerning Sections 301(2a), 302(3g), 302(9) and 303(8) of the 2004 Revised Implementing Rules and Regulations of the National Building Code (RIRR-NBC).</p> <p>The CA reversed the February 6, 2009 decision of the Manila Regional Trial Court (RTC) Branch 40, which granted the petition of the Philippine Society of Sanitary Engineers, Inc., (PSSE) to strike down the rule.</p> <p>PSSE argued its members' right to exercise their profession and to due process of law was violated, citing the lack of consultation and complaining that master plumbers were "mere tradesmen with only a high school diploma."</p> <p>The group added that <i>the responsibility of sanitary engineers relates to the installation and supervision of all forms of sanitary works, including plumbing.</i></p> <p>The CA, however, said the due process requirement was satisfied because PSSE was duly represented in the meetings. Even if it was not consulted during the drafting of the rules, the court noted that the DPWH issued the RIRR-NBC "pursuant to [its] quasi-legislative or rule-making powers."</p> <p>The CA also disagreed that sanitary engineers were deprived of their right to exercise their profession. It said the superior educational qualifications of sanitary</p>
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			<p>engineers “is of no moment” because “both of them were required technical examinations in order to practice their profession or trade.”</p> <p>The court added that the claim that sanitary engineers would lose 90% of their income was hypothetical and not substantiated. Besides, they would still retain the “exclusive right to sign all documents and permits pertaining to sanitation of the building.”</p> <p>It also said the DPWH did not usurp Congress’s legislative power because Sections 201 and 211 of the NBC explicitly authorized the Secretary to “formulate necessary rules and regulations” to implement the law.</p> <p>Lastly, it did not find the publication of the RIRR-NBC defective, saying the DPWH was not required to have the permit forms published.</p> <p>The decision, penned by Associate Justice Ma. Luisa Quijano-Padilla, lifted the permanent injunction handed down by the Manila RTC. (https://abogado.com.ph/ca-upholds-validity-of-dpwh-rule-empowering-master-plumbers-to-sign-plumbing-permits/)</p>
4	<p>Official Bid Forms: FPF 3. Breakdown of Price per Activity FPF 4. Breakdown of Renumeration per Activity FPF 6. Miscellaneous Expenses</p>	<p>Kindly clarify if the bid forms FPF-3 to FPF-6, forms part of the BOQ. Should we consider the evaluation of the cost per activity similar to BOQ for stage 2 scope of works? What will be the basis/reference of the scope of works for these official forms?</p> <p>Please take note that your Checklist of Technical and Financial Documents, under financial component envelope</p>	<p>FPF-3 to FPF-6 are forms for the Stage I while the BOQ provided is for the Stage II.</p> <p>FPF-3 Breakdown of Price per Activity should be the breakdown of the different activities that will comprise the different phases of the Design Stage.</p>

		<p>only refers to Item (q) Duly accomplished Detailed Estimates Form as requirement and FPF 2: Summary of Costs.</p>	<p><i>FPF-4 Breakdown of Renumeration per Activity should be the breakdown on the different renumeration per Key Personnel that will comprise the different phases of the Design Stage.</i></p> <p><i>FPF-6 Miscellaneous Expenses per Activity should be the breakdown on the different Miscellaneous Expenses that will comprise the different phases of the Design Stage.</i></p> <p><i>All these forms are part of the Financial Documents that must be submitted with the Bid after the passing the evaluation on Technical Documents.</i></p> <p><i>The FPF-2: Summary of Costs, summarizes the amounts on the different forms of Stage I and Stage II.</i></p>
5	<p>TPF 1. Technical Proposal Submission Form</p>	<p>Kindly clarify the following phrasing/wordings, xxx <i>If negotiations are held during the bid validity, i.e., before the [insert date], we undertake to negotiate on the basis of the proposed staff. Our Bid us binding upon us and subject to the modifications resulting from contract negotiations.</i> xxx</p> <p>Section 11: Bid Evaluation of Annex “G” of the 2016 Revised IRR of RA9184, the two-steps evaluation criteria for design and build project only adopt non-discretionary pass/fail criteria, while the second step evaluation only considers the lowest calculated bid from the financial proposal of “passed” bidder, we believe that the above phrase may only be applicable to design services?</p>	<p><i>This Proposal Submission Form is for the Stage I (Design) and should be treated as such.</i></p>

6		Request for two (2) week time extension for the submission of bids considering the required number of pledged personnel with eligibility certificates for both design and construction group that we need to prepare and provide.	<i>Not granted.</i>
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