

INSTRUCTIONS TO BIDDERS
PROCUREMENT FOR THE ENGAGEMENT OF CONSULTING SERVICES FOR THE HGC AX SYSTEM
ENHANCEMENT PROJECT

1.0 INSTRUCTION TO APPLY FOR ELIGIBILITY

1.1 ELIGIBILITY OF THE BIDDER

The participating bidder may either be a Filipino or foreign consultant and who may be an individual, sole proprietorship, partnership, corporation or a joint venture satisfying the definition of consultant under the revised Implementing Rules and Regulations (IRR) of RA 9184.

- 1.2 All eligibility requirements shall be submitted in a sealed envelope duly marked as **“ELIGIBILITY REQUIREMENTS”** and be submitted to the Bids and Awards Committee (BAC) thru the HGC BAC Secretariat at the **2nd Floor, Jade Building, 335 Sen. Gil Puyat Avenue, Makati City not later than 2:00 PM of September 29, 2016.**

The Eligibility Envelope shall be opened at 2:01 pm on the same date of the eligibility requirements submission to determine the eligibility of each of the prospective bidders. The short listing and determination of who shall be allowed to bid shall follow. All documents are *subject to post-qualification*. Late submissions shall not be allowed/accepted.

The time indicated on the time machine at the HGC 2nd Floor, Jade Building shall be the official time to be followed.

The bidder shall prepare and submit **five copies** of the Eligibility Documents clearly marked as “Original Copy”, “First Copy”, “Second Copy”, “Third Copy”, “Fourth Copy”. All documents forming part of the Eligibility Requirements should be labeled accordingly.

The **SEALED** envelope shall bear the following markings in bold letters:

<p style="text-align: center;">ELIGIBILITY REQUIREMENTS</p> <p style="text-align: center;">BIDDING FOR THE HOME GUARANTY CORPORATION</p> <p style="text-align: center;">PROCUREMENT FOR THE ENGAGEMENT OF CONSULTING SERVICES FOR THE HGC AX SYSTEM ENHANCEMENT PROJECT</p> <p style="text-align: center;">Company Name Company Address Do not open before September 29, 2016</p> <p style="text-align: center;">Original Copy</p>

- 1.3 All markings and instructions must be followed accordingly.
- 1.4 The HGC-BAC shall determine if each prospective bidder is eligible to participate in the bidding by examining the completeness of each prospective bidder's eligibility requirements under 2.0 hereof or statements against a checklist of requirements, using a non-discretionary "Pass" or "Fail" criteria, and shall be determined as either "Eligible" or "Ineligible". If a prospective bidder is rated "Passed" for all the eligibility requirements, it shall be considered eligible to participate in the bidding, subject to short listing under 1.5 and 3.0 hereof, and the HGC-BAC shall mark the set of eligibility documents of the prospective bidder concerned as "Eligible". If a prospective bidder is rated "Failed" in any of the eligibility requirements, it shall be considered ineligible to participate in the bidding, and the HGC-BAC shall mark the set of eligibility documents of prospective bidders concerned as "Ineligible". In either case, the HGC-BAC Chairperson or duly designated authority shall countersign the markings.
- 1.5 The HGC-BAC shall draw up the short list of bidders from those who have been determined as eligible. The number of short list bidders shall be at least **five and not more than seven**. Should less than the required number apply for eligibility and short listing, pass the eligibility check, and/or pass the minimum score required for short-listing, the HGC-BAC shall consider the same. The minimum score shall be determined and approved by the HGC-BAC.
- 1.6 Only an eligible bidder as defined and determined in accordance with this document may participate in the bidding and subsequently be awarded the contract if its bid is found to be responsive and evaluated to be the Highest Rated Bid in accordance with the Terms of Reference (TOR).

- 1.7 The HGC-BAC shall issue a notice to inform both eligible (subject to short listing) and ineligible bidders that they have been found eligible/ineligible to participate in the bidding as well as the grounds for ineligibility. Those found ineligible have seven calendar days upon receipt of notice or, if present at the time of eligibility requirements opening, upon verbal notification, within which to request a reconsideration from the HGC-BAC. Further, the HGC-BAC shall decide on the request for reconsideration within seven calendar days from receipt thereof. The HGC-BAC may request a prospective bidder to clarify its eligibility documents, if it is deemed necessary. The HGC-BAC shall not be allowed to receive, hold and/or open the bids of ineligible bidders.
- 1.8 Notwithstanding the eligibility of a bidder, HGC-BAC reserves the right to review the qualifications of a bidder at any stage of the procurement process. 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 materially downgrade the substance of such requirements, statements or documents so that it fails the preset eligibility criteria, the HGC-BAC shall consider the said bidder as ineligible and shall disqualify it from submitting a bid or from obtaining an award or contract.

2.0 ELIGIBILITY REQUIREMENTS

- 2.1 The following bidders/entities may participate in the bidding:

2.1.1 Filipino Consultants

- 2.1.1.1 Filipino citizens/duly licensed sole proprietorships;
- 2.1.1.2 Partnerships duly organized under the laws of the Philippines and of which at least sixty per cent (60%) of the interest belongs to the citizens of the Philippines;
- 2.1.1.3 Corporations duly organized under the laws of the Philippines, and of which at least sixty per cent (60%) of the outstanding capital stock belongs to citizens of the Philippines;
- 2.1.1.4 Cooperatives duly organized under the laws of the Philippines, and of which at least sixty per cent (60%) belongs to citizens of the Philippines; or
- 2.1.1.5 Persons/entities forming themselves into a joint venture provided that Filipino ownership or interest thereof shall be at least sixty percent (60%). Filipino ownership or interest shall be based on the contributions of each of the members of the joint venture as specified in the joint venture agreement.

The Consultants should be registered professionals authorized by the appropriate regulatory body to practice their professions.

2.1.2 Foreign Consultants

Foreign consultants may be hired if the Filipino consultants do not have sufficient expertise and capability to render the consulting services as determined by the HGC President / Board of Directors. The foreign consultants

shall be eligible to participate in the bidding provided the following qualifications are met:

- 2.1.2.1 must be registered with the SEC and/or any agency authorized by the laws of the Philippines; and
- 2.1.2.2 when the types and fields of consulting services in which the foreign consultant wishes to engage involve the practice of regulated professions, the foreign consultant must be authorized by the professional regulatory body in the Philippines to engage in the practice of those professions and allied professions: Provided, however, that the limits of such authority shall be strictly observed.
- 2.1.3 GOCCs may be eligible to participate in Competitive Bidding only if they can establish that they (a) are legally and financially autonomous, (b) operate under commercial law, (c) are not attached agencies of HGC.
- 2.1.4 The participating bidder (or Lead Company in case of a joint venture), must have at least five (5) years in developing and implementing Operation Support Information System, Decision Support Information System, Enterprise Resource Planning, Portal, and the Document Management and Workflow System in one ERP solution using Microsoft Dynamics AX 2009 or higher and Microsoft SharePoint Server latest version.
- 2.1.5 The bidder (or Lead Company in case of a joint venture) should have handled and deployed at least three (3) similar engagements with private or government organizations for the last five (5) years.
- 2.1.6 In case of a joint venture, the following shall be adhered to:
 - 2.1.6.1 The Lead Company should:
 - Have at least five (5) years in business operation;
 - Have software development and customization as its primary purpose as indicated in its Articles of Incorporation, Partnership or Joint Venture Agreement; Business Permits/Certificates of Registration in the case of sole proprietorship.
 - 2.1.6.2 Member companies of a joint venture should:
 - Have at least five (5) years in business operation.
 - Submit all the eligibility requirements / documentation.
 - 2.1.6.3. Sole Proprietorship, Partnership and Corporations bidding individually, should have been operational for at least five (5) years.

2.2 Legal Documents

- 2.2.1 Registration Certificate from the SEC, DTI for sole proprietorship, or CDA for cooperatives;
- 2.2.2 Mayor's Permit issued by the city or municipality where the principal place of business of the prospective bidder is located; and
- 2.2.3 Tax Clearance per Executive Order No. 398, series of 2005, as finally reviewed and approved by the BIR.

2.3 Technical Documents

- 2.3.1 Statement of the prospective bidder of all its ongoing and completed government and private contracts including contracts awarded but not yet started, if any, whether similar or not similar in nature, within the last five years (BAC – Form C-2). The statement shall include, for each contract the following:
 - The name and location of the contract/project;
 - Date of the contract;
 - Type of consulting services;
 - Amount of contract;
 - Value of uncompleted portion of services, if applicable;
 - Contract duration; and
 - Contact Persons.
- 2.3.2 Statement of the prospective bidders confirming that those who will actually perform the service are registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions including their respective curriculum vitae (BAC Form C-3); and
- 2.3.3 Valid and notarized 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. Failure to enter into a JVA in the event of a contract award shall be ground for the forfeiture of the bid security, cancellation of the award and other sanctions provided under the law.

2.4. Financial Documents

- 2.4.1. Bidders' audited financial statements for CY 2015, stamped "received" by the BIR or its duly accredited and authorized institutions, showing, among others, the total and current assets and liabilities.
- 2.4.2 In case of foreign consultants, the eligibility requirements for items (2.2.1), (2.2.2), (2.2.3), (2.3.1), (2.3.2), (2.3.3) and (2.4.1) of the ITB may be substituted

by the appropriate equivalent documents issued by the foreign consultant's country, which documents must be duly acknowledged or authenticated by the Philippine Consulate therein.

3.0 SHORT LISTING OF ELIGIBLE BIDDERS

- 3.1 The BAC shall draw up the short list of bidders which shall not be less than five and not more than seven, from those who have been determined as eligible in accordance with the provisions of RA 9184 and revised IRR.
- 3.2 The criteria and rating system for short listing of bidders to be used shall be as follows:

Criteria	Maximum Point
a) Applicable experience of the bidder and associates in case of joint ventures, considering both the overall experiences of the firms and the individual experiences of the principals and key staff including the times when employed by other consultants;	50
b) Qualification of personnel who may be assigned to the job vis-à-vis extent and complexity of the undertaking; and	35
c) Current workload relative to capacity.	15
Total	100

The consultant(s) must pass the required minimum score of eighty (80) points to be shortlisted.

- 3.3. The BAC shall recommend the short list of bidders to the HGC President for consideration and approval. The entire process of eligibility check and short listing shall not exceed twenty (20) calendar days.

4.0 BID GUIDELINES

4.1 Schedules

The Schedule of Activities is as follows:

Task/Activity	Start Date	End Date
1. Advertisement/Posting of the Invitation to Bid	8.31.2016	9.07.2016
2. Eligibility Check		
<ul style="list-style-type: none"> Availability of Eligibility Requirements (ITB and other bid documents) 	9.08.2016	9.27.2016

• Deadline of Submission and opening of Eligibility Requirements		9.29.2016
• Evaluation/Ranking /Short-listing and BAC recommendation of short-listed bidders	9.30.2016	10.14.2016
• Approval of short-listed bidders		10.17.2016
• Notification of short-listed bidders		10.20.2016
3. Pre Bid Conference		10.28.2016
4. Modification/s thru Bid Bulletin	11.02.2016	11.03.2016
5. Submission of Technical and Financial Bids and Opening of Technical Bids		11.14.2016
6. Evaluation of Technical Bids/Presentation of Proposals		
• Evaluation/Ranking/BAC recommendation of the result based on approved criteria	11.15.2016	11.25.2016
• Notification and posting of results		11.28.2016
7. Opening of Financial Bids		12.08.2016
8. Approval of Highest/Single Rated Bid	12.09.2016	12.16.2016
9. Negotiation		12.21.2016
10. Post Qualification	12.22.2016	1.11.2017
11. Approval of Highest/Single Rated Responsive Bid		1.16.2017
12. Issuance of Notice of Award		1.19.2017
13. Contract Preparation and Signing	1.20.2017	1.30.2017
14. Issuance of Notice to Proceed		2.03.2017

4.2 Pre-bid Conference

All short-listed bidders are required to attend all the pre-bid conferences that shall be called. The pre-bid conference intends to:

- 4.2.1 Inform the participating bidders about the terms, rules, guidelines, accomplishment of forms, schedules and evaluation procedures;

- 4.2.2 Provide the participating bidders with an opportunity to make clarifications on all relevant matters pertaining to the bid.

4.3 Submission and Receipt of Bids

- 4.3.1 Short-listed bidders shall submit their bids on the specified deadline. Bids submitted after the deadline shall not be accepted by the HGC-BAC.
- 4.3.2 The bidders must sign every page of Bid Forms and documents. Erasures and/or alterations shall likewise be initialed accordingly.
- 4.3.3 The bidding procedure shall follow the two-envelope system for the preparation of bid proposals.

4.3.3.1 First Envelope (TECHNICAL PROPOSAL)

- To be submitted in five sets; (1 original plus 4 copies)
- Technical Proposals should be clearly marked as “Original”, “Copy 1”, “Copy 2”, “Copy 3” and “Copy 4”.

4.3.3.2 Second Envelope (FINANCIAL PROPOSAL)

- To be submitted in one set.
- All quoted costs must be expressed in Philippine Pesos (PhP) VAT inclusive. Any proposal not in Philippine Pesos shall not be accepted.

4.4 Envelope Markings

Bidders should submit their Technical and Financial proposals in separate **SEALED** envelopes having the following markings:

<p>FIRST ENVELOPE TECHNICAL PROPOSAL</p> <p>BIDDING FOR THE HOME GUARANTY CORPORATION</p> <p>PROCUREMENT FOR THE ENGAGEMENT OF CONSULTING SERVICES FOR THE HGC AX SYSTEM ENHANCEMENT PROJECT</p> <p>Company Name Company Address Do not open before November 14, 2016 Original Copy</p>

**SECOND ENVELOPE
FINANCIAL PROPOSAL**

**BIDDING FOR THE
HOME GUARANTY CORPORATION**

**PROCUREMENT FOR THE ENGAGEMENT OF CONSULTING SERVICES FOR THE
HGC AX SYSTEM ENHANCEMENT PROJECT**

**Company Name
Company Address**

Do not open before December 8, 2016

4.4.1 Bidders not adhering to marking instructions shall be automatically disqualified.

4.5 Proposal Contents

4.5.1 The Technical Proposal Envelope must contain the following:

A. COMPANY BACKGROUND

1. Bid security in the prescribed form, amount and validity period;
2. Organizational chart for the contract;
3. List of completed and on-going projects in the last five (5) years (BAC Form C-4) and a write up of the following:

Existing engagements related to systems development using Microsoft Dynamics AX 2009 or higher and Microsoft SharePoint Server latest version.

This section should list down and describe in detail the existing engagements undertaken.

- a. Completed Contracts
- b. Other Relevant Engagement

Enumerate and describe in detail other relevant engagement that demonstrates the bidder's expertise and experience.

4. List of key personnel to be assigned to the contract to be bid, with their complete qualification, and experience data (BAC Form C-5);
5. Approach, work plan, and schedule;
6. Omnibus Sworn Statement (BAC Form C-6);

B. EXPECTED TIMETABLE

The Consultant shall submit a detailed timetable of activities starting from the date of engagement up to the project closeout. The project schedule should include the breakdown of all the tasks and milestones including the resources that will be needed to ensure the successful engagement with HGC.

C. EXPERIENCE AND EXPERTISE

Provide a detailed write-up on the qualifications of the bidder, the partner/s and all the staff to be assigned to handle the engagement and a description of the most recent relevant engagements that best illustrates the Consultant's expertise and experience.

The write up on said engagement shall be classified into the following sections:

1. Existing engagements relating in developing and implementing Operation Support Information System, Decision Support Information System, Enterprise Resource Planning, Portal, and the Document Management and Workflow System in one ERP solution using Microsoft Dynamics Consulting Services.

This section should list down and describe in detail the existing engagement undertaken.

2. Completed development and implementation of ERP solution using Microsoft Dynamics Consulting Services.

This section should list down and describe in detail completed engagement as mentioned in C.1 with emphasis on actual/sustained operation of the said projects.

D. COMPOSITION OF PROJECT TEAM

This section should describe in the proposed composition of the project team, including highlights of the key individual members' qualifications, as well as a description of the team structure. To facilitate evaluation of the project team, the bidders are requested to attach as BAC Form C-7 the curriculum vitae of key team members.

The proposal should specifically identify the engagements that each individual team member worked on and the role and the specific responsibilities that each team member played on the engagement.

- 4.5.2 The Financial Proposal Envelope must contain the Fee Structure. The financial proposal should contain the details of the pricing structure of the bidder. This should cover the following:

- Cost per activity;
- Supplies/materials;
- Other charges.

5. Modification and Withdrawal of Bids

- 5.1 A bidder may modify its bid, provided that this is done before the deadline for the submission and receipt of bids. Where a bidder modifies its bid, it shall not be allowed to retrieve its original bid, but shall only be allowed to send another bid equally sealed, properly identified, linked to its original bid and marked as a "modification," thereof, and stamped "received" by the HGC-BAC. Bid modifications received after the applicable deadline shall not be considered and shall be returned to the bidder unopened.
- 5.2 A bidder may, through a letter, withdraw its bid before the deadline for the receipt of bids. Withdrawal of bids after the applicable deadline shall be subject to appropriate sanctions. A bidder may also express its intention not to participate in the bidding through a letter that should reach and be stamped received by the HGC-BAC before the deadline for the receipt of bids. A bidder that withdraws its bid shall not be permitted to submit another bid, directly or indirectly, for the same contract.

6. Bid Security

The Bid Security which shall be in any of the following forms, amounts and validity period of at least one hundred and twenty (120) calendar days from the date of opening of bids. The Bid Security shall be denominated in Philippine Pesos and posted in favor of HGC.

Form of Bid Security	Bid Security
1. Cash or cashier's/manager's check issued by a Universal or Commercial Bank	Two percent (2%) of Approved Budget for the Contract (ABC)
2. Bank draft/guarantee or irrevocable letter of Credit issued by a Universal or Commercial Bank	Two percent (2%) of ABC
3. Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security	Five percent (5%) of ABC
4. Any combination of the foregoing	Proportionate to share of form with respect to total amount of security
5. Bid Securing Declaration using form issued by the GPPB under GPPB Resolution No. 3-2012 dated January 27, 2012	

No Bid Securities shall be returned to bidders after the opening of bids and before contract signing, except to those that failed to comply with any of the requirements to be submitted in the first envelope of the bid. Without prejudice to the provisions of RA 9184 and its revised IRR-A on the forfeiture of Bid Securities, Bid Securities shall be returned only after the bidder with the Highest Rated Responsive Bid, has signed the contract and furnished the Performance Security, except to those declared by the BAC as failed or post disqualified in accordance with the revised IRR-A, upon submission of a written waiver of their right to file a motion for reconsideration and/or protest.

In no case shall the bid security be returned later than the expiration of the Bid Security validity period.

7. Bid Opening

- 7.1 The HGC-BAC shall open the bids at the time, date and place specified in the Invitation to Bid and the bidding documents. The bidders or duly authorized representatives may attend the opening of bids. All members of the HGC-BAC or duly authorized representatives who are present during the bid opening, shall initial every page of the original copies of all bids received and opened.
- 7.2 The HGC-BAC shall open only the first bid envelopes (Technical Proposals) of short-listed bidders in public to determine each bidder's compliance with the documents required to be submitted for the first component of the bid. The HGC-BAC shall check the submitted documents of each bidder against a preliminary examination compliance checklist of required documents to ascertain if they are all present in the first bid envelope, using a non-discretionary "PASS/FAIL" criteria.

- 7.3 The Financial Proposal shall be opened within one (1) week upon notification of bidders passing the minimum qualifying mark for technical proposals.

8. General Provisions

8.1 Request for Clarifications

- 8.1.1 Request for clarification(s) on any part of the bidding documents or for an interpretation must be in writing and submitted to the HGC-BAC at least ten (10) calendar days before the set deadline for submission and receipt of bids. The HGC-BAC shall respond to the said request by issuing a Supplemental/Bid Bulletin, duly signed by the HGC-BAC Chairman or duly authorized representative, to be made available to all short-listed bidders, at least seven calendar days before the deadline for the submission and receipt of bids.
- 8.1.2 Supplemental/Bid Bulletins may be issued upon HGC's initiative for purposes of clarifying or modifying any provision of the bidding documents not later than seven calendar days before the deadline for the submission and receipt of bids. Any modification to the bidding documents shall be identified as an amendment.

8.2 Ceiling for Bid Prices

The Approved Budget for the Contract (ABC) under bidding shall be the upper limit or ceiling for acceptable bids. All bids, as evaluated and calculated, which are higher than the approved budget for the contract under bidding, shall automatically be disqualified. There shall be no lower limit or floor on the amount of the award.

8.3 Bid Evaluation

- 8.3.1 The HGC BAC shall evaluate the proposals and select the Consultant for this engagement.
- 8.3.2. The Committee shall review the submitted proposals and may also request the bidders to make a presentation of their plan of approach for the engagement. The bidders are expected to make themselves available for said presentation at the date and time to be set subsequently by the HGC-BAC, upon giving at least three (3) days written notice.
- 8.3.3. The Quality–Cost Based Evaluation Procedure shall be adopted in evaluating the bidders. The Technical Proposal together with the Financial Proposal shall be considered in the evaluation of bidders. The Technical Proposal shall be evaluated first using the criteria in Section 8.3.4 hereof. The bidders who meet the minimum technical score shall then be opened. The minimum technical score required to

pass is 85%. The Technical Proposal shall be given a weight of 70% while the Financial Proposal shall be given 30% weight. The HGC-BAC shall rank the bidders in descending order based on the combined numerical ratings of their Technical and Financial Proposals to identify the Highest Rated Bid.

8.3.4. The Technical Proposals shall be evaluated based on the following criteria:

- a) Quality of personnel to be assigned to the project which covers suitability of key staff to perform the duties of the particular assignments and general qualifications and competence including education, actual working experience and training of the key staff;
- b) Experience and capability of the consultant which include records of previous engagements and quality of performance in similar and in other related projects; relationship with previous and current clients; and, overall work commitments, geographical distribution of current/impending projects and attention to be given by the consultant. The experience of the consultant to the project shall consider both the overall experiences of the firm and the individual experiences of the principal and key staff including the times when employed by other consultants; and
- c) Plan of approach and methodology with emphasis on clarity, feasibility, innovativeness and comprehensiveness of the plan approach, and the quality of interpretation of project problems, risks, and suggested solutions.

8.3.5. The Technical Proposal shall be given numerical weights to each of the above criteria, as follows:

- | | |
|---|-----|
| a) Quality of personnel to be assigned to the project | 30% |
| b) Experience | 30% |
| c) Plan of Approach and Methodology | 40% |

8.3.6. All participating short listed bidders shall be furnished the results (ranking and total scores only) of the evaluation after approval of the HGC President of the ranking. Said results shall also be posted in the PhilGEPS and HGC website, whenever available, for a period of not less than seven (7) calendar days.

8.3.7 After approval of the HGC President of the Highest Rated Bid, the HGC-BAC shall within three (3) calendar days notify and invite the bidder with the Highest Rated Bid for negotiation.

Basically, negotiations shall cover the following:

- a. Discussion and clarification of the Terms of Reference and Scope of Services;
 - b. Discussion and finalization of the proposed methodology and work program;
 - c. Consideration of appropriateness of qualifications and pertinent compensation, number of man-months and the personnel to be assigned to the job, number of man-months and schedule of activities (manning schedule);
 - d. Discussion on services, facilities and data, if any; and
 - e. Provisions of the contract.
- 8.3.8 No negotiations pertaining to the amount of the Financial Proposal shall be undertaken.
- 8.3.9 There should be no replacement of key personnel before the awarding of contract, except for justifiable reasons, such as illness, death, or resignation provided it is duly supported by relevant certificates, or any delay caused by HGC. The HGC shall immediately consider negotiation with the next in rank Consultant if unjustifiable replacement of personnel by the first ranked firm is made. Once the contract has been awarded, no replacement shall be allowed until after 50% of the personnel's man-months have been served, except for justifiable reasons.
- 8.3.10 The objective of the bid evaluation is to promote **fairness, objectivity** and **simplicity** in evaluating the proposals. As much as possible, the criteria to be used for the evaluation are quantifiable and can be verified for post-qualifications. Emphasis will be given to the bidder's approach of providing a total solution for the project in order to meet its intended objectives, and the capability of the bidder to undertake such project given its size, nature, and complexity.

9. Post-Qualification

- 9.1 The bidder with the Highest Rated Bid shall be subjected to post-qualification to determine whether the bidder concerned complies with and is responsive to all the requirements and conditions for eligibility, the bidding of the contract, as specified in the bidding documents, in which case the said bidder's bid shall be considered and declared as the "Highest Rated and Responsive Bid".

9.2 Within three (3) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the highest rated bid, the bidder shall submit the following documentary requirements to the HGC-BAC:

- a. Income Tax Return for CY 2015 and business tax returns (VAT only) for January 2016 to June 2016; and
- b. Certificate of PhilGEPS registration.

Failure to submit the above requirements on time or a finding against the veracity of such award shall be ground for the forfeiture of the bid security and disqualify the bidder for award.

9.3 The post-qualification of bids shall include verifying, validating and ascertaining all statements made and documents submitted by the bidder with the Highest Rated and Responsive Bid, using non-discretionary criteria, shall not be limited to the following:

9.3.1 Legal Requirements

Verification and validation of licenses and agreements submitted by the bidder and the fact that he is not included in any Government "blacklist".

9.3.2 Technical Requirements

Determination of compliance with the requirements of the contract and bidding documents, including, where applicable:

- Verification and validation of the bidder's stated competence, experience and the competence and experience of the bidder's key personnel to be assigned to the project
- Checking the performance of bidder in its ongoing government and private contracts
- Ascertainment of the sufficiency of the bid security as to type, amount, form and wording, and validity period.

9.3.3 Financial Requirements

Verification and validation of the bid price proposal of the highest rated bidder.

9.4 If the HGC-BAC determines that the bidder with the Highest Rated Bid passes all the criteria for post-qualification, it shall declare the said bidder as the bidder with the Highest Rated and Responsive Bid, and award the contract to the said bidder.

- 9.5 If, however, the HGC-BAC determines that the bidder with the Highest Rated Bid fails the criteria for post-qualification, it shall immediately notify the said bidder in writing of its post-disqualification and the grounds for it.
- 9.6 Immediately after the HGC-BAC has notified the first bidder of its post-disqualification, and notwithstanding any pending request for reconsideration thereof, the HGC-BAC shall initiate and complete the same post-qualification process on the bidder with the second Highest Rated Bid. If the second bidder passes the post-qualification criteria, and provided that the request for reconsideration of the first bidder has been denied, the second bidder shall be post-qualified as the bidder with the Highest Rated and Responsive Bid and shall be awarded the contract.
- 9.7 If the second bidder, however, fails the post-qualification criteria, the procedure for post-qualification shall be repeated for the bidder with the next Highest Calculated Bid, and so on until the Highest Rated and Responsive Bid is determined for award.
- 9.8 The BAC shall recommend to the HGC President the award of contract to the bidder with the highest rated bid after the post qualification process has been completed. The HGC President shall approve or disapprove the recommendation. The BAC shall notify the bidders of the decision of the HGC President. In case of approval of the recommendation, the BAC shall post the Notice of Award in the PhilGEPS, the HGC website and any conspicuous place in the HGC Office.
- 9.9 If no bidder passes post-qualification, the HGC-BAC shall declare the bidding a failure and conduct a re-bidding with re-advertisement and/or posting, as provided for in RA 9184. Should there occur another failure of bidding after the conduct of the contract's re-bidding, HGC may enter into a negotiated procurement, as provided for in RA 9184.

10. Single Calculated/Rated and Responsive Bid

A Single Calculated/Rated and Responsive Bid shall be considered under any of the following circumstances:

- 10.1 If after advertisement, only one prospective bidder submits and/or applies for eligibility check, in accordance with the provisions of this ITB/TOR, and it meets the eligibility requirements or criteria, after which it submits a bid which is found to be responsive to the bidding requirements.
- 10.2 If after advertisement, more than one prospective bidder submits and/or applies for eligibility check, in accordance with the provisions of this ITB/TOR, but only one bidder meets the eligibility requirements or

criteria, after which it submits a bid which is found to be responsive to the bidding requirements.

- 10.3 If after the eligibility check, more than one bidder meets the eligibility requirements, but only one bidder submits a bid, and its bid is found to be responsive to the bidding requirements.

11. Notice and Execution of Award

Award shall be based on the results of evaluation as defined in the Bid Evaluation of Short Listed Bidders.

12. Performance Security

- 12.1 To guarantee the faithful performance by the winning bidder of its obligations under the contract, it shall post a Performance Security prior to the signing of the contract in any of the following forms and shall be in accordance with the schedule below:

Form of Performance Security	Amount of Performance Security (Equal to Percentage of the Total Contract Price)
1. Cash or cashier's/manager's check issued by a Universal or Commercial Bank	Five percent (5%)
2. Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank	Five percent (5%)
3. Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such	Thirty percent (30%)
4. Any combination of the foregoing	Proportionate share of form with respect to total amount of security

- 12.2 The Performance Security shall be posted in favor of HGC, and shall be forfeited in favor of HGC in the event it is established that the winning bidder is in default in any of its obligations under the contract.

12.3 Failure to Enter into Contract and Post Performance Security

- 12.3.1 If the bidder with the Highest Rated Responsive Bid fails, refuses or is unable to make good its bid by entering into

contract with HGC or post the required Performance Security upon contract signing, the bid security shall be forfeited and the appropriate sanctions provided in RA 9184 and existing laws shall be imposed, except where such failure, refusal or inability is through no fault of the said bidder.

- 12.3.2 In case of the failure, refusal or inability of the bidder with the Highest Rated Responsive Bid to enter into contract and post the required Performance Security, the HGC-BAC shall disqualify the said bidder, and shall initiate and complete the post-qualification process on the bidder with the second Highest Rated Bid: Provided, however, the second Highest Rated Bid has successfully undergone the negotiation stage in accordance with Section 33.4 of the IRR of RA 9184. This procedure shall be repeated until the Highest Rated and Responsive Bid is determined for award. However, if no bidder passes post-qualification, the HGC-BAC shall declare the bidding a failure and conduct a re-bidding with re-advertisement. Should there be another failure of bidding after the conduct of contract's re-bidding, HGC may enter into a negotiated procurement.
- 12.3.3 In case of failure, refusal or inability of the bidder with the Highest Rated Responsive Bid or the bidder with the Single Calculated/Rated Responsive Bid, as the case may be, to enter into contract and post the required Performance Security, the HGC-BAC shall disqualify the said bidder, and shall declare the bidding a failure and conduct a re-bidding with re-advertisement and/or posting. Should there be another failure of bidding after the conduct of the contract's re-bidding, HGC may enter into a negotiated procurement.

13. Protests on the Decisions of the HGC-BAC

- 13.1. Decisions of the HGC-BAC at any stage of the procurement process may be questioned by filing a request for reconsideration within three (3) calendar days upon receipt of written notice or upon verbal notification. The BAC shall decide on the request for reconsideration within seven (7) calendar days from receipt thereof.

If a failed bidder signifies his intent to file a request for reconsideration, the HGC-BAC shall keep the bid envelopes of the said failed bidder unopened and/or duly sealed until such time that the request for reconsideration has been resolved.

- 13.2 In the event that the request for reconsideration is denied, decisions of the HGC-BAC may be protested in writing to the HGC President;

Provided, however, that a prior request for reconsideration should have been filed by the party concerned, and the same has been resolved.

- 13.3 The Protest may be filed within seven (7) calendar days from receipt by the party concerned of the resolution of the HGC-BAC denying its request for reconsideration. A Protest may be filed by filing a verified position paper addressed to the HGC President and payment of a non refundable protest fee in an amount equivalent to 0.75% of the ABC.

14. Reservation Clause

A. The HGC reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract in any of the following situations:

1. If there is prima facie evidence of collusion between appropriate public officers or employees of the procuring entity, of between the BAC and any of the bidders, or if the collusion is between or among the bidders themselves, or between a bidder and a third party, including any act which restricts, suppresses or nullifies or tends to restrict, suppress or nullify competition;
2. If the HGC-BAC is found to have failed in following the prescribed bidding procedures; or
3. For any justifiable and reasonable ground where the award of the contract will not redound to the benefit of the Government as follows:
 - a. If the physical and economic conditions have significantly changed so as to render the project no longer economically, financially or technically feasible as determined by the HGC Board of Directors;
 - b. If the project is no longer necessary as determined by the HGC Board of Directors, and;
 - c. If the source of funds for the project has been withheld or reduced through no fault of HGC;

15. Contract Implementation and Termination

The contract implementation guidelines shall follow the stipulations in the Annex F of the revised IRR-A of RA 9184.

16. Other Provisions

Protest mechanisms, settlement of disputes, contract prices and warranties, administrative sanctions, and all other provisions of RA 9184 and the revised IRR that may apply to this bidding shall be observed.

JIMMY B. SARONA
Chairperson, Bids and Awards Committee