



- Chamber of Commerce and Industry of La Union;
- Philippine Institute of Certified Public Accountants -- La Union Chapter;
- Commission on Audit Regional Office I; and
- Bases Conversion and Development Authority.

Ms. Bandolin answered in the affirmative.

**Prospective Bidders:**

Ms. Soriano requested Ms. Bandolin to acknowledge the representatives of prospective bidders present in the Pre-bid Conference.

Ms. Bandolin acknowledged the presence of the following representatives of prospective bidders:

Agency/Company Name	Name of Attendee/s
Astra Trucks and Equipments	Richard Casil
Ancar Motors, Inc.	Richard Oracion Ma. Crisanta Junio
Auto Kid Trucks	Jayson Soriano
ESS Enterprise Corp.	Melchor Cabigting Edwin Santiago
Esjay Auto Group	Darius Angeles
Genesis Auto Corp	Shara Cabico Aaron Santiago
Deltex Mart Baguio City	Imee Baloca
Foton Bacolor	Nick Joscon
Laus Auto Group	Arthur Salazar

Ms. Soriano asked Ms. Bandolin if there were any prospective bidders who had already purchased bidding documents. Ms. Bandolin responded that there was none yet.

Ms. Soriano stated that prospective bidders may purchase Bidding Documents until before the deadline for submission of bids on August 29, 2024 at 10:00 AM.

**IV. DISCUSSION**

Ms. Soriano presented the agenda and asked for a motion for its approval. Upon motion made by Ms. Maconocido and duly seconded by, Atty. Pacleb, the Agenda was approved.

**4.1 Bidding Documents**

Ms. Soriano stated that the Bidding Documents are patterned from the 6<sup>th</sup> Edition of the Philippine Bidding Documents. The Bidding Documents were uploaded in the PPMC Website and PhilGEPS.

Ms. Soriano stated that the purchase of Bidding Documents can be done prior to the deadline for submission of bids. The total amount to be paid for the Bidding Documents is Five Thousand Pesos (Php 5,000.00).

Ms. Soriano stated that what is being bid out is the Contract for the Supply and Delivery of One (1) Unit Brand New Dropside Truck. Delivery of the Goods is

required within forty-five (45) calendar days from receipt of Notice to Proceed. The Approved Budget for the Contract is One Million Seven Hundred Fifty-Two Thousand Pesos (Php 1,752,000.00). Bids received in excess of the ABC shall be automatically rejected at bid opening.

The Bidding Documents consist of the following parts:

- Invitation to Bid;
- Instructions to Bidders;
- Bid Data Sheet;
- General Conditions of the Contract;
- Special Conditions of the Contract;
- Schedule of Requirements;
- Technical Specifications;
- Checklist of Technical and Financial Documents; and
- Bidding Forms

Ms. Soriano emphasized the following items in the Invitation to Bid.

- For similar contract or the Single Largest Completed Contract, this should have been completed within five (5) years from the date of submission of bids.
- Bidding will be conducted through open competitive bidding procedures using a non-discretionary “*pass/fail*” criterion as specified in the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.

The rules and regulations of Republic Act No. 9184 will continue to be followed because the rules and regulations for the new government procurement law have not yet been released.

- The complete set of Bidding Documents are already available and can be purchased already. The deadline for submission of bids is on August 29, 2024 at 10:00 AM. The Bidding Documents can also be downloaded from the website of PPMC and PhilGEPS.
- Payment of the bidding documents may also be done through bank payment; details are as follows:

Name of Bank: Landbank of the Philippines, San Fernando, La Union Branch  
Account Name: Poro Point Management Corporation  
Current Account Number: 0202021824

Upon payment, bidders are required to submit their proof of payment and email it to [ppmcbasecretariat@gmail.com](mailto:ppmcbasecretariat@gmail.com) in order for PPMC to issue an Official Receipt which will also be emailed to the bidder's email address together with the Complete Set of the Bidding Documents and Issuance of Bidding Documents Form. Upon receipt of the e-mail from the BAC Secretariat, bidders are required to e-mail back the Issuance of Bidding Documents Form. Bidders may opt to pay the bidding documents directly to the cashier at the PPMC office.

- The minutes of the pre-bid conference will be posted at the PPMC website.
- For the submission of bids, the deadline is on August 29, 2024 at 10:00 am.
- All Bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in ITB Clause 14.
- Bid opening shall immediately follow after the deadline for submission of bids at the address given in the Bidding Documents. The bid opening will also be available through video conferencing using Zoom platform with the following details:

- Meeting ID: 786 982 3550
- Passcode: ppmc

Representatives of the bidders shall be prepared to login and are advised to be on standby at least twenty (20) minutes before the scheduled deadline and opening of bids to ensure connection to the Zoom Meeting Room. Failure to join on the set date and time shall be marked as late and shall constitute as waiver to be present for the activities that have lapsed until he/she joined the meeting. The bidder cannot question activities that were conducted in his/her absence.

To facilitate monitoring of participants entering the Zoom Meeting Room, participants must enter their Company/Agency Name and their Complete Name. Example: [Poro Point Management Corporation- Juan Dela Cruz].

The BAC-Secretariat shall proceed with the roll call to record the attendance and determine the presence of a quorum and the name of the suppliers who submitted bids. Thereafter, the BAC Secretariat shall officially announce the start of the bid opening.

- Bids will be opened in the presence of the bidders' representatives who choose to attend the activity.
- The Poro Point Management Corporation reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Sections 35.6 and 41 of the 2016 revised IRR of RA No. 9184, without thereby incurring any liability to the affected bidder or bidders.
- For further information, please refer to:

***MS. CHARLOTTE C. BANDOLIN***  
*Head, BAC Secretariat/ Administrative Officer*  
*Poro Point Management Corporation*  
*Gov. Joaquin L. Ortega Avenue*  
*Poro Point Freeport Zone*  
*Poro, City of San Fernando 2500, La Union*  
*Mobile Number: 09458222033*  
*Email Address: ppmcbacsecretariat@gmail.com*  
*Website: www.poropointfreeport.gov.ph*

All queries must be submitted formally in writing. Ms. Soriano reiterated that contacting the BAC Secretariat for any reason not allowed by the rules is prohibited, particularly after bids have been opened. If bidders have queries prior to the submission of bids, this shall be submitted in writing. Verbal queries will not be entertained.

#### **4.2 Documents to be Submitted:**

Ms. Soriano requested Engr. Corpuz to discuss the Documents to be Submitted. Engr. Corpuz discussed the required documents to be submitted.

The following is the Summary of Documents to be submitted as discussed by Engr. Corpuz:

**Checklist of Technical and Financial Documents**

<b>I. LETTER OF INTENT TO PARTICIPATE</b>		Use Form 1 on Page 38
<b>II. TECHNICAL COMPONENT ENVELOPE</b>		
<b>CLASS "A" DOCUMENTS</b>		
<b>LEGAL DOCUMENTS</b>		
	a. Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages) in accordance with Section 8.5.2 of the IRR	
<b>TECHNICAL DOCUMENTS</b>		
	b. 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; <b>and</b>	Use Form 2 on Pages 39
	c. Statement of the bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided for in Sections 23.4.1.3 and 23.4.2.4 of the 2016 revised IRR of RA No. 9184, within the relevant period as provided in the Bidding Documents; <b>and</b>	Use Form 3 on Pages 40
	d. Original copy of Bid Security. If in the form of a Surety Bond, submit also a certification issued by the Insurance Commission <b>or</b> Original copy of Notarized Bid Securing Declaration; <b>and</b>	Use the Applicable Form 4 on Pages 41-44
	e. Conformity with the Technical Specifications, which may include production/delivery schedule, manpower requirements, and/or after-sales/parts, if applicable; <b>and</b>	Use Form 5 on Pages 45-46
	f. Original duly signed Omnibus Sworn Statement (OSS) <b>and</b> if applicable, Original Notarized Secretary's Certificate in case of a corporation, partnership, or cooperative; or Original Special Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder.	Use the Applicable Form 6 on Pages 47-52
<b>FINANCIAL DOCUMENT</b>		
	g. The prospective bidder's computation of Net Financial Contracting Capacity (NFCC) <b>or</b> A committed Line of Credit from a Universal or Commercial Bank in lieu of its NFCC computation.	Use Form 7 on Page 53
<b>CLASS "B" DOCUMENTS</b>		
	h. If applicable, a duly signed joint venture agreement (JVA) in case the joint venture is already in existence <b>or</b> 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.	Do not submit if Not Applicable
<b>III. FINANCIAL COMPONENT ENVELOPE</b>		
	i. Original of duly signed and accomplished Financial Bid Form; <b>and</b>	Use Form 8 on Pages 54-55
	j. Original of duly signed and accomplished Price Schedules.	Use Applicable Form For goods offered from abroad, use Form 9 on Page 56

		For goods offered within the Philippines, use Form 10 on Page 57
<i>Other documentary requirements under RA No. 9184 (as applicable)</i>		
	k. [For foreign bidders claiming by reason of their country's extension of reciprocal rights to Filipinos] Certification from the relevant government office of their country stating that Filipinos are allowed to participate in government procurement activities for the same item or product.	
	l. Certification from the DTI if the Bidder claims preference as a Domestic Bidder or Domestic Entity.	

Ms. Soriano reiterated that each Bidder shall submit one (1) original and two (2) copies of the first and second components of its Bid.

Ms. Soriano requested Arch. Aquino, Head of the TWG to discuss the Technical Specifications. Arch. Aquino read out the Technical Specifications as follows:

### **TECHNICAL SPECIFICATIONS**

#### **SPECIFICATIONS FOR ONE (1) UNIT BRAND NEW DROPSIDE TRUCK**

**Delivery of the vehicle shall be within Forty-Five (45) Calendar Days from Receipt of the Notice to Proceed**

#### **SPECIFICATIONS FOR ONE (1) UNIT BRAND NEW DROPSIDE TRUCK**

<b>SEATING CAPACITY</b>	At least 3
<b>ENGINE</b>	
• Engine Technology	Direct Injection Diesel Engine
• Type	At least 4 Cylinder
• Displacement	Engine displacement of at least 2,499 cc for diesel
<b>TRANSMISSION AND CHASIS</b>	
• Transmission	At least 5-Speed M/T
<b>BRAKES</b>	
• Brakes	Hydraulic or Airbrake
<b>SUSPENSION</b>	Leaf spring
<b>AIRCONDITIONING SYSTEM</b>	With Cabin air-conditioning unit
<b>CARGO BED</b>	Minimum of 12 ft up to a maximum of 14 ft
<b>TIRE &amp; WHEELS</b>	At least 16 rim 6- wheeler (2 tires front – 4 tires rear)
<b>SAFETY</b>	With Brake Assist & Control System or any equivalent Auxiliary Braking System

<b>OTHER ACCESSORIES</b>	<ul style="list-style-type: none"> <li>• With the following tools: 1 Crocodile Jack (5 tonner capacity), 1 Tire Wrench and 1 Early Warning Device</li> <li>• With one (1) spare tire</li> <li>• With Tint</li> <li>• With Floormat</li> <li>• With Seat Covers</li> <li>• With Undercoat</li> <li>• With Towing Clamp</li> <li>• With Stickers (For the details of the specifications, please refer to page 29 of the Bidding Documents)</li> </ul>
<b>COLOR OF UNIT</b>	Preferably <b>WHITE</b> . If the said vehicle color is unavailable, PPMC shall choose the color of the vehicle prior to delivery.
<b>CHANGE OIL</b>	Free labor for the first 1,000 kms and 5,000 kms
<b>WARRANTY</b>	3 Years or 100,000 km whichever comes first
<b>INSURANCE AND REGISTRATION</b>	<ul style="list-style-type: none"> <li>• With Free GSIS Comprehensive Insurance and Third Party Liability for the first year and</li> <li>• With Free LTO Registration for Three (3) Years</li> </ul>
<b>DELIVERY</b>	Within Forty-Five (45) Calendar Days from Receipt of the Notice to Proceed
<b>SPECIAL PROVISION</b>	The vehicle brand must have good quality track record and must have been commercially sold and distributed in the Philippines for at least ten years from the date of the Invitation to Bid.

Arch. Aquino further discussed that the vehicle must have a sticker, the details of which are specified on page 29 of the bidding documents. The sticker must be placed on both the passenger side and the driver's side.

Ms. Soriano stated the bidding documents can be downloaded from the PhilGEPS and PPMC Website.

Ms. Soriano requested Ms. Maconocido to discuss the Bidding Forms.

#### **Form 1, Letter of Intent to Participate**

The form can be found on page 38 of the Bidding Documents. Bidders may re-encode the form provided that all the information required are included.

#### **Form 2, Statement of all Ongoing Government and Private Contracts including contracts awarded but not yet started.**

This form is needed for the computation of the Net Financial Contracting Capacity. All contracts which are ongoing have to be declared as provided for in Section 23.1 (iv) of the Revised IRR of RA 9184 which states that all 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 must be included.

The required data in Form 2 include the Business Name which pertains to the name of the company; Business Address pertains to the address of the company.

The first column is the Name of the Contract, for both Government and Private Contracts. The name of the contract pertains to the title of the contract. The second column pertains to the kind of goods that need to be delivered, as indicated in the contract with the contracting party. The third column, Contract Date, pertains to the date when the contract was executed.

The fourth column, Period of Delivery, pertains to the timeframe within which the goods must be delivered; in this specific column, bidders are required to indicate the number of calendar days as provided for in the Contract or Purchase Order. Fifth column, Date of Delivery, pertains to the specific date when the goods are to be delivered. The sixth column, Amount, which pertains to the project cost as indicated in the Contract or Purchase Order. The seventh column, Value of Outstanding Works / Undelivered Portion as of the date of preparation of Form 2, pertains to the remaining value of works yet to be completed or portions of goods yet to be delivered.

The form must be submitted with the Printed Name and Signature of the Bidder's Representative or Authorized Signatory. The Designation would be the official position title of the person signing it and Date would be the date on which the document has been signed.

**Form 3, Statement of Single Largest Completed Contract which is Similar in Nature to the Contract to be Bid.**

As provided for under ITB Clause 5.3, for this purpose the contracts similar to the project shall be, Contract for the Supply and Delivery of Brand New Dropside Truck and that the contract shall be completed within five (5) years prior to the deadline for the submission and receipt of bids.

The required data in Form 3 include the Business Name which pertains to the name of the company; Business Address pertains to the address of the company.

The first column is the Name of the Contract, the name of the contract pertains to the title of the contract. The second column, Definition or Description of the Similar Project or Major Categories of Work, pertains to a detailed explanation or characterization of the similar project or the primary types of goods delivered. The third column, Contract Date, pertains to the date when the contract was executed. The fourth column, Period of Delivery, pertains to the timeframe within which the goods were delivered; in this specific column, bidders are required to indicate the number of calendar days as provided for in the Contract or Purchase Order. Fifth column, Date of Delivery, pertains to the specific date when the goods were delivered. The sixth column, Amount, which pertains to the project cost as indicated in the Contract or Purchase Order.

All information which will be provided will be verified during post-qualification.

The statement shall be supported by a Certificate of Acceptance or Inspection and Acceptance Report issued by the Principal. In case of contracts with the private sector, an equivalent document shall be submitted.

The form must be submitted with the Printed Name and Signature of the Bidder's Representative or Authorized Signatory. The Designation would be the official position title of the person signing it and Date would be the date on which the document has been signed.

**Form 4, Bid Securing Declaration**

For the Bid Securing Declaration, the forms are provided for Sole Proprietorship, Partnership, Corporation, Cooperative or Joint Venture, the bidders shall use the appropriate form whichever is applicable.

Ms. Maconocido reiterated that bidders must ensure the completeness of the form and substance.

As for the jurat, Ms. Maconocido reminded the bidders to fill out the data provided for particularly the serial number of commission. The notary public must indicate his/her serial number of commission.





## **Form 5, Compliance with Technical Specifications**

Ms. Maconocido stated that bidders must state in the Form either "Comply" or "Not Comply" against each of the individual parameters of each Specification stating the corresponding performance parameter of the vehicle offered. Statements of "Comply" or "Not Comply" must be supported by evidence in a Bidders Bid and cross-referenced to that evidence. Evidence shall be in the form of manufacturer's un-amended sales literature, unconditional statements of specification and compliance issued by the manufacturer, samples, independent test data etc., as appropriate. A statement that is not supported by evidence or is subsequently found to be contradicted by the evidence presented will render the Bid under evaluation liable for rejection. A statement either in the Bidders statement of compliance or the supporting evidence that is found to be false either during Bid evaluation, post-qualification or the execution of the Contract may be regarded as fraudulent and render the Bidder or supplier liable for prosecution subject to the provisions of ITB Clause 4.

The form must be submitted with the Printed Name and Signature of the Bidder's Representative or Authorized Signatory, Designation and the date on which the document was signed.

## **Form 6, Omnibus Sworn Statement**

For the Omnibus Sworn Statement, the forms are provided for Sole Proprietorship, Partnership, Corporation, Cooperative or Joint Venture; the bidders shall use the appropriate form whichever is applicable.

Ms. Maconocido reiterated that bidders shall ensure that all items as provided in the standard forms will be the same with their submittals and all blank spaces must be filled-out.

Bidders are required to attach a proof that its representative has been authorized to execute, and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing Contract for the Supply and Delivery of One (1) Unit Brand New Dropside Truck. Bidders shall attach duly notarized Secretary's Certificate, Board/Partnership Resolution, or Special Power of Attorney, whichever is applicable.

The form must be submitted with the Printed Name and Signature of the Bidder's Representative or Authorized Signatory in the affiant portion.

For the notarization, bidders shall ensure that this have been filled-out properly by the notary public.

## **Form 7, Computation of Net Financial Contracting Capacity**

This form shall be used for the computation of the Net Financial Contracting Capacity.

The form must be submitted with the Printed Name and Signature of the Bidder's Representative or Authorized Signatory and the date on which the document was signed.

## **Form 8, Bid Form**

Ms. Maconocido stated that the Bid Form and the Price Schedule must be submitted together. Stated in the last paragraph are as follows: "We acknowledge that failure to sign each and every page of this Bid Form, including the attached Cost Breakdown, shall be a ground for the rejection of our bid." Ms. Maconocido reiterated that bidders shall submit both the Bid Form and the Price Schedule. Bidders shall ensure that all necessary information are provided.

On this form, the number of the Bid Bulletin issued must be supplied, if applicable. For the sum of, this pertains to the amount of bid. If the bidder will not provide for the provision of gratuities, bidders shall state "none".

In the capacity of pertains to the official designation of the person who signed the form; Signed pertains to the signature of the person duly authorized to sign the bid for and on behalf of the company; Duly authorized to sign the bid for and on behalf of pertains to the name of company.

#### **Form 9, Price Schedule for Goods Offered from Abroad**

Ms. Maconocido enumerated the needed information on the form as follows:

- Name of Bidder
- Project ID Number
- Pages
- Item
- Description
- Country of Origin
- Quantity
- Unit Price CIF port of entry (specify port) or CIP named place (specify border point or place of destination)
- Total CIF of CIP price per item (col. 4 x 5)
- Unit Price Delivered Duty Unpaid
- Unit Price Delivered Duty Paid
- Total Price delivered DDP

Ms. Maconocido stated that the form must be submitted with the name of the bidder's authorized representative, his/ her legal capacity, signature and the name of the company.

#### **Form 10, Price Schedule for Goods Offered from the Philippines**

Ms. Maconocido enumerated the needed information on the form as follows:

- Name of Bidder
- Project ID Number
- Pages
- Item
- Description – Pertains to the description of the vehicle being offered
- Country of Origin
- Quantity
- Unit Price EXW per item
- Transportation and all other costs incidental to delivery, per item – If this will be offered for free, bidders must indicate in the form "0" or "-"
- Sales and other taxes payable if Contract is awarded, per item – Please indicate the amount of taxes paid for the vehicle offered, the BAC will not accept a "0" or "-" under this column. Bidder must provide in the form the correct amount of taxes.
- Cost of Incidental Services, if applicable, per item
- Total Price, per unit
- Total Price delivered Final Destination

Ms. Maconocido reiterated that for column 7, bidders are required to indicate the tax amount. This is required to be filled-out with an amount because payment of taxes is required by law.

Ms. Maconocido stated that the form must be submitted with the name of the bidder's authorized representative, his/ her legal capacity, signature and the name of the company.

Ms. Maconocido reiterated that the Value Added Tax is 12%.

Ms. Soriano reiterated that bidders shall submit one (1) original and two (2) other copies of their bid. For the bid to be submitted, it has two components, the Technical and Financial Component of the bid. After the deadline for submission of bids, the BAC will convene immediately to open the bids and to conduct the preliminary examination of bids following the non-discretionary "pass/fail" criterion. Only those whose Technical Component has been



rated as passed will be considered in the next evaluation phase, which is the opening of the Financial Component of the bid.

#### **4.3 Bid Evaluation**

After the preliminary examination of bids, the BAC will be conducting a detailed evaluation. During detailed evaluation, the completeness of the bid and arithmetical corrections will be checked. The bids will then be ranked and the bidder with the Lowest Calculated Bid will be notified that it will undergo post-qualification.

#### **4.4 Post-Qualification**

The Lowest Calculated Bid (LCB) will be notified for the conduct of post-qualification to determine if it submitted the Lowest Calculated and Responsive Bid (LCRB). During the post-qualification process, the LCB will be required to submit the documents as provided for in the Bid Data Sheet. These documents to be submitted during post-qualification would be the latest income and business tax returns filed and paid through the BIR Electronic Filing and Payment System (EFPS) and Class "A" eligibility documents supporting the PhilGEPS Certificate of Registration and Membership in accordance with Section 8.5.2 of the IRR of RA 9184.

#### **4.5 Contract Award and Implementation**

Ms. Soriano stated that once the Lowest Calculated and Responsive Bid has been determined during post-qualification, the BAC will be recommending the award of the contract to the Head of the Procuring Entity. Notice of Award will be issued to the bidder which has the LCRB.

The bidder which has the LCRB will be given ten (10) days to post a Performance Security and enter into a contract with PPMC. After the posting of Performance Security, the Notice to Proceed will be issued.

#### **4.6 Warranties**

Ms. Soriano stated that these are provided for in Section 62 of the 2016 Revised IRR of RA 9184.

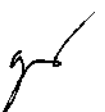
The Technical Specifications provides that the warranty is 3 Years or 100,000 km whichever comes first.

#### **4.7 Offenses and Penalties**

Ms. Soriano asked Mr. Ordoño to discuss the Offenses and Penalties. Mr. Ordoño read out the offenses and penalties as follows:

65.1. Without prejudice to the provisions of R.A. 3019 and other penal laws, public officers who commit any of the following acts shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day, but not more than fifteen (15) years:

- a) Opening any sealed bid including but not limited to Bids that may have been submitted through the electronic system and any and all documents required to be sealed or divulging their contents, prior to the appointed time for the public opening of Bids or other documents.
- b) Delaying, without justifiable cause, the screening for eligibility, opening of bids, evaluation and post evaluation of bids, and awarding of contracts beyond the prescribed periods of action provided for in this IRR.
- c) Unduly influencing or exerting undue pressure on any member of the BAC or any officer or employee of the Procuring Entity to take a particular action which favors, or tends to favor a particular bidder.



- d) Splitting of contracts which exceed procedural purchase limits to avoid competitive bidding or to circumvent the limits of approving or procurement authority.
- e) Abuse by the HoPE of his power to reject any and all bids as mentioned under Section 41 of the Act and this IRR, with manifest preference to any bidder who is closely related to him in accordance with Section 47 of the Act and this IRR.

When any of the foregoing acts is done in collusion with private individuals, the private individuals shall likewise be liable for the offense.

In addition, the public officer involved shall also suffer the penalty of temporary disqualification from public office, while the private individual shall be permanently disqualified from transacting business with the Government.

65.2. Private individuals who commit any of the following acts, and any public officer who conspires with them, shall upon conviction, suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than fifteen (15) years:

- a) When two or more bidders agree and submit different bids as bona fide bidders, all the while knowing that the bid(s) of one or more of them was so much higher than the other that the latter could not be honestly accepted and that the contract will surely be awarded to the pre-arranged lowest bid.
- b) When a bidder maliciously submits different bids through two or more persons, corporations, partnerships or any other business entity in which he has an interest, to create the appearance of competition that does not in fact exist so as to be adjudged as the winning bidder.
- c) When two or more bidders enter into an agreement which calls upon one or more of them to refrain from bidding for procurement contracts, or which requires one or more of them to withdraw Bids already submitted, in order to secure an undue advantage to any one of them.
- d) When a bidder, by himself or in connivance with others, employs schemes which tend to restrain the natural rivalry of the parties or operates to stifle or suppress competition and thus produce a result disadvantageous to the public.

In addition, the public officer persons involved shall also suffer the penalty of temporary or perpetual disqualification from public office and the private individual shall be permanently disqualified from transacting business with the Government.

65.3. Private individuals who commit any of the following acts, and any public officer conspiring with them, shall upon conviction, suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than fifteen (15) years:

- a) Submitting eligibility requirements of whatever kind and nature that contain false information or falsified documents calculated to influence the outcome of the eligibility screening process or conceal such information in the eligibility requirements when the information will lead to a declaration of ineligibility from participating in competitive bidding.
- b) Submitting Bidding Documents of whatever kind and nature that contain false information or falsified documents or conceal such information in the Bidding Documents, in order to influence the outcome of the competitive bidding.
- c) Participating in a competitive bidding using the name of another or allowing another to use one's name for the purpose of participating in a competitive bidding.



- d) Withdrawing a bid, after it shall have qualified as the Lowest Calculated Bid/Highest Rated Bid, or refusing to accept an award, without just cause or for the purpose of forcing the Procuring Entity to award the contract to another bidder. This shall include the non-submission within the prescribed time, or delaying the submission of requirements such as, but not limited to, performance security, preparatory to the final award of the contract.

65.4. It is understood that the above penalties and offenses shall cover all types of procurement whether done manually or electronically.

65.5. When the bidder is a juridical entity, criminal liability and the accessory penalties shall be imposed on its directors, officers or employees who actually commit any of the foregoing acts. If a person previously held liable or found guilty under the provisions of the Act and this IRR has a controlling interest in a prospective bidder-entity, the said bidder-entity shall be disqualified to participate in any procurement activity being conducted by the Government.

#### **4.8 Supplemental/Bid Bulletin**

Ms. Soriano stated that bidders will be given the opportunity to raise queries and all of BAC's responses to queries will be formalized through the issuance of Supplemental/Bid Bulletin. The BAC will be answering queries during the pre-bid conference, but the answers will not change, amend or revise the Bidding Documents unless these answers will be formalized in a Supplemental/Bid Bulletin. Bidders have ten (10) calendar days prior to the submission of bids or until August 19, 2024 to raise queries.

Ms. Soriano reiterated that bidders shall raise queries in writing and send these through the official e-mail address of the BAC Secretariat. The BAC has seven (7) calendar days prior to the submission of bids or until August 22, 2024 to issue a Supplemental/Bid Bulletin.

The Supplemental/Bid Bulletin will be posted on the PhilGEPS and PPMC websites. It is the responsibility of the prospective bidders to inquire about or secure the Supplemental/Bid Bulletin.

#### **4.9 No Contact Rule**

Ms. Soriano emphasized the No Contact Rule, especially when bids are already opened. During Bid Evaluation, the BAC may request for clarification through the BAC Secretariat, but only in so far as the documents which were already submitted.

#### **4.10 GPPB Resolutions No. 03-2018 and GPPB Circular No. 02-2018**

Ms. Soriano enumerated the common reasons for failed bidding, to wit:

- Bidders should ensure that their PhilGEPS Certificate of Platinum Membership is updated. It is important that the annexes of the PhilGEPS Certificate of Registration are valid and current. The PhilGEPS Certificate of Registration might still be valid, but upon reviewing the annexes, you may find that the Tax Clearance and Audited Financial Statement are no longer valid or current. For example, the Tax Clearance has an expiration date and is only valid for one year. If it is no longer valid by August 29, 2024, such as submitting a Tax Clearance with validity only until July 2023, then it is already considered invalid. It is the bidder's responsibility to update these documents as annexes to the PhilGEPS Registration Certificate. During the previous bidding, one of the bidders failed to update their Audited Financial Statement. Since the filing of income tax has been completed, the updated Audited Financial Statement should now be reflected in the PhilGEPS Certificate of Registration.
- For Form 3, Statement of Single Largest Completed Contract, bidders must take note of the needed attachment. The Certificate of Acceptance or Inspection and Acceptance Report or equivalent document must be attached.

- Regarding the serial number of commission of the Notary Public, there has already been supreme court rulings regarding this matter. Bidders should ensure their lawyers include the serial number of commission in the notarization of the Bid Securing Declaration and Omnibus Sworn Statement and inform them where it is indicated.
- For Form 5, Conformity with the Technical Specifications, bidders must comply with all the specifications in Form 5. The Form 5 must be supported by evidence. Evidence shall be in the form of manufacturer's un-amended sales literature, unconditional statements of specification and compliance issued by the manufacturer, samples, independent test data etc., as appropriate. A statement that is not supported by evidence or is subsequently found to be contradicted by the evidence presented will render the Bid under evaluation liable for rejection. During the previous bidding, one of the bidders failed to provide evidence of compliance to one of the specifications which is the airconditioning system.
- Ms. Soriano emphasized that even if a bidder has been declared as "passed" during the preliminary examination of bids, bidder will still be subjected to post-qualification. During the post-qualification of bids, a bidder can still be rated as "failed" if there will be findings against the veracity, authenticity, validity, completeness and sufficiency of documents submitted. During the period of post-qualification, bidders are not allowed to submit additional documents to correct or supplement what have already been submitted during the bid opening.
- Late submission of bids. Bidders do not have to wait until August 29, 2024, 10:00 am to submit the bid. There have been instances where a bidder submitted their bid a minute after the deadline. This situation is puzzling, especially when the bidder was waiting in the parking lot. The BAC does not understand the reasoning behind this delay.
- Failure to sign every page of the Bid Form.
- Bids received in excess of the ABC shall be automatically rejected.

## V. REQUEST FOR CLARIFICATIONS/QUESTIONS AND ANSWERS

Ms. Soriano invited requests for clarifications or queries from the prospective bidders.

The following queries were raised and answered by the Bids and Awards Committee.

### 1. From Mr. Darius Angeles of Esjay Auto Group

<b>Query:</b> Do we need again to purchase bidding documents?
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<b>Answer:</b> Yes because this is a different procurement activity.
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### 2. From Mr. Melchor Cabigting of ESS Enterprise Corporation

<b>Query:</b> Is there a certification required to support that our vehicle brand has a good quality track record and has been commercially sold and distributed in the Philippines for at least ten years from the date of the Invitation to Bid? Can we submit a certification issued by the manufacturer indicating that our vehicle brand is in existence for more than ten years in the Philippines?
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<b>Answer:</b> The technical specifications provides that the vehicle brand must have good quality track record and must have been commercially sold and distributed in the Philippines for at least ten years from the date of the Invitation to Bid. If the manufacturer can provide such certification, it is acceptable.
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3. From Mr. Richard Oracion of Ancar Motors, Inc.

**Query:** How much is the bidding documents?

**Answer:** The amount of bidding documents is Five Thousand Pesos (Php 5,000.00), non-refundable

Ms. Soriano reminded the bidders to review the Bidding Documents. The Bidding Documents can be downloaded from the PPMC Website and PhilGEPS.

4. From Mr. Richard Casil of Astra Trucks and Equipments

**Query:** Can we pay online?

**Answer:** Yes; the Landbank account of PPMC is provided for in the Bidding Documents with the following details:

Name of Bank: Landbank of the Philippines, San Fernando, La Union Branch

Account Name: Poro Point Management Corporation

Current Account Number: 0202021824

5. From Mr. Jayson Soriano of Autokid

**Query:** How many copies of bidding documents should be submit?

**Answer:** Bidders must submit 1 original and 2 copies

Ms. Soriano advised bidders to review the recording of the livestream of the Pre-bid Conference on the PPMC Facebook page. The Minutes will be posted on the PPMC website, [www.poropointfreeport.gov.ph](http://www.poropointfreeport.gov.ph), within 5 days. The step-by-step procedure on how to fill out the forms, as discussed by Ms. Maconocido, can be found in the Minutes of the Pre-bid Conference. Ms. Soriano emphasized that bidders must ensure their bid is complete.

6. From Mr. Melchor Cabigting of ESS Enterprise Corporation

**Query:** Can you e-mail the Bidding Documents because we cannot access your website and PhilGEPS.

**Answer:** The website of PPMC can be accessed anytime. Ms. Soriano requested Ms. Bandolin to show on the screen the website of PPMC and the posting of the Bidding Documents. Ms. Bandolin showed that the website was accessible and the Bidding Documents have been posted.

Ms. Soriano stated that if there are further questions, bidders are allowed to raise them ten (10) days prior to August 29, 2024. Bidders are given up to August 19, 2024 to raise their queries in writing addressed to the BAC.

The BAC is allowed to issue a Supplemental/Bid Bulletin at least seven (7) days prior to the submission and opening of bids which will be until August 22, 2024.

Ms. Soriano emphasized that it is the responsibility of the bidders to secure the Supplemental/Bid Bulletin. She also stated that the minutes of the Pre-bid Conference will be posted on the PPMC website. A recording of the Pre-bid Conference may also be accessed through the PPMC Facebook page.

**VI. ADJOURNMENT**


There being no other matters to be discussed, Ms. Soriano thanked the participants and the meeting was adjourned at 2:45 pm.

**Prepared by:**

  
**Ms. Charlotte C. Bandolin**  
Head, BAC Secretariat

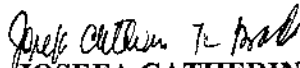
**Approved by:**

**BIDS AND AWARDS COMMITTEE FOR THE PROCUREMENT OF GOODS**

  
**MS. ELIZA M. MACONOCIDO**  
Vice Chairperson

  
**ATTY. MARLOU PACLEB**  
Member

  
**MR. BENNY FLOR N. ORDOÑO**  
Member

  
**MS. JOSEFA CATHERINE T. BADA**  
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**ENGR. CERILA A. CORPUZ**  
Member

  
**MR. FRANKLIN C. VILLAREAL**  
Member

**MS. MARIA VICTORIA REDEMPTA DE GUZMAN-SORIANO**  
Chairperson