



Annex "B"

**Republic of the Philippines
Supreme Court
Manila**

**BIDS AND AWARDS COMMITTEE
FOR GOODS AND SERVICES (SC-BAC-GS)**

MINUTES OF THE PRE-BID CONFERENCE

Procurement of Freight Forwarding Services for Two (2) Years (Pickup/Hauling, Segregation, Repacking/Crating and Door-to-Door Delivery of Various Office Supplies, Furniture, Equipment and Other Materials for the Various Trial Courts and PMC Units Nationwide)

23 October 2018 (Tuesday), 2:30 p.m.
OCA Conference Room 1
3rd Floor, Supreme Court Old Building
Taft Avenue, Manila

Present:

Chairperson : ACA Lilian C. Barribal-Co
Members : Atty. Analiza O. Thomas-Parra
: Mr. Tenioso B. Libed
: Ms. Annabelle T. Fundales

Secretariat
Secretary : Atty. April V. Enrile
Secretariat Members : Mr. Florentino S. Bautista
: Mr. Rolando C. Danan

End-User Representatives, Independent Observers, Resource Persons

Atty. Christina Fernandez	Office of the SAJ Carpio
Mr. Roy Michael Norberte	OCA-Property & TWG
Mr. Darwin Portugal	OCA-Property & TWG
Mr. Don Sigmundo Balneg	SC-Property & TWG

Absent:

Atty. Ruby C. Esteban-Garcia	Vice-Chairperson
Atty. Marife M. Lomibao-Cuevas	Member
Mr. Jose Name, Jr.	PMC & TWG
Ms. Susan Guido	PPVR
COA Representative	

The representatives from the PPVR and the Commission on Audit failed to attend the pre-bid conference despite notice. The Technical Working Group (TWG) and the representatives of the end-user attended the pre-bid conference.

Thirteen (13) prospective bidders and their representatives attended the pre-bid conference, namely:



<i>Bidders</i>	<i>Representative/s</i>
Redgold Forwarder Inc.	Engr. Rodrigo P. De Guia, Jr.
Airfreight 2100, Inc.	Carmilia C. Castillo
LBC Express, Inc.	Allan Ochoa
Transmodal Int'l Inc.	Lourdes Manalo
All Transport Network Inc.	Vernadeth Vivero
Airspeed International Corp.	Maan Camille Cornelio-Lumbang
Nonpareil International	Rosette B. Rey
Fairlift Int'l Logistics Inc.	Rhea S. Agpalo
2GO Express Inc.	Jen Escala
MSL	Cindy Prajapath
Metrofac Novers Inc.	William Batac
Front Cargo Forwarders, Inc.	Faridah Iomondot
Olympus Global Logistics, Inc.	Rubenal E. Cabanlong, Jr.

Note: Considering the number of representatives of prospective bidders, the Committee resolved to limit the number of representatives per company to one.

The Chairperson inquired whether the present bidders already purchased the bidding documents. Only one (1) bidder purchased the bidding documents as of the moment.

The Chairperson reminded the prospective bidders to exhaust the time to ask clarificatory questions during the pre-bid conference and if possible, to avoid asking question after as the same may cause delay because the matter will have to be set for agenda in the next meeting.

The Chairperson reminded the bidders of the two (2) envelope system. She also discussed the eligibility requirements. One bidder asked whether they will still submit Class "A" documents should they submit the PhilGEPS Certificate of Platinum Membership. The Committee answered that in case the PhilGEPS Platinum Membership cannot be submitted, the bidders can submit Class "A" documents, in view of the relaxation of the rule on the submission of the PhilGEPS Platinum Certificate of Membership by the GPPB. The Chairperson also added that in case the documents attached to the PhilGEPS already expired, the updated documents must be submitted, e.g. tax clearance, Mayor's permit etc. Also, in case the documents attached to the PhilGEPS is the 2016 Audited Financial Statement (AFS), the 2017 AFS must be submitted.

The Committee continued with the discussion of the requirements. The Chairperson reminded the bidders that there are forms that must be used and submitted as is. For the Statement of On-going Contract (SOOC), the Committee recommended that the amount or value indicated must be totaled. The same will be the basis for the NFCC. One bidder asked whether they need to submit supporting contracts for the SOOC. The Chairperson answered yes.

As to the Single Largest Completed Contract (SLCC), the Committee explained that the required SLCC is 50% of the ABC. One bidder asked whether the rule on aggregate contracts can be applied and accepted, further explaining that usually, for other agencies, the contract is for just one (1) year. The Committee answered that the required SLCC is 50% and the rule on aggregate contracts can only be applied under the conditions mentioned in the IRR and in case no bidder can comply with the requirement. The Chairperson asked the bidders present as to who



can comply with the 50% SLCC requirement. Among the thirteen (13) present, only two bidders cannot comply. Thus, considering that majority can comply and the conditions mentioned in the Implementing Rules and Regulations (IRR) of R.A. 9184 are not present, the Committee resolved to maintain the requirement.

As to the NFCC, the Committee explained that the current assets and liabilities must be based on the 2017 Audited Financial Statement and reminded the bidders that the constant factor to be used in the computation is 15.

Upon inquiry of the Committee, no bidder present expressed intent to form a Joint Venture to bid for this project.

The Committee then proceeded with the discussion on the technical requirements. As to the Bid Securing Declaration, the Committee reminded the bidders to use the actual form given as the same bears the initial of the Secretariat. Failure to use the form may cause disqualification. Filling-out of the blanks is allowed.

For the Omnibus Sworn Statement, the Committee reminded the bidders to use only those listed as competent evidence of identity. Community Tax Certificate is no longer allowed.

As to the Company profile requiring that bidders must be in existence for at least five (5) years, one bidder asked whether the same maybe reduced as the technical and financial capabilities can already be measured by the NFCC and the SLCC. The Committee answered that the same cannot be changed as the same is the requirement stated in the Terms of Reference (TOR) approved by the Court en banc. The bidder explained that in his case, that there is novation. They were previously in existence for the quite some time but a new company has been registered to the Security and Exchange Commission.

He also asked whether in case of a Joint Venture, would it be sufficient for only one partner comply with the five (5) year requirement. The Committee ruled that both joint venture partners must comply with the five (5) year requirement.

The requirement on the Authority of Representative/Signatory was discussed.

As to the other requirements mentioned in items II-7 to II-12 OF THE Bid Data Sheet, the Committee clarified that those are additional documents required to be submitted as it is integral in the application of the evaluation criteria mentioned in the TOR.

One bidder asked as to the requirement of the copies of Freight forwarding services contract, whether the same covers completed contracts and if there is a minimum or maximum number of contracts to be submitted. The Committee answered that the contracts must be completed and there are no minimum or maximum numbers, as long as the contracts are within the period. They also reminded the bidders that the number of contracts impact on the point system.

One bidder asked whether the warehouse required will be used as a storage during the contract implementation because the same will entail additional cost. He also asked whether the cost was factored in the ABC. Mr. Libed answered that the cost for the warehouse is not included in the ABC because the warehouse will only be used as temporary "staging area", where the repacking, boxing or packaging may be done.



One bidder asked whether a lease of warehouse will suffice and would one warehouse would suffice. The TWG answered that lease is allowed and only one warehouse may suffice. Bidders should however be mindful of the criteria set and the pointing system.

For the delivery vehicles, bidders asked whether they should submit Official Receipts or Certificate of Registration in case the vehicles were only leased. The Committee ruled that in case of lease, submission of copies of lease contracts will suffice. A bid bulletin will be issued reflecting the changes in the requirement.

The Committee, TWG and the bidders discussed the requirement on the submission of the certificates of employment of personnel assigned to the project. Bidders expressed their concern that they hire personnel on a contractual basis and not as regular employees. They also requested that the requirement be modified, and whether the Committee can accept list of dedicated employees or organizational documents.

The Committee then proceeded with the discussion on the Technical Bid Form. The Chairperson explained that while stating "comply" is required, bidders are reminded to carefully read the requirements as the same will bind them. Proofs or certifications to that effect must be submitted during the bid submission.

As to the Financial Bid Form, the Committee reminded the bidders that the same is just a sample form and may be recopied.

For the Bid Price Schedule, the Committee clarified that for this procurement, "Judicial Regions" were adopted by the TWG.

One bidder asked that considering that delivery is door-to-door, will the Court provide for specific delivery addresses? The TWG answered that a distribution list will be provided. The Chairperson also clarified that the items to be delivered are not only supplies but may include furniture and fixtures. The list of items will be provided as well.

One bidder asked if the frequency of delivery per court will be provided. The Committee answered that the same cannot be provided as the same can only be determined later on. However, Mr. Libed added that for supplies, the same are not frequent. Another bidder suggested to use the chargeable weight or actual weight instead of the per kilo rate because normally, the basis is actual weight of volumetric weight, whichever is higher. The TWG answered that the fixtures and furniture are usually "knock down". They clarified that it is not the freight forwarder that will assemble the furniture and fixtures, but there are items like steel cabinets or vaults that is already assembled that needs to be delivered.

The Committee reminded the bidders to carefully read the schedule of requirements as they are required to certify the same.

One bidder asked if there will be leniency in case there will be events beyond their control. The Chairperson answered the Court will deal with the same when the time comes.

The Chairperson explained the procedure that will be conducted during the opening of the bid. After the opening of the Eligibility and Technical Envelope and its evaluation, and should the bidder passed the same, the financial envelope will be opened to determine the lowest bid tendered. She clarified that the bid is not calculated nor responsive. The submission will have to be evaluated by the TWG based



on the criteria set as reflected in the TOR. She explained that the evaluation cannot be conducted during the opening itself by the TWG due to time constraints. She further discussed that a bidder must garner at least twenty (20) points in order to be pass the evaluation and be qualified. In the event that the bidder failed to attain twenty points, the bidder is considered to have failed the evaluation and is disqualified to bid. The Chairperson asked whether the bidders present understood the procedure and if they have any objection thereof. The bidder interposed no objection.

One bidder asked if they will qualify in case they have no sixteen (16) wheeler truck. The TWG answered that a combination of any of the mentioned vehicles will suffice as long as there are at least five delivery vehicles.

One bidder observed that the procedure as to the conduct of the evaluation is tantamount to the post-qualification process. The Chairperson asked the bidders again whether they agree with the procedure discussed. The Committee explained that the procedure will give way for the evaluation of the bids based on the criteria set by the TWG and the TOR as approved by the Court en banc. Again, no bidder expressed any objection on the procedure.

One bidder asked whether they have to attain high points in order to qualify. The Committee answered that as long as the bidder attain at least 20 points, the bidder is considered to pass and is qualified. If lower than 20 points, the bidder failed the evaluation and is accordingly disqualified.

One bidder expressed his concern that there will be a possibility on the exertion of undue influence on the conduct of the evaluation, since the financial bids are already seen by the evaluators. The Committee explained that undue influence will not lie because the criteria and the point system stated in the bidding documents will be used. There will be no discretion on the part of the TWG since the evaluation is based on the point system and criteria. The bidder asked if they can have access to the result of the evaluation. The Committee answered yes and that they will be informed.

The Committee, TWG and bidders discussed the requirement on the number of delivery vehicles. As a result thereof and based on the recommendation of the TWG, a combination of any of the mentioned vehicles will suffice as long as the five delivery vehicle requirement will be met. One bidder asked if a van is considered as a delivery vehicle. The TWG answered that as long as the vehicle can load the items to be delivered, the same will be considered. A bid bulletin will be issued in order to reflect the changes.

One bidder asked whether the lead time and the pick-up time may be increased as per their experience, packing takes time and there are times when the volume of items to be delivered coincides. She ultimately requested that the packing time be extended. The TWG answered that that is the primary reason why they require sufficient number of employees. To address this concern, the TWG suggested that item II-12 of the Bid Data Sheet be revised to ensure compliance to reflect as follows:

“Undertaking under oath to provide for sufficient personnel in the implementation of the project”.

It was clarified that the same has to be notarized and there is no form to be provided. The Committee and the bidders agreed.



The TWG informed the bidders of their concern on the “out of delivery zone”. One bidder answered that there is really no issue because per the TOR, the forwarder is obligated to deliver the items at all cost. For example, one bidder can arrange that the items be picked up in the nearest delivery center. The Chairperson answered that the arrangement is contradictory to the door-to-door delivery required. One bidder answered that there are instances that there are critical areas to consider. The Committee ruled that “out of delivery zone” is not allowed since the delivery must be door-to-door.

Per request of bidders, the list of delivery addresses (courts) and list of items to be delivered were provided to the bidders.

One bidder reiterated her concern on the increase of lead time. The TWG answered that the same cannot be revised as the same was approved by the Court en banc.

Another concern of the bidder is who will provide the box for packing. The TWG answered that the forwarder should provide for the same because boxes are included in the ABC.

One bidder expressed his concern on the pick-up of items. He explained that there were instances before when the delivery truck was already on the premises of the Procurement Service (PS) however the items are not yet for release. He commented that there seemed to be lack of coordination with the Department of Budget and Management (DBM). The Committee answered that the implementing office will coordinate with the DBM and PS.

The Committee, TWG and the bidders discussed the lead time provided in the TOR. It was clarified that there are two (2) kinds of delivery; urgent and non-express. One bidder asked as to what are those items included in urgent delivery. The TWG cited as example official receipts. However, it was clarified that those are not the only items that will require urgent delivery, especially if there are emergency and calamity.

One bidder asked as to when the counting of the one day will commence. To put into context, he explained that for example, there were items that needs to be delivered and the same were collected from the PS. The items will be delivered to the staging area for repacking. Then, they will discover that there is no distribution list yet and as such, they cannot deliver the items. The Committee commented that there should be no pickup if there is no distribution list provided. The TWG likewise agreed. The Committee resolved that the counting will start from the time the items were pick-up with the distribution list.

One bidder asked the basis of the liquidated damages. The TWG answered that the same will be based on the freight cost and only to the items with late delivery.

Bidders requested the copy of the minutes for reference. The Committee answered that they will provide as long as there is a written request.

The Chairperson reminded the Committee that the opening of bids for the subject procurement will be on November 6, 2018 and there be further changes, the bid bulletin will be issued.



The pre-bid conference was adjourned at 5:30 p.m.

A handwritten signature in blue ink, appearing to read "April V. Enrile".

APRIL V. ENRILE
Secretary

Noted:

LILIAN C. BARRIBAL-CO
Chairperson

By:  **RUBY C. ESTEBAN-GARCIA**
Vice-Chairperson