



Republic of the Philippines

Philippine Statistics Authority

SUPPLEMENTAL PRE-QUALIFICATION BID BULLETIN NO. 08-2015
PROJECT: CIVIL REGISTRY SYSTEM- INFORMATION TECHNOLOGY PROJECT PHASE II

TO ALL PROSPECTIVE BIDDERS:

For the purpose of clarifying the Instructions to Prospective Bidders for the aforementioned project, attached is Supplemental Pre-Qualification Bid Bulletin No. 8.

This is to reiterate previous advisory that there is no further extension of the deadline of the submission date of the Qualification Documents. Authorized representatives of all Prospective Bidders are advised to submit the Qualification Documents on the stipulated closing date and time (December 18, 2015, 9:00AM to 1:00PM) at the PSA Conference Room, 17th Floor, Cyberpod Centris Three, Centris, Diliman, Quezon City.

For your guidance and information.

Issued this 9th day of December 2015.

ESTELA T. DE GUZMAN
Chairperson, PBAC
and Deputy National Statistician
Civil Registration and Central Support Office

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SUPPLEMENTAL PQ BID BULLETIN No. 8
Civil Registry System-Information Technology Project Phase II
9 December 2015

Bid Bulletin Reference No.	Specific Page/Section in Bidding Document	Query/Issue	PBAC Response/Clarification
PQ-BB8-01	ITPB, Sec. 2(II)	<p>We request that the Qualification Documents Submission Date be moved to January 18, 2016 as we would need more time to prepare and finalize our Qualification Documents.</p> <p><i>Proposed Revision:</i> (II) "Qualification Documents Submission Date" means December 18, 2015 <u>January 18, 2016</u>.</p>	Request denied.
PQ-BB8-02	ITPB, Sec. 2(II)	We would like to request PBAC to consider extending the submission date to January 29, 2016 as our queries will identify our best option in complying with Technical Qualification Requirements for the Project.	Request denied.
PQ-BB8-03	ITPB, Sec. 2(II)	<p>PSA released revised ITPB and revised Annexes on 7th December only, leaving bidders 8 working days to finalize its PQ documents. Moreover, none of our queries were answered within the three-day window communicated during the pre-bid conference.</p> <p>These delays are hampering our document preparation; more so for foreign documents which cannot be submitted for authentication until the revised Annexes were released. We respectfully request an extension until 23rd December.</p>	Request denied.
PQ-BB8-04	ITPB, Sec. 12.2.1(b)	<p>Section 5.4b (i) of the BOT Law IRR provides:</p> <p>(i) Firm Experience - By itself or through the member-firms in case of a consortium or through a Contractor(s) which the prospective Project Proponent may engage for the project, the prospective Project Proponent and /or its Contractor(s) must have successfully undertaken a project(s) similar or related to the subject infrastructure/development project to</p>	Request denied.

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		<p>be bid. The individual firms and/or their Contractor(s) may individually specialize on any or several phases of the project(s). A consortium proponent shall be evaluated based on the individual or collective experience of the member-firms of the consortium and of the Contractor(s) that it has engaged for the project.</p> <p>For purposes of the above, consortia shall submit as part of their pre-qualification statement a business plan which shall, among others, identify their members, the equity interest/contribution of each member to the consortium, their prospective Contractor(s), if the experience of their Contractor(s) are necessary for the determination of the capacity of the consortium to undertake the project , and the description of the respective roles said members and Contractors, if necessary, shall play o r undertake in the project, including as to which member(s) is(are) the prospective facility operator(s), if applicable. If undecided on a specific Contractor, the prospective Project Proponent may submit a short list of Contractors from among which it will select the final Contractor. Short listed Contractors are required to submit a statement indicating willingness to participate and capacity to undertake the requirements of the project.</p> <p>Consistent with the foregoing provision, we request PSA to reconsider earlier requests for it to accept Systems Integration Projects from different members of the consortium, and that the consortium be evaluated based on the collective experience of its members.</p>	
PQ-BB8-05	ITPB, Sec. 13.3(I)(ii) <i>in relation to Annex QD 11-B</i>	In view of the PBAC responses to our queries in Supplemental Pre-Qualification Bid Bulletins No. 6 and 7, our initial partners who would have been nominated to satisfy the System Integration Experience, and the	Request denied. For the proposed Annex QD-11C to be acceptable, the authority of the individual executing it on behalf of a Consortium Member must also be established. This means that the Prospective

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		<p>Image and Document Management Solutions Experience have backed-out and declined to participate any further in the bidding for the Project.</p> <p>We have been able to find an alternate partner to meet the System Integration Experience, and the Image and Document Management Solutions Experience, but said partner will not be able to convene its board of directors to pass the resolutions required under Annex QD 11-B: Consortium Member's Notarized Authority to Participate in the Consortium and Apply to Pre-Qualify, and Designation of Lead Member and Authorized Representative of Consortium in time for the December 18, 2015 Qualification Documents Submission Date.</p> <p>In this regard, and in view of the PBAC's denial of our request for a final extension of the Qualification Documents Submission Date, we request that the PBAC accept the submission of an alternate document or certification executed by a duly authorized officer of the said proposed Consortium Member setting forth the same or similar information and approvals required in Annex QD 11-B.</p> <p>If the foregoing request is granted, we do not object to the requirement for a Consortium Member submitting QD 11-C to submit its QD 11-B after pre-qualification and before bid submission.</p> <p><i>Proposed Draft:</i></p> <p>Annex QD 11-C</p> <p>CONSORTIUM MEMBER'S NOTARIZED AUTHORITY TO PARTICIPATE IN CONSORTIUM AND APPLY TO PRE-QUALIFY, AND DESIGNATION OF LEAD MEMBER AND AUTHORIZED REPRESENTATIVE OF CONSORTIUM</p> <p>a. For a Prospective Bidder which is a Consortium, to be submitted by each Consortium Member in lieu of Annex</p>	<p>Bidder submitting Annex QD-11C (in lieu of Annex QD-11B) will still have to submit a secretary's certificate attesting that the board of directors of the Consortium Member adopted resolutions authorizing the individual executing Annex QD-11C to so execute such document.</p>

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		<p>QD 11-B.</p> <p>[letterhead of Consortium Member]</p> <p>(place)) s.s.</p> <p>I [name], [citizenship], of legal age, with office address at [office address], as the [designation/position] of [Consortium Member], a [corporation/partnership] duly organized and existing under the laws of [place], pursuant to the powers vested in me by the [Consortium Member], am authorized to certify that:</p> <p>1. [Consortium Member] is authorized to participate, through a Consortium consisting of the following Members and their respective nationalities and percentage interests in the Consortium, in the Bidding Process for Civil Registry System - Information Technology Project Phase II ("Project") and to apply for Pre-qualification of Prospective Bidders for the Project;</p> <table border="1" data-bbox="684 878 1283 1078"> <thead> <tr> <th data-bbox="684 878 884 964">Name of Consortium Member</th> <th data-bbox="884 878 1083 964">Nationality</th> <th data-bbox="1083 878 1283 964">% Interest</th> </tr> </thead> <tbody> <tr> <td data-bbox="684 964 884 987"></td> <td data-bbox="884 964 1083 987"></td> <td data-bbox="1083 964 1283 987"></td> </tr> <tr> <td data-bbox="684 987 884 1010"></td> <td data-bbox="884 987 1083 1010"></td> <td data-bbox="1083 987 1283 1010"></td> </tr> <tr> <td data-bbox="684 1010 884 1032"></td> <td data-bbox="884 1010 1083 1032"></td> <td data-bbox="1083 1010 1283 1032"></td> </tr> <tr> <td data-bbox="684 1032 884 1055"></td> <td data-bbox="884 1032 1083 1055"></td> <td data-bbox="1083 1032 1283 1055"></td> </tr> </tbody> </table> <p>2. [Consortium Member] in the exercise of its interest in the Consortium hereby:</p> <p>(a) designates (name of Lead Member of Consortium) as Lead Member of the Consortium with the authority to represent Consortium during the Pre-qualification of Prospective Bidders for the Project;</p> <p>(b) authorizes (name of primary representative of</p>	Name of Consortium Member	Nationality	% Interest													
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		<p><i>Lead Member of Consortium</i>) and (<i>name of alternate representative of Lead Member of Consortium</i>) as representatives of the Consortium during the Bidding Process for the Project, and for such purpose shall have the authority to execute, sign, submit and receive documents for, and otherwise act in the name of the Consortium.</p> <p>3. any and all acts done and/or performed by (<i>name of Lead Member of Consortium</i>), (<i>name of primary representative</i>) or (<i>name of alternate representative</i>) under and by virtue of this power of attorney be, as they are hereby, confirmed and ratified;</p> <p>4. in the event the Consortium is declared as the Winning Bidder, the (<i>Consortium Member</i>) will cooperate with the other Consortium Members to register a domestic corporation with the Philippine Securities and Exchange Commission which corporation shall undertake to bind itself to be liable for the obligations of the Concessionaire under the Concession Agreement; and</p> <p>5. until the Concession Agreement has been awarded and the domestic corporation has been formed, the (<i>Consortium Member</i>) binds itself jointly and severally for all the obligations of the Prospective Bidder under the Instructions to Prospective Bidders and the obligations of the Pre-qualified Bidder under the Instructions to Bidders, and those of the Concessionaire under the Concession Agreement, as may be applicable.</p> <p><i>Place, Date of Execution.</i></p> <p>[Authorized Representative]</p> <p>SUBSCRIBED AND SWORN TO before me this _____ day of _____ at _____, each affiant exhibiting to me</p>	

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		<p>his/her (competent evidence of identity) issued at _____ on _____.</p> <p>Doc. No.: _____ Page No.: _____ Book No.: _____ Series of 2015.</p>	
PQ-BB8-06	ITPB, Sec. 18.3(b)(iv)	Please confirm that two (2) Consortium Members may be Affiliates of each other and that the rule in the second bullet point of Sec. 18.3(b)(iv) of the ITPB – that no Consortium Member, on its own or together with its Affiliates, shall own a greater percentage of equity interest in the Concessionaire than the Lead Member – applies <i>only</i> in the event of a Withdrawal, Substitution, or change in equity interest in the Concessionaire.	<p>We confirm that two Consortium Members may be Affiliates of each other. However, the Lead Member, on its own or together with its Affiliates, must always have the highest percentage of outstanding equity interest in the Consortium.</p> <p>The rule in the second bullet point of Section 18.3(b)(iv) applies in all instances, whether before or after a Withdrawal, Substitution or change in equity interest in the Concessionaire.</p>
PQ-BB8-07	ITPB, Annex QD 8-C	Please clarify what are being referred to as “attendant liabilities”.	“Attendant liabilities” refer to the duties, obligations and responsibilities (and the consequent liabilities arising on account of the failure to discharge such duties) associated with the position being assumed by the individual executing Annex QD-8C.
PQ-BB8-08	Supplemental PQ Bulletin No. 2, PQ-BB2-23, Page 8	<p>We believe that the clarification being sought in PQ-BB2-23 was based on the premise that a prospective bidder or consortium member or affiliate may be allowed to employ Personal employees, consultants and external experts for the project in addition to using its regular employees.</p> <p>Normally, regular employees would already have a contract in place with their employer and would not be signing up to a new contract for a specific project. Also, it would be normal practice and the normal situation under the law in place for the contracting company to take on all liabilities towards the client for the acts of its employees. While we can understand the desire to make sure that bidders using consultants and external</p>	<p>Request denied. Kindly refer to SBB No. 5, PQ-BB5-20.</p> <p>[Note: There is an internal inconsistency in the ITPB in relation to Annex QD-8C. On the one hand, Section 12.2.1(c) requires Prospective Bidders to nominate Key Personnel “and <i>each of the nominated Key Personnel</i> is required to submit a Notarized Statement of Willingness to Participate In, and Capacity to Undertake the Requirements of the Project in the format provided in Annex QD-8C.”</p> <p>On the other hand, each Key Personnel executing Annex QD-8C is required to attest (in paragraph 4)</p>

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		<p>contractors make sure that those people are contractually committed to the bidder, that does not seem to be necessary where the bidder already has a pre-existing longer term contractual relationship with the people providing services.</p> <p>Therefore, we reiterate our request to waive this requirement for regular employees already in the employ of the bidder.</p>	<p>that “[i]f selected by [<i>Name of Prospective Bidder</i>], <i>I shall formally enter into a contract with the Project Proponent</i> to perform the obligations and assume the attendant liabilities as Key Personnel for [<i>position/designation</i>] for the CRS-ITP2 Project.</p> <p>The statement in paragraph 4 of Annex QD-8C implies that the individual executing it is not yet an employee of the Prospective Bidder. If this is the case, then any Key Personnel nominated by a Prospective Bidder that is already employed by that Prospective Bidder cannot make that statement. As such, only those nominated Key Personnel not yet employed by a Prospective Bidder ought to execute Annex QD-8C (as suggested by the query).]</p>