



Republic of the Philippines
DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS

NEGOTIATION TEAM

Project: NEGOTIATED PROCUREMENT OF AN INDEPENDENT CONSULTANT FOR THE SOUTHWEST INTEGRATED TRANSPORT SYSTEM PPP PROJECT (TWO FAILED BIDDINGS)

Negotiation Bulletin No. 01-2015

TO ALL PROSPECTIVE OFFERORS:

For purposes of clarifying and amending the Negotiation Documents for the aforementioned Project, please see below:

1. In view of the requests for extension and in order to give offerors sufficient time to prepare their submissions, the schedule for the Deadline for Submission of Eligibility Documents, Technical Proposal and Financial Proposal and Opening of Eligibility Documents and Technical Proposal is moved from 19 October 2015, 10:00 A.M. to **23 October 2015, 10:00 A.M.**
2. Please find attached as Annex "A" the answers to queries for the project.
3. The requirement for an offer security will no longer be required. Clause 10.1 of the Instructions to Offerors is amended to read as follows:

"10.2. The Technical Proposal shall contain the following information/documents:

~~(a) Offer security as prescribed in ITO Clause 15. If the Offeror opts to submit the bid security in the form of:~~

~~(i) a bank draft/guarantee or an irrevocable Letter of Credit issued by a foreign bank, it shall be accompanied by a confirmation from a Universal or Commercial Bank; or~~

~~(ii) a surety bond accompanied by a certification coming from an authorized Insurance Commission that a surety or insurance company is authorized to issue such instrument.~~

(b) Information indicated in the paragraphs below must be provided by the Consultant and each partner and/or subcontractor, if any, following the formats described in the TOR:

xxx"

4. Likewise, Clause 14.2 of the Instructions to Offerors is amended to read as follows:

"14.2. In exceptional circumstances, prior to the expiration of the offer validity period, the Procuring Entity may request Consultants to extend the period of validity of their proposals. The request and the responses shall be made in writing. ~~The offer security described in ITO Clause 15~~**Error! Reference source not**

~~found.~~ should also be extended corresponding to, at least, the extension of the offer validity period. A Consultant may refuse the request, but his proposal shall no longer be considered for further evaluation and award. A Consultant granting the request shall not be required or permitted to modify its proposals.”

5. Likewise, Clause 15 of the Instructions to Offerors is amended to read as follows:
“

15. Offer Security

15.1 ——— The offer security, issued in favor of the Procuring Entity, in the amount stated in the NDS shall be equal to the percentage of the ABC in accordance with the following schedule:

Form of Offer Security	Amount of Offer Security (Equal to Percentage of the ABC)
a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	Two percent (2%)
b) 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.	
c) 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%)
d) Any combination of the foregoing.	Proportionate to share of form with respect to total amount of security

~~For negotiations conducted by LGUs, the Consultant may also submit offer securities in the form of cashier's/manager's check, bank draft/guarantee, or irrevocable letter of credit from other banks certified by the BSP as authorized to issue such financial statement.~~

15.2 ——— The offer security should be valid for the period specified in the NDS. Any offer not accompanied by an acceptable offer security shall be rejected by the Procuring Entity as non-responsive.

15.3 ——— No offer securities shall be returned to the Consultants after the opening of proposals and before contract signing, except to those that failed or declared as post-disqualified, upon submission of a written waiver of their right to file a motion for reconsideration and/or protest. Without prejudice on its forfeiture, bid securities shall be returned only after the Offeror with the Lowest Calculated and Responsive Offer has signed the contract and furnished the performance security, but in no case later than the expiration of the bid security validity period indicated in ~~ITO~~ Clause 15.2.

~~15.4~~ Upon signing and execution of the contract pursuant to ~~ITO~~ Clause 33, and the posting of the performance security pursuant to ~~ITO~~ Clause 34, the Consultant's offer security will be discharged, but in no case later than the offer security validity period as indicated in ~~ITO~~ Clause 15.2.

~~15.5~~ The offer security may be forfeited:

(a) if a Consultant:

(i) withdraws its bid during the period of bid validity specified in ~~ITO~~ Clause 15.2;

(ii) does not accept the correction of errors pursuant to ~~ITO~~ Clause **Error! Reference source not found.**;

(iii) fails to submit the requirements within the prescribed period or a finding against their veracity as stated in ~~ITO~~ Clause 29.2; or

(iv) any other reason stated in the NDS.

(b) if the successful Consultant:

(i) fails to sign the contract in accordance with ~~ITO~~ Clause 33;

(ii) fails to furnish performance security in accordance with ~~ITO~~ Clause 34; or

(iii) any other reason stated in the NDS.”

6. Likewise, Clause 20.5 of the Instructions to Offerors is amended to read as follows:

“20.5. No proposals may be withdrawn in the interval between the deadline for submission of proposals and the expiration of the period of offer validity specified by the Consultant on the Financial Proposal Form. Withdrawal of a proposal during this interval shall result in the forfeiture of the Consultant's offer security, pursuant to ~~ITO~~ Clause 15.5, and the imposition of administrative, civil, and criminal sanctions as prescribed by R.A. 9184 and its IRR.”

7. Likewise, Clause 15.1, 15.2, 15.5(a)(iv), and 15.5(b)(iii) of the Negotiation Data Sheet are amended to read as follows:

15.1	<p>The offer security shall be in the following amount:</p> <ol style="list-style-type: none"> 1. Nine Hundred Seventy Nine Thousand Eight Hundred Fifty Eight Pesos and Eighty Eight Centavos (PhP 979,858.88) if offer security is in cash, cashier's/manager's check, bank draft/guarantee or irrevocable letter of credit; 2. Two Million Four Hundred Forty Nine Thousand Six Hundred Forty Seven Pesos and Twenty Centavos (PhP 2,449,647.20) if offer security is in Surety Bond; or 3. Any combination of the foregoing proportionate to the share of form with respect to total amount of security.
15.2	<p>The offer security shall be valid one hundred twenty (120) calendar days from the date of the submission of proposals.</p>
15.5(a)(iv)	<ol style="list-style-type: none"> 1. Submission of eligibility requirements containing false information or falsified documents. 2. Submission of proposals that contain false information or falsified documents, or the concealment of such information in the bids in order to influence the outcome of

