

**DEPARTMENT OF ENERGY**  
 3/F DOE Main Bldg., Energy Center,  
 Rizal Drive, Bonifacio Global City, Taguig City

**BIDS AND AWARDS COMMITTEE**  
**MINUTES OF VIRTUAL PRE-BID CONFERENCE**

EPA CY2021 No. 4

Date: 04 February 2021

Day: Thursday

Time: 09:28 AM

**I. CALL TO ORDER**

The Secretariat checked the attendance and declared a quorum with the following BAC Members in attendance:

<b>BAC</b>	<b>Designation</b>
1. Usec. R. B. Uy	Vice Chairperson
2. Dir. A. T. Tenazas, CESO IV	Member
3. Dir. A. A.S. Soluta (Virtual)	Member
4. Asst. Dir. R. I. Romero	Alternate Member

<b>TWG</b>	<b>Designation</b>
1. Atty. M. F. F. Roa (Virtual)	TWG Head
2. V. S. Llamo (Virtual)	Assistant Head
3. E. B. Morales (Virtual)	Member
4. L. B. Bangit (Virtual)	Member
5. E. T. Ramos	Member
6. K. T. Regala (Virtual)	Member
7. F. E. Villanueva (Virtual)	Member
8. R. S. Domasig (Virtual)	Member
9. D. F. Antiporda	Member

<b>Secretariat (BAC SEC)</b>	<b>Designation</b>
1. F. G. Domingo, Jr.	Secretariat Head
2. J. J. A. Deogracias	Assistant Head
3. A. M. T. Reposar	Member
4. D. M. Montillano	Member
5. A. M. Bautista	Member

<b>End-users</b>	<b>Office</b>
1. Dir. P. A. Avenido, Jr.	AS
2. M. C. P. Baldos	AS-HRMD
3. I. B. Santos	AS-HRMD

<b>Other Attendees</b>	<b>Office</b>
1. R. P. De Guzman	AS-PMD
2. I. M. Roxas (Virtual)	AS-PMD
3. M. A. R. Cuevas	AS-PMD
<b>Bidders</b>	<b>Company</b>

- |                                    |                |
|------------------------------------|----------------|
| 1. Jenielyn Raposa (Virtual)       | ASPEX Inc.     |
| 2. Francis Glenn Soriano (Virtual) | LSERV Corp.    |
| 3. Dexie Calibara (Virtual)        | LSERV Corp.    |
| 4. Christine Gonzales (Virtual)    | Omniworx, Inc. |

With the declaration of a Quorum, the meeting was called to order at 09:28 AM by Usec. Robert B. Uy, as the Presiding Officer.

The BAC Secretariat Assistant Head informed the BAC that invitations for the in-house Commission on Audit (COA) and other representatives from the Non-Government Organizations (NGO) and Civil Society to attend the Opening of Bids were officially sent to their respective offices.

## II. MEETING AGENDA

### A. Items for Bidding

Procurement Title	End-user	ABC (PhP)
DOE Annual Outsourced Manpower Services	AS-HRMD	52,000,000.00

## III. INTRODUCTION OF PROSPECTIVE BIDDERS

### Prospective Bidder Participated through Teleconference)

	Name/Company	Item for Procurement
1.	Jenielyn Raposa / ASPEX, Inc.	DOE Annual Outsourced Manpower Services
2.	Dexie Calibara and Francis Glenn Soriano / LSERV Corp.	DOE Annual Outsourced Manpower Services
3.	Christine Gonzales / Omniworx, Inc.	DOE Annual Outsourced Manpower Services

The BAC Vice Chairperson informed the potential bidders of the purpose of the pre-bid conference, which is to give the interested bidder the opportunity to clarify matters related to the bidding documents including the Terms of Reference (TOR) and specifications. In cases that clarifications will result to the changes in the bid documents, the BAC will issue the necessary bid bulletin which will form part of the bidding documents and will be binding to all the bidders.

The interested bidder may further clarify matters related to the bidding documents by sending their clarification to the BAC or the BAC Secretariat either through written correspondence or electronic mail. The request for clarification can be done within three (3) days after the pre-bid conference. Request for clarification that will be received beyond the allowable period will not be acted upon by the BAC.

The BAC Secretariat informed the interested bidder that the GPPB, under Resolution No. 09, s. 2020, allows the Procuring Entity to accept alternate documents for the purpose of eligibility checking e.g., Proof of payment for renewal of Mayor's Business Permits and unnotarized Omnibus Sworn Statement or unnotarized Bid Securing Declaration, with the condition that valid documents shall be submitted before payment is made.

The potential bidders during the teleconference confirmed that they have read and understood the BAC Pre-Bid Conference protocol and guidelines based on the pre-orientation conducted by the BAC Secretariat before the pre-bid conference.

#### **IV. INTRODUCTION OF PROSPECTIVE BIDDERS**

##### **Agenda #1 DOE Annual Outsourced Manpower Services / End-user: AS-HRMD / ABC – PhP52,000,000.00**

Ms. Baldos, the End-user representative, presented the TOR to the body.

##### **Bidder’s Queries**

###### **LSERV Corp.**

- a. Ms. Calibara asked if all the listed requirements under Item 11 (“Other Requirements” on page 29) should be submitted during the Bid Opening.

###### **BAC/End-user Response**

The BAC TWG Head clarified that the items listed under “Other Requirements” are for post-qualification procedure.

She said that for the Bid Opening, the BAC TWG checks on the required technical, legal and financial documents. The BAC TWG Head however added that the bidders may include the the documents under “Other Requirements” in their bid submission. However, the absence of the said documents during Bid Opening is not a ground for disqualification.

The BAC Secretariat Head shared that a bid bulletin will be issued to clarify that the documents listed under Item 11 on page 29 of the bid documents is not for eligibility screening but for purposes of post-qualification.

###### **For Bid Bulletin**

- b. Ms. Calibara inquired if they can submit the clearances from SSS, PAG-IBIG and PhilHealth instead of the proof of six months remittances.

The BAC TWG Head responded that inclusion of the clearance in submission is allowed but the TWG will still require the submission of remittances which includes the alphabetical listing of the Bidder’s personnel which is part of TWG’s due diligence and validation.

###### **Bid Bulletin not required**

- c. Ms. Calibara asked if the DOLE/NLRC Clearance dated October 2020 is sufficient since for the past six (6) months during the COVID-19 pandemic, it is the only version that they have.

The BAC TWG Head answered that the document will do as long as the period is ascertained. She added that LSERV can just submit it together with a justification why the company was not able to secure another clearance (since clearance is issued on a quarterly basis).

She added that since the said document is issued upon request and is not required by

other agencies, they only have one (1) copy in their file.

d. Ms. Calibara requested for clarification on the intention of the form on page 53 entitled, “Statement of Ongoing, Completed and/or Awarded Contracts”.

e. Ms. Calibara asked if the “Statement of Ongoing, Completed and/or Awarded Contracts” is different from the Single Largest Completed Contract (SLCC)?

f. Ms. Calibara inquired if the attachment for the End-user Certificate of Acceptance is only applicable for the completed contract.

g. Ms. Calibara asked about the number of personnel required vs the actual number during full implementation.

According to her, as reflected in Page 30 under “Schedule of Manpower Requirements” – Item No. 1 Administrative Aide III, the number of personnel required is one (1) and the actual number of personnel is three (3) under their current contract. Ms. Calibara sought for clarification on what will happen to the remaining two (2).

h. Ms. Calibara, for the purpose of bidding, inquired about the premium rate to be used for contributions like PhilHealth and SSS since the one for PhilHealth is currently deferred while the one for SSS is still being discussed.

i. Ms. Calibara asked about the number of [working] days as divisor, which will be the basis for the computation of incentive leaves of a personnel.

Further, the BAC TWG Head stated that they will evaluate the document as soon as they are in the process of post-qualification.

The BAC TWG Head responded that the bidder may segregate the list of projects as to ongoing, completed, and/or awarded in different sheet/pages. She added that the list of ongoing projects will be used for the validation for the computation of NFCC, while the list of completed and awarded projects is for the purpose of exercising due diligence to validate the bidder’s performance

The BAC TWG Head clarified that the said document is different from SLCC, the project listed in the SLCC is for the requirement specifically mentioned in the bid/documents requiring a certain amount for the bidder to be qualified. The SLCC could also be listed in the entries can be the same in the list of completed contracts.

The BAC TWG Head confirmed that the End-user Certificate of Acceptance is only applicable for the completed contract.

The BAC Secretariat Head clarified that the concern being raised is an administrative concern on the Bidders implementation of their current contract with DOE it should be discussed in and settled in another forum.

The BAC Secretariat clarified that the requirement for manpower is as stated in the schedule of required manpower as confirmed by the End-user . However, there is a provision in the Terms of Reference that the Client may request for additional manpower during the implementation.

The End-user responded that the CY 2021 Approved Schedule of Contribution issued by SSS and PhilHealth shall be applied, to which the BAC TWG Head agreed.

The BAC Secretariat Head stated that this shall be included in the bid bulletin (Item No. 6, sub-item No. 5).

**For Bid Bulletin**

The End-user answered that the number of days to be used is twenty-two (22).

Ms. Calibara clarified that the 22 days would be equivalent to 264 days in a year. According to her, referring to the DOLE handbook, the working days should be equivalent to 261 days if the personnel work for five (5) days a week (245 normal days, 12 regular holidays, and 4 special holidays).

The BAC Secretariat Head committed to coordinate with the agency's labor expert to sort out the concern raised and issue an appropriate bid bulletin.

He also asked Ms. Calibara if the concern would affect LSERV Corp.'s preparation of bid proposal to which Ms. Calibara responded that it won't affect their proposal preparation, but she just wants her company to have an equal footing with the rest of the prospective bidders in the preparation of the bid detail form since it will be used in the computation of the five (5) day Incentive Leave.

- j. Ms. Calibara requested for the waiving of Item B under "Insurance/ Securities", which states: Labor/Bond Security in the amount equal to 100% of the Total Labor Cost under this Contract to answer for the wages due the employees should the CONTRACTOR fail to pay the same, as provided under Article 108 of the Labor Code of the Philippines

#### **For Bid Bulletin**

The BAC TWG Head responded that in DOE procurement, the provision will serve as "protection" not just for the DOE but for the personnel whom the service provider has engaged. She also confirmed that the said provision cannot be waived.

Ms. Calibra sought for clarification about Article 108 of Labor Code of the Philippines wherein it states that the cap for labor bond is just Php500,000.

The BAC TWG Head responded that labor code also allowed the procuring agency to require the 100% of the contract cos for labor bond.

#### **Bid Bulletin not required**

#### **ASPEX, Inc.**

- a. Ms. Raposa asked if they can submit Proof of Application in lieu of the Certificate of Membership/ Registration with the Philippine Association of Local Service Contractors, Inc. (PALSCON).

#### **BAC/End-user Response**

The BAC TWG Head answered that the Proof of Application will do.

The BAC Secretariat Head stated that the concern raised was for post-evaluation purposes, and no bid bulletin shall be issued for this item.

**Note: Upon further deliberation of the TWG and end-user this requirement is mandatory, and the proof of application will not be considered as compliant. The BAC Secretariat is instructed by the BAC to include a clarification on this matter in the Bid Bulletin.**

- b. Ms. Raposa inquired about the implementation date after receiving the Notice to Proceed (NTP).

The BAC Secretariat Head responded that Section 6 –Schedule of Requirement states, "upon receipt of NTP", confirming that there should be no gap and that upon receipt of the NOA , the winning bidder is required to

coordinate with HRMD for an immediate transition upon receipt of notice to proceed.

**Omniworx, Inc.**

**BAC/End-user Response**

- a. Ms. Gonzalez declared that she has no further questions about the item for procurement.

The BAC TWG Head reminded the prospective bidders to properly mark, tab and organize documents for easier checking and verification during the Opening of Bids. She also encouraged them to submit binded/fastened documents instead of submitting loose ones.

The BAC Secretariat Head reminded the potential bidders that the deadline of submission for their bids is scheduled on 18 February 2021 at 9:00 a.m., to which they acknowledged.

**Other clarifications:**

1. The BAC Secretariat informed the prospective bidder/service provider that they are allowed to make clarifications through official/written communication addressed to the BAC or email through the BAC Secretariat within the three (3) day allowable period. The BAC cannot act on request for clarification received beyond the allowable period.
2. The BAC Vice Chairperson informed the prospective bidder that deadline for the submission of bids is on or before 9:00AM of 18 February 2021 and also explained that under the current public health emergency the BAC is accepting alternative documents as provided by GPPB Resolution No. 09-2020, specifically the acceptance of expired Business/Mayors Permit and unnotarized document required under the Bid Documents.
3. Submission of the alternative document is for eligibility and post-qualification purposes only. The alternative documents should be replaced with the proper documents on or before payment, otherwise the payment will not be processed.
4. The BAC Secretariat reminded the prospective bidders to check their bid document submission for successful public bidding.

The BAC Secretariat informed the potential bidders that the DOE will include two (2) other items in the Bid Bulletin:

- a. Page 23 Item C

A bid bulletin will be issued to replace the provision with standard DOLE wage order for salary increases.

- b. Page 25: Service Provider Responsibilities/Obligations

A bid bulletin will be issued to indicate the provision on the conduct of employee orientation wherein a certification for those who completed the activity will be required

**V. APPROVAL OF THE BID BULLETIN/SUPPLEMENTAL**

## **Bid Bulletin No. 1**

1. Page 29; Item 11 – Other requirements - these documents is for post qualification purposes.
2. Government mandatory contributions (SSS, PhilHealth, ECC)

The bidders should use the CY2021 contribution rates as required by the concerned government agencies.

3. For the purpose of computing the daily rate of the personnel the number of days to be used as divisor for the monthly rate is:  $\text{Daily Rate} = (\text{Monthly Rate} \times 12 \text{ Months}) / 261 \text{ days}$
4. Clarification Item 11 (5):

### **ASPEX's query:**

Item 11- Other requirements

5. Certificate of membership/registration with the Philippine Association of Local Service Contractors, Inc. (PALSCON);

Is it acceptable for them to submit the proof of application for membership with PALSCON?

### **BAC response:**

Yes. submission of proof of application will suffice.

### **BAC Clarification:**

Upon further deliberation, the requirement of being a member of PALSCON is mandatory for the End-user since this requirement will ensure that the Supplier is a credible, recognized, and responsible contractor in providing manpower for staffing services by way of DOLE recognition of PALSCON as an association of legitimate local service contractors that advocates ethical, legal and professional service contracting. Hence, the BAC herein clarifies that the said requirement can be only by complied by submitting no less than the proof of membership and **submission of proof of application for membership will be considered as non-complying and a ground for disqualification.**

## **VII. ADJOURNMENT**

- A. Official Adjournment:

The meeting was adjourned at 11: 58 AM.

**Reviewed by:**



**Federico G. Domingo Jr.**  
BAC Secretariat Head  
Chief Administrative Officer  
Procurement Management Division

*This document is still subject for review and concurrence of the BAC Members.*