

1. Eligibility Criteria

1.1. The following persons/entities shall be allowed to participate in the bidding for consulting services:

- (a) Duly licensed Filipino citizens/sole proprietorships;
- (b) Partnerships duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the interest belongs to citizens of the Philippines;
- (c) Corporations duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the outstanding capital stock belongs to citizens of the Philippines;
- (d) Cooperatives duly organized under the laws of the Philippines, and of which at least sixty percent (60%) interest belongs to citizens of the Philippines; or
- (e) Persons/entities forming themselves into associations or joint venture, *i.e.*, a group of two (2) or more persons/entities that intend to be jointly and severally responsible or liable for a particular contract: Provided, however, That Filipino ownership or interest thereof shall be at least sixty percent (60%). For this purpose, Filipino ownership or interest shall be based on the contributions of each of the members of the association/joint venture as specified in their Association Agreement (AA)/Joint Venture Agreement (JVA).

1.2. When the types and fields of Consulting Services involve the practice of professions regulated by law, those who will actually perform the services shall be Filipino citizens and registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions specified in the **EDS**.

1.3. If the Request for Expression of Interest (EOI) allows participation of foreign consultants, prospective foreign bidders may be eligible subject to the qualifications stated in the **EDS**.

1.4. Government corporate entities may be eligible to participate only if they can establish that they (a) are legally and financially autonomous, (b) operate under commercial law, and (c) are not dependent agencies of the Government of the Philippines (GOP) or NEDA.

2. Eligibility Requirements

2.1. The following eligibility requirements shall be submitted on or before the date of the eligibility check specified in the Request for EOI and Clause 5 for purposes of determining eligibility of prospective proponents:

- (a) Class "A" Documents –

Legal Documents

- (i) Registration certificate from Securities and Exchange Commission (SEC) for corporations/partnerships, Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives, or any proof of such legal standing/registration as stated in the **EDS**;
- (ii) Mayor's permit issued by the city or municipality where the principal place of business of the prospective consultant is located;
- (iii) Valid Tax Clearance Certificate per Executive Order (EO) No. 398, Series of 2005, reviewed and approved by the Bureau of Internal Revenue (BIR);

Technical Documents

- (iv) Statement of the prospective bidder of all its ongoing and completed 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, within the relevant period provided in the **EDS**. The statement shall include, for each contract, the following:
 - (iv.1) the name and location of the contract;
 - (iv.2) date of award of the contract (in days, months and years);
 - (iv.3) type and brief description of consulting services;
 - (iv.4) consultant's role (whether main consultant, subcontractor, or partner in a JV)
 - (iv.5) amount of contract;
 - (iv.6) contract duration (in months and years); and
 - (iv.7) certificate of satisfactory completion or equivalent document specified in the **EDS** issued by the client, in the case of a completed contract;
- (v) Statement of the consulting firm specifying the nationalities of those who will actually perform the consulting services and confirming that they are registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions, in accordance with Clause 1.2, including their respective curricula vitae as specified in the **EDS**.

Financial Document

- (vi) The consultant's audited financial statements, showing, among others, the consultant's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission.

(b) Class "B" Document –

Valid AA/ JVA, in case the association/ joint venture is already in existence. In the absence of AA/JVA, duly notarized statements from all the potential association/joint venture partners stating that they will enter into and abide by the provisions of the AA/JVA in the instance that the bid is successful, shall be included in the proposal. Failure to enter into association/joint venture in the event of a contract award shall be ground for the forfeiture of the proposal security. Each partner of the association/joint venture shall submit the legal eligibility documents. The submission of technical and financial documents by any of the association/joint venture partners constitutes compliance.

- 2.2. In the case of foreign consultants, the foregoing eligibility requirements under Class "A" Documents may be substituted by the appropriate equivalent documents, if any, issued by the foreign consultant's country.
- 2.3. The eligibility requirements or statements and all other documents to be submitted to the NEDA Bids and Awards Committee for Consulting Services (NBAC-CS) must be in English. A translation of the documents in English certified by the appropriate embassy or consulate in the Philippines must accompany the eligibility requirements under Classes "A" and "B" Documents if they are in other foreign language.
- 2.4. Prospective consultants may obtain a full range of expertise by associating with individual consultant(s) and/or other consultants or entities through association/JV or subcontracting arrangements, as appropriate. Foreign Consultants shall seek the participation of Filipino Consultants by entering into a JV with, or subcontracting part of the project to, Filipino Consultants.
- 2.5. If a prospective consultant has previously secured a certification from the NEDA to the effect that it has previously submitted the above-enumerated Class "A" Documents, the said certification may be submitted in lieu of the requirements enumerated in Clause 2.1 above.

3. Format and Signing of Eligibility Documents

- 3.1. Prospective consultants shall submit their eligibility documents through their duly authorized representative on or before the deadline specified in Clause 5.
- 3.2. Prospective consultants shall prepare an original and copies of the eligibility documents. In the event of any discrepancy between the original and the copies, the original shall prevail.

- 3.3. The eligibility documents, except for unamended printed literature, shall be signed, and each and every page thereof shall be initialed, by the duly authorized representative/s of the prospective consultant.
- 3.4. Any interlineations, erasures, or overwriting shall be valid only if they are signed or initialed by the duly authorized representative/s of the prospective consultant.

4. Sealing and Marking of Eligibility Documents

- 4.1. Unless otherwise indicated in the **EDS**, prospective consultants should enclose their original eligibility documents described in Clause 2.1, in a sealed envelope marked "ORIGINAL – ELIGIBILITY DOCUMENTS". Each copy should be similarly sealed duly marking the envelopes as "COPY NO. ____ - ELIGIBILITY DOCUMENTS". These envelopes containing the original and the copies should then be enclosed in one single envelope.
- 4.2. The original and the number of copies of the eligibility documents as indicated in the **EDS** should be typed or written in indelible ink and should be signed by the prospective consultant or its duly authorized representative/s.
- 4.3. All envelopes should:
 - (a) contain the name of the contract to be procured in capital letters;
 - (b) bear the name and address of the prospective consultant in capital letters;
 - (c) be addressed to the NBAC-CS specified in the **EDS**;
 - (d) bear the specific identification of this Project indicated in the **EDS**; and
 - (e) bear a warning "DO NOT OPEN BEFORE..." the date and time for the opening of eligibility documents, in accordance with Clause 5, unless such is allowed to be submitted in advance as indicated in the Request for EOI.
- 4.4. If the eligibility documents are not sealed and marked as required, NEDA will not assume any responsibility for its misplacement, premature opening or tampering, and shall not prejudice the selection process.

5. Deadline for Submission of Eligibility Documents

Eligibility documents must be received by the NBAC-CS at the address and on or before the date and time indicated in the Request for EOI and the **EDS**.

6. Late Submission of Eligibility Documents

Any eligibility documents submitted after the deadline for submission and receipt prescribed in Clause 5 shall be declared "Late" and shall not be accepted by NEDA.

7. Modification and Withdrawal of Eligibility Documents

- 7.1. The prospective consultant may modify its eligibility documents after it has been submitted; provided that the modification is received by NEDA prior to the deadline specified in Clause 5. The prospective consultant shall not be allowed to retrieve its original eligibility documents, but will be allowed to submit another set equally sealed, properly identified, linked to its original bid marked as "ELIGIBILITY MODIFICATION" and stamped "received" by the NBAC-CS. Modifications received after the applicable deadline shall not be considered and shall be returned to the prospective bidder unopened.
- 7.2. A prospective consultant may, through a letter of withdrawal, withdraw its eligibility documents after it has been submitted, for valid and justifiable reason; provided that the letter of withdrawal is received by NEDA prior to the deadline prescribed for submission and receipt of eligibility documents.
- 7.3. Eligibility documents requested to be withdrawn in accordance with this Clause shall be returned unopened to the prospective consultant concerned. A prospective consultant may also express its intention not to participate in the selection process through a letter which should reach and be stamped by NBAC-CS before the deadline for submission and receipt of eligibility documents. A prospective consultant that withdraws its eligibility documents shall not be permitted to submit another set, directly or indirectly, for the same project.

8. Opening and Preliminary Examination of Eligibility Documents

- 8.1. NBAC-CS will open the envelopes containing the eligibility documents in the presence of the prospective consultants' representatives who choose to attend, at the time, on the date, and at the place specified in the **EDS**. The prospective consultants' representatives should present a written authority signed by the head or any authorized official of their firm and should sign a register evidencing their attendance.
- 8.2. Letters of withdrawal shall be read out and recorded during the opening of eligibility documents and the envelope containing the corresponding withdrawn eligibility documents shall be returned unopened to the withdrawing prospective consultant. If the withdrawing prospective consultant's representative is present during the opening, the original eligibility documents and all copies thereof shall be returned to the representative during the opening of eligibility documents. If no representative is present, the eligibility documents shall be returned unopened by registered mail.
- 8.3. A prospective consultant determined as "ineligible" has seven (7) calendar days upon written notice or, if present at the time of the opening of eligibility documents, upon verbal notification, within which to file a request for reconsideration with NBAC-CS: Provided, however, that the request for reconsideration shall not be granted if it is established that the finding of failure is due to the fault of the prospective consultant concerned: Provided, further, that the NBAC-CS shall decide on the request for reconsideration within seven (7) calendar days from receipt thereof. If a failed prospective consultant signifies his intent to file a request for reconsideration, in the case

of a prospective consultant who is declared ineligible, the NBAC-CS shall hold the eligibility documents until such time that the request for reconsideration or protest has been resolved.

8.4. The eligibility documents envelopes and modifications, if any, shall be opened one at a time, and the following read out and recorded:

- (a) the name of the prospective consultant;
- (b) whether there is a modification or substitution; and
- (c) the presence or absence of each document comprising the eligibility documents vis-à-vis a checklist of the required documents.

8.5. The eligibility of each prospective consultant shall be determined by examining each consultant's eligibility requirements or statements against a checklist of requirements, using non-discretionary "pass/fail" criterion, as stated in the REI, and shall be determined as either "eligible" or "ineligible." If a prospective consultant submits the specific eligibility document required, he shall be rated "passed" for that particular requirement. In this regard, failure to submit a requirement, or an incomplete or patently insufficient submission, shall be considered "failed" for the particular eligibility requirement concerned. If a prospective consultant is rated "passed" for all the eligibility requirements, he shall be considered eligible to participate in the selection process, and NBAC-CS shall mark the set of eligibility documents of the prospective consultant concerned as "eligible." If a prospective consultant is rated "failed" in any of the eligibility requirements, he shall be considered ineligible to participate in the selection process, and NBAC-CS shall mark the set of eligibility documents of the prospective consultant concerned as "ineligible." In either case, NBAC-CS Chairperson or his duly designated authority shall countersign the markings.

9. Short Listing of Consultants

9.1. Pursuant to Sec. 24.5.3 of the Revised IRR of RA 9184, consultants shall submit the following documents, as also provided in the **EDS**, for short listing:

- (a) Applicable experience of the firm and members in case of joint ventures, considering both the overall experiences of the firm or, in the case of new firms, the individual experiences of the principal and key staff, including the times when employed by other consultants;
- (b) Qualification of consultant/s, including education and skills and competencies, who may be assigned to the job; and
- (c) Current workload relative to capacity.

9.2. Only prospective consultants whose submitted contracts are similar in nature and complexity to the contract to be bid as provided in the **EDS** shall be considered for short listing.

- 9.3. NBAC-CS shall draw up the short list of prospective consultants from those declared eligible using the detailed set of criteria and rating system to be used specified in the **EDS**.
- 9.4. Short listed consultants shall be invited to participate in the selection process for this project through a Letter of Invitation to submit Proposals issued by the NBAC-CS.
- 9.5. Only proposals from short listed consultants shall be opened and considered for award of contract. These short listed consultants, whether single entities or association/JVs, should confirm in their proposals that the information contained in the submitted eligibility documents remains correct as of the date of proposal submission.

Eligibility Data Sheet (EDS)

Eligibility Documents	
1.2	Not applicable.
1.3	Foreign consulting firms may be eligible to participate provided they must be registered with the Securities and Exchange Commission and/or any agency authorized by the laws of the Philippines.
2.1.a (i)	No additional requirements.
2.1.a (iv)	The statement of all ongoing and completed government and private contracts within the last 10 years prior to the deadline for the submission and receipt of eligibility documents. Use attached Form A & Form B.
2.1.a (iv.7)	Copies of Certificate of project completion/acceptance of work from at least two (2) previous clients for the last 10 years.
2.1.a (v)	The updated curricula vitae should show, at the very least, the Consultant's educational background, related training and relevant experience (in days, months and years with detailed description/discussion on the nature and scope of work). Use attached Form C.
4.1	No additional requirements.
4.2	Each prospective Consultant shall submit one (1) original and four (4) properly tabbed/labeled copies of its eligibility documents.
4.3(c)	See Item 5 below
4.3(d)	Consulting Services for the Conduct of Feasibility Study (F/S) of the Automated Guide-way Transit (AGT) System
5	<p>The address for submission of eligibility documents is: Hon. Ruben S. Reinoso, Jr. Assistant Director-General and Chairman NEDA Bids and Awards Committee for Consulting Services (NBAC-CS) 4/F NEDA-sa-Pasig Bldg. No. 12 Saint Josemaria Escriva Drive Ortigas Center, Pasig City, 1605</p> <p>The deadline for submission of eligibility documents is: 10 November 2015, 12:00 nn.</p>
8.1	<p>The place of opening of eligibility documents is: Office of the ADG for Investment Programming Conference Room 4th Floor NEDA-sa-Pasig Building No. 12 Saint Josemaria Escriva Drive Ortigas Center, Pasig City.</p> <p>The date and time of opening of eligibility documents is: 10 November 2015, 1:00 PM.</p>

9.1	The updated curricula vitae should show, at the very least, the Consultant/s' educational background, related training and relevant experience (in days, months and years with detailed description/discussion on the nature and scope of work). Use attached Form C.
9.2	No additional requirements.
9.3	Please see Annex B of the Terms of Reference.

Statement of Completed Contracts

This is to certify that _____ has the following completed contracts for the period CY _____

Name and Location of the Contract	Date of Award of the Contract	Type and Brief Description of Consulting Services	Consultant's Role (Main Consultant, Sub-Contractor, Partner in a JV, etc.)	Amount of Contract	% Share of the Firm Attributed to Contract Cost (for JVs)	Contract Duration (in years, months and days)	Proof/Certificate of Satisfactory Completion or Equivalent Document Issued by at Least Two (2) Clients (Separate Sheet)

Name and Signature of Authorized
Representative

Date

***Instructions:**

- a) Cut-off date: The day before the deadline of submission of eligibility documents.
- b) State completed contracts for the last 10 years. Contracts that are similar to the project being bid in terms of nature and amount shall be prioritized in inclusion in the list.

Statement of Ongoing and Awarded But Not Yet Started Contracts

This is to certify that _____ has the following ongoing and awarded but not yet started contracts:

Name and Location of the Contract	Date of Award of the Contract	Type and Brief Description of Consulting Services	Consultant's Role (Main Consultant, Sub-contractor, Partner in a JV, etc.)	Amount of Contract	% Share of the Firm Attributed to Contract Cost (for JVs)	Contract Duration (in years, months and days)	Remarks

Name and Signature of Authorized Representative

Date

***Instructions:**

- a) State all ongoing contracts including those awarded but not yet started (government and private contracts which may be similar or not similar to the project called for bidding) as of the day before the deadline of submission of eligibility documents.
- b) If there is no ongoing contract including awarded but not yet started as of the aforementioned period, state none or equivalent term.

Format of Curriculum Vitae (CV)

Proposed Position: _____

Name of Firm: _____

Name of Staff: _____

Profession: _____

Date of Birth: _____

Years with Firm/Entity: _____ Nationality: _____

Membership in Professional Societies: _____

Detailed Tasks Assigned: _____

Key Qualifications:

[Give an outline of staff member's experience and training most pertinent to tasks on project (in months and years with detailed description/discussion on the nature and scope of work). Describe degree of responsibility held by staff member on relevant previous projects and give dates and locations.]

Education:

[Summarize college/university and other specialized education of staff members, giving names of schools, dates attended, and degrees obtained. Use about one quarter of a page.]

Training:

[Summarize trainings received, giving names of training provide and dates attended.]

Employment Record:

[Starting with present position, list in reverse order every employment held. List all positions held by staff member since graduation, giving dates, names of employing organizations, titles of positions held, and locations of projects. For experience in last ten years (in days, months and years), also give types of activities performed and client references, where appropriate.]

Languages:

[For each language, indicate proficiency: excellent, good, fair, or poor in speaking, reading, and writing.]

Certification:

I, the undersigned, certify that to the best of my knowledge and belief, these data correctly describe me, my qualifications, and my experience.

[Signature of staff member and authorized representative of the firm]

Date: _____

Day/Month/Year

Full name of staff member: _____

Full name of authorized representative: _____