



## **Section II. Eligibility Documents**

### **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 a 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 joint venture as specified in their 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 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 GOP or the Procuring Entity.

## 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 Expression of Interest and Clause 5 for purposes of determining eligibility of prospective bidders:

(a) Class “A” Documents –

### Legal Documents

- (i) Registration certificate from Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives, or any proof of such 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 bidder is located;
- (iii) Tax clearance per Executive Order 398, Series of 2005, as finally reviewed and approved by the 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;
  - (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; 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 consultant specifying its nationality and confirming that those who will actually perform the service are registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions in accordance with Clause 1.2.

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 joint venture agreement (JVA), in case a joint venture is already in existence. In the absence of a JVA, duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful, shall be included in the bid. Failure to enter into a joint venture in the event of a contract award shall be ground for the forfeiture of the bid security. Each partner of the joint venture shall submit the legal eligibility documents. The submission of technical and financial documents by any of the 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 BAC 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 bidders may obtain a full range of expertise by associating with individual consultant(s) and/or other consultants or entities through a JV or subcontracting arrangements, as appropriate. However, subcontractors may only participate in the bid of one short listed consultant. 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 bidder has previously secured a certification from the Procuring Entity 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 bidders shall submit their eligibility documents through their duly authorized representative on or before the deadline specified in Clause 5.
- 3.2. Prospective bidders 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 bidder.
- 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 bidder.

### **4. Sealing and Marking of Eligibility Documents**

- 4.1. Unless otherwise indicated in the **EDS**, prospective bidders shall enclose their original eligibility documents described in Clause 2.1, in a sealed envelope marked “**ORIGINAL – ELIGIBILITY DOCUMENTS**”. Each copy of shall be similarly sealed duly marking the envelopes as “**COPY NO. \_\_\_\_ - ELIGIBILITY DOCUMENTS**”. These envelopes containing the original and the copies shall 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** shall be typed or written in indelible ink and shall be signed by the prospective bidder or its duly authorized representative/s.
- 4.3. All envelopes shall:
  - (a) contain the name of the contract to be bid in capital letters;
  - (b) bear the name and address of the prospective bidder in capital letters;
  - (c) be addressed to the Procuring Entity’s BAC 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.
- 4.4. If the eligibility documents are not sealed and marked as required, the Procuring Entity will assume no responsibility for its misplacement or premature opening.

## **5. Deadline for Submission of Eligibility Documents**

Eligibility documents must be received by the Procuring Entity's BAC at the address and on or before the date and time indicated in the Request for Expression of Interest 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 the Procuring Entity.

## **7. Modification and Withdrawal of Eligibility Documents**

- 7.1. The prospective bidder may modify its eligibility documents after it has been submitted; provided that the modification is received by the Procuring Entity prior to the deadline specified in Clause 5. The prospective bidder shall not be allowed to retrieve its original eligibility documents, but shall be allowed to submit another set equally sealed, properly identified, linked to its original bid marked as "ELIGIBILITY MODIFICATION" and stamped "received" by the BAC. Modifications received after the applicable deadline shall not be considered and shall be returned to the prospective bidder unopened.
- 7.2. A prospective bidder 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 the Procuring Entity 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 bidder concerned. A prospective bidder may also express its intention not to participate in the bidding through a letter which should reach and be stamped by the BAC before the deadline for submission and receipt of eligibility documents. A prospective bidder 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. The Procuring Entity's BAC will open the envelopes containing the eligibility documents in the presence of the prospective bidders' representatives who choose to attend, at the time, on the date, and at the place specified in the **EDS**. The prospective bidders' representatives who are present shall 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 bidder. If the withdrawing prospective bidder'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. 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 bidder;
  - (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.
- 8.4. The eligibility of each prospective bidder shall be determined by examining each bidder's eligibility requirements or statements against a checklist of requirements, using non-discretionary "pass/fail" criterion, as stated in the Request for Expression of Interest, and shall be determined as either "eligible" or "ineligible." If a prospective bidder 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 bidder is rated "passed" for all the eligibility requirements, he shall be considered eligible to participate in the bidding, and the BAC shall mark the set of eligibility documents of the prospective bidder concerned as "eligible." If a prospective bidder is rated "failed" in any of the eligibility requirements, he shall be considered ineligible to participate in the bidding, and the BAC shall mark the set of eligibility documents of the prospective bidder concerned as "ineligible." In either case, the BAC chairperson or his duly designated authority shall countersign the markings.

## **9. Short Listing of Consultants**

- 9.1. Only prospective bidders 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.
- 9.2. The BAC of the Procuring Entity shall draw up the short list of prospective bidders from those declared eligible using the detailed set of criteria and rating system to be used specified in the **EDS**.
- 9.3. Short listed consultants shall be invited to participate in the bidding for this project through a Letter of Invitation to Bid issued by the BAC of the Procuring Entity.



- 9.4. Only bids from short listed bidders shall be opened and considered for award of contract. These short listed bidders, whether single entities or JVs, should confirm in their bids that the information contained in the submitted eligibility documents remains correct as of the date of bid submission.

## **10. Protest Mechanism**

Decision of the procuring entity at any stage of the procurement process may be questioned in accordance with Section 55 of the revised Implementing Rules and Regulations of Republic Act 9184.

## Section III. Eligibility Data Sheet

| Eligibility Documents |   |
|-----------------------|---|
| 1.2                   | Not applicable.   |
| 1.3                   | No further instructions.  |
| 2.1(a)(i)             | No additional requirements.   |
| 2.1(a)(iv)            | <p>The statement of <b>all</b> ongoing, including contracts awarded but not yet started, and completed government and private contracts shall include all such contracts within <b>the last ten (10) years</b> prior to the deadline for the submission and receipt of eligibility documents.</p> <p><b>Use <u>Forms A</u> and <u>B</u> provided in Section V. Forms.</b></p>   |
| 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)             | <p>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.</p> <p><b>Refer to <u>the TOR</u> for the minimum required information for the CV of each personnel.</b></p>  |
| 4.1                   | No additional requirements.   |
| 4.2                   | Each prospective bidder shall submit one <b>(1) original and four (4) properly tabbed/labeled copies of its eligibility documents.</b>  |
| 4.3(c)                | Refer to Clause 5 below.  |
| 4.3(d)                | <b>Consulting Services for the Conduct of F/S of the Automated Guide-way Transit System</b>   |
| 5                     | <p>The address for submission of eligibility documents is:</p> <p><b>Hon. Ruben S. Reinoso, Jr.</b><br/> <b>Assistant Director-General and Chairman</b><br/> <b>NEDA Bids and Awards Committee for Consulting Services (NBAC-CS)</b><br/> <b>4/F NEDA-sa-Pasig Building</b><br/> <b>#12 Saint Josemaria Escriva Drive</b><br/> <b>Ortigas Center, Pasig City, 1605</b></p> <p>The deadline for submission of eligibility documents is:<br/> <b>10 December 2015 at 12:00 noon</b></p> |

|     |  |
|-----|--|
|     | Please note that the Eligibility Documents shall be simultaneously submitted with the Technical and Financial Projects in three (3) separate sealed envelopes.   |
| 8.1 | <p>The place of opening of eligibility documents is:</p> <p style="text-align: center;">Office of the Assistant Director-General –<br/>Investment Programming (OADG-IP) Conference Room<br/>4/F NEDA-sa-Pasig Building<br/>#12 Saint Josemaria Escriva Drive<br/>Ortigas Center, Pasig City, 1605</p> <p>Date and time of opening of eligibility documents:<br/><b>10 December 2015 at 1PM</b></p>   |
| 9.1 | <p>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.</p> <p>For this purpose, related experience/studies include previous contracts/services similar and relevant to the TOR.</p> <p><i><u>Similar projects</u> refer to contracts with scope of works covering the conduct of pre-Feasibility Study (F/S) or F/S or value engineering/value analysis (VE/VA) of projects under the land-based mass transport [i.e., rail and bus rapid transit (BRT)] subsector.</i></p> <p><i><u>Relevant projects</u> are those for the conduct of pre-F/S, F/S or VE/VA, detailed engineering, advisory services, and/or related studies/services conducted for the other transport infrastructure projects e.g., roads, maritime, airports, bridges; or detailed engineering, advisory services, and/or related studies/services and components of an F/S, e.g., ridership/demand forecast, economic, financial, social, etc., under the land-based mass transport (i.e., rail and BRT) subsector are also considered "relevant".</i></p> |
| 9.2 | <b>Refer to <u>Annex B of the TOR</u> for the Shortlisting Criteria.</b>   |

## ***Section IV. Terms of Reference***

*[Refer to attached Terms of Reference]*

## **Section V. Forms**

|   |    |
|---|----|
| Eligibility Documents Submission Form .....                                     | 16 |
| Form A. Statement of Completed Contracts .....                                  | 17 |
| Form B. Statement of Ongoing and Awarded But Not Yet<br>Started Contracts ..... | 18 |

## ELIGIBILITY DOCUMENTS SUBMISSION FORM

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*[Date]*

*[Name and address of the Procuring Entity]*

Ladies/Gentlemen:

In connection with your Request for Expression of Interest dated *[insert date]* for *[Title of Project]*, *[Name of Consultant]* hereby expresses interest in participating in the eligibility and short listing for said Project and submits the attached eligibility documents in compliance with the Eligibility Documents therefor.

In line with this submission, we certify that:

- a) *[Name of Consultant]* is not blacklisted or barred from bidding by the GOP or any of its agencies, offices, corporations, or LGUs, including foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board, and that each of the documents submit; and
- b) Each of the documents submitted herewith is an authentic copy of the original, complete, and all statements and information provided therein are true and correct.

We acknowledge and accept the Procuring Entity's right to inspect and audit all records relating to our submission irrespective of whether we are declared eligible and short listed or not.

Yours sincerely,

Signature

Name and Title of Authorized Signatory

Name of Consultant

Address

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

|   |      |
|---|------|
| Name and Signature of Authorized Representative | Date |
|---|------|

- a) Cut-off date: The day before the deadline of submission of eligibility documents.
- b) State completed contracts for the last ten (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.

## FORM B. STATEMENT OF ONGOING AND AWARDED BUT NOT YET STARTED CONTRACTS

### 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 | Contract Duration                          | Remarks |
|-----------------------------------|-------------------------------|---|--|--------------------|--|---------|
|                                   |                               |   | <b>Note:</b><br>Include description of the activities conducted/undertaken by the by the consultant. |                    | <b>Note:</b><br>Include month/s and year/s |         |
|                                   |                               |   |  |                    |  |         |
|                                   |                               |   |  |                    |  |         |
|                                   |                               |   |  |                    |  |         |
|                                   |                               |   |  |                    |  |         |
|                                   |                               |   |  |                    |  |         |
|                                   |                               |   |  |                    |  |         |
|                                   |                               |   |  |                    |  |         |
|                                   |                               |   |  |                    |  |         |
|                                   |                               |   |  |                    |  |         |

\_\_\_\_\_  
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)**

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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. Use about half a page.]*

\_\_\_\_\_

**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.]*

\_\_\_\_\_

**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. Use about two pages.]*

\_\_\_\_\_

**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: \_\_\_\_\_