



Republika ng Pilipinas
PANGASIWAAN NG TUBIG AT ALKANTARILYA SA KALAKHANG MAYNILA
Metropolitan Waterworks and Sewerage System
REGULATORY OFFICE
Katipunan Road, Balara, Quezon City 1105, Philippines

BIDS AND AWARDS COMMITTEE (BAC)

RESOLUTION NO. 2012-08

Series of 2012

**DECLARING TO NEGOTIATE WITH ELIGIBLE BIDDERS AND
ADOPT THE REVISED TERMS OF REFERENCE AND
TECHNICAL PROPOSAL EVALUATION CRITERIA
FOR THE 2012 RATE REBASING CONSULTANCY SERVICES**

WHEREAS, on 03 April 2012, the MWSS Board of Trustees (BOT) under Board Resolution No. 2012-038 approved the Procurement of the Consultancy Services for the 2012 Rate Rebasement under Contract No. RO-CS2012-001 with an Approved Budget for the Contract (ABC) of Philippine Pesos Sixty One Million Eight Hundred Sixty Thousand Six Hundred (Php 61,860,600.00), Terms of Reference, Shortlisting and Technical Proposal Evaluation Criteria;

WHEREAS, on 04 April 2012, the MWSS Regulatory Office Bids and Awards Committee (RO BAC) posted the Request for Expression of Interest (RFEI) in the website of the Philippine Government Electronic Procurement System (PhilGEPS).

WHEREAS, on 05 April 2012, RO BAC published the RFEI in the Philippine Star. The RFEI was, likewise, published in the Philippine Daily Inquirer on 08 April 2012.

WHEREAS, eight (8) firms signified their interest and bought eligibility documents within the deadline set on 16 April 2012 at 4:00 P.M., namely:

1. Reyes, Tacondong & Co.
2. Gatmaitan & Associates
3. Angel Lazaro & Associates International
4. Punongbayan & Araullo / GTI
5. Manabat Sanagustin & Co. / KPMG
6. Isla Lipana & Co. / Pricewaterhouse Coopers in association with Poyry IDP Consult, Inc.
7. Sustainable Development Solutions
8. Rebel group International BV

WHEREAS, only two (2) firms, namely Punongbayan & Araullo / GTI and Isla Lipana & Co. / Pricewaterhouse Coopers in association with Poyry IDP Consult, Inc. submitted eligibility documents.

WHEREAS, during the opening of the eligibility documents on 23 April 2012, Punongbayan & Araullo / GTI was declared initially eligible, subject to a post verification of the eligibility documents.

WHEREAS, Isla Lipana & Co. / Pricewaterhouse Coopers in association with Poyry IDP Consult, Inc. were declared ineligible on the ground that their eligibility documents which were sent electronically or by email were incomplete. The BAC decided not to open the hard copies of their eligibility documents for the reason that the same were submitted after the deadline for the submission of the eligibility documents. Attached herewith is BAC Resolution No. 2012-01 dated 23 April 2012 as Annex "A".

WHEREAS, upon a review of the RO BAC Technical Working Group (TWG) of the sufficiency and completeness of Punongbayan & Araullo / GTI's eligibility documents, the TWG, in its memorandum dated 25 April 2012 (Annex "B") made certain observations which include among others, the facts that certain documents were not certified by the issuing office, agency or entity as required in the Instruction to Bidders and that only the biodata or curriculum vitae of thirteen (13) of the 28 key personnel or professional staff were submitted. In view thereof, the RO BAC decided to declare Punongbayan & Araullo / GTI ineligible to bid. Attached herewith are BAC Resolution No. 2012-02 dated 25 April 2012 and letter to Punongbayan & Araullo / GTI dated 26 April 2012 as Annexes "C" and "D", respectively.

WHEREAS, on 26 April 2012, the RO BAC received a motion/request for a reconsideration dated 25 April 2012 from Isla Lipana & Co. / Pricewaterhouse Coopers in association with Poyry IDP Consult, Inc. The RO BAC decided to deny the motion/request for reconsideration for the reasons that there are no valid reasons to depart from its previous decision and that it cannot open the hard copies of the eligibility documents as requested on the ground that they were filed beyond the deadline for the submission of the same. Attached herewith are the BAC Resolution No. 2012-03 dated 26 April 2012 and letter to Isla Lipana & Co. / Pricewaterhouse Coopers in association with Poyry IDP Consult, Inc. dated 27 April 2012 as Annexes "E" and "F", respectively.

WHEREAS, on 30 April 2012, the RO BAC received a Motion/request for Reconsideration dated April 30, 2012 from Punongbayan & Araullo / GTI. The RO BAC decided to deny the motion/request for reconsideration by reiterating the grounds stated in its letter dated 26 April 2012. Attached herewith are BAC Resolution No. 2012-04 dated 02 May 2012 and letter to Punongbayan & Araullo / GTI dated 04 May 2012 as Annexes "G" and "H", respectively.

WHEREAS, on 03 May 2012, the RO BAC received a second letter from Isla Lipana & Co. / Pricewaterhouse Coopers in association with Poyry IDP Consult, Inc. requesting for a reconsideration/clarification but the RO BAC stood pat on its decision. Attached herewith is a letter to Isla Lipana & Co. / Pricewaterhouse Coopers in association with Poyry IDP Consult, Inc. dated 09 May 2012 as Annex "F".

WHEREAS, on 07 May 2012, the Regulatory Office Bids and Awards Committee (RO-BAC) issued Resolution No. 2012-05 declaring Isla Lipana & Co and Punongbayan & Araullo, ineligible.

WHEREAS, on 10 May 2012, the Board of Trustees issued Resolution No. 2012-063 approving RO BAC Resolution No. 2012-05 dated 07 May 2012 declaring a FAILURE OF BIDDING and authority to re-advertise the Request for Expression of Interest (RFEI).

WHEREAS, on 14 May 2012, RO BAC re-advertised the RFEI in the Philippine Star and likewise reposted in the website of the Philippine Government Electronic Procurement System (PhilGEPS) on even date.

WHEREAS, on 30 May 2012 at 2:00 P.M, the set deadline for the submission of expression of interest and procurement of eligibility documents, seven (7) firms signified their interest and bought eligibility documents, namely:

1. Isla Lipana & Co. / Pricewaterhouse Coopers
2. Punongbayan & Araullo
3. Angel Lazaro & Associates International

4. Rebel Group International BV / ACCRA
5. KPMG / Manabat Sanagustin & Co., CPAs
6. Berkman Int'l., Inc. in joint venture with ITAC/
7. Reyes Tacandong & Co.

WHEREAS, on 31 May 2012 at 2:00 P.M, the set deadline for the submission and opening of the Eligibility Documents, only five (5) out of seven (7) interested firms submitted their eligibility documents which upon eligibility check resulted in the following declaration by the BAC, to wit:

FIRM	Date/Time of Submission of Eligibility Documents	REMARKS
Isla Lipana & Co. / Pricewaterhouse	31 May 2012 / 12:39 P.M.	Initially found eligible subject to post-verification.
Berkman Int'l., Inc. in JV with ITAC	31 May 2012 / 1:14 P.M.	BAC withheld decision. TWG was tasked to evaluate and validate documents and submit report by June 5, 2012.
Reyes Tacandong & Co.	31 May 2012 / 1:25 P.M.	- do -
Angel Lazaro & Associates Int'l.	31 May 2012 / 1:28 P.M.	- do -
Punongbayan & Araullo	31 May 2012 / 1:28 P.M.	- do -

WHEREAS, on 01 June 2012, the TWG submitted the result of its evaluation of the eligibility documents of the five (5) interested firms, to wit:

- | | | |
|---|---|--------------|
| 1. Isla Lipana & Co. / Pricewaterhouse Coopers | - | COMPLIED |
| 2. Berkman Int'l., Inc. in joint venture with ITAC/ | - | NOT COMPLIED |
| 3. Reyes Tacandong & Co. | - | COMPLIED |
| 4. Angel Lazaro & Associates International | - | COMPLIED |
| 5. Punongbayan & Araullo | - | COMPLIED |

WHEREAS, on 04-05 June 2012, the TWG conducted a shortlisting evaluation without prejudice to BAC's declaration of Eligibility or Non-Eligibility of interested firms and on 06 June 2012, the TWG submitted the shortlisting evaluation report which resulted to the following:

- | | | |
|--|---|--------|
| 1. Isla Lipana & Co. / Pricewaterhouse Coopers | - | FAILED |
| 2. Reyes Tacandong & Co. | - | FAILED |
| 3. Angel Lazaro & Associates International | - | FAILED |
| 4. Punongbayan & Araullo | - | FAILED |

WHEREAS, on 07 June 2012, the RO BAC initially declared Isla Lipana & Co., Reyes Tacandong & Co., Angel Lazaro & Associates International, and Punongbayan & Araullo as ELIGIBLE TO BID for the procurement of consultancy services for the 2012 Rate Rebasing.

WHEREAS, on even date, the RO BAC under Resolution No. 2012-07 approved and adopted the TWG recommendation that none of the four (4) eligible bidders met the minimum passing score of 75 points and decided to recommend to the MWSS Board of Trustees a 2nd FAILURE OF BIDDING AND TO ADOPT A NEGOTIATED METHOD OF PROCUREMENT.

WHEREAS, on 11 June 2012, the RO BAC decided to recommend to the MWSS Board of Trustees an **AUTHORITY TO NEGOTIATE WITH THE ELIGIBLE BIDDERS AND TO ADOPT THE REVISED TERMS OF REFERENCE AND TECHNICAL PROPOSAL EVALUATION CRITERIA**.

NOW THEREFORE, for and in consideration of the foregoing premises, the RO BAC hereby **RESOLVES**, as it is hereby **RESOLVED, TO RECOMMEND TO THE MWSS BOARD OF TRUSTEE THE AUTHORITY TO NEGOTIATE WITH ELIGIBLE BIDDERS AND TO ADOPT THE REVISED TERMS OF REFERENCE AND TECHNICAL PROPOSAL EVALUATION CRITERIA FOR THE 2012 RATE REBASING CONSULTANCY SERVICES**.

Adopted this 11th day of June 2012.


GOLDELIO G. RIVERA
Chairman


TIMOTEO C. VILLAROMAN
Vice-Chairman


RANDOLPH Q. MARCIAL
Member

(on leave)
GUILLERMO O. MENDOZA, JR.
Member

(on leave)
ELIAS R. ROMANO
Member/End-User