



**BIDS AND AWARDS COMMITTEE (BAC)**  
**Minutes of the Meeting**  
**9 July 2020**  
**Conference Room, Office of the Chief Regulator**  
**And via Google meet**

**ATTENDANCE:**

**BAC:**

DA Evelyn B. Agustin - Chairperson  
DA Lee Robert M. Britanico - Vice-Chairperson  
DM Joel A. Dominguez  
DM Victor John G. Dizon  
DM Virginia V. Octa - Provisional Member / End User

*Technical Working Group (TWG) – Security Services*

Atty. Jasper Allan Barrientos- Head  
Ramon A. Javier  
Candelaria Castasus  
Christian Marcelino  
Vincent Ruelos

*Secretariat:*

ADA Christopher D. Chuegan - Head  
Lorna C. Medina  
Justine Irish C. Ignacio  
Ma. Carla N. Benito  
Ranjev M. Garcia  
Sir Gil P. Maravilla

*Prospective Bidders:*

Wilfredo Dela Cruz - Redbird Security Agency and Services, Inc.  
Annie Badenas - MASADA Security

**AGENDA**

1. Pre-bid Conference for the Procurement of Security Services (Contract No. RO-PG2020-001);
2. Documents on Alternative Methods of Procurement Requiring Action;
3. Other Matters.

**I. CALL TO ORDER**

The meeting was called to order at 2:09P.M. by the Chairperson.



## **II. CERTIFICATION OF QUORUM**

The Secretariat confirmed the presence of a quorum for Item 1 with five out of the five members of the BAC present. Noting that DM Dizon and DM Octa joined via Google meet.

## **III. APPROVAL OF THE AGENDA**

The Chairperson enumerated the Agenda, as contained in the Notice of Meeting dated 1 July 2020.

The Chairperson asked whether there were documents to be discussed for Item 2. ADA Chuegan said there was none. The Chairperson asked the BAC Members and Secretariat whether there were any other matters that need to be discussed. No other matter was brought up to the BAC. DM Dominguez moved to approved the Agenda, which was seconded by DA Britanico.

## **IV. DISCUSSIONS**

### **A. Pre-bid Conference for Contract No. RO-PG2019-001**

1. The Chairperson asked the Secretariat whether Observers have been invited. ADA Chuegan answered that the Observers were invited via email at least five (5) days before the meeting as prescribed in the 2016 Revised Implementing Rules and Regulations (IRR) of R.A. 9184. And note that one of the observers, MWSS Corporate Office gave the details of their representative and was given the link for the Google meet but did not join the meeting.
2. The Chairperson noted that there were no Observers present.
3. DM Dominguez instructed the bidders who joined via google meet to state their name and the company they represent. The representatives were Mr. Wilfredo Dela Cruz from Redbird Security Agency and Services, Inc. and Ms. Annie Badenas from MASADA Security.
4. The Chairperson instructed the TWG to discuss the bidding documents.
5. Atty. Barrientos advised the bidders to refer to the BAC Advisory on Conduct of Procurement in line with the Community Quarantine being implemented by the government and the MWSS RO Office Order No. 55 regarding the Interim Quarantine and Social Distancing Protocols for the steps in submission and on buying the bidding document. He then discussed the bidding document as follows:

## BID DATA SHEET

a. ITB Clause 1.1;

The Procuring Entity is the **METROPOLITAN WATERWORKS AND SEWERAGE SYSTEM (MWSS) REGULATORY OFFICE (RO)**.

The name of the Contract is **SECURITY SERVICES AGREEMENT**.

The identification number of the Contract is **RO-PG2020-001**.

b. ITB Clause 1.2;

The lots and references are, as provided in **Section III (5) and IV of the Terms of Reference (TOR)**:

### Section III. ADDITIONAL TECHNICAL REQUIREMENTS

5. Submit a pool of at least ten (10) qualified prospective security guards, composed of eight (8) male and two (2) female, where the MWSS RO shall select the needed number of security guards to be deployed as per the contract with the following proof of qualifications:

- 5.1. Duly signed commitment letter that he/she agrees to be deployed at the MWSS RO effective upon receipt of the Notice to Proceed (NTP), if the contract is awarded;
- 5.2. Proof of valid Security Guard License;
- 5.3. Proof of at least two (2) Years work-related experience or a Certificate of at least sixteen (16) hours relevant training hours;
- 5.4. Scholastic record of at least High School graduate;
- 5.5. Medical certificate of "Fit to Work";
- 5.6. NBI and Police Clearances;
- 5.7. Passed the required psychological/neurological examination and drug test conducted by a reputable PNP/National Bureau of Investigation (NBI) accredited testing agency.

### Section IV. SCHEDULE OF REQUIREMENTS

- Schedule 1: August 1, 2020 to July 31, 2021;  
Requirement: Five (5) guards for posting at the new MWSS RO building.
- Schedule 2: From August 1, 2020 until the MWSS RO shall have transferred.  
Requirements: Four (4) guards for posting at the existing MWSS RO premises.

c. ITB Clause 12.1(b);

Please refer to Sections III (1) to (4), (6), and (7) of the TOR:

### Section III. ADDITIONAL TECHNICAL REQUIREMENTS

The Bids and Awards Committee (BAC) shall, aside from the cost, will take into consideration, the additional technical requirements in determining the winning bid.

The following Additional Technical Requirements shall be added in evaluating the Technical Proposal of the bidder. Compliance of the bidder with the said additional technical requirements shall be determined using a "pass or fail system," provided, however, that the BAC may require presentation of original documents or materials to support the bidder's compliance with the given set of parameters during the post qualification:

1. The Bidder must submit a certified copy of the license issued by the Philippine National Police (PNP) - Supervisory Office for Security and Investigation Agency (SOSIA);
2. Certificate of membership with the PADPAO;
3. Certificate of satisfactory performance of the Bidder's Security Services Contract from at least three (3) clients other than the procuring entity within the past three (3) years;
4. Affidavit of compliance with the Labor Code of the Philippines and/or that the Bidder has never been adjudged liable in any labor case by the National Labor Relations Commission (NLRC);
5. Submit a pool of at least ten (10) qualified prospective security guards, composed of eight (8) male and two (2) female, where the MWSS RO shall select the needed number of security guards to be deployed as per the contract with the following proof of qualifications:
  - 5.1. Duly signed commitment letter that he/she agrees to be deployed at the MWSS RO effective upon receipt of the Notice to Proceed (NTP), if the contract is awarded;
  - 5.2. Proof of valid Security Guard License;

- 5.3. Proof of at least two (2) Years work-related experience or a Certificate of at least sixteen (16) hours relevant training hours;
  - 5.4. Scholastic record of at least High School graduate;
  - 5.5. Medical certificate of "Fit to Work";
  - 5.6. NBI and Police Clearances;
  - 5.7. Passed the required psychological/neurological examination and drug test conducted by a reputable PNP/National Bureau of Investigation (NBI) accredited testing agency.
6. Duly signed commitment letter to provide trainings specified in 6.1 and the required paraphernalia/equipment listed in 6.2 to 6.8 to be assigned at the MWSS RO in good working condition, if the contract is awarded;
    - 6.1. Proof of at least sixteen (16) hours training on the use of force in situations of violence; safety and first aid; disaster risk management; use of firearms, and basic orientation on the use of other authorized equipment;
    - 6.2. Three (3) sets of firearms with valid license;
    - 6.3. Three (3) units of Metal Detectors;
    - 6.4. Four (4) units of Handheld Radio;
    - 6.5. One (1) unit of Mobile Phone with active line;
    - 6.6. Five (5) sets of heavy duty rain coats and umbrellas;
    - 6.7. Five (5) pairs of Rubber Boots;
    - 6.8. One (1) unit of Vehicle Inspection Mirror; and
    - 6.9. One (1) unit of Thermal Scanner.
  7. Duly signed commitment letter to comply with the supply of the standard uniform and paraphernalia per Security Guard, if the contract is awarded;
    - 7.1. Two (2) sets of uniform white polo with Agency Logo, PADPAO and SOSIA, name cloth patches and two (2) navy blue slacks;
    - 7.2. Pershing Cap with cap device;
    - 7.3. Landyard and Whistle;
    - 7.4. Security agency ID with lace;
    - 7.5. Security Badge;
    - 7.6. Flash Light with batteries;
    - 7.7. Ammo and Firearms Holder;
    - 7.8. First Aid Kit; and

- 7.9. Expandable steel night stick;
- 7.10. Belt with standard security guard buckle; and
- 7.11. Black Leather Shoes.

- d. Atty. Barrientos also emphasize that the submission of bids is on or before July 21, 2020 (Tuesday) at 11:30 AM. And that the bidder may join the opening of bids via google meet as stated in the BAC Advisory / Quick Guide.
- e. Atty. Barrientos also discussed the indemnity clause in the Special Conditions of the Contract (GCC Clause 6.2) as follows;

Delivery of the services shall be made by the Contractor in accordance with the provisions of the TOR, as follows:

- 1. Section II. SCOPE OF SECURITY SERVICES;
- 2. Section III. ADDITIONAL TECHNICAL REQUIREMENTS;
- 3. Section IV. SCHEDULE OF REQUIREMENTS; and
- 4. Section VI. ADDITIONAL SPECIAL CONDITIONS OF THE CONTRACT.

The Contractor shall indemnify and hold harmless the MWSS RO and its officers and employees against any loss, liability, claim, damage, and expense whatsoever (including, but not limited to, any and all expenses whatsoever reasonably incurred in investigating, preparing, or defending against any litigation commenced or threatened or any claim whatsoever) arising out of or based upon any false representation or warranty or breach or failure by the Contractor to comply with any covenant or agreement made by the Contractor in the Contract or in any other document furnished by the Contractor to the MWSS RO in connection with the Contract.

- f. Atty. Barrientos then discussed the GCC Clause 16.1

#### STANDARD LEVEL OF SERVICE

The winning bidder shall maintain a Standard Level of Service (SLS) throughout the term of the Contract based on the performance criteria, which shall include, among others:

- 1. Compliance and submission of monitoring and accomplishment reports as listed in Section II (1) to (3) of the TOR; and
- 2. Compliance with Section VI of the TOR.



The contract shall be valid for a period of one (1) year, which may be renewed for another year at the option of the MWSS RO, up to a maximum duration of three (3) years. The MWSS RO may also pre-terminate the contract at its discretion based on its assessment of the Contractor's performance before the end of each contract year.

The SLS shall be monitored through the required reports listed in Section II (1) to (3) of the TOR, in accordance with the standard format provided by the MWSS RO. The security guards shall prepare the aforementioned reports subject to MWSS RO's validation, inspection, acceptance, and approval.

6. After the presentation of Atty. Barrientos of the Bidding Documents, the Chairperson asked the prospective bidders if there were any question or clarifications on the bidding document.
7. Ms. Badenas of MASADA Security asked for clarification on the Schedule of Requirements. She asked what Schedule will be used in computing the Financial Proposal. DM Dominguez clarified that the Bid / Financial Proposal shall be based on Schedule 1 but during implementation Schedule 2 or 4 guards will be deployed if the construction of the New MWSS RO Building is delayed.
8. Ms. Badenas asked for clarification on the Schedule of Prices. She said that on the Bidding document, page 82, the number of days used was 393.5 whereas on the new DOLE guidelines the new number of days is 393.8. Mr. Javier answered that the bidder should use 393.5 days as stated in the bidding document.
9. Ms. Badenas asked for clarification on the Schedule of Prices. She asked what table of contribution will be use for the SSS and PhilHealth Contribution. Mr. Javier said that the bidders should use the latest table of contribution issued by SSS and PhilHealth and if ever there will be adjustments later on, it will be reflected in the contract.
10. Ms. Badenas asked the BAC when is the last day to send queries. ADA Chuegan answered that the Bidders may send their queries 10 days prior to the submission of bids however it will fall on a Saturday hence, bidders last day to send their queries will be on the Monday, July 13. ADA Chuegan also iterated that the bidders may also request extension within 10 days prior to the deadline of bid submission.
11. Mr. Dela Cruz asked for clarification on the ITB Clause 15.2 which read as;

*"The Bidder shall fill in rates and prices for all items of the Goods described in the Schedule of Prices. Bids not addressing or providing all of the required items in the Bidding Documents including, where applicable, Schedule of Prices, shall be considered non-responsive and, thus, automatically disqualified. In this regard, where a required item is provided, but no price is indicated, the same shall be considered as non-responsive, but specifying a zero (0) or a dash (-) for the said item would mean that it is being offered for free to the Government, except those required by law or regulations to be accomplished".*

Mr. Dela Cruz then said that the procurement at hand is services and asked for clarification if his company, Red Bird Security Agency and Services Inc., can offer the SSS and PHILHEALTH line items in the Schedule of Prices can be offered for free. Ms. Badenas said iterated SSS and PHILHEALTH cannot be offered for free as it is mandated by law and it should be filled up. The Chairperson said that the BAC will issue a Bid Bulletin with regards to the query of Mr. Dela Cruz.

12. Mr. Dela Cruz asked for clarification with regards to the Medical Certificate fit-to-work requirement. He asked whether the BAC will be requiring the laboratory results or just the Medical Certificate that the guard are fit-to-work. DM Octa answered that the Medical Certificate that the guard are fit-to-work will suffice since the doctor will require the laboratory results before the issuance of the said certificate.
13. Mr. Dela Cruz and Ms. Badenas asked for clarification with regards to the computation of admin fee. Ms. Badenas asked what will be their basis in computing the admin fee, will it be the DOLE Department Order No. 150-16. Mr. Javier answered in the affirmative and stated that the cost estimate for the ABC is more than what is indicated in the DOLE Department Order No. 150-16 as the MWSS RO requires other supplies to be provided for the Security Guards that are not usually included in the admin fee, due to COVID19.
14. Ms. Badenas asked to be clarified on the schedule of prices. She asked if the they will are required to put cost on the other supplies such as rain coats, rain boots and others. Mr. Javier answered that the schedule of prices has a breakdown / line items where the bidders can put cost, if not included, this items / supplies may be included in the 20% margin fee if the bidders wishes to.
15. Ms. Badenas asked to be clarified if Mr. Javier is referring item 7 of ITB Clause 12.1 of the BDS *"Duly signed commitment letter to comply with the supply of the standard uniform and paraphernalia per Security Guard, if the contract is awarded"*. Mr. Javier clarified that there are other supplies required but not included in the item 7 of ITB Clause 12.1 of BDS, since Item 7 (Security Guards uniform) is included in the cost under uniform allowance in Schedule of



Prices. Mr. Javier said that there are other supplies that are mandated but are not included in the uniform and those items / supplies that cannot be under the uniform but are mandated can be included in the agency fee. Ms. Badenas asked if these supplies are those under Item 6 of ITB Clause 12.1 of the BDS. Mr. Javier answered in the affirmative.

16. Mr. Dela Cruz asked to be clarified if the cost of supplies will be submitted as a quotation and will not be included in the computation of the Bid Proposal. Mr. Javier answered that cost of all supplies should be considered in the financial proposal and will be part of the computation of their agency fee, letter D in the Schedule of Prices.
17. There being no other questions and clarifications, the Chairperson excused the prospective bidders.
18. DM Dominguez discussed regarding clause 15.2 of the ITB and stated that it is clear that those that are mandated by law may not be given free for the Government such as SSS and PHILHEALTH contributions.

DM Octa asked Mr. Javier with regards to the previous Contract for the Security Services and stated that before the mandated 5 day leave was offered for free to MWSS RO but it doesn't mean that it is free because bidders will have to pay the security guards. Mr. Javier agreed and stated that it is same with the SSS and PHILHEALTH contribution, bidders may offer it for free to the MWSS RO but it doesn't necessarily mean that it will be free because they still have to pay SSS and PHILHEALTH for the contributions as it is mandatory, however, bidders will shoulder the cost.

DM Dominguez stated that the Item 15.2 that those that are mandatory like SSS and PHILHEALTH may not be offered for free, bidders cannot leave it blank, they cannot put (-) or (0). Bidders have to give all of those mandatory to the security guards. Atty. Barientos said that the bidders may be confusing that they can charge this mandatory requirements to the Government, and they may put (-) or (0) because it should be free for the procuring entity but not for the contractor / bidder, as they still have to pay for it. ADA Chuegan disagreed and said that the Schedule of Prices includes the mandatory daily wage, benefits and the contributions as mandated by law, the PE that hired the security guard will shoulder the cost. If the BAC will allow bidders to offer for free, those that are mandatory, the Security Guards may be at risk. The Chairperson stated that the bidders may not pay the contributions since it is not included in the contract, and this will be put the Security Guards at risk. Mr. Javier stated that if the BAC will allow the bidders to offer SSS and PHILHEALTH contributions for free, MWSS RO will just be on the lookout.

TWG deferred to the decision of the BAC with regards to the Item 15.2 of the BDS. ADA Chuegan said that the BAC may vote and require the bidder to put cost and include in the Schedule Prices the SSS and PHILHEALTH contributions or allow bidders to offer it for free.

The Chairperson said that SSS and PHILHEALTH cannot be offered for free, if offered for free, it will be a ground for disqualification. DM Dominguez agreed which was seconded by DM Dizon. The BAC instructed the TWG to prepare the Supplemental Bid Bulletin. The BAC Secretariat informed the TWG that the last day to give the Supplemental Bid Bulletin will be 7 days prior to the bid opening, which is on Tuesday, 14 July.

DM Dominguez asked the TWG if Item D of the Schedule of Prices, since it is lump sum, has a breakdown in the BDS. Mr. Javier said that in the BDS a particular provision on the TOR is cited and bidders may refer to it. DM Dominguez instructed the TWG to refer the bidders to the particular provision in the TOR and include this on the Bid Bulletin to be issued, which was seconded by DM Octa.

#### **B. Documents on Alternative Methods of Procurement Requiring Action**

1. No documents on alternative methods of procurement requiring action to be discussed.

#### **C. Other Matters**

1. No Other Matters to be discussed.


#### **V. ADJOURNMENT**

There being no other matters to discuss, the meeting was adjourned at 3:37 PM.

**PREPARED BY:**

  
**CHRISTOPHER D. CHUEGAN**  
Secretariat

APPROVED BY:

  
EVELYN B. AGUSTIN  
Chairperson