

MINUTES OF THE NEGOTIATION CONFERENCE

Procurement of Janitorial Services for Philippine Sports Commission Venues
(Negotiated Procurement – Two Failed Biddings)

1 June 2023, 10:00 AM

BAC Bidding Room

PHILIPPINE SPORTS COMMISSION

RMSC, P. Ocampo Sr. Street, Malate, Manila

Present were:

A. Prospective Service Providers

	Name of Representative	Company Name, Address, and Contact Details
1	Oscar Plofino, Jr.	A and S Workers, Inc. <ul style="list-style-type: none">- L28 B12 Regalado Highway, North Fairview, Quezon City- operationsaswi@gmail.com- 7255-1462 / 9058170357
2	Maria Cristina Nayon	Supermaster General Services <ul style="list-style-type: none">- 28A First Street, Las Piñas Village, Las Piñas City- gabatanrosemary@gmail.com- 8832-8624 / 9550913479
3	Rosemarie Manalo	Ultimate Care Janitorial & Allied Services <ul style="list-style-type: none">- 4893 Novaliches Street, Barangay Olympia, Makati City- ultimate_careservices@yahoo.com- 8847-0883 / 8847-0885
4	Alejandro Delluta	CBII Philippines Int'l, Inc. <ul style="list-style-type: none">- 8248 CBII Building, Camachile Street, Makati City- cbiiphilippiness@gmail.com- 8895-6539 / 9177127071
5	Ding Doplayna	Facilities Managers, Inc. <ul style="list-style-type: none">- Muntinlupa City- dcdoplayna@gmail.com- 91891224993
6	Carmen Amurao	Dearjohn Services, Inc. <ul style="list-style-type: none">- Unit G Dearjohn 2 Building, 27 Presidents Avenue, BF Homes, Parañaque City- info@dearjohnsi.com- carmenjohnson.amurao@dearjohnsi.com
7	Dexie Calibara	LSERV Corporation <ul style="list-style-type: none">- Makati City- ddcalibara@lserv.com.ph- 9189679545
8	Rollylyn Avila	CMPT Manpower Services <ul style="list-style-type: none">- Caloocan City- cmptlhyn@yahoo.com.ph- 9279834122
9	Darulo Lapulapu	Itren Ventures, Inc. <ul style="list-style-type: none">- Makati City

		- itren.ventures@yahoo.com.ph
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B. BAC Members

	Names	Position
1	Atty. Guillermo B. Iroy, Jr.	Chairman
2	Violeta R. Tuazon	Member
3	Charlie C. Esquivel	Member
4	Julia G. Llanto	Provisional Member

C. BAC Secretariat

	Names	Position
1	Atty. Michelle C. Labajanan	Head
2	Jeanette B. Dinglasan	Member
3	Oscar A. Papelera, Jr.	Member
4	Ariel C. Flores	Member
5	Ma. Luisa Carmela D. Berguia	Member
6	Jose Joy P. Puruganan II	Member

D. BAC TWG

	Names	Position
1	Engr. Lady Jean N. Bujawe	Member
2	Atty. Diomarie DC. Pedrozo	Member
3	Roselle Z. Destura	Member

E. Observers

	Name	Position
1	Maryluz Cabalonga	Resident Auditor, Commission on Audit

F. Other Officers

	Name	Position
1	Ethel M. Goh	Procurement Head
2	Christopher B. Gacutan	Consultant to the Chairman, PSC

The BAC Chairman presided and called to order the Negotiation Conference for the project **Procurement of Janitorial Services for Philippine Sports Commission Venues (Negotiated Procurement – Two Failed Biddings)**, with an Approved Budget for the Contract of **Forty-Seven Million Six Hundred Twenty-Three Thousand Six Hundred Fifty-Six Pesos & 50/100 (Php47,623,656.50)**.

The BAC Chairman acknowledged the presence of the Members of the BAC, Secretariat, TWG, other officers, and the representative from the Commission on Audit. No representatives from the Philippine Chamber of Commerce and Industry and Philippine Institute of Supply and Management were present despite prior notice.

The BAC Chairman likewise acknowledged the presence of the prospective Service Providers (*the company name, its address and representative as listed above were mentioned*).

BUSINESS MATTERS TAKEN AND DISCUSSED

A. Clarification and discussion of the project:

The BAC Chairman started with discussing the requirements under the rules and regulations of R.A. No. 9184. All instructions given to Service Providers must be strictly adhered to otherwise would be considered ineligible.

Prior to the discussion of the requirements for the Negotiated Procurement, prospective Service Providers are reminded that the Bids and Awards Committee will evaluate the submitted proposals using the pass/fail criteria pursuant to the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184. In addition, prospective Service Providers are reminded to ensure that submitted proposals are in order and in compliance with the requirements as stated in the Negotiation Documents.

The Negotiation Documents is downloadable in the PhilGEPS and the PSC website and those who paid the Negotiation Documents are provided with a printed copy. Service Providers must read through and follow the Instructions to Service Providers and the Bid Data Sheet (BDS) as provided in the Negotiation Documents to ensure that all submissions during the Opening of Eligibility, Technical and Financial Documents are in order and in accordance with the Negotiation Conference. The requirements are included in the checklist and discussed.

The Approved Budget for the Contract is for one (1) year and the contract period is two (2) years.

The minimum number of years of experience of the provider must be at least five (5) years as indicated in ITB Clause 21.2 of the Negotiation Documents.

B. The Technical Component Envelope, Financial Component Envelope of the proposal, and Instructions to Service Providers, including the explanation of the different documents to be submitted as stipulated in the checklist, were then deliberated, and discussed:

The Checklist of Technical and Financial Documents must state the name of the provider, office address, telephone no, fax no., email address, authorized managing officer, citizenship, position and/or designation, type of organization whether sole proprietorship, partnership or corporation.

B.1. Technical Component Envelope

Class "A" Documents

Legal Documents

- (a) Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages) in accordance with Section 8.5.2 of the IRR;

Technical Documents

- (b) Statement of the prospective bidder of all its ongoing 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. For government contracts, the bidder must attach copies of the Notice of Award, Contract and Notice to Proceed. For private contracts, the bidder must attach copies of the Contract; and
- (c) Statement of the bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided for in Sections 23.4.1.3 and 23.4.2.4 of the 2016 revised IRR of RA No. 9184, within the relevant period as provided in the Bidding Documents. For government contracts, the bidder must attach a copy of the Notice of Award, Contract and Notice to Proceed. For private contracts, the bidder must attach a copy of the Contract; and

Single Largest Contract is fifty percent (50%) of the Approved Budget for the Contract or Php23,811,828.25. The similar contract as stated in ITB Clause 5.3 Procurement of Janitorial Services and must have been completed

within three (3) years prior to the deadline for the submission and opening of eligibility, technical and financial envelope.

- (d) Original copy of Bid Security. If in the form of a Surety Bond, submit also a certification issued by the Insurance Commission;
or
Original copy of Notarized Bid Securing Declaration; and

The Bid Security may be in the following forms:

- d.1. Cash, Check, Cashier's Check, Manager's Check – 2% of the ABC or Php952,473.13;
 - d.2. Bank Draft Guarantee or Irrevocable Letter of Credit – 2% of ABC or Php952,473.13;
 - d.3. Surety Bond – 5% of the ABC or Php2,381,182.82, must be valid 120 days from the date of the Opening of Bids, stating therein the company, its telephone number, Official Receipt Number, validity period, callable upon demand and accompanied by an Insurance Commission Certificate stating that the surety and/or insurance company is authorized to issue such security.
- (e) Conformity with the Technical Specifications, which may include production/delivery schedule, manpower requirements, and/or after-sales/parts, if applicable; and
 - (f) Original duly signed Omnibus Sworn Statement (OSS);
and if applicable, Original Notarized Secretary's Certificate in case of a corporation, partnership, or cooperative; or Original Special Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder.

Financial Documents

- (g) The prospective bidder's computation of Net Financial Contracting Capacity (NFCC);
or
A committed Line of Credit from a Universal or Commercial Bank in lieu of its NFCC computation.

Net Financial Contracting Capacity (NFCC) must be at least equal to the ABC. The Committed Line of Credit must be at least equal to ten percent (10%) of the ABC or Php4,762,365.65.

Class "B" Documents

- (h) If applicable, a duly signed joint venture agreement (JVA) in case the joint venture is already in existence;
or
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.

Other documentary requirements under RA No. 9184 (as applicable)

- (i) [For foreign bidders claiming by reason of their country's extension of reciprocal rights to Filipinos] Certification from the relevant government office of their country stating that Filipinos are allowed to participate in government procurement activities for the same item or product.
- (j) Certification from the DTI if the Bidder claims preference as a Domestic Bidder or Domestic Entity.

B.2. Financial Component Envelope

- (a) Original of duly signed and accomplished Financial Bid Form; and
- (b) Original of duly signed and accomplished Price Schedule(s)/Cost Distribution Schedule.

The template for Cost Distribution Schedule is provided in the Negotiation Documents and will be provided to the Service Providers upon the purchase of the Negotiation Documents.

B.3. Additional Requirements to be submitted during Post-Qualification

- (a) Certificate of Site Inspection for RMSC, Philsports, Baguio and other venues issued by the Chief of Sports Facilities Division.
- (b) Certificate of Registration issued by the Department of Labor and Employment (DOLE).
- (c) Sworn statement stating that the Company has not been finally adjudged by any court of competent jurisdiction or Government Agency (i.e. NLRC) to have violated any labor law or social legislation law.
- (d) SSS, PHILHEALTH, and PAG-IBIG certification of no delinquency of monthly premium payments for both the employer and employees of the janitorial agency concerned from **January to December 2022**. The certification must be secured where the principal place of business of the prospective bidder is located.
- (e) Sworn Statement that the cleaning materials/solutions supplies that the bidder is going to use for janitorial services in the PSC have been approved by the Food and Drug Administration (FDA) and is included in the list/notified products of FDA.
- (f) Certificate of Commendation of Satisfactory Performance issued by clients and/or End-User's Certificate or Performance Evaluation issued by PSC for bidders who have contract/s with PSC to be issued by the Chief of Sports Facilities Division.
- (g) Company Profile and Company Operations Manual.
- (h) Organizational Chart.
- (i) Duly signed and notarized statement of availability of key personnel for RMSC, Philsports, Other Venues & Baguio that may be used for the Contract, supported with a list, to include names of the janitors.
- (j) Duly signed and notarized statement of availability of equipment, owned, under lease; or a purchase agreement that may be used for the contract supported by a list of said equipment together with proof of ownership or contract of lease and list of other equipment that will be used in the contract.
- (k) Registration certificate from Securities and Exchange Commission (SEC) [Certificate of Incorporation, Articles of Incorporation and ByLaws], Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives or its equivalent Document.
- (l) Mayor's or Business permit issued by the city or municipality where the principal place of business of the prospective bidder is located.
- (m) Tax clearance per E.O. No. 398,s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR).
- (n) The Provider's audited financial statements, showing, among others, the Provider'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.

The Technical Specifications and Schedule of Requirements were discussed.

Technical Specifications—

Item	Specification
1	Logistics – Annex A
2	Scope of Work – Annex B
3	Manpower – Annex C
4	Tools and Equipment Requirement – Annex D
5	Schedule of Supplies – Annex E
6	Daily, Weekly, Monthly Operations – Annex F
7	PSC Performance Criteria – Annex G

The bidders should state either “Comply” or “Not Comply” against each of the individual parameters of each Specification including its Annexes to manifest their compliance with the requirements. For example, each item of Annex A of the TOR – Logistics – must have a statement of either “Comply” or “Not Comply.” The Statement of Compliance in Section VII. Technical Specifications is not sufficient, each item in the Annexes must also state either “Comply” or “Not Comply.” Otherwise, the bid proposal will be considered as non-complying.

Schedule of Requirements—

Item Number	Description	Quantity	Total	Delivered, Weeks/Months
1	Procurement of Janitorial Services	149 Janitors	149 Janitors	The Contract shall be for a period of 2 years from receipt of the Notice to Proceed

The BAC Chairman reminded the Service Providers to pay attention to all the requirements of the subject project.

C. Instruction to Service Providers

1. Proposal should be properly marked, signed, and sealed.
2. The proposal should be in chronological order and signed by the authorized representative.
3. Request for clarifications on any part of the Negotiation Documents or for an interpretation must be in writing and submitted to the BAC at least 10 calendar days before the deadline for submission and opening of eligibility, technical and financial documents (Sec. 25.5.1, IRR, RA No. 9184; ITB Clause 9).
4. Supplemental Bid Bulletin will be issued to reflect the changes, if warranted.
5. All pages of the Proposal should be signed by the authorized representative.
6. All original copies of documents should be presented during the Opening of Eligibility, Technical and Financial Documents.
7. The service provider shall put “Comply” or “Not Comply” in each of the Technical Specifications to manifest that the same has been complied with.
8. A photocopy of the signatory’s government issued ID must be attached to each notarized document.
9. Opening of Eligibility, Technical and Financial Documents is on 13 June 2023, 10:00 AM at RMSC.
10. Service Providers are required to use the envelope label to be provided by the BAC upon purchase and issuance of the Negotiation Documents.
11. Envelopes must be brown in color. Service Providers are free to improvise but must strictly comply with the color. All envelopes SHALL:
 - a. Contain the name of the contract for negotiated procurement in capital letters;
 - b. Bear the name of and address of the provider in capital letters;
 - c. Be addressed to the Procuring Entity’s BAC in accordance with INP;
 - d. Bear the specific identification of this negotiated procurement process indicated in the INP; and

- e. Bear a warning "DO NOT OPEN ON OR BEFORE..." the date and time of the Opening of Eligibility, Technical and Financial Documents, in accordance with INP.

The actual sample of the envelopes was presented to the service providers.

The prospective service providers were reminded to use the exact envelopes provided by the BAC Secretariat upon the purchase of Negotiation Documents.

The prospective service providers were reminded that they shall submit two copies, one original and one duplicate copy of the first and second components of its proposal. Original Technical and Financial Component Envelopes shall be enclosed in Original Proposal, while the Copy 1 of Technical and Financial Component Envelopes shall be enclosed in Copy 1. Both Original Proposal and Copy 1 shall be placed in one mother envelope which is the Bid Proposal, as indicated in ITB Clause 21.2.

The prospective service providers were reminded to strictly comply with the color requirement which is brown. Service providers are allowed to improvise but must strictly comply with the said color requirement.

The prospective service providers were reminded to strictly comply with the marking, signing, and sealing of proposals as provided and presented during the Negotiation Conference. Service providers must mark their envelopes by indicating the label "Do not open on or before June 13, 2023, 10:00 AM...", seal by transparent or brown tape, and sign at the flap of the envelopes.

The prospective service providers were reminded that the purchase of Negotiation Documents will only be done in person at the Bids and Awards Committee Secretariat located at the Ground Floor of the PSC Administration Building, Rizal Memorial Sports Complex. Service providers should inform the guard at the gate that they will purchase Negotiation Documents and the latter will coordinate to the BAC Secretariat. The service providers will pay for the Negotiation Documents Fee at the Cashier's Office. The Negotiation Documents will be issued to the service providers at the BAC Secretariat. The BAC Secretariat will guide service providers on the proper marking and sealing of proposal upon the purchase of the Negotiation Documents.

The prospective service providers were reminded that the submission of proposals shall be done in person on or before 13 June 2023, 10:00 AM at the BAC Bidding Room, RMSC. Only one (1) representative is allowed, must be fully vaccinated, and shall present their vaccination cards upon entry at the RMSC.

The prospective service providers were reminded to submit their proposals early on the Opening of Eligibility, Technical and Financial Documents because proposals must be received by the BAC Secretariat on or before 10:00 AM. Service providers should allow the BAC Secretariat to check their Vaccination Cards. Hence, service providers should come earlier to avoid issues on the timing of their proposal submission.

The attendees were reminded of the implementation of the no-contact rule whether to the members of the BAC and TWG after the Negotiation Conference, hence, all queries from the prospective service providers shall be in writing.

The following queries were asked during the Negotiation Conference:

1. Ms. Calibara of LSERV Corporation inquired whether they could negotiate as to the submission of the Notice of Award, Contract, and Notice to Proceed along with the Statement of Ongoing Contracts. Instead of submitting all pages of contracts, the service providers will submit only the first and last pages because they have numerous ongoing contracts. The BAC Chairman affirmed the same and added that all the service providers who intend to join the project will be allowed to submit the same attachments to the statement of ongoing contracts.
2. Ms. Calibara of LSERV Corporation confirmed whether the Approved Budget for the Contract of Php47,623,656.50 is for one (1) year and the contract period is two (2) years. The BAC Chairman affirmed the same.
3. Ms. Calibara of LSERV Corporation inquired if it is necessary to conduct site inspection at PSC Baguio considering the time constraint during Post-Qualification because service providers only have five (5) days to conduct site inspection in all the PSC venues. The BAC Chairman responded that the conduct of site inspection at the PSC Baguio is no longer necessary.

4. Ms. Calibara of LSERV Corporation inquired whether they must submit the receipts of their SSS, PHILHEALTH, and PAG-IBIG monthly premium payments aside from the certificates of no delinquency of monthly premium payment from SSS, PHILHEALTH, and PAG-IBIG. The BAC Chairman responded that the receipts of SSS, PHILHEALTH, and PAG-IBIG monthly premium payments are not required to be submitted. Only the certificates of no delinquency of monthly premium payment from SSS, PHILHEALTH, and PAG-IBIG will be required.
5. Ms. Calibara of LSERV Corporation inquired if they are still required to submit a proof of ownership or contract of lease of equipment even if they are already required to submit a duly signed and notarized statement of availability of equipment, owned, under lease or purchase agreement. The BAC Chairman responded that the submission of a duly signed and notarized statement of availability of equipment, owned, under lease or purchase agreement will satisfy the subject requirement. A Supplemental Bid Bulletin will be issued to address the said concern.
6. Ms. Calibara of LSERV Corporation inquired whether they are still required to submit a Sworn Statement that the cleaning materials/solutions supplies that they are going to use have been approved by the Food and Drug Administration (FDA) considering the suspension of the Product Registration Requirement for Household Hazardous Goods per FDA Circular No. 2021-011-A. The BAC Chairman responded that the submission of the same is still necessary and that LSERV Corporation could make remarks on its submission of the said requirements. The BAC Chairman added that the subject requirements will be confirmed with the FDA.
7. Ms. Calibara of LSERV Corporation inquired on the specifications of item 9 of Annex "D" under the Terms of Reference because they had observed that the PSC already has trash bins. The BAC Chairman responded that a Supplemental Bid Bulletin will be issued to address the said concern.
8. Ms. Calibara of LSERV Corporation inquired on the number of certificates of commendation that must be submitted during Post-Qualification. The BAC Chairman responded that they must submit at least five (5) certificates of commendation if they had five (5) previous contracts. The BAC Chairman reminded the service providers that the said certification shall state that the service provider rendered "satisfactory performance" and not just "rendered services."
9. Ms. Calibara of LSERV Corporation inquired as to what rules should apply regarding the Admin Fee. The BAC Chairman responded that the GPPB rules will be applied.
10. Ms. Calibara of LSERV Corporation inquired on the rates of non-NCR PSC venues. The BAC Chairman responded that the prevailing wage rate in the area will be used.
11. Ms. Calibara of LSERV Corporation inquired as to the rates of SSS and PHILHEALTH that they are going to use in their computation. The BAC Chairman responded that the prevailing rates of SSS and PHILHEALTH will be used in the computation.

The Negotiation Conference was adjourned at 10:50 AM.

Prepared by—


MA. LUISA CARMELA D. BERGUIA, MBA
Member, BAC Secretariat

Reviewed by—


ATTY. MICHELLE C. LABAJANAN
Head, BAC Secretariat

Noted by—



Digitally signed
by Iroy Guillermo
Berbosidad Jr
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ATTY. GUILLERMO B. IROY, JR.
Chairman, Bids and Awards Committee