



**Philippine International Trading Corporation
BIDS & AWARDS COMMITTEE I**

**MINUTES OF THE PRE-BID CONFERENCE
PROCUREMENT OF SUPPORT AND MAINTENANCE OF E2M (ELECTRONIC-TO-MOBILE) APPLICATION FOR THE BUREAU OF CUSTOMS (BOC)
BID REF. NO. GPG-B1-2019-108 Rebid
(Previous Bid Reference No. GPG-B1-2018-463)
12 March 2019, 5th Floor Conference Room**

There being a quorum, Chair convened the meeting at 9:20 A.M.

In attendance are:

FOR PITC BAC-I
Atty. Ma. Victoria C. Magcase, Chairperson
Atty. Ma. Gudelia C. Guese, Vice-Chair
Christabelle P. Ebriega, Member
Myra T. Alvarez, Member
David A. Inocencio, Member
PITC TWG/BAC Secretariat (as per attached attendance Sheet)
BIDDERS
As per attached attendance sheet

FOR PROPONENT – BOC
As per attached attendance sheet

HIGHLIGHTS OF PROCEEDINGS:

- Chair welcomed everyone to the pre-bid conference for the Procurement of Support and Maintenance of E2M (Electronic-to-Mobile) Application for the Bureau of Customs (BOC). After which, Chair introduced the BAC members and BOC Alternate Provisional Member MGEN Job S Yucoco (Ret.) and BOC TWG Representatives.
- Chair acknowledged the presence of Webb Fontaine Group the only prospective bidder present in this pre-bid conference.
- Chair informed that to be able to participate in this bid project, the prospective Bidder should have completed a single Largest Completed Contract similar to the contract to be bid within last five (5) years from date of Submission and receipt of bids amounting to at least fifty percent (50%) of the ABC of the project.

"Similar" contract shall refer to contracts pertaining to development and maintenance of software application.
- At the same time, this bid project is open to local and foreign authorized provider for the development, customization, support, maintenance and upgrading of all software and applications using the SOClass™ framework, including Trade World Manager.
- Chair explained that the first part of the Bidding Documents is the Instructions to Bidders which should be read by Webb Fontaine at their own good time. What will be discussed in this pre-bid conference are the documents that are required to be submitted on Bid Opening Day;

- Chair started to discuss the Envelope System:

- **Envelope System:** The system of submission is a two envelope system wherein **Envelope 1** will contain the eligibility and technical documents and **Envelope 2** will only contain the Financial Bid.
- **Number of Copies:** All documentary submission must come in three sets. These will be placed in 3 folders marked: "original", "duplicate" and "triplicate".
- **Sealing/Markings:** The two envelopes will then be placed in a master envelope. The master envelope will then be sealed and marked in accordance with the instructions stated in the Bidding Documents.

ENVELOPE I – ELIGIBILITY & TECHNICAL DOCUMENTS

<u>Class "A" Eligibility Documents for Foreign Bidder</u>	<u>Chair's Instructions</u>
Valid and Current Certificate/ license/ authority to conduct business	Submission of valid and current Certificate/ license/ authority to conduct business issued by the regulatory authority in the country where bidder is based.
Valid and Current Tax Clearance	Webb Fontaine must submit their valid and current Tax Clearance issued by Philippines' Bureau of Internal Revenue (BIR) Accounts Receivable Monitoring Division per Executive Order 398, Series of 2005. Chair advised Webb Fontaine to only transact with legitimate employees of BIR.
Corporate Financial Statements or Annual Report for 2017 or 2016.	Corporate Financial Statements or Annual Report for 2017 or 2016.
Valid and Current PhilGEPS Certificate of Registration and Membership (Platinum Registration).	If Webb Fontaine is already a PhilGEPS Platinum Member he can submit the Platinum Membership Certificate together with the Annex "A". The Platinum Membership will substitute for the three (3) eligibility documents enumerated earlier. However, if any of the documents listed in Annex A of the certificate has expired Webb Fontaine must submit the valid and current one. Chair emphasized that any documents that have expired, the valid and current document together with the PhilGEPS Certificate must be submitted.
Annex I Statement of all Ongoing government and private contracts including contracts awarded but not yet started	Chair's instructions to Webb Fontaine with respect to this document is: <ul style="list-style-type: none"> • Form Annex I is already provided in the Bidding Documents. Webb Fontaine to use Annex I; • Webb Fontaine to provide the information called for; • Additional sheets can be used for as long as the authorized representative signs the last page.
Annex I-A Statement of Single Largest Contract similar to the contract being bid within the last 5 yrs. equivalent to at least 50% of the ABC.	<ul style="list-style-type: none"> • A form is again provided; • Webb Fontaine to supply the data or information required in the form and to attach any of the following documents: <ol style="list-style-type: none"> a) Copy of End User's Acceptance; or b) Copy of Official Receipt/s;

<p>Annex II Net Financial Contracting Capacity (NFCC)</p> <p>Annex II-A Committed Line of Credit (CLC)</p>	<p>For NFCC - A form is provided for as Annex II</p> <p>As the sample form was flashed on the screen, Chair's instructions is for Webb Fontaine to supply the necessary details as required. A formula is already provided for Webb Fontaine to come up with the NFCC.</p> <p>The NFCC must at least be equal to the ABC of the project.</p> <p>For CLC - A form is provided for as Annex II-A</p> <p>In case Webb Fontaine does not want to submit the NFCC, they have an option to submit Committed Line of Credit, issued by a local commercial/Universal Bank.</p> <p>Chair reminded Webb Fontaine that the Committee does not accept any CLC issued by a Rural Bank or Savings Bank.</p>
<p><u>Technical Documents</u></p>	<p><u>Chair 's Instructions</u></p>
<p>Annex IV Bid Security</p>	<p>Chair enumerated the types of Bid Security acceptable to PITC. These are:</p> <ul style="list-style-type: none"> a. Bid Securing Declaration. <ul style="list-style-type: none"> • A form is provided for as Annex IV. <p>Webb Fontaine should use the form provided by PITC because it is complete in contents.</p> <p>In order not to miss out on anything, Chair advised Webb Fontaine to photocopy the form or scan it, and then have the authorized representative sign the form and submit it notarized.</p> <p>The other forms of Bid Security are:</p> <ul style="list-style-type: none"> b. Cash or Manager's Check issued by the local commercial/universal bank equivalent to at least 2% of the ABC; c. A Bank Draft / Bank Guarantee or Irrevocable LC equivalent to at least 2% of the ABC; OR d. Surety Bond issued by a bonding company authorized by the Insurance Commission. <p>In case Webb Fontaine will opt for a Surety Bond, Webb Fontaine has to submit a Certification from the Insurance Commission that the bonding company is authorized to issue Surety Bond. In addition to this, the Surety Bond should contain all the 14 grounds for the forfeiture of the Bid Security and it be written on Bond Itself.</p> <p>Chair advised Webb Fontaine to show the 14 grounds to their bonding company so that the latter can include or type them on the copy of the bond itself.</p> <p>The fourteen (14) grounds is found in Clause 12.1(b) (i) (c) (3) (i) to (xiv) of the Bid Data Sheet.</p>

<p>Annex V-A Duly signed, conformed and completed Technical Bid Form</p>	<p>As the Technical Bid Form was flashed on the screen Chair's instructions are as follows:</p> <ul style="list-style-type: none"> • There is an instruction on the top most part of the form that states "Please use the Bid Form. Do not retype or alter"; • Webb Fontaine to put the word "Comply" on all the line item on the column "Bidder's Statement of Compliance"; • All five (5) pages must be signed by the authorized representative of Webb Fontaine. <p>Chair reminded Webb Fontaine that if there are any blanks left out unfilled, the TBF will fail because it will mean that Webb Fontaine cannot comply with the technical specifications.</p>
<p>Annex V-B Duly signed and conformed Terms of Reference</p>	<ul style="list-style-type: none"> • Webb Fontaine's authorized representative/s to sign the "Conforme" box provided on all pages.
<p>Copy of Standard Service Level Agreement (SLA)</p>	<p>Webb Fontaine to submit a copy of Standard Service Level Agreement (SLA).</p>
<p>Annex VI Certificate of Performance Evaluation</p>	<p>The Committee wants to make sure that Webb Fontaine has a good record with his client. As such, Webb Fontaine has to go back to the client which they identified in Annex I-A as the completed contract client/s.</p> <p>Webb Fontaine to present this form to their client and request the SLCC to transpose the form in their letterhead and then rate Webb Fontaine. The rating should be at least <u>Very Satisfactory</u>.</p> <p>Chair emphasized that the form must be in the company letterhead of Webb Fontaine's Single Largest Completed Contract Client/s.</p>
<p>For Foreign Bidder</p>	<ol style="list-style-type: none"> 1. Valid and Current Written Appointment of the Philippine-based company (as local representative of foreign supplier) issued by the foreign bidder. <p>The written appointment must include detailed scope of responsibility of the local representative. In case the foreign bidder allow payment to be received on their behalf by their local representative company, the Written Appointment shall include an express provision authorizing said local representative company to receive/accept such payment.</p> <ol style="list-style-type: none"> 2. Secretary's Certificate (for Corporation) or Special Power of Attorney (for Sole Proprietor) of the Philippine-based Representative Company indicating the name and specimen signature of the authorized representative/s thereof including address, telephone number, fax number and email address;
<p>Proof of Authority of the Bidder's authorized representative/s</p>	<p>As form was flashed on the screen Chair advised Webb Fontaine to check the wordings. In case the Board appoints more than one person, it is safe that it be worded "any of the following" or "or" so that even only one person sign its bid documents, it binds the company.</p>

<p>Annex VII Omnibus Sworn Statement (OSS)</p>	<p>Chair informed that the OSS is standard in all government biddings.</p> <p>Chair advised Webb Fontaine to use the form that PITC provided in this Bidding Document.</p> <p>The form must be copied verbatim. But to be sure that nothing is missed out, Chair suggested that the form just be scanned or photocopied and then filled up.</p> <p>On the "I/We", the name of the authorized representative named in the Secretary's Certificate will appear on the line.</p> <p>All blanks must be filled up, appropriate boxes must be ticked off.</p> <p>On the Authority of the Designated Representative, the portion: <u>Name, Title and Specimen Signature</u> must be filled up.</p> <p>All statements from "a" to "h" must be complete.</p> <p>The last page must be signed by the authorized representative and notarized.</p>
<p>ENVELOPE 2: FINANCIAL ENVELOPE</p> <p>Annex VIII - Financial Bid Form</p>	<p>Envelope 2 will contain the Financial Bid of Webb Fontaine where he will indicate the Total Bid price in words and figures which should not exceed the ABC.</p> <p>Chair explained that the Financial Bid Form cannot be retyped. It may be photocopied for purpose of the other 2 copies required.</p> <p>Chair reminded Webb Fontaine that incase of discrepancies between the amount in words and the amount in figures it's the amount in words that prevail.</p>

- Chair reminded that Webb Fontaine must **sign** or **initial** each and every interlineation, erasure, overwriting and correction made on their bids. Failure to do so shall result in the invalidation and rejection of their bids.
- Chair would like to take special note that if any of the documents are in foreign language other than English, it must be accompanied by a translation of the documents in English and shall be authenticated.
- The Chair opened the floor for questions/clarifications. Hereunder are the details:

<u>Webb Fontaine's Query/Clarification/s</u>	<u>Committee's Reply</u>
Based on the previous bid, During the Post-Qualification the bidder is required to submit a valid and current business mayor's permit or equivalent.	
The Certificate of Registration is the equivalent under Dubai, may a bidder submit a Consularized Certified True Copy instead of presenting original copy?	
	That's okay.

We also have questions regarding the Statement of All Ongoing Contracts, may a bidder include a contract that has been executed although the start date has already been differed...	
	You're talking about you signed the contract already but it hasn't started?
Yes.	
	Just include that.
In line with that, may a bidder include renewals or extensions for the same scope of works?	
	You mean to say that it's finished already but it is been renewed?
Yes.	
	Then it's considered as an Ongoing Contracts.
So that also applies for renewal on a reduced scale?	
	Even if it's on a reduced scale, because it will impact also in your Financial Capability to perform this contract.
In the post-qualification where a Bidder is required to present original Purchased Orders, for renewed or extended contracts are we required to submit the original and all renewals or the most recent renewal or extension of the contract will suffice?	
	It's hard to answer that question, because there are times that the renewal is just a one pager as it only states that it extends the contract.
	If I were to answer that, Just present the main contract and better to attach the renewal also.
The same concern regarding the commercial license, may we submit authenticated contracts?	
	Yes I understand, because there are some documents that are difficult to remove from the original.
For some of the contracts there are some that contain sensitive information	
	For ongoing or completed contracts?
Possibly for both ongoing and completed contracts, may we submit a redacted?	
	What's important there is to see the amount because that will impact on the computation of your NFCC.
In some countries there are no purchase order, for certain contracts may we submit the functional equivalent of the purchase orders?	
	What is the equivalent?
We're not sure, we are still collating the list of all ongoing contracts and some countries they don't issue purchase orders right away	
	What's important is that whatever equivalent document is submitted it should be at least signed by both parties, because how can we say it's a contract unless there's a signature of the two contracting entities.

	And Webb Fontaine's name should be there.
Also, for the Statement of All Ongoing Contracts its entered into a Wholly Owned Subsidiaries	
	Normally we do not include subsidiaries especially if the subsidiary is established separate corporate personality than Webb Fontaine.
	Remember the purpose of your All Ongoing Contracts is to justify why you have that Net Financial Contracting Capacity, we cannot include the subsidiary or a sister company's ongoing contracts in that whole list.
How about for example it entered with an affiliate subsidiary and then it was subsequently transferred to the bidder	
	It was entered into subsidiary and then subsequently transferred to Webb Fontaine, then It's still ongoing for Webb Fontaine.
	Anything that will impact on the Financial Capacity of Webb Fontaine, because it is Webb Fontaine who is obligated to perform the contract and should be considered in your ongoing list.
Okay, if a contract in the SLCC has been completed but the maintenance part is still on-going, may we include that completed contract in the SLCC?	
	The maintenance portion of that contract is part of the main contract right?
Sometimes it's in different contract.	
	Because remember we're talking about only one contract a Single Largest Completed Contract of Similar Nature so you cannot give a several contracts to come up with the 50% amount and if that particular maintenance component is part of the main contract it should also be completed because that's a whole project.
May we also submit a Consularized Certified True Copy for the contracts of the SLCC?	
	Yes.
And may we also submit a redacted?	
	The redacted version of the Single Largest Contract must still show the amount and the scope of works.
	Why? Because your Single Largest Completed Contract has to be with regards to the similar in nature and we will look for that in the contract itself.
Okay.	
Regarding the proof of payment, because in the BDS it states there that the bidder must submit a copy of End User's Acceptance or Copy of Official Receipt/s but in Annex I-A it gives the bidder an option to submit the Collection Receipt with Sales Invoice	

	As the form was flashed on the screen, Chair's instructions is that Bidders may attach any of the following documents: Official Receipt No. & Date, End User's Acceptance Date OR Collection Receipt With Sales Invoice.
Alright, and for post-qualification a bidder must present an End-User's Acceptance Certificate for the SLCC, may we just submit the authenticated certified true copy of whatever document we submitted during Bid opening?	
	It says End-User's Acceptance Certificate for the SLCC but if you're submitting a Sales Invoice with the Collection Receipt that is what you present, It has to be consistent.
	Any of the three documents that we mentioned in Annex I-A that's what you need to present.
Thank you, regarding the proof of financial capacity we just want to know that the exchange rate we will use, since the financial statement are in foreign currency we can use the BSP Exchange Rate as of the date showed in the financial statement.	
	No under the rules, the computation should be based on the date of the Bid Opening but since of course you cannot compute it on the day of the bid opening we recommend that it'll be computed as of the date you indicated in the NFCC form. As the NFCC form was flashed on the screen, there's a portion in the form "Issued this _____day of _____, 2019." Meaning the exchange rate will be the date indicated in the form.
	Just put the date at which you accomplished that the equivalent of the Philippine peso and we will be the one to validate that based on BSP Rate. Again it's always based on exchange rate of BSP.
Thank you.	
On the technical documents, the Technical Bid Form (Annex V-A line no. 4) it states that Contractor to provide at least three (3) technical support personnel available 24 x 76...	
	I think that's 24/7, It's just a typo error. Anyway, we will revise the form to correct that page through a Bid Bulletin which will be posted in the PhilGEPS and PITC website.
	And any time we make a correction and we issue a revised form, always use the revised form and do not take it upon yourself to scratch out the mistake.
Okay.	
We also have a question regarding the SLA, may we know if the PITC or the BOC has a sample/template?	
	We want to see your Standard Service Level of Agreement.
But may we know the portion that you would like to see in the SLA?	

	Don't you have your own Standard Form?
	I suppose you can craft it, given the Scope of Work that you're supposed to do.
	Your standard SLA must cover those in the <i>Sec. IV (Service Level Agreement) of the Terms of Reference per Annex V-B page 10 of 13.</i>
Thank you.	
Regarding the Secretary Certificate you mentioned earlier that it should be signed by the Manila Branch	
	No I didn't say that, What I said was there are two Corporate Secretary's Certificate or Board Resolution that you need to submit, number one is the Manila Branch together with your appointment as Philippine-Based Representative and the other one is what you will attach to the Omnibus Sworn Statement and that is the one issued by Webb Fontaine's Corporate Secretary/Board Resolution in Dubai on who is the authorized signatory or representative who will be signing your bidding documents.
Our concern is that under the Articles of Association of Webb Fontaine the Director in charge record keeping and currently there is no Corporate Secretary appointed.	
	No problem about that, it doesn't have to be Corporate Secretary it's an equivalent, we've seen foreign documents signed by the director.
	It doesn't necessarily have to be Corporate Secretary.
For the foreign bidder the Secretary's Certificate should be signed or executed by the Manila branch indicating the person who will sign the bid documents	
	No, the reason why we want the name of the Manila Branch authorized representative/s is because we send documents to Manila branch.
	If you're the Philippine-based Representative in most cases if they have a Philippine-based Representative all communication are sent to the Philippine-based Representative and we want to know who in that office is assigned to received it, however the reason why we are asking for the one of Webb Fontaine Dubai is because the bidder is Webb Fontaine Dubai we want to know that the one who is signing all forms or bid documents authorized by the board of Webb Fontaine Dubai.
Can it contain in just one Secretary's Certificate to cover both the authorized representative	
	You mean to say that one Secretary Certificate from Dubai naming the Philippine-based representative...
	But you're incorporated under SEC right?
Licensed to do Business as a branch office.	
	Okay, so you only have License to do Business but you don't have Articles of Incorporation?
We adopted Articles of Incorporation of Dubai	
	Then it has to be the one of Dubai.
	Under whose authority do you sign in Manila branch?
Dubai	

	Okay.
	I guess you can have it in one Corporate Secretary or Board Resolution that this is the authorized signatory for the Philippine branch.
	But it has to be worded very clear in the Director Certificate or Corporate Secretary on who is authorized to sign your bid documents and since you're going to use only one Director Certificate it must also mention there if the Manila branch is authorized to receive the communications and everything.
	You also have to express the limitations of the Manila branch.
Thank you, that's all.	
	Alright, you still have to put everything in writing, Anything else?
None.	
	Again, you'll write us for the refund as you pay for the bidding documents already and we will issue a Bid Bulletin to make the correction on the Technical Bid Form and in the Post-Qualification requirement.
Thank you.	
	Thank you so much.

- Chair suggest that Webb Fontaine can put everything in writing and not wait for the last minute to ask/raise questions. Which can be sent by email or fax. The details can be found in the Bid Data Sheet.

Bidders can send queries/concerns until March 26, 2019 (Tuesday)

The Bid Opening is scheduled on April 5, 2019 (Friday, 9:00 AM)

Adjourned at 10:20 A.M.

MINUTES TAKEN BY:


MA. VERONICA A. MORALES
 Head, BAC-I Secretariat
 LMC

APPROVED BY:


ATTY. MA. VICTORIA C. MAGCASE
 Chairperson, BAC-I 