

(Part I)

CONSULTING SERVICES FOR THE VALUATION OF 649,198 SHARES OWNED BY THE REPUBLIC OF THE PHILIPPINES (RoP) IN NLEX CORPORATION

PMO-03-2023

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Section I. Request for Expression of Interest

PRIVATIZATION AND MANAGEMENT OFFICE



104 Gamboa St., Legaspi Village, Makati City www.pmo.gov.ph

SECTION I. REQUEST FOR EXPRESSION OF INTEREST

PROCUREMENT OF CONSULTING SERVICES FOR THE VALUATION OF 649, 198 SHARES OWNED BY THE REPUBLIC OF THE PHILIPPINES (RoP) IN NLEX CORPORATION

- 1. The Privatization and Management Office (PMO), through the **Bids and Awards** Committee (BAC) intends to apply the sum of **Two Million Pesos** (Php 2,000,000.00) being the Approved Budget for the Contract (ABC) to payments under the contract for the Consulting Services for the Valuation of Shares in NLEX Corporation (NLEX) owned by the Republic of the Philippines (RoP) Bids received in excess of the ABC shall be automatically rejected at the opening of the Financial Proposals.
- 2. The PMO now calls for the submission of **Eligibility Documents** for **Consulting Services for the Valuation of Shares owned by the RoP in NLEX**. Eligibility documents of interested consultants must be duly received by the BAC Secretariat on or before **10:00 A.M. on January 26, 2023, Thursday, at the Ground Floor, Privatization and Management Office, 104 Gamboa Street, Legaspi Village, Makati City**. Applications for eligibility will be evaluated based on a non-discretionary "pass/fail" criterion.

The BAC shall conduct a Preliminary Conference on **January 20, 2023, Friday, 10:00 A.M.** via Zoom videoconference. Request for Zoom link through email at **BAC@pmo.gov.ph** and provide the following details:

- a) Company/Firm Name
- b) Complete Name of authorized representative(s), designation and email address where the Zoom link will be sent. (*Maximum of 2 participants per company/firm shall be allowed to log-in.*)
- 3. Interested bidders may obtain further information from the **BAC** and inspect the Bidding Documents at the address given below from 8:00 a.m. to 5:00 p.m., Monday to Friday.
- 4. A complete set of Bidding Documents may be acquired by interested Bidders from **January 18 to February 13, 2023**, from 8:00 a.m. to 5:00 p.m., Monday to Friday upon payment of a non-refundable fee of **Five Thousand Pesos (Php5,000.00)**.

It may also be downloaded free of charge from the website of the Philippine Government Electronic Procurement System (PhilGEPS) and the website of the Procuring Entity, provided that when the Bidder opts to submit its Eligibility Documents, it shall pay the applicable fee for the Bidding Documents on or before 9:00 a.m. of January 25, 2023, Wednesday, through cash deposit to the PMO Account with the following details:

Landbank of the Philippines

Account Name: Privatization and Management Office

Type: Current Account Account No.: 1802101534

Kindly email the proof of payment to <u>BAC@pmo.gov.ph</u> to facilitate confirmation of deposit by PMO's Cashiering Unit and issuance of Official Receipt.

5. The BAC shall draw up the short list of consultants from those who have submitted Expression of Interest, including the eligibility documents, and have been determined as eligible in accordance with the provisions of Republic Act 9184 (RA 9184), otherwise known as the "Government Procurement Reform Act", and its Implementing Rules and Regulations (IRR) will be entitled to submit bids. The criteria and rating system for short listing are:

Evaluation Criteria	Points
 Applicable Experience and Capability of the Consultant a. Years of Existence of the Firm (with at least five (5) years of existence) b. Experience in Similar Projects for the last five (5) years • Must have handled and finished at least three (3) Valuation of Shares projects either in the Philippines or in other countries with a value of at least One Billion Pesos (PHP 1,000,000,000); • In the case of Joint Ventures, each firm must have handled and finished at least five (5) Valuation of Shares projects either in the Philippines or in other countries within the last five (5) years with a value of at least One Billion Pesos (PHP 1,000,000,000,000). 	50
 Quality of Personnel a. Work Experience in Similar Projects The Team Leader must have at least three (3) years of work experience and have handled at least three (3) similar projects; The Team Leader must have three (3) team members with at least two (2) years of work experience and have handled at least two (2) similar projects. b. Educational Background (The Team Leader and members must be at least Bachelor's degree holder) 	30
3. Work Load (Current number of Project of the Firm)	20
TOTAL	100

"Applicable Experience" pertains to the Bidder and associates in case of joint ventures, considering both overall experiences of the firm and the individual experiences of the principal and key staff including the times when employed by other consultants;

"Qualification of Personnel" pertains to the personnel who will be assigned to the job vis-à-vis extent and complexity of the undertaking;

"Capability" means the absorptive capacity of the Consultant(s) to do additional works other than those currently undertaken.

These will be added to determine the total score for the Consultant(s). The Consultant(s) shall be ranked according to their total score and the top three (3) shall be considered as the short list and qualify them to bid for the contract. The Consultant(s) must pass the required minimum score of seventy (70) points to be shortlisted.

6. Bidding will be conducted through open competitive bidding procedures using non-discretionary "pass/fail" criterion as specified in the IRR of RA 9184.

Bidding is restricted to Filipino citizens/sole proprietorships, cooperatives, and partnerships or organizations with at least sixty percent (60%) interest or outstanding capital stock belonging to citizens of the Philippines.

- 7. The PMO shall evaluate bids using the *Quality-Cost Based Evaluation (QCBE)* procedure. The PMO shall allocate Sixty percent (60%) for Technical and Forty percent (40%) for Financial Proposals. The criteria and rating system for the evaluation of bids shall be provided in the Instructions to Bidders.
- 8. The contract shall be completed within forty-five (45) calendar days from the issuance of Notice to Proceed.
- 9. The PMO reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Section 41 of RA 9184 and its IRR, without thereby incurring any liability to the affected bidder or bidders.
- 10. For further information, please refer to:

BIDS AND AWARDS COMMITTEE (BAC)
PRIVATIZATION AND MANAGEMENT OFFICE
104 Gamboa Street, Legaspi Village, Makati City
Tel. No. 818-8305 Fax No. 892-2145

MARIA LIRIO A. ZABALA Chairperson, BMO-BAC **Section II. Eligibility Documents**

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; 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 conditions stated in the **EDS**.
- 1.4. Government owned or controlled corporations (GOCCs) 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 attached agencies of the Procuring Entity.

2. Eligibility Requirements

- 2.1. The following eligibility requirements, together with the Eligibility Documents Submission Form, 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 -

<u>Legal Documents</u>

(i) PhilGEPS Certificate of Registration and Membership in accordance with Section 8.5.2 of the IRR, except for foreign bidders participating in the procurement by a Philippine Foreign Service Office or Post, which shall submit their eligibility documents under Section 24.1 of the IRR, provided, that the winning Consultant shall register with PhilGEPS in accordance with Section 37.1.4 of the IRR;

Technical Documents

- (ii) 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:
 - (ii.1) the name and location of the contract;
 - (ii.2) date of award of the contract;
 - (ii.3) type and brief description of consulting services;
 - (ii.4) consultant's role (whether main consultant, subconsultant, or partner in a JV)
 - (ii.5) amount of contract;
 - (ii.6) contract duration; and
 - (ii.7) certificate of satisfactory completion or equivalent document specified in the <u>EDS</u> issued by the client, in the case of a completed contract;

(iii) 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, including their respective curriculum vitae.

(b) Class "B" Document -

If applicable, the Joint Venture Agreement (JVA) in case the joint venture is already in existence, or duly notarized statements from all the potential joint venture partners in accordance with Section 24.1(b) of the IRR of RA 9184.

- 2.2. The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines. The English translation shall govern, for purposes of interpretation of the bid.
- 2.3. 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, subconsultants 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.

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 Submission Form shall be signed by the duly authorized representative/s of the Bidder. Failure to do so shall be a ground for the rejection of the eligibility documents.
- 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. Prospective bidders shall enclose their original eligibility documents described in Clause 2.1, in a sealed envelope marked "ORIGINAL ELIGIBILITY DOCUMENTS". Each copy thereof 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 ink and shall be signed by the prospective bidder or its duly authorized representative/s.

4.3. All envelopes shall:

- (c) contain the name of the contract to be bid in capital letters;
- (d) bear the name and address of the prospective bidder in capital letters;
- (e) be addressed to the Procuring Entity's BAC specified in the **EDS**;
- (f) bear the specific identification of this Project indicated in the **EDS**; and
- (g) bear a warning "DO NOT OPEN BEFORE..." the date and time for the opening of eligibility documents, in accordance with Clause 5.
- 4.4 Eligibility documents that are not properly sealed and marked, as required in the bidding documents, shall not be rejected, but the bidder or its duly authorized representative shall acknowledge such condition of the documents as submitted. The BAC shall assume no responsibility for the misplacement of the contents of the improperly sealed or marked eligibility documents, or for its 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. The BAC shall record in the minutes of submission and opening of eligibility documents, the Bidder's name, its representative and the time the eligibility documents were submitted late.

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 that withdraws its eligibility documents shall not be permitted to submit another set, directly or indirectly, for the same project. A prospective bidder that acquired the eligibility documents 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.

8. Opening and Preliminary Examination of Eligibility Documents

8.1. The 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.

In case the submitted eligibility envelopes cannot be opened as scheduled due to justifiable reasons, the BAC shall take custody of the said envelopes and reschedule the opening on the next working day or at the soonest possible time through the issuance of a Notice of Postponement to be posted in the PhilGEPS website and the website of the Procuring Entity concerned.

- 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.
- 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." 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 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. Shortlisted consultants shall be invited to participate in the bidding for this project through a Notice of Eligibility and Short Listing issued by the BAC.

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 IRR of RA 9184.

Section III. Eligibility Data Sheet

Eligibility Data Sheet

Eligibility Documents	
1.2	The key professional staff for the project shall be Filipino citizens and involve the practice of professions regulated by law:
	 The Team Leader must have at least three (3) years of work experience and have handled at least three (3) similar projects; The Team Leader must have three (3) team members with at least two (2) years of work experience and have handled at least two (2) similar projects.
1.3	No further instructions.
2.1(a)(i)	Pursuant to Government Procurement Policy Board (GPPB) Resolution No. 15-2021 "Lifting the Suspension on the Implementation of the Mandatory Submission of PhilGEPS Certificate of Platinum Registration and Membership in Competitive Bidding and Limited Source Bidding", bidders shall submit valid PhilGEPS Certificate of Registration under Platinum category with updated Annex "A", in lieu of Class "A" documents.
2.1(a)(ii)	The statement of all ongoing and completed government and private contracts shall include all such contracts within the <i>last five</i> (5) <i>years</i> prior to the deadline for the submission and receipt of eligibility documents. (<i>Refer to the attached prescribed format for ANNEX "B" and ANNEX "C"</i>).
2.1(a)(ii.7)	Copies of Certificate of Project Completion and Acceptance of Work of at least three (3) Valuation of Shares of Stock Projects for the last five (5) years.
0	Each bidder shall submit one (1) original or authenticated, and two (2) copies of their eligibility documents. All pages of the eligibility documents, other than the signature pages, shall be initialed by the Bidder's authorized signatory.
	See attached ANNEX "E" for the illustration of the manner of submission of the Eligibility Documents.

(e)	BIDS AND AWARDS COMMITTEE (BAC) PRIVATIZATION AND MANAGEMENT OFFICE 5th Floor, PMO Building 104 Gamboa Street, Legaspi Village, Makati City Telephone Nos. (02) 818 8305 and (02) 818 6331 Telefax No. (02) 810 7578
(f)	The specific identification of the Project is PMO-03-2023.
0	The address for submission of eligibility documents is:
	PRIVATIZATION AND MANAGEMENT OFFICE 4 th Floor, 104 Gamboa Street, Legaspi Village, Makati City
	The deadline for submission of eligibility documents is on or before 10:00 A.M. on January 26, 2023, Thursday.
0	The place of opening of eligibility documents is: PRIVATIZATION AND MANAGEMENT OFFICE 4 th Floor, 104 Gamboa Street, Legaspi Village, Makati City
	The date and time of opening of eligibility documents is at 10:00 A.M. on January 26, 2023, Thursday.
0	For this purpose, the "similar contracts" refer to contract/project on Valuation of Shares of Stock or other related undertakings for a company for the last five (5) years.
0	The short list shall consist of three (3) prospective bidders who will be entitled to submit bids. The Consultant(s) must pass the required minimum score of seventy (70) points to be shortlisted.

The criteria and rating system for short listing are:

Evaluation Criteria	Points
 Applicable Experience and Capability of the Consultant a. Years of Existence of the Firm (with at least five (5) years of existence) b. Experience in Similar Projects for the last five (5) years Must have handled and finished at least three (3) Valuation of Shares projects either in the Philippines or in other countries with a value of at least One Billion Pesos (PHP 1,000,000,000); In the case of Joint Ventures, each firm must have handled and finished at least five (5) Valuation of Shares projects either in the Philippines or in other countries within the last five (5) years with a value of at least One Billion Pesos (PHP 1,000,000,000) 	50
 1,000,000,000). 2. Quality of Personnel a. Work Experience in Similar Projects • The Team Leader must have at least three (3) years of work experience and have handled at least three (3) similar projects; • The Team Leader must have three (3) team members with at least two (2) years of work experience and have handled at least two (2) similar projects. b. Educational Background (The Team Leader and members must be at least Bachelor's degree holder) 	30
Work Load (Current number of Project of the Firm)	20
TOTAL	100

SECTION IV. ELIGIBILITY FORMS

ELIGIBILITY DOCUMENTS SUBMISSION FORM

[Date]

ATTY. MAAN VANESSA L. DOCTOR Privatization and Management Office 104 Gamboa St., Legaspi Village Makati City

Ladies/Gentlemen:

In connection with your Request for Expression of Interest dated [insert date] for Valuation of Shares Owned by the Republic of the Philippines (RoP) in NLEX Corporation, [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, LGUs, or autonomous regional government, including foreign government/foreign or international financing institution; 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 shortlisted or not.

We further acknowledge that failure to sign this Eligibility Document Submission Form shall be a ground for our disqualification.

Yours sincerely,

Signature Name and Title of Authorized Signatory Name of Consultant Address

STATEMENT OF ON-GOING PROJECTS

List of On-going Government and Private Contracts, including contracts awarded but not yet started, whether similar or not in nature and complexity to the contract to be bid within the last FIVE (5) years prior to deadline for the submission and receipt of Eligibility Documents.

Name of Co	onsultant	:				
Business A	ddress	:				
Name and Location of Project	Description of the Project	Classification (Government/ Private)	Date of Contract	Type of Consulting Services	Amount of Contract	Contract Duration
1						
2						
3						
4						
5						
6						
7						
8						
	ŕ	tract; and he Client (for proj	iects already sta	rted).		
Name and S Company N Position: Date:	_	the Authoriz	ed Represer	ntative of Bid	der	

STATEMENT OF COMPLETED PROJECTS

List of Completed Government and Private Contracts, including contracts, whether similar or not in nature and complexity to the contract to be bid within the last FIVE (5) years prior to deadline for the submission and receipt of Eligibility Documents.

Name of Co	onsultant	:				
Business Ad	ddress	:				
Name and Location of Project	Description of the Project	Classification (Government/ Private)	Date of Contract	Type of Consulting Services	Amount of Contract	Contract Duration
1						
2						
3						
4						
5						
6						
7						
8						
Note: This stat	tement shall be s	upported with (w	vhichever is avai	lable)		
 Clearance issued by the procuring entity Certificate of Completion issued by the procuring entity Invoice/Official Receipts representing full payment of the completed project 						
Submitted l	oy:					
Name and S Company N Position: Date:		the Authoriz	ed Represen	tative of Bid	der	

STATEMENT OF KEY STAFF

Name of Consultant	: _					
Business Address	: _					
d of Expertise/Name of Personnel	Years of Experience in Position Attained	Name of Similar Project Involved	Position in the Similar Project	Number of Training Experience	Highest Educational Attainment	Nationali
please provide of personnel will su 2. This shall be sup		re are "on-call" or sonnel agreed to nent. vitae of each nom	r not a permar be nominated	nent employee o and once the fi	f the consulting	l, the
Submitted by:						
- 10'		. 10				
Name and Signati	ure of the Author	ized Represei	ntative of B	idder		
Company Name: Position:						
Date:						

SEALING AND MARKING OF BIDS

Prospective bidders are instructed to submit three (3) individual sealed envelopes that are enclosed in one (1) single sealed envelopes or box, as follows:

