

## National Irrigation Administration

**Procurement ID/Contract ID: R4A-LSRIPD-DB-01**

**Contract Name: Design and Construction of Earthfill Dam, Reservoir, Appurtenant Structures, and Irrigation Facilities of Lopez Small Reservoir Irrigation Project in Region IV-A**

**Location of the Contract: Cawayanin, Lopez, Quezon, Region IV-A**

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*NIA Central Office  
Office of the BAC-A Secretariat  
6th Floor, NIA Building A  
National Irrigation Administration*

### BID BULLETIN NO. 2024-001

**Subject: Amendments of Provisions of Bidding Documents for Procurement/Contract ID R4A-LSRIPD-DB-01**

This Bid Bulletin No. 2024-001 is issued to the prospective bidders to amend the relevant provisions in the Bidding Documents, as follows:

Description	From	To
Page 8, Section I. Invitation to Bid, Table	Contract Duration: 1,080 calendar days (36 months)	Contract Duration: 1,080 calendar days (Attachment Sheet No. 1)
Page 8, Section I. Invitation to Bid, Paragraph 3, (b)	Completion of a similar Design and/or Build contract for Dam, Reservoir or Tunneling and/or Irrigation or Flood Control costing at least 50% of the ABC	Completion of a similar Design and/or Build contract for <b><u>Dam/ Embankment Dam (for agricultural and/or hydropower projects) and/or Flood Control Projects (Protection Dikes and/or Sabo Dam and/or Floodway) and/or Irrigation Canal/Canal Structures, and/or other Major Hydraulic Structures and/or Structures for Irrigation with a value of at least fifty percent (50%) of ABC</u></b> (Attachment Sheet No. 1)
Page 33, Section II, Instructions to Bidders, Clause 28.4a, Notice of Award	Submission by the bidder with the LCRB of the following documents within ten (10) from the bidder's receipt of the NOA.	Submission by the bidder with the LCRB of the following documents within ten (10) <b><u>calendar days</u></b> from the bidder's receipt of the NOA. (Attachment Sheet No. 2)
Page 42, Section IV. Eligibility Requirements, 1. PART I.b (5), Legal Requirements	...Filipino ownership or interest in the JV concerned shall be at least sixty percent (60%); provided, further, that JVs in which Filipino ownership or interest is less than sixty percent (60%) may be eligible where the structures to be built require the application of techniques and/or technologies	...Filipino ownership or interest in the JV concerned shall be at <b><u>least seventy five percent (75%)</u></b> ; provided, further, that JVs in which Filipino ownership or interest is less than <b><u>seventy five percent (75%)</u></b> may be eligible where the structures to be built require the application of techniques and/or technologies which are not adequately



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	which are not adequately possessed by a person/entity meeting the sixty percent (60%) Filipino ownership requirement.	possessed by a person/entity meeting the <u>seventy five percent (75%)</u> Filipino ownership requirement. (Attachment Sheet No. 3)
Page 44, Section IV. Eligibility Requirements, 1.PART II.b (5), Legal Requirements	„Filipino ownership or interest in the JV concerned shall be at least sixty percent (60%); provided, further, that JVs in which Filipino ownership or interest is less than sixty percent (60%) may be eligible where the structures to be built require the application of techniques and/or technologies which are not adequately possessed by a person/entity meeting the sixty percent (60%) Filipino ownership requirement.	...Filipino ownership or interest in the JV concerned shall be at <u>least seventy five percent (75%)</u> ; provided, further, that JVs in which Filipino ownership or interest is less than <u>seventy five percent (75%)</u> may be eligible where the structures to be built require the application of techniques and/or technologies which are not adequately possessed by a person/entity meeting the <u>seventy five percent (75%)</u> Filipino ownership requirement. (Attachment Sheet No. 4)
Page 46, Section IV, Eligibility Requirements, Item (2) Work Experience in Similar Contracts	Small A and Small B contractors without similar experience on the contract to be bid, however, may be allowed to bid if the cost of such contract is not more than the Allowable Range of Contract Cost (ARCC) corresponding to their PCAB license as shown in the table above (IRR Section 23.4.2.4).	Small A and Small B contractors without similar experience on the contract to be bid, however, may be allowed to bid if the cost of such contract is not more than <u>fifty percent (50%)</u> of the Allowable Range of Contract Cost (ARCC) corresponding to their PCAB license as shown in the table above (IRR Section 23.4.2.4). (Attachment Sheet No. 5)
Page 47, Section IV. Eligibility Requirements, last paragraph	...Filipino ownership or interest thereof, however, shall be at least sixty percent (60%). A JV/consortium in which Filipino ownership or interest is less than sixty percent (60%) may be eligible where the structure to be built requires the application of techniques and/or technologies which are not adequately possessed by Filipinos and that Filipino ownership or interest shall not be less than twenty-five percent (25%).	Filipino ownership or interest thereof, however, shall be at least <u>seventy five percent (75%)</u> . A JV/consortium in which Filipino ownership or interest is less than <u>seventy five percent (75%)</u> may be eligible where the structure to be built requires the application of techniques and/or technologies which are not adequately possessed by Filipinos and that Filipino ownership or interest shall not be less than twenty-five percent (25%). (Attachment Sheet No. 6)



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Page 48, Section IV. Eligibility Requirements, last paragraph	As an overall rule, for a JV to be eligible, the Eligibility Requirements prescribed above must be satisfied by at least one of the JV partners. The eligibility qualifications of the JV partners shall not be considered additive.	<b><u>Remove this paragraph</u></b> (Attachment Sheet No. 7)
Page 49, Section V, Eligibility Data Sheet, 1.Part IIc(1)d, SLCC	Cost of Largest Single Completed Contract: <u>at least PhP 752,735,000.</u>	Cost of Single Largest Completed Contract: <u>at least PhP 752,734,921.68.</u> (Attachment Sheet No. 8)
Page 49, Section V, Eligibility Data Sheet, 1.Part IIc(2),Approved Budget Contract	The Approved Budget for the Contract is PhP 1,505,470,000.	The ABC for this contract is: PhP <b><u>1,505,469,843.35</u></b> (Attachment Sheet No. 8)
Page 55. Section VI. General Conditions of Contract (GCC), Clause 5.4. on Procuring Entity's Obligations	The Procuring Entity shall observe the schedule, shown in the SCC, for the review, order for rectification, certification as to compliance with the MPSS, and acceptance of the DEDs submitted by the Contractor.	The Procuring Entity shall observe the schedule, shown in the SCC, for the review, order for rectification, certification as to compliance with the MPSS, and acceptance of the DEDs submitted by the Contractor. <b><u>In case the Procuring Entity fails to take action, in writing, on the submitted DED documents within the prescribed schedule, the submitted DEDs shall be deemed approved.</u></b> (Attachment Sheet No. 9)
Page 87, Section VII. Special Conditions of Contract (SCC), Clause 1.19	The Intended Completion Date is 1,095 calendar days from the date of the Contractor's receipt of the Notice to Proceed (NTP).	The Intended Completion Date is <b><u>1,080</u></b> calendar days from the date of the Contractor's receipt of the Notice to Proceed (NTP). (Attachment Sheet No. 10)
Page 105, Section VIII. Minimum Performance Standards and Specifications, Para. I, Project Completion Period	The Contractor shall complete the entire DB Project within 1095 calendar days (36 months)	The Contractor shall complete the entire DB Project within <b><u>1080</u></b> calendar days. (Attachment Sheet No. 11)

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Page 111, Section X. Bidding Forms		Include the following forms  NIA-INFRA-01: Statement of Single Largest Completed Contract (SLCC) Similar to the Contract to be Bid  NIA-INFRA-02: Statement of all Ongoing Government & Private Contracts including contracts awarded but not yet started  (Attachment Sheet No. 12)
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This Bid Bulletin shall form an integral part of the said Bidding Documents. For further information, you may contact the BAC Head Secretariat, **MR. MARCELINO LIM** at telephone number Telephone Nos. 8929-60-71 to 78 Local 127 or through e-mail address: bac-a@nia.gov.ph.

For the guidance and information of all concerned.

  
**ENGR. ROBERT C. SUGUITAN**

BAC-A Chairperson

RAI -

FGS - 

ADVJ -

RBU - 

Received by the Bidder:

\_\_\_\_\_  
Signature over Printed Name of Bidder's Representative

Position:

Date: \_\_\_\_\_



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BAC-A Chairperson

Received by the Bidder:

\_\_\_\_\_  
Signature over Printed Name of Bidder's Representative

Position:

Date: \_\_\_\_\_

## *Section I. Invitation to Bid*

National Irrigation Administration  
EDSA, Diliman, Quezon City

The NIA Central Office, through its Bids and Awards Committee (BAC), invites contractors to submit bids for the following project under a Design-and-Build (DB) contract:

Procurement ID/Contract ID	:	R4A-LSRIPD-DB-01
Contract Name	:	Design and Construction of Earthfill Dam, Reservoir, Appurtenant Structures, and Irrigation Facilities of Lopez Small Reservoir Irrigation Project in Region IV-A
Contract Location	:	Cawayanin, Lopez, Quezon
Brief Description	:	Design and construction of approximately 23-meter high zoned earthfill dam, with a crest length of 230 meters across Calauag River, and a reservoir capacity of 12.39 million cubic meters of water, together with related irrigation and drainage facilities and appurtenant structures, to service an approximate area of 1,500 hectares.
Approved Budget for the Contract (ABC)	:	PhP 1,505,469,843.35
Source of Funds	:	General Appropriations Acts
Contract Duration	:	1,080 calendar days

The NIA Central Office is conducting the public bidding for this Contract in accordance with Republic Act (RA) No. 9184 and its Implementing Rules and Regulations (IRR). The NIA Central Office will use non-discretionary “pass/fail” criteria in the eligibility check, preliminary examination of bids, evaluation of bids, post-qualification, and award, as specified in the IRR of RA No. 9184.

To be eligible to bid for this Contract, a contractor must meet the following major requirements: (a) Filipino citizen or 60% Filipino-owned partnership/corporation with a Philippine Contractors Accreditation Board (PCAB) license for at least Category AAA/AAAA and Size Range Large B for Dam, Reservoir or Tunneling and/or Irrigation or Flood Control, (b) completion of a similar Design and/or Build contract for Dam/ Embankment Dam (for agricultural and/or hydropower projects) and/or Flood Control Projects (Protection Dikes and/or Sabo Dam and/or Floodway) and/or Irrigation Canal/Canal Structures, and/or other Major Hydraulic Structures and/or Structures for Irrigation with a value of at least fifty percent (50%) of ABC, or if the bidder has no experience in design and build projects on its own, a subcontracting, partnership, or joint venture with a design or engineering firm which has experience in a design contract for a similar structure costing at least 50% of the ABC, and (c) Net Financial Contracting Capacity (NFCC) at least equal to the ABC.

The schedule of key procurement activities for this Contract is shown below:

Activity	Time	Place
1. Issuance/Downloading of Bidding Documents	<u>May 8, 2024 to June 27, 2024</u>	● Hard copies at BAC Secretariat, NIA Central Office, EDSA, Diliman, Quezon City



- 28.3** The NOA shall state the proposed contract price – i.e., whichever is lower of the submitted bid price or calculated bid price - together with the documentary requirements to be submitted by the Bidder to perfect the contract.
- 28.4** Notwithstanding the issuance of the Notice of Award, award of contract shall be subject to the following conditions:
- a. Submission by the bidder with the LCRB of the following documents within ten (10) calendar days from the bidder's receipt of the NOA, as conditions for signing the contract:
- (1) Notice of Award (NOA) with the bidder's signed "conforme" (Use Form NIA-INFRA-42).
  - (2) Authority of Signing Official/Board Resolution/Secretary's Certificate.
  - (3) For a joint venture (JV) among contractors, Contractor's PCAB Special JV License and JV Agreement.
  - (4) Performance Security in accordance with Section 29 of this ITB.
  - (5) Design and Construction Methods (Use Form NIA-INFRA-54)
  - (6) Design and Construction Schedule in the form of PERT/CPM Diagram, or Precedence Diagram and Bar Chart with S-Curve, or other approved tools of project scheduling.
  - (7) PRC License No. and Tax Identification No. (TIN) of Each Key Personnel.
  - (8) Construction Safety and Health Program (Use Form NIA-INFRA-50).
  - (9) Contractor's All-Risk Insurance (CARI)
  - (10) Latest Income Tax and Business Returns duly stamped and received by BIR and duly validated with the tax payments made. Tax Clearance from the BIR to prove full and timely payment of taxes.
  - (11) For a local contractor, Certification under oath stating that the Contractor is free and clean of all tax liabilities.
  - (12) For a foreign bidder, valid PCAB License and Registration for the type and cost of the contract to be bid, when the Treaty or International or Executive Agreement expressly allows submission

## ***Section IV. Eligibility Requirements (ER)***

### **1. BASIC REQUIREMENTS**

The prospective bidder must meet the following Eligibility Requirements (ER) for purposes of determining by the NIA the eligibility of the bidder for the DB works/ infrastructure contract to be procured:

#### **PART I – DESIGN**

##### **a. SUBMISSION OF CLASS “A” AND CLASS “B” DOCUMENTS**

To participate in the bidding for a works/infrastructure DB contract in the NIA, a bidder or its Design contractor/sub-contractor must submit to the BAC of the Procuring Entity the Class “A” and Class “B” Documents, listed in ITB Clause 13.2a-1)(a), as part of the Technical Component of the design part of its bid for the contract.

##### **b. LEGAL REQUIREMENTS FOR ELIGIBILITY**

The bidder’s Designer must be either of the following:

- (1) A Filipino citizen/sole proprietorship.
- (2) A partnership 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.
- (3) A corporation 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, provided that, pursuant to RA 544 (Civil Engineering Law), corporations as juridical entities shall not be engaged to practice civil engineering.
- (4) A cooperative duly registered with Cooperative Development Authority.
- (5) Persons/entities forming themselves into a joint venture (JV), i.e., a group of two (2) or more persons/entities that intend to be jointly and severally responsible or liable for a particular Design contract, provided that, in accordance with Executive Order (EO) No. 65, series of 2018, Filipino ownership or interest in the JV concerned shall be at least seventy five percent (75%); provided, further, that JVs in which Filipino ownership or interest is less than seventy five percent (75%) may be eligible where the structures to be built require the application of techniques and/or technologies which are not adequately possessed by a person/entity meeting the seventy five percent (75%) Filipino ownership requirement; and provided, finally, that in the latter case, Filipino ownership or interest shall not be less than twenty-five percent (25%). For this purpose, Filipino ownership or interest shall be based on the contributions of each of the members of the JV as specified in their joint venture agreement (JVA).



All bidders shall maintain in the PhilGEPS a current and updated file of the following Class “A” Eligibility Documents (IRR Section 8.5.2 in relation to Sec. 23.1(a)):

- (a) Registration Certificate from SEC/DTI/CDA,
- (b) Mayor’s/Business Permit,
- (c) Tax Clearance,
- (d) PCAB License and Registration.
- (e) Audited Financial Statements

With a bidder’s submission to the PhilGEPS of these five Class “A” Documents, the bidder shall secure a PhilGEPS Certificate of Registration and Membership.

***b. LEGAL REQUIREMENTS FOR ELIGIBILITY***

The prospective bidder must be either of the following:

- (1) A Filipino citizen/sole proprietorship.
- (2) A partnership 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.
- (3) A corporation 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.
- (4) A cooperative duly registered with Cooperative Development Authority.
- (5) Persons/entities forming themselves into a joint venture (JV), 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 that, in accordance with Executive Order (EO) No. 65, series of 2018, Filipino ownership or interest in the JV concerned shall be at least seventy five percent (75%); provided, further, that JVs in which Filipino ownership or interest is less than seventy five percent (75%) may be eligible where the structures to be built require the application of techniques and/or technologies which are not adequately possessed by a person/entity meeting the seventy five percent (75%) Filipino ownership requirement; and provided, finally, that in the latter case, Filipino ownership or interest shall not be less than twenty-five percent (25%). For this purpose, Filipino ownership or interest shall be based on the contributions of each of the members of the JV as specified in their joint venture agreement (JVA).

## GB-4 Park, Playground and Recreational Work

**Specialty**

SP-FW	Foundation Work
SP-SS	Structural Steel Work
SP-CC	Concrete Pre-casting, Pre-Stressing or Post-tensioning
SP-PS	Plumbing & Sanitary Work
SP-EE	Electrical Work
SP-ME	Mechanical Work
SP-AC	Air-conditioning or Refrigeration
SP-ES	Elevator or Escalator
SP-FP	Fire Protection Work
SP-WP	Waterproofing Work
SP-PN	Painting Work
SP-WD	Well-Drilling Work
SP-CF	Communication Facilities
SP-MS	Metal Roofing & Siding Installation
SP-SD	Structural Demolition
SP-LS	Landscaping
SP-EM	Electro Mechanical Work
SP-NF	Navigational Facilities

In addition, the PCAB License will specify the kind and size range of Government projects that the contractor may apply for – e.g., Buildings-Medium B.

For the particular contract to be procured, the Procuring Entity must prescribe in the Eligibility Data Sheet (EDS), shown in ANNEX III-B, the required PCAB license and classification and category of projects that the license is valid for, as well as the kind and size range of Government projects that they may apply for, based on the classification and categories given above.

**(2) Work Experience in Similar Contracts**

For this particular contract to be bid, the Approved Budget for the Contract (ABC) is indicated in the **EDS**.

The prospective bidder must possess the experience of having a Single Largest Completed Contract (SLCC) “similar” to the contract to be procured, and whose value, adjusted to current prices using the consumer price indices of the Philippine Statistics Authority (PSA), is at least fifty percent (50%) of the ABC to be bid. Small A and Small B contractors without similar experience on the contract to be bid, however, may be allowed to bid if the cost of such contract is not more than fifty percent (50%) of the Allowable Range of Contract Cost (ARCC) corresponding to their PCAB license as shown in the table above (IRR Section 23.4.2.4)..

A “Major Category of Works” is the main classification of works in the contract to be bid, according to type of infrastructure and kind of work performed - e.g. road construction, bridge rehabilitation, etc. On the other hand, a “Similar Category of



Works” is a kind of works whose classification is considered to be comparable to the Major Category of Works in the contract to be bid and, therefore, shall be considered for purposes of evaluation of the bidder’s eligibility for the contract to be bid. A “Qualifier” is an additional specific requirement on Major or Similar Categories of Work, to be required from the bidders at the bidding stage, to show that they have the necessary expertise and experience to execute the contract, such as an extraordinarily large embankment volume, or soft ground treatment, or very long sheet piling, etc.

For the specific project or contract to be bid, the Procuring Entity shall indicate in the EDS the Major Categories of Works and Similar Categories of Work, as well as any Qualifier, that shall be considered in determining a bidder’s eligibility for the contract to be bid.

**(3) Owner’s Certificate of Final Acceptance or Constructor’s Performance Evaluation System (CPES) Rating**

To support its SLCC, the bidder must submit the corresponding Owner’s Certificate of Final Acceptance issued by the project owner other than the contractor, or at least a satisfactory CPES Rating. In case of contracts with the private sector, an equivalent document shall be submitted.

**(4) BIM Experience**

The designated BIM Manager or Digital Delivery Lead responsible for virtual construction must have the necessary BIM/VDC/IDD experience in project delivery.

**d. FINANCIAL REQUIREMENTS FOR ELIGIBILITY**

The prospective bidder must have a Net Financial Contracting Capacity (NFCC) at least equal to the ABC to be procured.

The NFCC shall be calculated as follows:

NFCC = [(Current assets minus current liabilities) (15)] minus the value of all outstanding or uncompleted portions of the projects under ongoing contracts, including awarded contracts yet to be started, which portions coincide with the contract to be bid.

The values of the bidder’s current assets and current liabilities shall be based on the latest Audited Financial Statements (AFS) submitted to the BIR. For purposes of computing the foreign bidders’ NFCC, the value of the current assets and current liabilities shall be based on their Audited Financial Statements prepared in accordance with international financial reporting standards.

JVs/consortia among Filipino contractors and consultants or among Filipino contractors and foreign consultants shall be allowed subject to pertinent laws and the relevant provisions of RA 9184-IRR. The JV/consortium shall be jointly and severally responsible for the obligations and the civil liabilities arising from the DB contract. Filipino ownership or interest thereof, however, shall be at least seventy five percent (75%). A JV/consortium in which Filipino ownership or interest is less than seventy five percent (75%) may be eligible where the

structure to be built requires the application of techniques and/or technologies which are not adequately possessed by Filipinos and that Filipino ownership or interest shall not be less than twenty-five percent (25%).



## *Section V. Eligibility Data Sheet*

<b>Eligibility Requirements</b>	
1.Part IIc(1)	<p>The required PCAB license for this contract is as follows:</p> <ul style="list-style-type: none"> <li>a. License Category: <u>AAA and AAAA</u></li> <li>b. License Classification: <u>General Engineering (GE)-2 Irrigation and Flood Control, or GE-3 Dam, Reservoir, and Tunneling;</u></li> <li>c. Government Contract Size Range: <u>Large B</u></li> <li>d. Cost of Single Largest Completed Contract: <u>at least PhP 752,734,921.68</u></li> <li>e. Allowable Range of Contract Cost: No Limit</li> </ul>
1.Part IIc(2)	<p>The ABC for this contract is: PhP 1,505,469,843.35.</p> <p>The following are the “Major Categories of Works” involved in the contract to be bid:</p> <ul style="list-style-type: none"> <li>a. Earth Works</li> <li>b. Reinforced Concrete Works</li> <li>c. Mechanical Works</li> <li>d. River Training Works</li> <li>e. Foundation Treatment Works</li> </ul> <p>The following are the “Similar Categories of Works” that shall be considered in the evaluation of the work experience required for the contract to be bid:</p> <ul style="list-style-type: none"> <li>a. Dam/Embankment Dam for Agricultural and Hydropower Project</li> <li>b. Flood Control Projects, particularly Protection Dikes. Sabo Dam, or Floodway</li> <li>c. Irrigation Canal/Canal Structures</li> <li>d. Other Major Hydraulic Structures</li> <li>e. Other Structure for Irrigation</li> </ul> <p>There are no “Qualifiers” for this contract.</p>

the Contractor by the Procuring Entity, but the cost of such additional ROW shall be shouldered by the Contractor. On the other hand, the cost of any part of the basic ROW which is not needed by the Contractor, based on its certified and accepted DED, shall be deducted from the cost of the additional ROW to be funded by the Contractor.

- 5.2 In accordance with the schedule of ROW delivery to be submitted by the Contractor and concurred in by the Procuring Entity as provided in GCC Clause 6.9, the Procuring Entity shall grant the Contractor possession of the said basic ROW stated in Clause 5.1. If possession of a portion is not given by the date stated in the SCC Clause 5.2, the Procuring Entity will be deemed to have delayed the start of the relevant activities. The resulting adjustments in contract time to address such delay shall be in accordance with GCC Clause 42.
- 5.3 The Procuring Entity shall secure from the concerned Agencies the required Environmental Compliance Certificate (ECC), Certificate of Non-Coverage (CNC), Conditions Precedent (CP) for Certificate Precondition (CeP) on the grant of Free and Prior Informed Consent (FPIC), Special Use Agreement in Protected Area (SAPA), and/or Gratuitous Special Use Permit (GSUP), for the Project. If the Contractor requires new/modified ECC, CO, SAPA, and GSUP, the Procuring Entity will acquire these from the Agencies concerned, but the Contractor shall pay the cost of such acquisition in accordance with GCC Clause 6.10.
- 5.4 The Procuring Entity shall observe the schedule, shown in the SCC, for the review, order for rectification, certification as to compliance with the MPSS, and acceptance of the DEDs submitted by the Contractor. In case the Procuring Entity fails to take action, in writing, on the submitted DED documents within the prescribed schedule, the submitted DEDs shall be deemed approved.
- 5.5 The Procuring Entity shall review, order rectification, and certify - as to compliance with the MPSS - and accept or reject the submitted DED within the schedule defined in GCC Clause 5.4. All instructions for rectification shall be in writing, stating the reasons for such rectification. The Procuring Entity may allow partial or sectional review, certification, and acceptance of the Contractor's DED and issuance of sectional or corresponding partial Notices to Proceed (NTPs). The certification and acceptance by the Procuring Entity of the submitted DED shall not diminish the responsibility and liability of the Contractor for the integrity of the DED, nor shall it transfer such responsibility and liability to the Procuring Entity.
- 5.6 The Procuring Entity shall secure all permits required for the Contract, including building permits, quarrying permits, and tree-cutting permits, in accordance with GCC Clause 11. The Procuring Entity shall approve quarry sites recommended by the Contractor.
- 5.7 The Procuring Entity shall make payments to the Contractor at different stages of the DED, as indicated in the SCC.



## Section VII. Special Conditions of Contract (SCC)

GCC Clause															
1.19	The <b>Intended Completion Date</b> is 1,080 calendar days from the date of the Contractor's receipt of the Notice to Proceed (NTP).														
1.28	The <b>Procuring Entity</b> is the NIA Central Office.														
1.29	The <b>Procuring Entity's Representative</b> is <i>[insert name of the Head of the Procuring Entity (HoPE) or duly authorized representative]</i> .														
1.30	The <b>Site</b> is located in Cawayanin, Lopez, Quezon														
1.32	No further instructions.														
1.35	<p>The <b>Works</b> consist of the following:</p> <p>a. <b>Design:</b> Complete Detailed Engineering Studies/Design (DES/D) including plans and specifications of the Project, in accordance with the Procuring Entity's MPSS.</p> <p>b. <b>Construction:</b> Building/installation of the facility under the Project, in accordance with the Procuring Entity's MPSS and the Contractor's DES/D as certified by the Procuring Entity.</p>														
5.4	<p>The Procuring Entity shall observe the following timelines for action on DEDs submitted by the Contractor:</p> <table border="1"> <thead> <tr> <th>Activity</th><th>Timeline</th></tr> </thead> <tbody> <tr> <td>a. Review of submitted DED and, if required, issuance of Order to Contractor for rectification of DED.</td><td>Not more than Fifteen (15) calendar days (cd) from receipt of DED</td></tr> <tr> <td>b. Review of rectified DED, if applicable.</td><td>Not more than five (5) cd from receipt of rectified DED.</td></tr> <tr> <td>c. Issuance of Certification and Acceptance of DED to Contractor.</td><td>Not more than two (2) cd from completion of Activity a or b.</td></tr> </tbody> </table>	Activity	Timeline	a. Review of submitted DED and, if required, issuance of Order to Contractor for rectification of DED.	Not more than Fifteen (15) calendar days (cd) from receipt of DED	b. Review of rectified DED, if applicable.	Not more than five (5) cd from receipt of rectified DED.	c. Issuance of Certification and Acceptance of DED to Contractor.	Not more than two (2) cd from completion of Activity a or b.						
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5.7	<p>The Procuring Entity shall make payments to the Contractor at different stages of the DED, in accordance with the following schedule:</p> <table border="1"> <thead> <tr> <th>DED Stage</th><th>Payment as % of 4% of Contract Price (3%DED+1%BIM)</th></tr> </thead> <tbody> <tr> <td>a. Submission and Acceptance of Inception Report</td><td>10%</td></tr> <tr> <td>b. Submission of Draft VEVA Report (Part I)</td><td>10%</td></tr> <tr> <td>c. Submission and Acceptance of Final VEVA Report</td><td>20%</td></tr> <tr> <td>d. Submission and Acceptance of Draft DED and Draft Outline O&amp;M Manual</td><td>25%</td></tr> <tr> <td>e. Submission and Acceptance of Final DED and Draft O&amp;M Manual</td><td>35%</td></tr> <tr> <td>Total</td><td>100%</td></tr> </tbody> </table>	DED Stage	Payment as % of 4% of Contract Price (3%DED+1%BIM)	a. Submission and Acceptance of Inception Report	10%	b. Submission of Draft VEVA Report (Part I)	10%	c. Submission and Acceptance of Final VEVA Report	20%	d. Submission and Acceptance of Draft DED and Draft Outline O&M Manual	25%	e. Submission and Acceptance of Final DED and Draft O&M Manual	35%	Total	100%
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Total	100%														

The MMTRs shall include all the necessary testing activities per item of works including test results, mill certificates, delivery receipts, pre-delivery inspection report, and certificate of acceptance that have been completed during the reporting period.

The Test and Quality Control Requirements shall cover the following works:

- Embankment Works
  - a. Compaction
    - Laboratory Compaction Test; Modified Proctor Test (ASTM D-1557)
    - Field Density Test; Sand Cone Test (ASTM D-1556)
  - b. Suitability of materials
    - Grading Test; Sieve Analysis (ASTM D-46913)
    - Compaction Test (ASTM D-1557)
    - Atterberg Limits Test (ASTM D-4318)
    - Specific Gravity (ASTM D-854/ ASTM C-127)
    - Moisture Content (ASTM D-2216)
    - Permeability Test; Constant Head (ASTM D-2434) and Falling Head Test (ASTM D-5084)
    - Consolidation Test (ASTM D-2435)
    - Triaxial Test for Shear Strength; (UU) (ASTM D-2850), (CU) (ASTM D-4767), (CD) (ASTM D-7181)
- Concrete Works
  - a. Compressive strength at 28 days
  - b. Pouring protocols; Slump Test, Pouring permit & etc
  - c. Curing
- Steel Works
  - a. Mill Certificates
  - b. Tensile Strength
  - c. Dimensions on installations
- Mechanical Works
- Electrical Works
- Penstocks
- Turbines
- Gates Operability

## **I. PROJECT COMPLETION PERIOD**

The Contractor shall complete the entire DB Project within 1080 calendar days.

- Commissioning procedures at all electronics, mechanical, electrical, hydraulic and other installations
- Punch listing and rectification duration and protocols
- Turn-over and acceptance protocols
- Post-turnover defects rectification protocols



## *Section X. Bidding Forms*

The Bidder shall use the Bidding Forms (BFs) listed below in preparing its Bid and, in case it is awarded the contract, in preparing the documents required to perfect the contract.

- NIA-INFRA-01: Statement of Single Largest Completed Contract (SLCC) Similar to the Contract to be Bid
- NIA-INFRA-02: Statement of all Ongoing Government & Private Contracts including contracts awarded but not yet started
- NIA-INFRA-10A: Bid Form
- NIA-INFRA-11: Form of Bid Security: Bank Guarantee
- NIA-INFRA-12: Form of Bid Security: Irrevocable Letter of Credit
- NIA-INFRA-13: Form of Bid Securing Declaration
- NIA-INFRA-14A: Contractor's Organizational Chart for the Contract
- NIA-INFRA-15A: List of Contractor's Key Personnel to be Assigned to the Contract
- NIA-INFRA-16: List of Contractor's Major Construction and Laboratory Equipment Units to be Assigned to the Contract
- NIA-INFRA-17: Omnibus Sworn Statement Required by IRR Section 25.2b)iv)
- NIA-INFRA-20: Cash Flow by Quarter
- NIA-INFRA-44: Performance Security: Bank Guarantee
- NIA-INFRA-45: Performance Security: Irrevocable Letter of Credit
- NIA-INFRA-50: Construction Safety and Health Program
- NIA-INFRA-52A: Form of Contract Agreement
- NIA-INFRA-54: Design and Construction Methods for Design-and-Build Contract
- NIA-INFRA-56: Checklist of Requirements for a Design-and-Build Bid

The bidder may download these forms from the PhilGEPS website. The bidder may also obtain from the Procuring Entity hard copies of these forms as part of the BDs for the contract.

*National Irrigation Administration*

Procurement/Contract ID: \_\_\_\_\_

Name of Contract: \_\_\_\_\_

STATEMENT OF SINGLE LARGEST COMPLETED CONTRACT (SLCC) SIMILAR TO THE CONTRACT TO BE BID

Business Name : \_\_\_\_\_

Business Address : \_\_\_\_\_

Name of the Contract	Date of the Contract	Contract Duration	Owner's Name and Address	Nature of Works	Contractor's Role (i.e. Sole Contractor, J.V. member, etc.)		Total Contract Value at Award	Date of Completion	Total Contract Value at Completion
					Description	Percentage			

The Bidder shall be able to support this statement with the following:

1. Notice of Award and/or Notice to Proceed; and
2. Project Owner's Certificate of Final Acceptance Issued by the Owner and/or Constructor's Performance Evaluation Summary (CPES) Final Rating, which must be at least satisfactory. (For civil works contracts)

In the case of contracts with the private sector, an equivalent document shall be submitted.

Submitted by : \_\_\_\_\_  
(Printed Name & Signature)

Designation : \_\_\_\_\_

Date : \_\_\_\_\_



Name of Contract: \_\_\_\_\_

Business Name  
Business Address

[illegible]

Submitted by	:
Designation	:
Date	:
(Printed Name & Signature)	

**National Irrigation Administration**  
**Procurement ID/Contract ID: R4A-LSRIPD-DB-01**  
**Contract Name: Design and Construction of Earthfill Dam, Reservoir, Appurtenant Structures, and Irrigation Facilities of Lopez Small Reservoir Irrigation Project in Region IV-A**  
**Location of the Contract: Cawayanin, Lopez, Quezon, Region IV-A**

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*NIA Central Office*  
*Office of the BAC-A Secretariat*  
*6th Floor, NIA Building A*  
*National Irrigation Administration*

**BID BULLETIN NO. 2024-002**

**Subject: Clarification of Provisions of Bidding Documents for Procurement/Contract ID R4A-LSRIPD-DB-01**

This Bid Bulletin No. 2024-002 is issued to the prospective bidders to clarify certain provisions of the Bidding Documents in response to queries raised during the Pre-Bid Conference on May 15, 2024:

Query	Response
1. Clarify the requirements for a foreign contractor/consultant to participate in the bidding for this project? Is the contractor/consultant required to be licensed/registered with a Philippine Government Agency?	<p>In accordance with the Instructions to Bidders (ITB), page 43-onwards, Sec. IV, Eligibility Requirements (ER), foreign contractors/consultants may participate in the bidding for the project if they meet the following requirements:</p> <p>a. <u>For design component only</u>: A foreign consultant can participate as part of either:</p> <p>(1) a consultancy partnership 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, or</p> <p>(2) a consultancy corporation 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, provided that, pursuant to Republic Act No. 544 (Civil Engineering Law), corporations as juridical entities shall not be engaged to practice civil engineering, or</p> <p>(3) a Joint Venture (JV) of consultants provided that Filipino ownership or interest in the JV shall be at least seventy five percent (75%); provided further that JVs in which Filipino ownership or interest is less than seventy five percent (75%) may be eligible where the structures to be built require the application of techniques and/or technologies which are not</p>



**National Irrigation Administration**

**Procurement ID/Contract ID: R4A-LSRIPD-DB-01**

**Contract Name: Design and Construction of Earthfill Dam, Reservoir, Appurtenant Structures, and Irrigation Facilities of Lopez Small Reservoir Irrigation Project in Region IV-A**

**Location of the Contract: Cawayanin, Lopez, Quezon, Region IV-A**

Query	Response
	<p>adequately possessed by a person/entity meeting the seventy five percent (75%) Filipino ownership requirement; and provided, finally, that in the latter case, Filipino ownership or interest shall not be less than twenty-five percent (25%).</p> <p>b. <u>For construction component only</u>: A foreign contractor can participate as part of either:</p> <p>(1) a contractor-partnership 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, or</p> <p>(2) a contractor corporation 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, or</p> <p>(3) a JV of contractors provided that Filipino ownership or interest in the JV shall be at least seventy five percent (75%); provided further that JVs in which Filipino ownership or interest is less than seventy five percent (75%) may be eligible where the structures to be built require the application of techniques and/or technologies which are not adequately possessed by a person/entity meeting the seventy five percent (75%) Filipino ownership requirement – as certified by the NIA; and provided, finally, that in the latter case, Filipino ownership or interest shall not be less than twenty-five percent (25%).</p> <p>c. <u>For entire design-build (DB) project</u>: A foreign consultant/contractor can participate as part of a DB JV composed of local and foreign consultants/contractors, provided that Filipino ownership or interest in the JV shall be at least seventy five percent (75%); provided further that JVs in which Filipino ownership or interest is less than seventy five percent (75%) may be eligible where the structures to be built require the application of techniques and/or technologies which are not adequately possessed by a person/entity meeting the seventy five percent (75%) Filipino ownership requirement – as certified by the NIA; and</p>

**National Irrigation Administration**

**Procurement ID/Contract ID: R4A-LSRIPD-DB-01**

**Contract Name: Design and Construction of Earthfill Dam, Reservoir, Appurtenant Structures, and Irrigation Facilities of Lopez Small Reservoir Irrigation Project in Region IV-A**

**Location of the Contract: Cawayanin, Lopez, Quezon, Region IV-A**

Query	Response
	<p>provided, finally, that in the latter case, Filipino ownership or interest shall not be less than twenty-five percent (25%).</p> <p>When the design services in which the JV wishes to engage involve the practice of professions regulated by law, all those who will actually perform the services must be Filipino citizens and registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions. Where foreign designers are required, the foreign designer must be authorized by the appropriate Philippine Government professional regulatory body to engage in the practice of those professions and allied professions – e.g., a permit to practice from the Professional Regulatory Commission (PRC) for the practice of civil engineering or other fields. As mentioned above, pursuant to the provisions of Republic Act No. 544, the procurement and employment of corporations as consultants for the practice of civil engineering under locally-funded projects is not allowed.</p> <p>Foreign contractors that intend to participate as part of JVs shall, aside from meeting the above requirements, secure a license from the Philippine Contractors' Accreditation Board (PCAB).</p>
Will the work experience of a foreign contractor/consultant in a foreign country be considered in evaluating its technical eligibility for the project?	<p>Yes, provided that the foreign contractor/consultant meet the following conditions pursuant to the Sec. IV-Eligibility Requirements of the project, particularly pertaining to its Single Largest Completed Contract (SLCC) in a foreign country:</p> <p>a. <u>For a foreign contractor:</u></p> <p>(1) The foreign contractor must have undertaken the construction of a SLCC – similar to the Lopez project – in any country with a cost of at least fifty percent (50%) of the Approved Budget for the Contract (ABC) for the project of PhP1,505,469,843.35, using official foreign exchange rates, with the SLCC updated to current prices based on official inflation factors.</p> <p>(2) The said SLCC of the contractor must be supported by a certificate of satisfactory completion issued by the concerned</p>



National Irrigation Administration

Procurement ID/Contract ID: R4A-LSRIPD-DB-01

Contract Name: Design and Construction of Earthfill Dam, Reservoir, Appurtenant Structures, and Irrigation Facilities of Lopez Small Reservoir Irrigation Project in Region IV-A

Location of the Contract: Cawayanin, Lopez, Quezon, Region IV-A

Query	Response
	<p>project owner/client, and authenticated by the Philippine Embassy or Consulate concerned or supported by an apostille if applicable.</p> <p>b. <u>For a foreign consultant:</u></p> <p>(1) The foreign <del>consultant</del> must have completed the design of a SLCC – similar to the Lopez project - in any country with a construction cost of at least fifty percent (50%) of the Approved Budget for the Contract (ABC) for the project of PhP1,505,469,843.35, using official foreign exchange rates, with the SLCC updated to current prices based on official inflation factors.</p> <p>(2) The said design of the SLCC by the consultant must be supported by a certificate of satisfactory completion issued by the concerned project owner/client, and notarized by the Philippine Embassy or Consulate concerned.</p>

This Bid Bulletin shall form an integral part of the said Bidding Documents. For further information, you may contact the BAC Head Secretariat, **MR. MARCELINO LIM** at telephone number Telephone Nos. 8929-60-71 to 78 Local 127 or through e-mail address: bac-a@nia.gov.ph.

For the guidance and information of all concerned.

  
**ENGR. ROBERT C. SUGUITAN**

BAC-A Chairperson

Received by the Bidder:

\_\_\_\_\_  
Signature over Printed Name of Bidder's Representative

Position:

Date: \_\_\_\_\_

**National Irrigation Administration**  
**Procurement ID/Contract ID: R4A-LSRIPD-DB-01**  
**Contract Name: Design and Construction of Earthfill Dam, Reservoir, Appurtenant Structures, and Irrigation Facilities of Lopez Small Reservoir Irrigation Project in Region IV-A**  
**Location of the Contract : Cawayanin, Lopez, Quezon, Region IV-A**

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*NIA Central Office*  
*Office of the BAC-A Secretariat*  
*6th Floor, NIA Building A*  
*National Irrigation Administration*

**BID BULLETIN NO. 2024-003**

**Subject: Clarification of Provisions of Bidding Documents for Procurement/Contract ID R4A-LSRIPD-DB-01**

This Bid Bulletin No. 2024-003 is issued to the prospective bidders to clarify provisions of the Bidding Documents in response to queries raised after the Pre-Bid Conference on May 15, 2024:

Query	Response
1. Requesting copies of the feasibility study, geotechnical reports, and copies of the presentation materials during the Pre-Bid Conference.	Yes, NIA will provide these materials.
2. In case we are entering into Joint Venture and upon checking the Checklist, is the PCAB license for Design not needed? Since applying for Special PCAB License for Joint Venture (JV) requires that parties need to secure prior PCAB license.	A PCAB License is not needed for design; what is needed is a PRC License for the practice of regulated professions like Civil Engineering. In the case of a JV Bid, the partners must submit a JV Agreement or a Letter of Intent to form a JV, provided that, if the JV Bid is considered for award, the JV agreement shall be submitted as a condition for award. If the JV consists of 2 or more Contractors, a JV License from PCAB is required.
3. In the first page of the Invitation to Bid, it was mentioned that in case the contractor has no experience in design and build projects of its own, we will be using the subcon project as SLCC. Does the subcontractor need	<p>Yes, the subcon should meet all the eligibility requirements for a regular contractor for the portion of the work to be subcontracted - including the appropriate PCAB License.</p> <p>NIA has a specific set of contract and provision on the Bidding Documents pertaining to Subcontracting. See Section II. Instruction to Bidders Clause 9 and Section IX. General Conditions of Contract (GCC) Clause 9.</p>



**National Irrigation Administration**

**Procurement ID/Contract ID: R4A-LSRIPD-DB-01**

**Contract Name: Design and Construction of Earthfill Dam, Reservoir, Appurtenant Structures, and Irrigation Facilities of Lopez Small Reservoir Irrigation Project in Region IV-A**

**Location of the Contract : Cawayanin, Lopez, Quezon, Region IV-A**

Query	Response
to have a PCAB License? Does the NIA have a specific set of contract/provision we need to use or incorporate? May we know, if you have any terms of the liability/warranty of the subcontractor to be adopted?	In accordance with Clause 9.5 of the GCC, "Sub-contracting of any portion of the contract shall not relieve the main contractor from any liability or obligation that may arise from the contract. The main contractor shall be responsible for the acts, defaults, and negligence of any subcontractor, its agents or workmen."
4. Did the proponent conduct soil testing on the site during the drafting of the bid documents to know the condition of the site?	Yes, the NIA conducted geotechnical investigations (soil testing). However, the bidder, if it deems necessary, should conduct confirmatory tests, and is fully responsible for validating the results of the tests, as well as the integrity of the soil data that it will use for its design. NIA does not guarantee the accuracy and completeness of the geotechnical investigations or their applicability to the specific design to be prepared by the bidder-contractor.
5. If not, in case there is a change in the condition of the site, will the proponent issue a variation order on this?	N/A in view of the above comments no. 4
6. If there is a significant increase in the prices of materials, will the proponent allow a request for the increase of prices of materials due to extraordinary inflation?	As a general rule the bidder's prices are fixed and not adjustable. The exception is where there is extraordinary inflation as declared by NEDA and approved by GPPB, pursuant to Section 61 of RA 9184 IRR.
7. In case scope of work is subject for Variation Order and Extension of Time. Is the Contractor allowed to claim additional cost not only on the materials itself but also for Preliminary Cost such as Labor, Bond, Delivery and Safety Program.	As a general rule, no variation order is allowed except where initiated by NIA. Therefore, as a general rule, the bidders shall absorb all increases in direct and indirect costs, i.e. labor, materials, equipment, bond, OCM, etc.

**National Irrigation Administration**

**Procurement ID/Contract ID: R4A-LSRIPD-DB-01**

**Contract Name: Design and Construction of Earthfill Dam, Reservoir, Appurtenant Structures, and Irrigation Facilities of Lopez Small Reservoir Irrigation Project in Region IV-A**

**Location of the Contract : Cawayanin, Lopez, Quezon, Region IV-A**

Query	Response
8. To comply with the requirements for the Largest Single Completed Contract, may we clarify if experience for projects completed outside of the Philippines may be used.	It is stipulated in the Bid Bulletin no. 2, Item no. 2
9. For the Key Personnel, it is required to submit valid licenses from the PRC. May we humbly request the following:  a. To comply with this requirement, foreign engineers from our partner will submit the equivalent professional license from their country of origin authenticated/apostilled as part of our bid proposal.  b. Nonetheless, during project implementation, this foreign engineer will secure the necessary licenses from the PRC once the contract is awarded to us.	It is stipulated in the Bid Bulletin no. 2, Item no. 1
10. Concerning the embankment materials, we would like to confirm if the proposed source is within the RROW of the project henceforth the scope of work of the contractor would only be licenses/permits, extracting, hauling, delivery and overlay. Payment for the	Since this is a Design-and-Build Scheme with fixed lump sum prices, the bidder is responsible for the sources and prices of the required construction materials, regardless of whether they are within or outside the ROW.



National Irrigation Administration  
Procurement ID/Contract ID: R4A-LSRIPD-DB-01  
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Location of the Contract : Cawayanin, Lopez, Quezon, Region IV-A

Query	Response
source materials (except permit) is not included since it is within the RROW.	

This Bid Bulletin shall form an integral part of the said Bidding Documents. For further information, you may contact the BAC Head Secretariat, **MR. MARCELINO LIM** at telephone number Telephone Nos. 8929-60-71 to 78 Local 127 or through e-mail address: bac-a@nia.gov.ph.

For the guidance and information of all concerned.

  
**ENGR. ROBERT C. SUGUITAN**  
BAC-A Chairperson

Received by the Bidder:

\_\_\_\_\_  
Signature over Printed Name of Bidder's Representative  
Position: \_\_\_\_\_  
Date: \_\_\_\_\_