

PHILIPPINE BIDDING DOCUMENTS

Procurement of DESIGN AND BUILD OF THE PROPOSED VALENZUELA MEDICAL CENTER FIVE (5) STOREY BUILDING WITH MULTI PURPOSE HALL

Government of the Republic of the Philippines

**Sixth Edition
July 2020**

Preface

These Philippine Bidding Documents (PBDs) for the procurement of Infrastructure Projects (hereinafter referred to also as the “Works”) through Competitive Bidding have been prepared by the Government of the Philippines for use by all branches, agencies, departments, bureaus, offices, or instrumentalities of the government, including government-owned and/or -controlled corporations, government financial institutions, state universities and colleges, local government units, and autonomous regional government. The procedures and practices presented in this document have been developed through broad experience, and are for mandatory use in projects that are financed in whole or in part by the Government of the Philippines or any foreign government/foreign or international financing institution in accordance with the provisions of the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.

The PBDs are intended as a model for admeasurements (unit prices or unit rates in a bill of quantities) types of contract, which are the most common in Works contracting.

The Bidding Documents shall clearly and adequately define, among others: (i) the objectives, scope, and expected outputs and/or results of the proposed contract; (ii) the eligibility requirements of Bidders; (iii) the expected contract duration; and (iv) the obligations, duties, and/or functions of the winning Bidder.

Care should be taken to check the relevance of the provisions of the PBDs against the requirements of the specific Works to be procured. If duplication of a subject is inevitable in other sections of the document prepared by the Procuring Entity, care must be exercised to avoid contradictions between clauses dealing with the same matter.

Moreover, each section is prepared with notes intended only as information for the Procuring Entity or the person drafting the Bidding Documents. They shall not be included in the final documents. The following general directions should be observed when using the documents:

- a. All the documents listed in the Table of Contents are normally required for the procurement of Infrastructure Projects. However, they should be adapted as necessary to the circumstances of the particular Project.
- b. Specific details, such as the “*name of the Procuring Entity*” and “*address for bid submission*,” should be furnished in the Instructions to Bidders, Bid Data Sheet, and Special Conditions of Contract. The final documents should contain neither blank spaces nor options.
- c. This Preface and the footnotes or notes in italics included in the Invitation to Bid, BDS, General Conditions of Contract, Special Conditions of Contract, Specifications, Drawings, and Bill of Quantities are not part of the text of the final document, although they contain instructions that the Procuring Entity should strictly follow.
- d. The cover should be modified as required to identify the Bidding Documents as to the names of the Project, Contract, and Procuring Entity, in addition to date of issue.

- e. Modifications for specific Procurement Project details should be provided in the Special Conditions of Contract as amendments to the Conditions of Contract. For easy completion, whenever reference has to be made to specific clauses in the Bid Data Sheet or Special Conditions of Contract, these terms shall be printed in bold typeface on Sections I (Instructions to Bidders) and III (General Conditions of Contract), respectively.
- f. For guidelines on the use of Bidding Forms and the procurement of Foreign-Assisted Projects, these will be covered by a separate issuance of the Government Procurement Policy Board.

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Glossary of Terms, Abbreviations, and Acronyms

ABC – Approved Budget for the Contract.

ARCC – Allowable Range of Contract Cost.

BAC – Bids and Awards Committee.

Bid – A signed offer or proposal to undertake a contract submitted by a bidder in response to and in consonance with the requirements of the bidding documents. Also referred to as *Proposal* and *Tender*. (2016 revised IRR, Section 5[c])

Bidder – Refers to a contractor, manufacturer, supplier, distributor and/or consultant who submits a bid in response to the requirements of the Bidding Documents. (2016 revised IRR, Section 5[d])

Bidding Documents – The documents issued by the Procuring Entity as the bases for bids, furnishing all information necessary for a prospective bidder to prepare a bid for the Goods, Infrastructure Projects, and/or Consulting Services required by the Procuring Entity. (2016 revised IRR, Section 5[e])

BIR – Bureau of Internal Revenue.

BSP – Bangko Sentral ng Pilipinas.

CDA – Cooperative Development Authority.

Consulting Services – Refer to services for Infrastructure Projects and other types of projects or activities of the GOP requiring adequate external technical and professional expertise that are beyond the capability and/or capacity of the GOP to undertake such as, but not limited to: (i) advisory and review services; (ii) pre-investment or feasibility studies; (iii) design; (iv) construction supervision; (v) management and related services; and (vi) other technical services or special studies. (2016 revised IRR, Section 5[i])

Contract – Refers to the agreement entered into between the Procuring Entity and the Supplier or Manufacturer or Distributor or Service Provider for procurement of Goods and Services; Contractor for Procurement of Infrastructure Projects; or Consultant or Consulting Firm for Procurement of Consulting Services; as the case may be, as recorded in the Contract Form signed by the parties, including all attachments and appendices thereto and all documents incorporated by reference therein.

Contractor – is a natural or juridical entity whose proposal was accepted by the Procuring Entity and to whom the Contract to execute the Work was awarded. Contractor as used in these Bidding Documents may likewise refer to a supplier, distributor, manufacturer, or consultant.

CPI – Consumer Price Index.

DOLE – Department of Labor and Employment.

DTI – Department of Trade and Industry.

Foreign-funded Procurement or Foreign-Assisted Project – Refers to procurement whose funding source is from a foreign government, foreign or international financing institution as specified in the Treaty or International or Executive Agreement. (2016 revised IRR, Section 5[b]).

GFI – Government Financial Institution.

GOCC – Government-owned and/or –controlled corporation.

Goods – Refer to all items, supplies, materials and general support services, except Consulting Services and Infrastructure Projects, which may be needed in the transaction of public businesses or in the pursuit of any government undertaking, project or activity, whether in the nature of equipment, furniture, stationery, materials for construction, or personal property of any kind, including non-personal or contractual services such as the repair and maintenance of equipment and furniture, as well as trucking, hauling, janitorial, security, and related or analogous services, as well as procurement of materials and supplies provided by the Procuring Entity for such services. The term “related” or “analogous services” shall include, but is not limited to, lease or purchase of office space, media advertisements, health maintenance services, and other services essential to the operation of the Procuring Entity. (2016 revised IRR, Section 5[r])

GOP – Government of the Philippines.

Infrastructure Projects – Include the construction, improvement, rehabilitation, demolition, repair, restoration or maintenance of roads and bridges, railways, airports, seaports, communication facilities, civil works components of information technology projects, irrigation, flood control and drainage, water supply, sanitation, sewerage and solid waste management systems, shore protection, energy/power and electrification facilities, national buildings, school buildings, hospital buildings, and other related construction projects of the government. Also referred to as *civil works or works*. (2016 revised IRR, Section 5[u])

LGUs – Local Government Units.

NFCC – Net Financial Contracting Capacity.

NGA – National Government Agency.

PCAB – Philippine Contractors Accreditation Board.

PhilGEPS - Philippine Government Electronic Procurement System.

Procurement Project – refers to a specific or identified procurement covering goods, infrastructure project or consulting services. A Procurement Project shall be described, detailed, and scheduled in the Project Procurement Management Plan prepared by the agency which shall be consolidated in the procuring entity's Annual Procurement Plan. (GPPB Circular No. 06-2019 dated 17 July 2019)

PSA – Philippine Statistics Authority.

SEC – Securities and Exchange Commission.

SLCC – Single Largest Completed Contract.

UN – United Nations.

Section I. Invitation to Bid

Notes on the Invitation to Bid

The Invitation to Bid (IB) provides information that enables potential Bidders to decide whether to participate in the procurement at hand. The IB shall be posted in accordance with Section 21.2 of the 2016 revised IRR of RA No. 9184.

Apart from the essential items listed in the Bidding Documents, the IB should also indicate the following:

- a. The date of availability of the Bidding Documents, which shall be from the time the IB is first advertised/posted until the deadline for the submission and receipt of bids;
- b. The place where the Bidding Documents may be acquired or the website where it may be downloaded;
- c. The deadline for the submission and receipt of bids; and
- d. Any important bid evaluation criteria.

The IB should be incorporated into the Bidding Documents. The information contained in the IB must conform to the Bidding Documents and in particular to the relevant information in the Bid Data Sheet.

INVITATION TO BID

DESIGN AND BUILD OF THE PROPOSED VALENZUELA MEDICAL CENTER FIVE (5) STOREY HOSPITAL BUILDING WITH MULTI PURPOSE HALL PUBLIC BIDDING NO. VMC – 2024 - 036

1. The Valenzuela Medical Center (VMC), through the General Appropriations Act/Income CY 2024, intends to apply the sum of **Philippine Currency: One Hundred Twenty Million Pesos Only (P 120,000,000.00)** being the Approved Budget for the Contract (ABC) to payments for the **DESIGN AND BUILD OF THE PROPOSED VALENZUELA MEDICAL CENTER FIVE (5) STOREY HOSPITAL BUILDING WITH MULTI PURPOSE HALL** Bids received in excess of the ABC shall be automatically rejected at bid opening.
2. The Valenzuela Medical Center (VMC) now invites bids for the above Procurement Project. Completion of the Works is required within **Four Hundred Twenty (420) calendar days** and shall commence from the date of the issuance of Notice to Proceed (NTP). Bidders should have completed a contract similar to the project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II (Instructions to Bidders).
3. Bidding will be conducted through open competitive bidding procedures using a non-discretionary "pass/fail" criterion as specified in the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.
4. Interested bidders may obtain further information starting July 04, 2024 and inspect the Bidding Documents at the address given below during 9:00am-11:00am and 2:00pm-4:00pm.
5. A complete set of Bidding Documents may be acquired by interested Bidders on July 04, 2024, 10:00am from the given address and website below and upon payment of a *of the applicable fee for the Bidding Documents, pursuant to the latest Guidelines issued by the GPPB, in the amount of Fifty Thousand Pesos (Php50,000.00)*. The Procuring Entity shall allow the bidder to present its proof of payment for the fees not later than the submission of the bids.
6. The Valenzuela Medical Center will hold a Pre-Bid Conference¹ on July 11, 2024, 10:00 am at BAC Office, Admin. Bldg., Valenzuela Medical Center, Padrigal St., Karuhatan, Valenzuela City, which shall be open to prospective bidders.
7. Bids must be duly received by the BAC Secretariat through manual submission at the office address indicated below on or before July 24, 2024, 10:00am. Late bids shall not be accepted.
8. All Bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in **ITB Clause 14**.
9. Bid opening shall be on July 24, 2024, 10:00am at the given address below. Bids will be opened in the presence of the bidders' representatives who choose to attend the activity.
10. The Valenzuela Medical Center 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 Sections 35.6 and 41 of the 2016 revised IRR of RA No. 9184, without thereby incurring any liability to the affected bidder or bidders.
11. For further information, please refer to:

BAC Secretariats' Office
Valenzuela Medical Center, Annex Building, 2nd Floor,
Padrigal St., Valenzuela City
Telefax No. 294-4625
Email: vmc_bac@yahoo.com
Website: <https://vmc.doh.gov.ph/>

MS. RUBY S. GURREA, RN, MAN
Chairperson, Bids and Awards Committee

Section II. Instructions to Bidders

1. Scope of Bid

The Procuring Entity, VALENZUELA MEDICAL CENTER invites Bids for the DESIGN AND BUILD OF THE PROPOSED VALENZUELA MEDICAL CENTER FIVE (5) STOREY HOSPITAL BUILDING WITH MULTI PURPOSE HALL, with Project Identification Number VMC 2024-036.

[Note: The Project Identification Number is assigned by the Procuring Entity based on its own coding scheme and is not the same as the PhilGEPS reference number, which is generated after the posting of the bid opportunity on the PhilGEPS website.]

The Procurement Project (referred to herein as “Project”) is for the construction of Works, as described in Section VI (Specifications).

2. Funding Information

- 2.1. The GOP through the source of funding as indicated below for CY 2024 in the amount of ONE HUNDRED TWENTY MILLION PESOS (Php120,000,000.00).
- 2.2. The source of funding is:
 - a. NGA, the General Appropriations Act or Special Appropriations and Income Fund.

3. Bidding Requirements

The Bidding for the Project shall be governed by all the provisions of RA No. 9184 and its 2016 revised IRR, including its Generic Procurement Manual and associated policies, rules and regulations as the primary source thereof, while the herein clauses shall serve as the secondary source thereof.

Any amendments made to the IRR and other GPPB issuances shall be applicable only to the ongoing posting, advertisement, or invitation to bid by the BAC through the issuance of a supplemental or bid bulletin.

The Bidder, by the act of submitting its Bid, shall be deemed to have inspected the site, determined the general characteristics of the contracted Works and the conditions for this Project, such as the location and the nature of the work; (b) climatic conditions; (c) transportation facilities; (c) nature and condition of the terrain, geological conditions at the site communication facilities, requirements, location and availability of construction aggregates and other materials, labor, water, electric power and access roads; and (d) other factors that may affect the cost, duration and execution or

implementation of the contract, project, or work and examine all instructions, forms, terms, and project requirements in the Bidding Documents.

4. Corrupt, Fraudulent, Collusive, Coercive, and Obstructive Practices

The Procuring Entity, as well as the Bidders and Contractors, shall observe the highest standard of ethics during the procurement and execution of the contract. They or through an agent shall not engage in corrupt, fraudulent, collusive, coercive, and obstructive practices defined under Annex “I” of the 2016 revised IRR of RA No. 9184 or other integrity violations in competing for the Project.

5. Eligible Bidders

- 5.1. Only Bids of Bidders found to be legally, technically, and financially capable will be evaluated.
- 5.2. The Bidder must have an experience of having completed a Single Largest Completed Contract (SLCC) that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC adjusted, if necessary, by the Bidder to current prices using the PSA’s CPI, except under conditions provided for in Section 23.4.2.4 of the 2016 revised IRR of RA No. 9184.

A contract is considered to be “similar” to the contract to be bid if it has the major categories of work stated in the **BDS**.

- 5.3. For Foreign-funded Procurement, the Procuring Entity and the foreign government/foreign or international financing institution may agree on another track record requirement, as specified in the Bidding Document prepared for this purpose.
- 5.4. The Bidders shall comply with the eligibility criteria under Section 23.4.2 of the 2016 IRR of RA No. 9184.

6. Origin of Associated Goods

There is no restriction on the origin of Goods other than those prohibited by a decision of the UN Security Council taken under Chapter VII of the Charter of the UN.

7. Subcontracts

- 7.1. The Bidder may subcontract portions of the Project to the extent allowed by the Procuring Entity as stated herein, but in no case more than fifty percent (50%) of the Project.

The Procuring Entity has prescribed that:

- a. Subcontracting is allowed. The portions of Project and the maximum percentage allowed to be subcontracted are indicated in the **BDS**, which shall not exceed fifty percent (50%) of the contracted Works.

- 7.1. The Bidder must submit together with its Bid the documentary requirements of the subcontractor(s) complying with the eligibility criterial stated in **ITB** Clause 5 in accordance with Section 23.4 of the 2016 revised IRR of RA No. 9184 pursuant to Section 23.1 thereof.
- 7.2. The Supplier may identify its subcontractor during the contract implementation stage. Subcontractors identified during the bidding may be changed during the implementation of this Contract. Subcontractors must submit the documentary requirements under Section 23.1 of the 2016 revised IRR of RA No. 9184 and comply with the eligibility criteria specified in **ITB** Clause 5 to the implementing or end-user unit.
- 7.3. Subcontracting of any portion of the Project does not relieve the Contractor of any liability or obligation under the Contract. The Supplier will be responsible for the acts, defaults, and negligence of any subcontractor, its agents, servants, or workmen as fully as if these were the Contractor's own acts, defaults, or negligence, or those of its agents, servants, or workmen.

8. Pre-Bid Conference

The Procuring Entity will hold a pre-bid conference for this Project on July 11, 2024 10:00 am and either at its physical address, VMC BAC office, Padrigal St. Karuhatan, Valenzuela City as indicated in paragraph 6 of the **IB**.

9. Clarification and Amendment of Bidding Documents

Prospective bidders may request for clarification on and/or interpretation of any part of the Bidding Documents. Such requests must be in writing and received by the Procuring Entity, either at its given address or through electronic mail indicated in the **IB**, at least ten (10) calendar days before the deadline set for the submission and receipt of Bids.

10. Documents Comprising the Bid: Eligibility and Technical Components

- 10.1. The first envelope shall contain the eligibility and technical documents of the Bid as specified in **Section IX. Checklist of Technical and Financial Documents**.
- 10.2. If the eligibility requirements or statements, the bids, and all other documents for submission to the BAC are in foreign language other than English, it must be accompanied by a translation in English, which 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. For Contracting Parties to the Apostille Convention, only the translated documents shall be authenticated through an apostille pursuant to GPPB Resolution No. 13-2019 dated 23 May 2019. The English translation shall govern, for purposes of interpretation of the bid.

- 10.3. A valid special PCAB License in case of Joint Ventures, and registration for the type and cost of the contract for this Project. Any additional type of Contractor license or permit shall be indicated in the **BDS**.
- 10.4. A List of Contractor's key personnel (e.g., Project Manager, Project Engineers, Materials Engineers, and Foremen) assigned to the contract to be bid, with their complete qualification and experience data shall be provided. These key personnel must meet the required minimum years of experience set in the **BDS**.
- 10.5. A List of Contractor's major equipment units, which are owned, leased, and/or under purchase agreements, supported by proof of ownership, certification of availability of equipment from the equipment lessor/vendor for the duration of the project, as the case may be, must meet the minimum requirements for the contract set in the **BDS**.

11. Documents Comprising the Bid: Financial Component

- 11.1. The second bid envelope shall contain the financial documents for the Bid as specified in **Section IX. Checklist of Technical and Financial Documents**.
- 11.2. Any bid exceeding the ABC indicated in paragraph 1 of the **IB** shall not be accepted.
- 11.3. For Foreign-funded procurement, a ceiling may be applied to bid prices provided the conditions are met under Section 31.2 of the 2016 revised IRR of RA No. 9184.

12. Alternative Bids

Bidders shall submit offers that comply with the requirements of the Bidding Documents, including the basic technical design as indicated in the drawings and specifications. Unless there is a value engineering clause in the **BDS**, alternative Bids shall not be accepted.

13. Bid Prices

All bid prices for the given scope of work in the Project as awarded shall be considered as fixed prices, and therefore not subject to price escalation during contract implementation, except under extraordinary circumstances as determined by the NEDA and approved by the GPPB pursuant to the revised Guidelines for Contract Price Escalation guidelines.

14. Bid and Payment Currencies

- 14.1. Bid prices may be quoted in the local currency or tradeable currency accepted by the BSP at the discretion of the Bidder. However, for purposes of bid evaluation, Bids denominated in foreign currencies shall be converted to

Philippine currency based on the exchange rate as published in the BSP reference rate bulletin on the day of the bid opening.

- 14.2. *Payment of the contract price shall be made in:*

- a. Philippine Pesos.

15. Bid Security

- 15.1. The Bidder shall submit a Bid Securing Declaration or any form of Bid Security in the amount indicated in the **BDS**, which shall be not less than the percentage of the ABC in accordance with the schedule in the **BDS**.
- 15.2. The Bid and bid security shall be valid until September 24, 2025. Any bid not accompanied by an acceptable bid security shall be rejected by the Procuring Entity as non-responsive.

16. Sealing and Marking of Bids

Each Bidder shall submit one copy of the first and second components of its Bid.

The Procuring Entity may request additional hard copies and/or electronic copies of the Bid. However, failure of the Bidders to comply with the said request shall not be a ground for disqualification.

If the Procuring Entity allows the submission of bids through online submission to the given website or any other electronic means, the Bidder shall submit an electronic copy of its Bid, which must be digitally signed. An electronic copy that cannot be opened or is corrupted shall be considered non-responsive and, thus, automatically disqualified.

17. Deadline for Submission of Bids

The Bidders shall submit on the specified date and time and either at its physical address.

18. Opening and Preliminary Examination of Bids

- 18.1. The BAC shall open the Bids in public at the time, on the date, and at the place specified in paragraph 9 of the **IB**. The Bidders' representatives who are present shall sign a register evidencing their attendance. In case videoconferencing, webcasting or other similar technologies will be used, attendance of participants shall likewise be recorded by the BAC Secretariat.

In case the Bids cannot be opened as scheduled due to justifiable reasons, the rescheduling requirements under Section 29 of the 2016 revised IRR of RA No. 9184 shall prevail.

- 18.2. The preliminary examination of Bids shall be governed by Section 30 of the 2016 revised IRR of RA No. 9184.

19. Detailed Evaluation and Comparison of Bids

- 19.1. The Procuring Entity's BAC shall immediately conduct a detailed evaluation of all Bids rated “*passed*” using non-discretionary pass/fail criteria. The BAC shall consider the conditions in the evaluation of Bids under Section 32.2 of 2016 revised IRR of RA No. 9184.
- 19.2. If the Project allows partial bids, all Bids and combinations of Bids as indicated in the **BDS** shall be received by the same deadline and opened and evaluated simultaneously so as to determine the Bid or combination of Bids offering the lowest calculated cost to the Procuring Entity. Bid Security as required by **ITB** Clause 15 shall be submitted for each contract (lot) separately.
- 19.3. In all cases, the NFCC computation pursuant to Section 23.4.2.6 of the 2016 revised IRR of RA No. 9184 must be sufficient for the total of the ABCs for all the lots participated in by the prospective Bidder.

20. Post Qualification

Within a non-extendible period of five (5) calendar days from receipt by the Bidder of the notice from the BAC that it submitted the Lowest Calculated Bid, the Bidder shall submit its latest income and business tax returns filed and paid through the BIR Electronic Filing and Payment System (eFPS), and other appropriate licenses and permits required by law and stated in the **BDS**.

21. Signing of the Contract

The documents required in Section 37.2 of the 2016 revised IRR of RA No. 9184 shall form part of the Contract. Additional Contract documents are indicated in the **BDS**.

Section III. Bid Data Sheet

Bid Data Sheet

ITB Clause	
5.2	For this purpose, contracts similar to the Project refer to contracts which have the same major categories of work, which shall be: <ul style="list-style-type: none">• DESIGN AND BUILD of BUILDING
7.1	The maximum percentage allowed to be subcontracted shall not exceed fifty percent (50%) of the contracted Works.
10.3	a. Valid Contractor's License issued by the Philippine Contractor's Accreditation Board – Triple A (AAA) b. Valid license of the Contractor's designer issued by the Professional Regulation Commission.
10.4	<p>The key personnel must meet the required minimum years of experience set below:</p> <p><u>FOR DESIGN PERSONNEL / PROFESSIONALS</u></p> <p>The key professionals and the respective qualifications of the design personnel shall be as follows:</p> <ul style="list-style-type: none">• Principal Architect - The Principal Architect must be duly licensed with at least ten (5) years of experience in the design of residential, government offices, or institutional facilities, and shall preferably be knowledgeable in the application of rapid construction technologies.• Structural Engineer - The Structural Engineer must be a duly licensed Civil Engineer with at least ten (5) years of experience in structural design and shall preferably be knowledgeable in the application of rapid construction technologies.• Professional Electrical Engineer - The Electrical Engineer must be a registered Professional Electrical Engineer with at least five (5) years of experience in the design of lighting, power distribution, communication systems (specifically structured and local area network cabling, PABX), building management systems and preferably knowledgeable in developments in emergent efficient lighting technologies and energy management.• Professional Mechanical Engineer - The Mechanical Engineer must be a Professional Mechanical Engineer with at least five (5) years of experience in HVAC and fire Protection systems and preferably knowledgeable in emergent, alternative energy-efficient HVAC technologies.• Professional Electronics and Communications Engineer – The Electronics Engineer must be a Professional Electronics Engineer with at least

five (5) years of experience in telecommunication and other network-related designs.

- Sanitary Engineer - The Sanitary Engineer must be duly licensed with at least five (5) years of experience in the design of building water supply and distribution, plumbing, and preferably knowledgeable in wastewater management/treatment, and emergent, alternative effluent collection and treatment system.

FOR CONSTRUCTION PERSONNEL / PROFESSIONALS

The key professionals and the respective qualifications of the DESIGN PERSONNEL shall be as follows:

- Project Manager - The Project Manager shall be a licensed architect or engineer with at least (8) years of relevant experience on similar and comparable projects in different locations. The Project Manager should have a proven record or managerial capability through the directing/managing of major civil engineering works, including projects of a similar magnitude.
- Project Engineer - The Project Engineer shall be a licensed architect or engineer with at least five (5) years of experience in similar and comparable projects and shall preferably be knowledgeable in the application of rapid construction technologies.
- Materials Engineer - The Materials Engineer must be duly accredited with the DPWH and with at least five (5) years of experience in similar and comparable projects and shall preferably be knowledgeable in the application of rapid construction technologies.
- Electrical Engineer - The Electrical Engineer must be duly licensed with at least five (5) years of experience in similar and comparable projects in the installation of lighting, power distribution, communication systems (specifically structured and local area network cabling, PABX), and building management systems.
- Mechanical Engineer - The Mechanical Engineer must be duly licensed with at least five (5) years of experience in similar and comparable projects in the installation of HVAC and fire protection.
- Sanitary Engineer - The Sanitary Engineer must be duly licensed with at least five (5) years' experience in similar and comparable projects in the installation of building water supply and distribution, and plumbing.
- Foreman - The Foreman must have at least five (5) years' experience in similar and comparable projects and shall preferably be knowledgeable in the application of rapid construction technologies.
- Project Architect - The Project Architect should have at least a designed a 100-bed hospital.

10.5	<p>The minimum major equipment requirements are the following:</p> <table> <thead> <tr> <th><u>Equipment</u></th> <th><u>Capacity</u></th> <th><u>Number of Units</u></th> </tr> </thead> <tbody> <tr> <td>Backhoe with attachment</td> <td>0.50-1.00 cu.m.</td> <td>2</td> </tr> <tr> <td>Dump Truck</td> <td>9-10 cu.m.</td> <td>2</td> </tr> <tr> <td>Personnel Service Vehicle/Truck</td> <td></td> <td>1</td> </tr> <tr> <td>Generator Set</td> <td>301-350 kw</td> <td>1</td> </tr> <tr> <td>Truck Mounted crane,</td> <td>25 tons</td> <td>1</td> </tr> <tr> <td>Concrete Vibrator</td> <td></td> <td>2</td> </tr> <tr> <td>Plaate Compactor</td> <td></td> <td>2</td> </tr> <tr> <td>Welding Machine</td> <td>300 amp</td> <td>2</td> </tr> <tr> <td>One Bagger Concrete Mixer</td> <td></td> <td>2</td> </tr> <tr> <td>Tower Crane</td> <td></td> <td>1 (maybe leased)</td> </tr> </tbody> </table>	<u>Equipment</u>	<u>Capacity</u>	<u>Number of Units</u>	Backhoe with attachment	0.50-1.00 cu.m.	2	Dump Truck	9-10 cu.m.	2	Personnel Service Vehicle/Truck		1	Generator Set	301-350 kw	1	Truck Mounted crane,	25 tons	1	Concrete Vibrator		2	Plaate Compactor		2	Welding Machine	300 amp	2	One Bagger Concrete Mixer		2	Tower Crane		1 (maybe leased)
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12	Value Engineering Analysis of design and construction.																																	
15.1	<p>The bid security shall be in the form of a Bid Securing Declaration or any of the following forms and amounts:</p> <ul style="list-style-type: none"> a. The amount of not less than P2,400,000.00 [Insert two percent (2%) of ABC], if bid security is in cash, cashier's/manager's check, bank draft/guarantee or irrevocable letter of credit; b. The amount of not less than P6,000,000.00 [Insert five percent (5%) of ABC] if bid security is in Surety Bond. 																																	
19.2	Partial bids are not allowed.																																	
20	<p>Licenses and permits relevant to the Project</p> <ul style="list-style-type: none"> • Building Permit prior to start of actual construction activities • Occupancy Permit before turn-over of the building to the procuring entity 																																	
21	<p>Additional contract documents:</p> <ul style="list-style-type: none"> • construction schedule and S-curve, • manpower schedule, • construction methods, • equipment utilization schedule, • construction safety and health program approved by the DOLE 																																	

Section IV. General Conditions of Contract

Notes on the General Conditions of Contract

The General Conditions of Contract (GCC) in this Section, read in conjunction with the Special Conditions of Contract in Section V and other documents listed therein, should be a complete document expressing all the rights and obligations of the parties.

Matters governing performance of the Contractor, payments under the contract, or matters affecting the risks, rights, and obligations of the parties under the contract are included in the GCC and Special Conditions of Contract.

Any complementary information, which may be needed, shall be introduced only through the Special Conditions of Contract.

1. Scope of Contract

This Contract shall include all such items, although not specifically mentioned, that can be reasonably inferred as being required for its completion as if such items were expressly mentioned herein. All the provisions of RA No. 9184 and its 2016 revised IRR, including the Generic Procurement Manual, and associated issuances, constitute the primary source for the terms and conditions of the Contract, and thus, applicable in contract implementation. Herein clauses shall serve as the secondary source for the terms and conditions of the Contract.

This is without prejudice to Sections 74.1 and 74.2 of the 2016 revised IRR of RA No. 9184 allowing the GPPB to amend the IRR, which shall be applied to all procurement activities, the advertisement, posting, or invitation of which were issued after the effectivity of the said amendment.

2. Sectional Completion of Works

If sectional completion is specified in the **Special Conditions of Contract (SCC)**, references in the Conditions of Contract to the Works, the Completion Date, and the Intended Completion Date shall apply to any Section of the Works (other than references to the Completion Date and Intended Completion Date for the whole of the Works).

3. Possession of Site

- 3.1 The Procuring Entity shall give possession of all or parts of the Site to the Contractor based on the schedule of delivery indicated in the **SCC**, which corresponds to the execution of the Works. If the Contractor suffers delay or incurs cost from failure on the part of the Procuring Entity to give possession in accordance with the terms of this clause, the Procuring Entity's Representative shall give the Contractor a Contract Time Extension and certify such sum as fair to cover the cost incurred, which sum shall be paid by Procuring Entity.
- 3.2 If possession of a portion is not given by the above date, 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 may be addressed through contract extension provided under Annex "E" of the 2016 revised IRR of RA No. 9184.

4. The Contractor's Obligations

The Contractor shall employ the key personnel named in the Schedule of Key Personnel indicating their designation, in accordance with **ITB** Clause 10.3 and specified in the **BDS**, to carry out the supervision of the Works.

The Procuring Entity will approve any proposed replacement of key personnel only if their relevant qualifications and abilities are equal to or better than those of the personnel listed in the Schedule.

5. Performance Security

- 5.1. Within ten (10) calendar days from receipt of the Notice of Award from the Procuring Entity but in no case later than the signing of the contract by both parties, the successful Bidder shall furnish the performance security in any of the forms prescribed in Section 39 of the 2016 revised IRR.
- 5.2. The Contractor, by entering into the Contract with the Procuring Entity, acknowledges the right of the Procuring Entity to institute action pursuant to RA No. 3688 against any subcontractor be they an individual, firm, partnership, corporation, or association supplying the Contractor with labor, materials and/or equipment for the performance of this Contract.

6. Site Investigation Reports

The Contractor, in preparing the Bid, shall rely on any Site Investigation Reports referred to in the **SCC** supplemented by any information obtained by the Contractor.

7. Warranty

- 7.1. In case the Contractor fails to undertake the repair works under Section 62.2.2 of the 2016 revised IRR, the Procuring Entity shall forfeit its performance security, subject its property(ies) to attachment or garnishment proceedings, and perpetually disqualify it from participating in any public bidding. All payables of the GOP in his favor shall be offset to recover the costs.
- 7.2. The warranty against Structural Defects/Failures, except that occasioned-on force majeure, shall cover the period from the date of issuance of the Certificate of Final Acceptance by the Procuring Entity. Specific duration of the warranty is found in the **SCC**.

8. Liability of the Contractor

Subject to additional provisions, if any, set forth in the **SCC**, the Contractor's liability under this Contract shall be as provided by the laws of the Republic of the Philippines.

If the Contractor is a joint venture, all partners to the joint venture shall be jointly and severally liable to the Procuring Entity.

9. Termination for Other Causes

Contract termination shall be initiated in case it is determined *prima facie* by the Procuring Entity that the Contractor has engaged, before, or during the implementation of the contract, in unlawful deeds and behaviors relative to contract acquisition and implementation, such as, but not limited to corrupt, fraudulent, collusive, coercive, and obstructive practices as stated in **ITB Clause 4**.

10. Dayworks

Subject to the guidelines on Variation Order in Annex “E” of the 2016 revised IRR of RA No. 9184, and if applicable as indicated in the **SCC**, the Dayworks rates in the Contractor’s Bid shall be used for small additional amounts of work only when the Procuring Entity’s Representative has given written instructions in advance for additional work to be paid for in that way.

11. Program of Work

- 11.1. The Contractor shall submit to the Procuring Entity’s Representative for approval the said Program of Work showing the general methods, arrangements, order, and timing for all the activities in the Works. The submissions of the Program of Work are indicated in the **SCC**.
- 11.2. The Contractor shall submit to the Procuring Entity’s Representative for approval an updated Program of Work at intervals no longer than the period stated in the **SCC**. If the Contractor does not submit an updated Program of Work within this period, the Procuring Entity’s Representative may withhold the amount stated in the **SCC** from the next payment certificate and continue to withhold this amount until the next payment after the date on which the overdue Program of Work has been submitted.

12. Instructions, Inspections and Audits

The Contractor shall permit the GOP or the Procuring Entity to inspect the Contractor’s accounts and records relating to the performance of the Contractor and to have them audited by auditors of the GOP or the Procuring Entity, as may be required.

13. Advance Payment

The Procuring Entity shall, upon a written request of the Contractor which shall be submitted as a Contract document, make an advance payment to the Contractor in an amount not exceeding fifteen percent (15%) of the total contract price, to be made in lump sum, or at the most two installments according to a schedule specified in the **SCC**, subject to the requirements in Annex “E” of the 2016 revised IRR of RA No. 9184.

14. Progress Payments

The Contractor may submit a request for payment for Work accomplished. Such requests for payment shall be verified and certified by the Procuring Entity’s Representative/Project Engineer. Except as otherwise stipulated in the **SCC**, materials and equipment delivered on the site but not completely put in place shall not be included for payment.

15. Operating and Maintenance Manuals

- 15.1. If required, the Contractor will provide “as built” Drawings and/or operating and maintenance manuals as specified in the **SCC**.

- 15.2. If the Contractor does not provide the Drawings and/or manuals by the dates stated above, or they do not receive the Procuring Entity's Representative's approval, the Procuring Entity's Representative may withhold the amount stated in the **SCC** from payments due to the Contractor.

Section V. Special Conditions of Contract

Notes on the Special Conditions of Contract

Similar to the BDS, the clauses in this Section are intended to assist the Procuring Entity in providing contract-specific information in relation to corresponding clauses in the GCC found in Section IV.

The Special Conditions of Contract (SCC) complement the GCC, specifying contractual requirements linked to the special circumstances of the Procuring Entity, the Procuring Entity's country, the sector, and the Works procured. In preparing this Section, the following aspects should be checked:

- a. Information that complements provisions of the GCC must be incorporated.
- b. Amendments and/or supplements to provisions of the GCC as necessitated by the circumstances of the specific purchase, must also be incorporated.

However, no special condition which defeats or negates the general intent and purpose of the provisions of the GCC should be incorporated herein.

Special Conditions of Contract

GCC Clause	
2	Design Phase – 120CD after receipt of NTP Construction Phase – 300CD upon approval of DAED
4.1	<i>[Specify the schedule of delivery of the possession of the site to the Contractor, whether full or in part.]</i> After approval of Building Permit
6	The site investigation reports are: <i>[list here the required site investigation reports.]</i> Site Inspection Certificate
7.2	<i>[In case of permanent structures, such as buildings of types 4 and 5 as classified under the National Building Code of the Philippines and other structures made of steel, iron, or concrete which comply with relevant structural codes (e.g., DPWH Standard Specifications), such as, but not limited to, steel/concrete bridges, flyovers, aircraft movement areas, ports, dams, tunnels, filtration and treatment plants, sewerage systems, power plants, transmission and communication towers, railway system, and other similar permanent structures:]</i> Fifteen (15) years.
10	Dayworks are applicable at the rate shown in the Contractor's original Bid.
11.1	The Contractor shall submit the Program of Work to the Procuring Entity's Representative within <i>fifteen (15)</i> days of delivery of the Notice of Award.
11.2	The amount to be withheld for late submission of an updated Program of Work is P100,000.00.
13	The amount of the advance payment is 15% of the total contract price and schedule of payment.
14	Materials and equipment delivered on the site but not completely put in place shall NOT be included for payment.
15.1	The date by which operating and maintenance manuals are required is before the issuance of Occupancy Permit. The date by which "as built" drawings are required during the application of Occupancy Permit.
15.2	The amount to be withheld for failing to produce "as built" drawings and/or operating and maintenance manuals by the date required is <i>[amount in local currency]</i> .

Section VI. Specifications

TERMS OF REFERENCE

DESIGN AND BUILD OF THE PROPOSED VALENZUELA MEDICAL CENTER FIVE (5) - STOREY HOSPITAL BUILDING WITH MULTIPURPOSE HALL

1. PROJECT INFORMATION

1.1 Project Description

The contract will involve the Design and Build Scheme leading to the construction of the PROPOSED VMC FIVE (5) - STOREY HOSPITAL BUILDING WITH MULTIPURPOSE HALL. Each building floor has an approximate area of 480 square meters for a total floor area of 2,400 square meters.

The plans and designs shall be in accordance with the plan of the said structures as conceptualized by the **VALENZUELA MEDICAL CENTER (“VMC”)** or as conceptualized by the winning bidder if the latter is found to be superior (as defined in Section 3.1.1 of this TOR).

The Project shall have an Approved Budget for the Contract (ABC) of One Hundred Twenty Million Philippine Currency (**120,000,000.00 PhP**) inclusive of the cost for the Detailed Architectural and Engineering Design (DAED).

The project shall have the following basic components:

- a. Complete Detailed Architectural and Engineering Design Plans, technical specifications, and design calculations for the construction of the Project. Such plans, designs, and technical specifications shall be subject to review and approval by the **VMC**. The Design Development and the Contract Documents phases of the design shall continue after the bid is awarded. It shall likewise be subject to review and approval by the **VMC**.

- b. The bid shall be based on the conceptual/schematic design drawings prepared by the VMC or that submitted by the winning bidder as defined in Section 3.1.1 of this TOR.
 - c. The Contractor shall complete the construction of the structural component of the building from the foundation up to the roofing system (electrical, mechanical/fire protection, plumbing/sanitary, and information and communication) and shall be rendered fully functional, and with complete architectural finishes.

1.2 Contractual Framework

The contractual arrangement to be used for the project is the Design-and-Build scheme. Under this scheme, the procuring entity awards a single contract for the architectural/engineering design and construction to a single firm, partnership, corporation, joint venture, or consortium. The winning contractor shall consult and collaborate with the VMC for the preparation of the Detailed Architectural Design of the Project. The Detailed Architectural and Engineering Design shall be subject to review and approval by the VMC.

The obligations and liabilities of the contractor and its Architect shall be joint and solidary for purposes of the Detailed Architectural Design of the Project in accordance with Article 1723 of the Civil Code of the Philippines and other pertinent laws.

The Design-and-Build Scheme of Procurement was recommended, endorsed, and adopted pursuant to the guidelines provided in Annex "G" – Guidelines for the Procurement and Implementation of Contracts of **Design and Build Infrastructure** of the revised IRR of RA 9184.

1.3 Project Summary of Basic Information

Project Title: Design And Build of The Proposed VMC
Five (5) - Storey Hospital Building with

Multipurpose Hall

Project Location: Padrigal Street, Karuhatan, Valenzuela City

Floor Area per Level: Approximately 480 m²

Building Levels: 5 Floor Levels

Total Floor Area: Approximately 2,400 m²

Type of Building: Five-Storey Hospital Building with Multipurpose Hall and One (1) Elevator

Procurement Mode: Public Bidding (Design and Build Scheme)

Approved Budget for the Contract (ABC): 120,000,000.00 PhP

Design Period: Design period including approval of building permit; 120 Calendar Days (CD) upon receipt of NTP

Construction Period: 300 Calendar Days (CD)

Total Contract Period: 420 Calendar Days (CD)

2. SCOPE OF CONTRACT

2.1 OBLIGATIONS OF THE WINNING BIDDER/CONTRACTOR

- a. Render architectural and allied engineering design services including final schematic design necessary for the implementation of the Project. The allied engineering design services shall include, but shall not be limited to, design for architectural, civil, structural, electrical, mechanical/fire protection, sanitary/plumbing, electronics, and security systems works. All drawings shall be generated using licensed AutoCAD or Revit software and printed on A1 (594mm x 841mm.) High-Quality Tracing Papers;
- b. Undertake Detailed Architectural and Engineering Designs (DAEDs) using the given data such as topographic, hydrographic, and cross-section surveys, geotechnical and geological investigation, and hydrologic investigation and initial schematic design or design concept provided by the VMC which conforms with the Minimum Performance Specifications and Standards (MPSS);
- c. The project shall be constructed according to the DAEDs prepared by the Winning Bidder and approved by the VMC and in compliance with the MPSS. Likewise, construction includes conformance to the provisions pertaining to buildings under the latest edition of the DPWH Standard Specifications for Public Works Structures, Volumes II and III (Blue Book). The Blue Book prescribes, among other things, the material requirements and construction requirements for different items of work, including the tests to be conducted during construction by the DPWH-accredited testing laboratory. The Blue Book incorporates pertinent provisions of the American Society for Testing and Materials (ASTM) and American Concrete Institute (ACI), among other standards, pertaining to construction. Attention shall be given to the relevant items of work in the following Parts of the Blue Book:

Volume II

- Part A – Facilities for the Engineer
- Part B – Other General Requirements

Volume III

- Part A – Earthwork

- Part B – Plain and Reinforced Concrete Works
- Part C – Finishing
- Part D – Electrical
- Part E – Mechanical/Fire Protection
- Sanitary/Plumbing Works (under Part E – Mechanical/Fire Protection)

For materials and technologies not covered by the Blue Book, or if the Proponent intends to use any new material/technology that is not accredited by the DPWH Bureau of Research and Standards (BRS), the Proponent shall submit a certification from a recognized foreign or international institution to the effect that the new materials or technology meets the MPSS for this Project and has been successfully used in existing structures with proven integrity. The Winning Bidder or Contractor shall be held liable for design and structural defects and/or failure of the completed project within the warranty period specified in Section 62.2 of the IRR of RA 9184; and,

2.2 OBLIGATIONS OF VMC

- a. Provide full information on all requirements for the Project;
- b. Approve the Winning Bidder or Contractor's design without diminishing their full and sole responsibility for the quality and integrity thereof;
- c. Give prompt written notice thereof to the Winning Bidder or Contractor, if it observes or becomes aware of any defect in the Project;
- d. Designate when necessary, representatives authorized to act on its behalf. It shall examine documents submitted by the Winning Bidder or Contractor and render decisions pertaining thereto promptly, to avoid unreasonable delay in the progress of their work. It shall observe the procedure of issuing orders to the Winning Bidder or Contractor;

- e. If applicable, secure environmental clearance or an “Environmental Compliance Certificate (ECC)”. If the proposed project is considered outside the purview of the Philippine Environmental Impact Statement (EIS) System, a Certificate of Non-Coverage or Certificate of Exemption shall be secured.
- f. Supervise and monitor the implementation of the project; and,
- g. Pay the accomplishment accepted in conformance with the MPSS included under the Design and Build Contract.

2.3 BIDDING DOCUMENTS

The Bidding Documents for the Project shall govern the conduct of the procurement of the Project.

3. SCOPE OF WORKS

3.1 DESIGN PHASE

3.1.1 Preliminary Architectural Plan (PAP) by Bidder

The building's conceptual design will be given by the VMC. Bidders shall submit also an alternative design concept with respect to the space allocation which provides an optimum use of spaces taking into consideration the offices/wards/emergency room/kitchen area/pharmacy section/conference room shown on the VMC's conceptual floor plans. Wards should have a medical gas system. A Basic Rainwater Catchment System should also be installed. This alternative design by the winning bidder shall be adopted should the same be found to be superior than the one conceptualized by the VMC.

3.1.2 Detailed Architectural and Engineering Design (DAED) by the Winning Bidder

During the implementation of the Project, the Winning Bidder shall prepare the DAED of the Project and submit the same to the VMC for approval and secure the necessary Building Permit prior to the execution of the construction works.

The Winning Bidder shall prepare the DAED based on its PAP as reviewed and accepted by the VMC and in accordance with the MPSS. The DAED shall be undertaken with a degree of accuracy that will allow estimates to be made within approximately plus or minus five percent (+/-5%) of the final quantities. Once approved by the VMC, the Winning Bidder's DAED shall form part of the MPSS. The VMC-approved DAED, together with the MPSS provisions on Construction under Section 2.0 hereof, shall govern the actual Construction undertaken by the Winning Bidder.

The Winning Bidder shall undertake the necessary field surveys and investigation in accordance with the DPWH Design Guidelines, Criteria, and Standards in the preparation of detailed engineering plans in accordance with the requirements of the VMC. In carrying out these works, the Winning Bidder shall ensure that the engineering, environmental, social, and resettlement teams collaborate closely throughout the entire process, particularly during field investigations and the development of the preliminary and final detailed engineering designs. The Winning Bidder shall ensure that all designs submitted for approval have fully taken into account key findings from the engineering, environmental, and social analyses and that negative environmental and social impacts have been minimized or eliminated to the fullest extent possible.

3.2 SUBMITTALS, STAGES AND DELIVERY

The following submittals and accomplished documents shall be duly completed and turned over by the Winning Bidder for the project:

1. For the Design Phase

- a. Subsurface Geotechnical Investigation Report, including soil testing data, signed and sealed by a Geotechnical Engineer;
- b. Slope stability analyses and a detailed summary of findings, signed and sealed by a Geotechnical Engineer;
- c. Construction Plans, which includes Architectural, Civil, Structural, and Electrical Plans, signed and sealed by the proper and appropriate professionals;
- d. Technical specifications;
- e. Detailed cost estimate; and
- f. Bill of quantities.

2. For the Construction Phase

- a. As-built plans;
- b. All necessary plans;
- c. Shop drawings, if applicable;
- d. Test results; and
- e. Guarantees, warranties, and other certificates.

3.3 CONSTRUCTION PHASE

The following works shall comprise this phase:

- I. General requirements:
 - 1. Temporary facilities, such as field offices for the engineers and quarters for laborers; bodega for the construction material.
 - 2. Office furniture and equipment, survey equipment, and consumables
 - 3. Photographs - This item consists of the supply of equipment and materials, i.e., album, necessary to undertake photographic progress activities of the project and of all costs incidental to the preparation and submission of photographs (at least 12 photographs per day). The quantities for photographs shall be one (1) set of photographs per month selected and provided as "Progress Photographs".
 - 4. Health and Safety Program including Personal Protective Equipment
 - 5. Environmental compliance
 - 6. Communication equipment
 - 7. Billboard (COA and VMC)

II. Building Construction

Complete construction of the structural component of the building from the foundation to the roofing system (electrical, mechanical, plumbing/sanitary and information and communication) shall be rendered fully functional; and with complete architectural finishes.

3.4 INSTALLATION AND WORKMANSHIP

1. Personnel of Winning Bidder should be specialists and highly skilled in their respective trades, performing all labor according to first-class standards. A full-time Project Engineer and Construction Safety Engineer shall be assigned by the Winning Bidder at the job site during the construction of the project.
2. All work to be subcontracted shall be declared by the Winning Bidder and shall be approved by the **VMC**.
3. Any errors, omissions, inconsistencies, inadequacies, or failure submitted by the Winning Bidder that do not comply with the requirements shall be rectified, resubmitted, and reviewed at the Winning Bidder's cost. If the Winning Bidder wishes to modify any design or document which has been previously submitted, reviewed and approved, the Winning Bidder shall notify the **VMC** within a reasonable period of time and shall shoulder the cost of such changes.

4. WARRANTIES OF WINNING BIDDER

1. The Winning Bidder warrants that it shall conform strictly to the terms and conditions of these Terms of Reference.
2. The Winning Bidder warrants, represents, and undertakes reliability of the service and that their manpower complements are hardworking, qualified/reliable, and dedicated to doing the service

required to the satisfaction of the VMC. It shall employ well-behaved and honest employees with IDs displayed conspicuously while working within the compound. It shall not employ VMC employees to work in any category whatsoever.

3. The Winning Bidder shall comply with the laws governing employee compensation, PhilHealth, Social Security and/or labor standards, and other laws, rules, and regulations applicable to its personnel employed by the Winning Bidder on account of contracted services. The Winning Bidder shall pay its personnel not less than the minimum wage and other benefits mandated by law.
4. The Winning Bidder in the performance of its services shall secure, and maintain at its own expense all registration, licenses, or permits required by National or Local Laws and shall comply with the rules, regulations, and directives of Regulatory Authorities and Commissions. The Winning Bidder undertakes to pay all fees or charges payable to any instrumentality of government or to any other duly constituted authority relating to the construction project.
5. The Winning Bidder's personnel shall take all necessary precautions for the safety of all persons and properties at or near their area of work and shall comply with all the standard and established safety regulations, rules, and practices.
6. The Winning Bidder shall coordinate with the VMC-Engineering Team in the performance of their jobs.
7. The Winning Bidder shall be liable for any loss, damage, or injury as may be due directly through the fault or negligence of its personnel. It shall assume responsibility thereof and the VMC shall be specifically released from any responsibility arising therefrom.
8. The Winning Bidder shall neither assign, transfer, or pledge any part nor interest therein; however, sub-contracting may be allowed

provided that the main contractor shall be responsible for the full compliance of all applicable provisions of this TOR by the subcontractor.

5. MINIMUM PERFORMANCE STANDARDS AND SPECIFICATIONS (MPSS)

The Contractor shall undertake the design and construction of the Project in conformance with the MPSS as contained in Section VI of the bidding documents.

6. APPROVED BUDGET FOR THE CONTRACT (ABC)

The Approved Budget for the Contract (ABC) is **120,000,000.00 PhP**. This is the ceiling for acceptable bids. Bids higher than ABC shall be automatically rejected.

7. PROPOSED IMPLEMENTATION SCHEDULE (Example):

NO. OF MONTHS	1	2	3	4	5	6	7	8	9	10	11	12	13	14
DESIGN PHASE														
CONSTRUCTION PHASE														

8. ELIGIBILITY CRITERIA FOR BIDDERS

8.1 General

The Eligibility Requirements for this DB Project shall adopt the provisions of Annex "G" of the Implementing Rules and Regulations of RA 9184 (e.g. Eligibility Requirement). However, a prospective bidder who has no

experience in the Design-and-Build Project on its own may opt to enter a subcontracting agreement with a design or engineering firm for the design portion of the project.

8.2 Legal Requirements

- a. Valid Contractor's License issued by the Philippine Contractor's Accreditation Board - Triple A (AAA)
- b. Valid license of the Contractor's designer issued by the Professional Regulation Commission.

8.3 Technical Requirements

The Contractor must have completed one structure similar to the project (design and build) at hand with construction cost of at least 50 % of the ABC within the last 3 years.

8.4 Financial Requirements

The Contractor must have a Net Financial Contracting Capacity (NFCC) at least equal to the ABC to be bid or equivalent to **120,000,000.00 PhP**.

9. CONTENTS OF THE BID

9.1 IN THE FIRST ENVELOPE

Class "A" Documents

Legal Documents

1. Mayor's/Business permit issued by the city or municipality where the principal place of business of the prospective bidder is located, or the equivalent document for Exclusive Economic Zones or Areas. In cases of recently expired Mayor's/Business permits, it shall be accepted together with the official receipt as proof that the bidder has applied for renewal within the period prescribed by the concerned local government unit,

provided that the renewed permit shall be submitted as a post-qualification requirement in accordance with Section 34.2 of the IRR.

2. Tax clearance per E.O. 398, s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR).
3. Registration certificate from SEC, Department of Trade and Industry (DTI) for sole proprietorship, or CDA for cooperatives. Technical Documents.
4. Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid.
5. Statement of the bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided for in Sections 23.4.1.3 and 23.4.2.4 of the IRR, within the relevant period as provided in the Bidding Documents in the case of Goods.
6. A valid Philippine Contractors Accreditation Board (PCAB) License or Special PCAB License in case of Joint Ventures, and registration for the type and cost of the contract to be bid.

Financial Documents

7. The prospective bidder's audited financial statements, showing, among others, the prospective bidder's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission.
8. The prospective bidder's computation of Net Financial Contracting Capacity (NFCC).

Class "B" Document

9. If applicable, JV bidders shall submit a JVA in accordance with R.A. 4566 and its IRR.

Bid Security

10. Bid Security in the prescribed form, amount, and validity period (see Section 27 of the Revised IRR of R.A. 9184).

Project Requirements, which shall include the following:

11. Organizational Chart for the contract to be bid;
12. List of Contractor's Personnel (Design and Construction), (see Clause 12.2(d)(2), Section III, BDS of Bidding Documents) to be assigned to the contract to be bid, with their complete qualification and experience data;
13. List of Contractor's Equipment Units which are owned, leased and/or under purchase agreements, supported by certification of availability of equipment from lessor/vendor for the duration of the project (see Clause 12.2(d)(3), Section III, BDS of Bidding Documents).

Other documents included in the 1st envelope are the following:

14. Omnibus Sworn Statement by the prospective bidder or its authorized representative in the prescribed format;
15. Minimum Materials Testing Equipment (D.O. #11, Series of 2017);
16. Preliminary Conceptual Architectural Design Plans in accordance with the degree of details specified by the procuring entity;

- a. Location plan/vicinity map
- b. Perspective
- c. Floor plans
- d. Front view elevation
- e. Rear view elevation
- f. Left side view elevation
- g. Right-side view elevation
- h. Longitudinal section
- i. Transverse section

17. Design and Construction Method

18. List of Design and Construction Personnel.

FOR DESIGN PERSONNEL / PROFESSIONALS

The key professionals and the respective qualifications of the design personnel shall be

as follows:

- **Principal Architect** - The Principal Architect must be duly licensed with at least ten (5) years of experience in the design of residential, government offices, or institutional facilities, and shall preferably be knowledgeable in the application of rapid construction technologies.
- **Structural Engineer** - The Structural Engineer must be a duly licensed Civil Engineer with at least ten (5) years of experience in structural design and shall preferably be knowledgeable in the application of rapid construction technologies.
- **Professional Electrical Engineer** - The Electrical Engineer must be a registered Professional Electrical Engineer with at least five (5) years of experience in the design of lighting, power distribution, communication systems (specifically structured and local area network cabling, PABX), building management systems and preferably knowledgeable in

developments in emergent efficient lighting technologies and energy management.

- **Professional Mechanical Engineer** - The Mechanical Engineer must be a Professional Mechanical Engineer with at least five (5) years of experience in HVAC and fire Protection systems and preferably knowledgeable in emergent, alternative energy-efficient HVAC technologies.
- **Professional Electronics and Communications Engineer** - The Electronics Engineer must be a Professional Electronics Engineer with at least five (5) years of experience in telecommunication and other network-related designs.
- **Sanitary Engineer** - The Sanitary Engineer must be duly licensed with at least five (5) years of experience in the design of building water supply and distribution, plumbing, and preferably knowledgeable in wastewater management/treatment, and emergent, alternative effluent collection and treatment system.

The key professionals listed are required. The DESIGN & BUILD CONTRACTOR may, as needed and at its own expense, add additional professionals and/or support personnel for the optimal performance of all Architectural and Engineering Design Services, as stipulated in these Terms of Reference, for the PROJECT.

Prospective bidders shall attach each individual's resume/curriculum vitae and PRC license of the (professional) staff.

Design personnel may also be utilized for the construction phase provided that the same meet the minimum number of years of experience in the construction of similar projects.

FOR CONSTRUCTION PERSONNEL / PROFESSIONALS

The key professionals and the respective qualifications of the DESIGN PERSONNEL shall be as follows:

- **Project Manager** - The Project Manager shall be a licensed architect or engineer with at least (8) years of relevant experience on similar and comparable projects in different locations. The Project Manager should have a proven record or managerial capability through the directing/managing of major civil engineering works, including projects of a similar magnitude.
- **Project Engineer** - The Project Engineer shall be a licensed architect or engineer with at least five (5) years of experience in similar and comparable projects and shall preferably be knowledgeable in the application of rapid construction technologies.
- **Materials Engineer** - The Materials Engineer must be duly accredited with the DPWH and with at least five (5) years of experience in similar and comparable projects and shall preferably be knowledgeable in the application of rapid construction technologies.
- **Electrical Engineer** - The Electrical Engineer must be duly licensed with at least five (5) years of experience in similar and comparable projects in the installation of lighting, power distribution, communication systems (specifically structured and local area network cabling, PABX), and building management systems.
- **Mechanical Engineer** - The Mechanical Engineer must be duly licensed with at least five (5) years of experience in similar and comparable projects in the installation of HVAC and fire protection.
- **Sanitary Engineer** - The Sanitary Engineer must be duly licensed with at least five (5) years' experience in similar and comparable projects in the installation of building water supply and distribution, and plumbing.

- **Foreman** - The Foreman must have at least five (5) years' experience in similar and comparable projects and shall preferably be knowledgeable in the application of rapid construction technologies.
- **Project Architect** - The Project Architect should have at least a designed a 100-bed hospital.

19. Value Engineering Analysis of design and construction.

The second envelope (Financial Proposal) shall contain all the required documents for infrastructure projects under Section 25.38 of the IRR of R.A 9184.

9.2 IN THE SECOND ENVELOPE – FINANCIAL PROPOSAL

The contents of the Financial Proposal – In the Second Envelope shall be governed by Section 6.1 Design and Build Scheme of the DPWH Procurement Manual Volume II – Infrastructure Main Guidelines (2016).

1. Lump sum bid prices for the following in the prescribed Bid Form:

- a) Detailed Architectural and Engineering Design, and;
- b) Building Construction/Civil Works.

2. Cash flow by the quarter and payments schedule.

3. PROCEDURE AND CRITERIA FOR BIDS EVALUATION

The Procedure and Criteria for Bids Evaluation shall be governed by Section 6.1 Design and Build Scheme of the DPWH Procurement Manual Volume II – Infrastructure Main Guidelines (2016).

4. DATA TO BE PROVIDED BY THE VMC

These data are for reference only and does not guarantee the Contractor that the data provided are correct, free from error, and applicable to the project at hand. The Contractor is responsible for the accuracy or applicability of any data that he will use in his design-build proposal and services.

Sample Data for Buildings:

- a. Perspective and Conceptual Plans

5. DOCUMENTS TO BE PROVIDED BY THE CONTRACTOR DURING CONTRACT IMPLEMENTATION

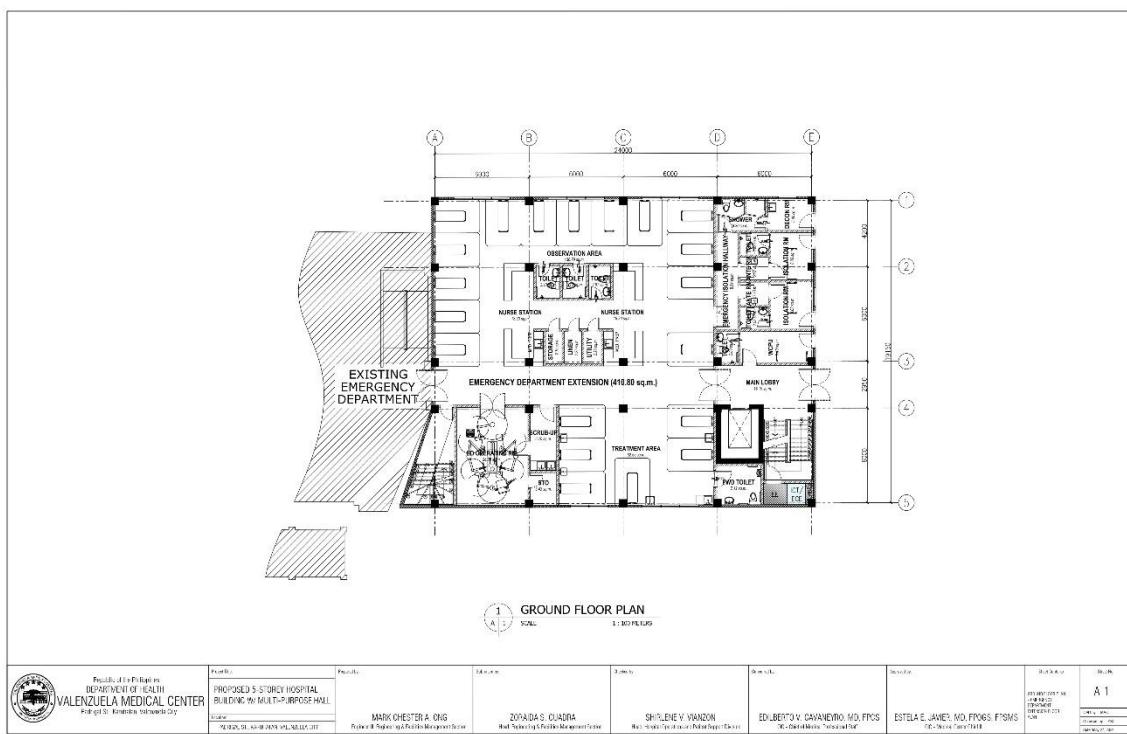
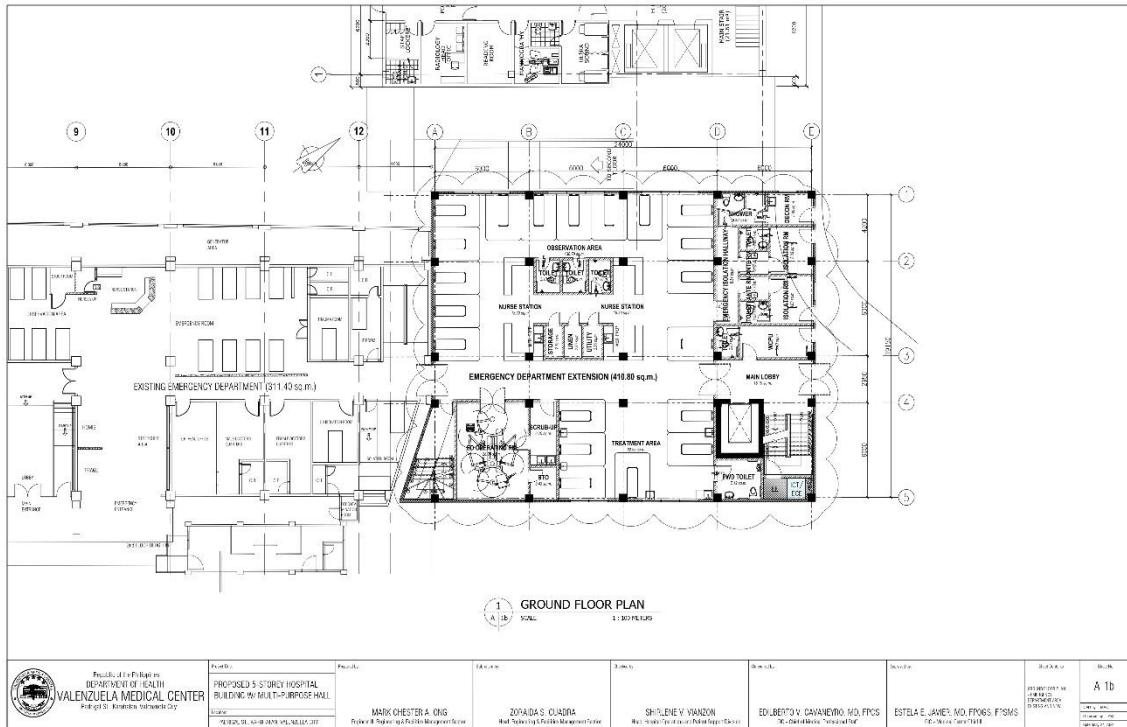
- a. Detailed Architectural and Engineering Plans
- b. Design Analysis
- c. Survey Data
- d. Quantity Calculation / Detailed Estimate
- e. Detailed Geotechnical Investigation Report
- f. Design Report.
- g. As-Built Plans, (Printed, including CAD Files and BIM files)
- h. Other relevant documents

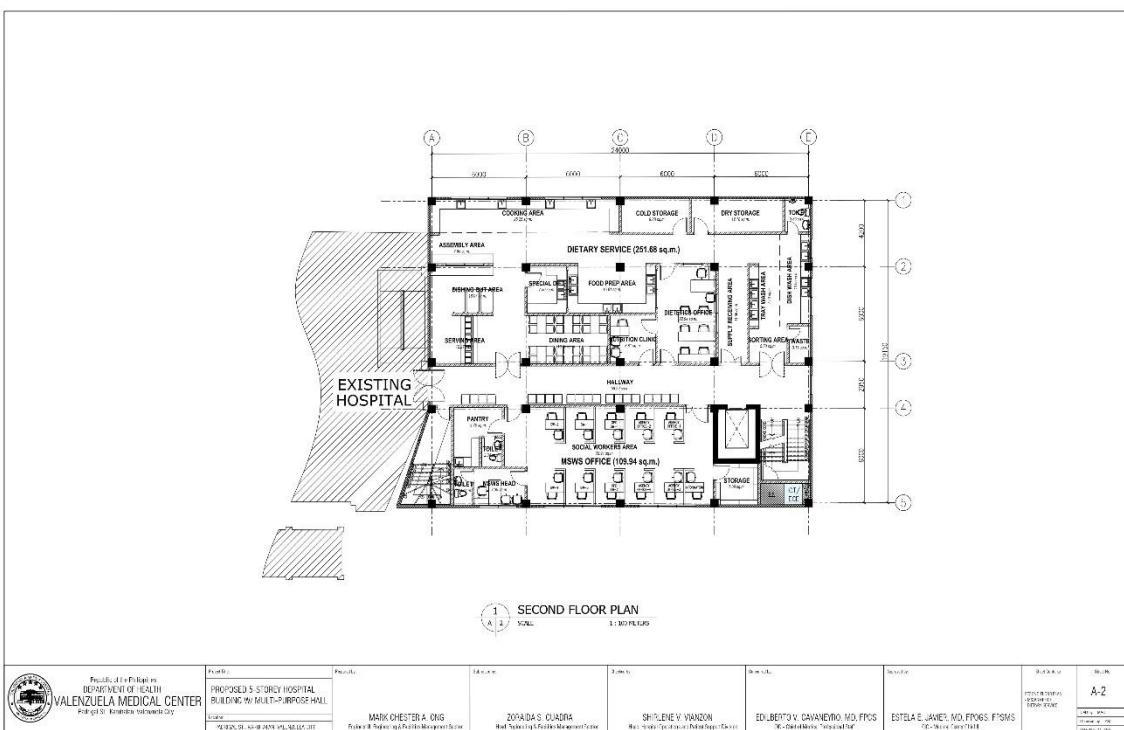
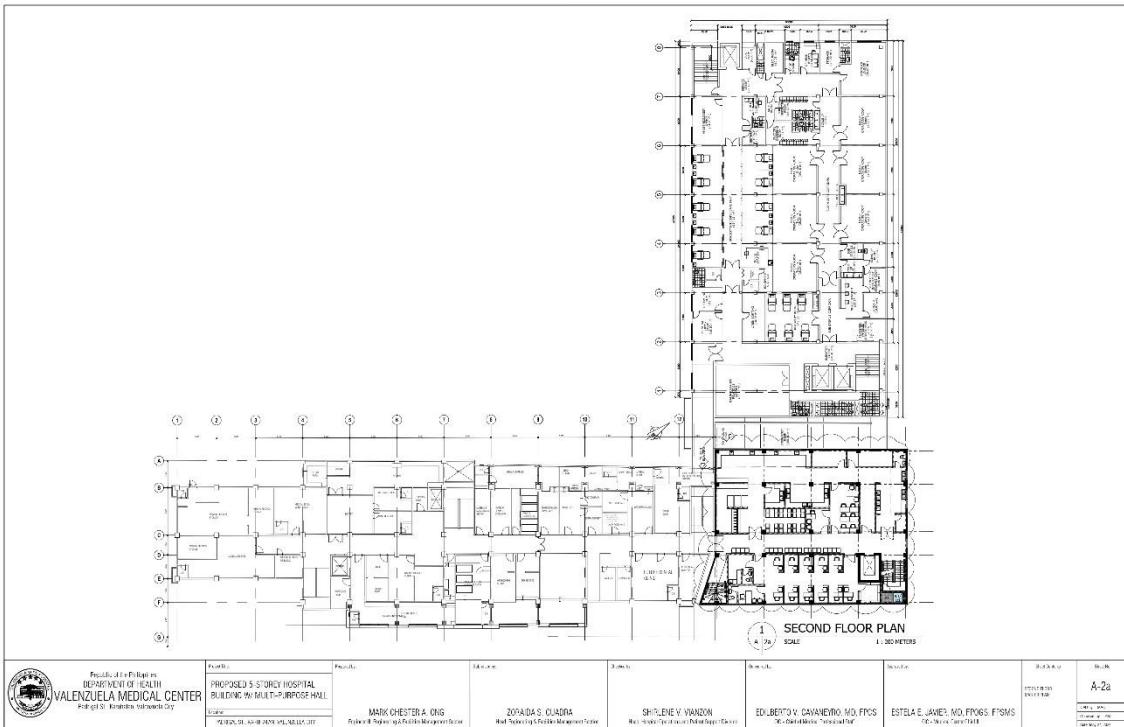
6. DESIGN AND BUILD PERIOD

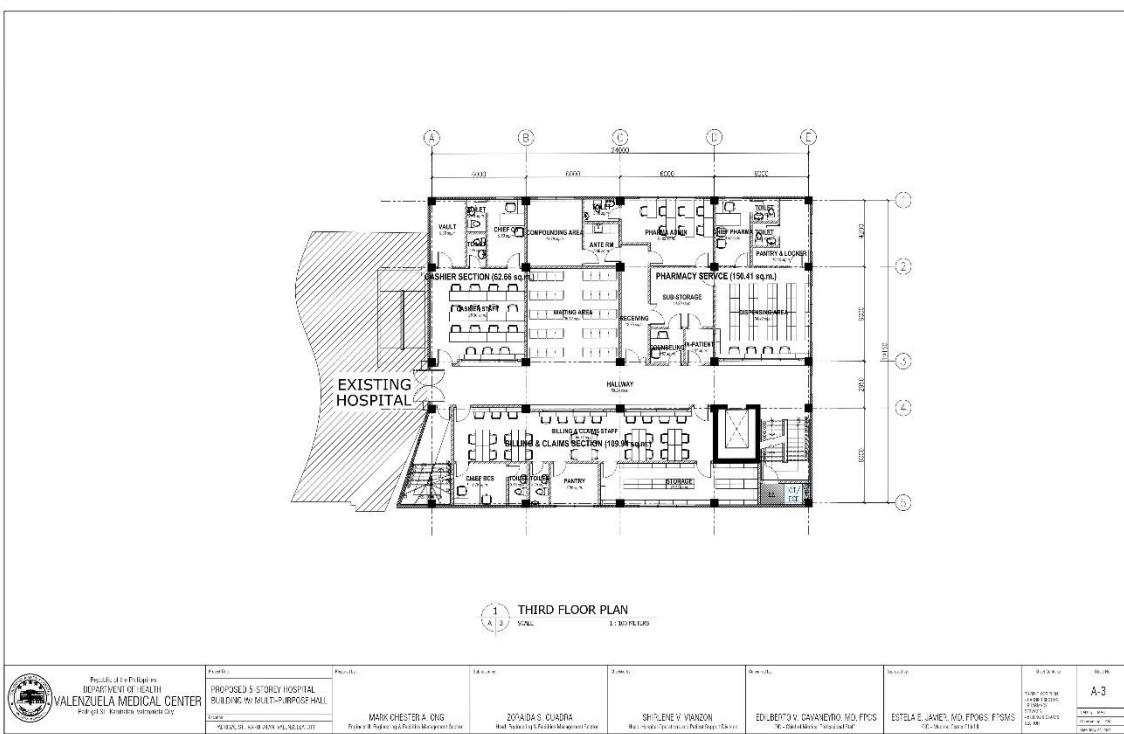
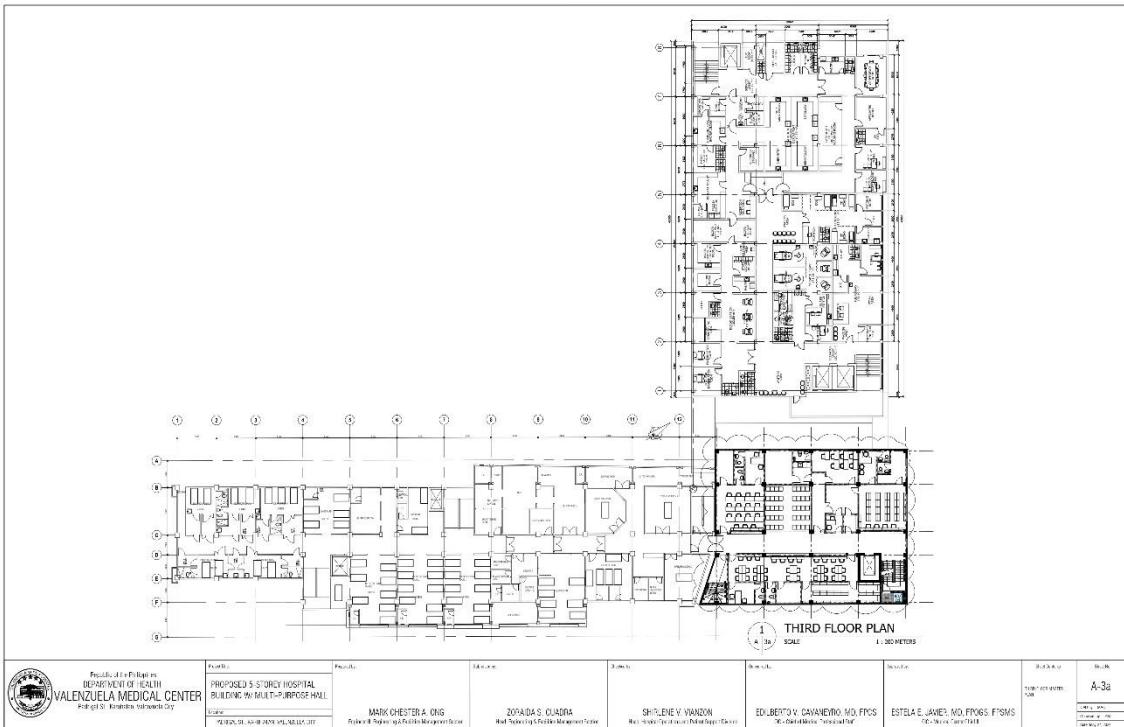
- a. S-Curve
- b. Pert-CPM

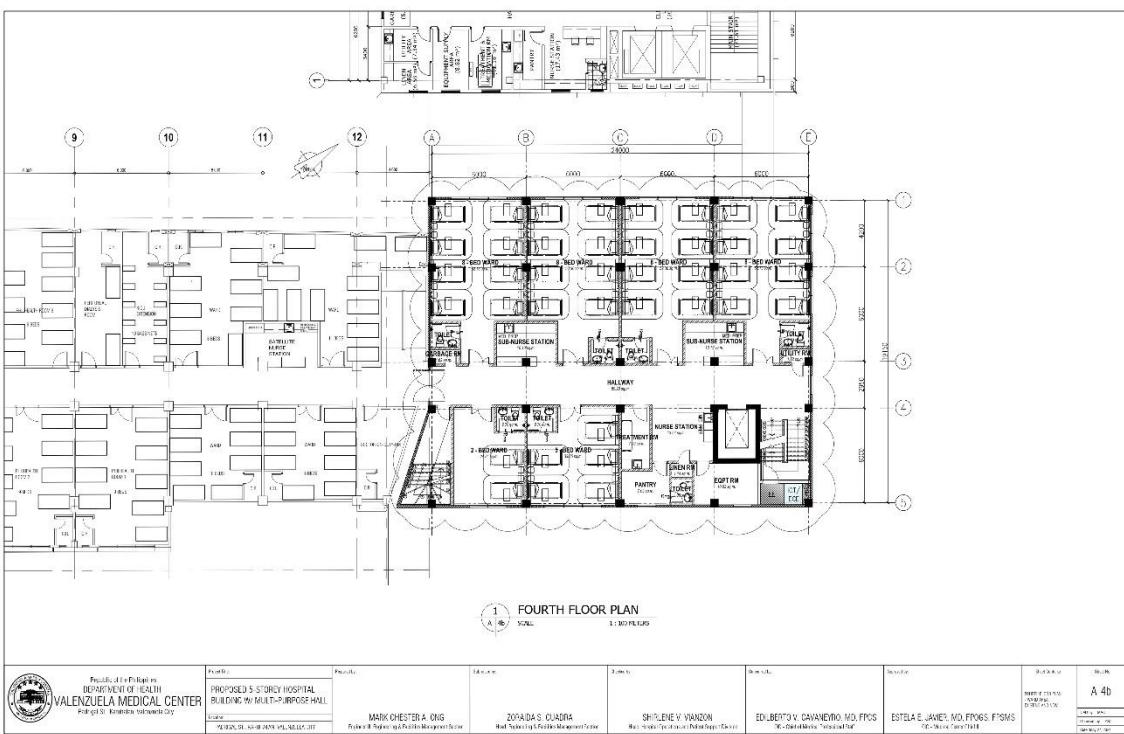
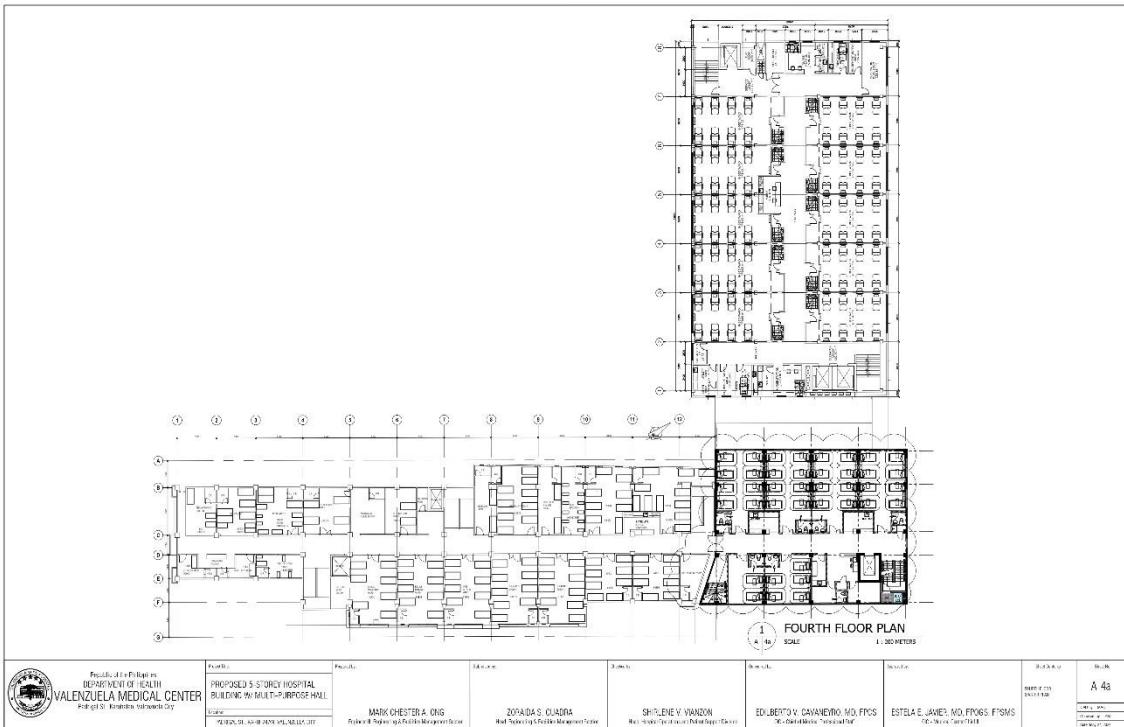
Section VII. Drawings

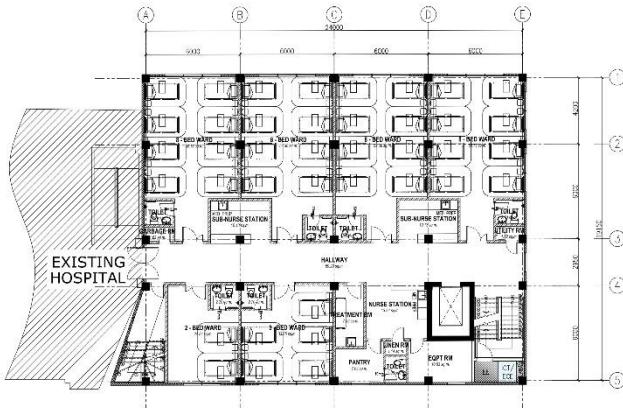






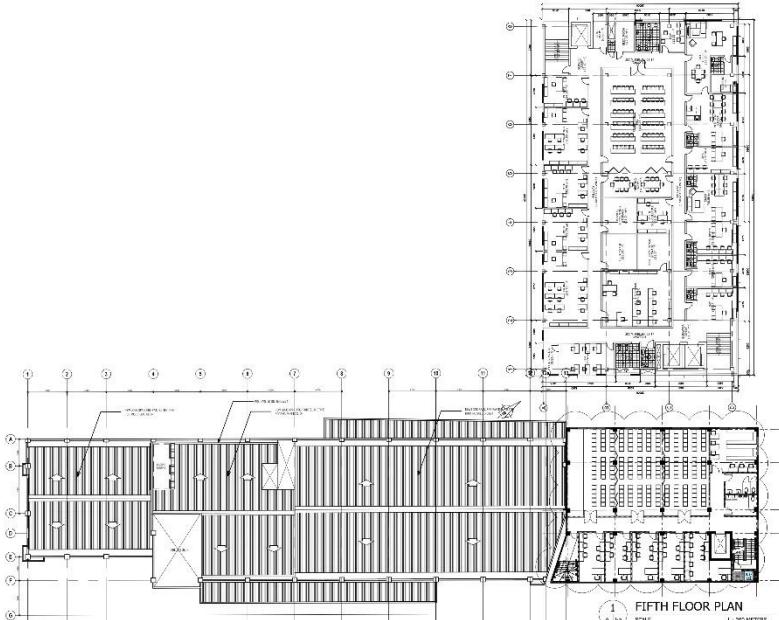






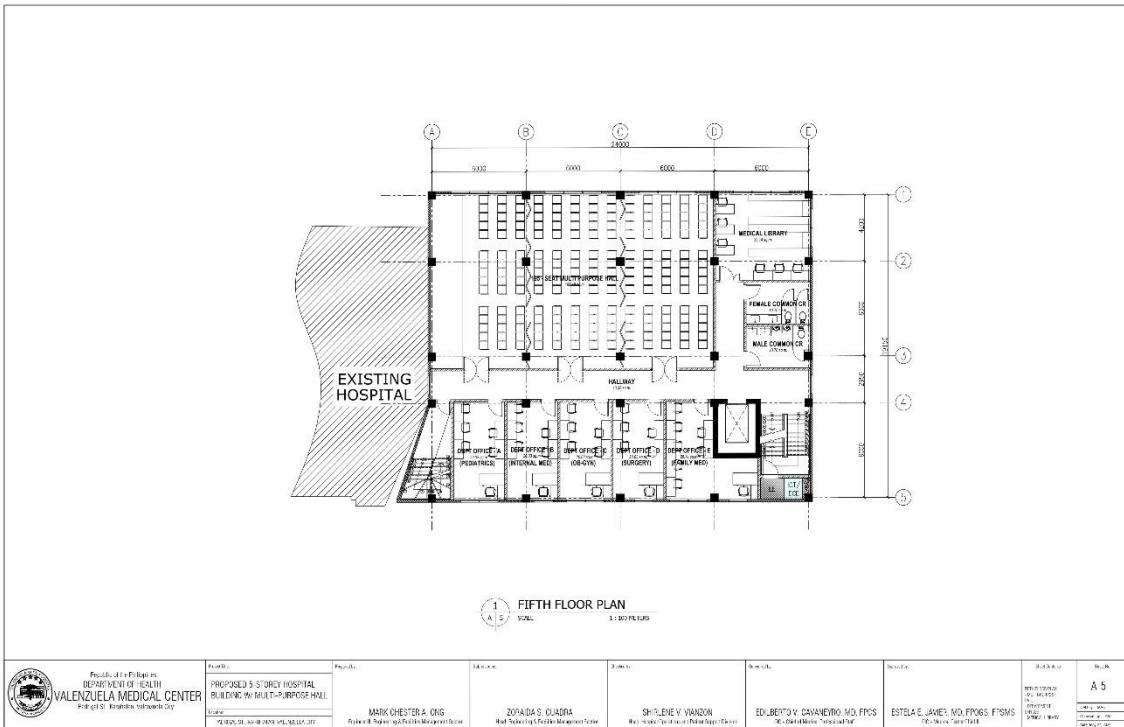
1 FOURTH FLOOR PLAN A 4 SCALE 1:100 MELLE

Facility Name	Address	City	State	Zip Code	Phone No.	Fax No.	Facility Type
Penn State Health DENTAL & MEDICAL CENTER VALENCIA MEDICAL CENTER Ridge St. Lancaster, Pennsylvania	PROPOSED 5 STORY HOSPITAL BUILDING w/ MULT- PURPOSE HALL	MARY CHESTER, PA Pittman & Associates, P.C./Baldwin Management Services	ZEPHYRUS, OHIO Hill Technology Group/McCormick Construction	SHREVEPORT, LOUISIANA Shreveport Regional Hospital System	EDUARDO V. CAVANIEGO, MD, FRCR McDonald Medical Radiology	ESTELA E. JAVIER, MD, FRCR, FPMRS McDonald Medical Radiology	Hospital HOSPITAL HOSPITAL HOSPITAL



FIFTH FLOOR PLAN
A 58 SCALE 1 : 200 METERS

Nombre	Período	Ubicación	Destino	Servicio	Horario	Días	Nota
PROPOSED 5 STOREY HOSPITAL BUILDING W/ MULT-IPROSE HALL	MARICHESTERA, C.R.G.	ZONA 10 A.D. GUADALAJARA Hosp. Regional de Alta especialidad	SHREENE V. VANDON Hosp. Regional de Alta especialidad	EDUARDO V. CANAVERO, MD, FRCR "Casa de la Madre" Hospital	ESTELA E. JAVIER, MD, FRCR, FPMRS "Casa de la Madre" Hospital	A 5a	PROYECTO ESTADO DE MÉXICO C.P. 50000 Méjico D.F. Tel. 555-555-5555



Section VIII. Bill of Quantities

OWNER: VALENZUELA MEDICAL CENTER
PROJECT DESCRIPTION: DESIGN AND BUILD OF THE PROPOSED VALENZUELA MEDICAL CENTER
FIVE (5) - STOREY HOSPITAL BUILDING WITH MULTIPURPOSE HALL
LOCATION: PADRIGAL ST., KARUHATAN, VALENZUELA CITY

SUMMARY OF PROJECT COST					
	DESCRIPTION	QTY	UNIT	UNIT COST	AMOUNT
I.	Design Phase				
	Complete Architectural and Engineering Design	1	lot	Php	4,000,000.00
II.	Construction Phase				
	Earthworks / Site Works	1	lot	Php	1,500,000.00
	Foundation Works	1	lot	Php	5,000,000.00
	Columns and Beams	1	lot	Php	15,500,000.00
	Elevator Shaft and Pit	1	lot	Php	1,500,000.00
	Slab Works	1	lot	Php	8,500,000.00
	Masonry Works	1	lot	Php	7,500,000.00
	Architectural Finishes	1	lot	Php	10,000,000.00
	Doors and Windows	1	lot	Php	5,000,000.00
	Painting Works	1	lot	Php	4,000,000.00
	Railings	1	lot	Php	2,000,000.00
	Thermal and Moisture Protection	1	lot	Php	1,500,000.00
	Electrical Roughing-In Works	1	lot	Php	3,500,000.00
	Lighting System	1	lot	Php	4,000,000.00
	Power System	1	lot	Php	4,500,000.00
	CATV and MATV Systems	1	lot	Php	1,500,000.00
	Nurse Call Systems	1	lot	Php	2,000,000.00
	Structured Cabling and Telephone System	1	lot	Php	2,000,000.00
	Fire Detection and Alarm System	1	lot	Php	3,000,000.00
	Plumbing / Sanitary Roughing-In Works	1	lot	Php	3,500,000.00
	Waterline System	1	lot	Php	4,000,000.00
	Sewerline and Vent System	1	lot	Php	3,000,000.00
	Storm Drainage System	1	lot	Php	1,000,000.00
	Mechanical Roughing-In Works	1	lot	Php	3,000,000.00
	Fire Protection System	1	lot	Php	5,000,000.00

	Ventilation and Air-conditioning System	1	lot	Php	5,000,000.00
	Medical Gases and Vacuum System	1	lot	Php	2,000,000.00
	Lighting Protection System	1	lot	Php	500,000.00
	Grounding System	1	lot	Php	500,000.00
	Elevator System	1	lot	Php	6,000,000.00

TOTAL PROJECT COST PHP 120,000,000.00
-

Section IX. Checklist of Technical and Financial Documents

Notes on the Checklist of Technical and Financial Documents

The prescribed documents in the checklist are mandatory to be submitted in the Bid, but shall be subject to the following:

- a. GPPB Resolution No. 09-2020 on the efficient procurement measures during a State of Calamity or other similar issuances that shall allow the use of alternate documents in lieu of the mandated requirements; or
- b. any subsequent GPPB issuances adjusting the documentary requirements after the effectivity of the adoption of the PBDs.

The BAC shall be checking the submitted documents of each Bidder against this checklist to ascertain if they are all present, using a non-discretionary “pass/fail” criterion pursuant to Section 30 of the 2016 revised IRR of RA No. 9184.

Checklist of Technical and Financial Documents

I. TECHNICAL COMPONENT ENVELOPE

Class "A" Documents

Legal Documents

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

Technical Documents

- (b) Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; **and**
- (c) Statement of the bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided under the rules; **and**
- (d) Special PCAB License in case of Joint Ventures **and** registration for the type and cost of the contract to be bid; **and**
- (e) Original copy of Bid Security. If in the form of a Surety Bond, submit also a certification issued by the Insurance Commission **or** original copy of Notarized Bid Securing Declaration; **and**
- (f) Project Requirements, which shall include the following:
- a. Organizational chart for the contract to be bid;
- b. List of contractor's key personnel (e.g., Project Manager, Project Engineers, Materials Engineers, and Foremen), to be assigned to the contract to be bid, with their complete qualification and experience data;
- c. List of contractor's major equipment units, which are owned, leased, and/or under purchase agreements, supported by proof of ownership or certification of availability of equipment from the equipment lessor/vendor for the duration of the project, as the case may be; **and**
- (g) Original duly signed Omnibus Sworn Statement (OSS) **and** if applicable, Original Notarized Secretary's Certificate in case of a corporation, partnership, or cooperative; or Original Special Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder.

Financial Documents

- (h) The prospective bidder's computation of Net Financial Contracting Capacity (NFCC).

Class "B" Documents

- (i) If applicable, duly signed joint venture agreement (JVA) in accordance with RA No. 4566 and its IRR in case the joint venture is already in existence **or** duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful.

ADDITIONAL REQUIREMENTS BY VMC

- a. Proposed Implementation schedule - S-CURVE / PERT-CPM
- b. Valid license of the Contractor's designer issued by the Professional Regulation Commission.

II. FINANCIAL COMPONENT ENVELOPE

- (j) Original of duly signed and accomplished Financial Bid Form; **and**

Other documentary requirements under RA No. 9184

- (k) Original of duly signed Bid Prices in the Bill of Quantities; **and**
- (l) Duly accomplished Detailed Estimates Form, including a summary sheet indicating the unit prices of construction materials, labor rates, and equipment rentals used in coming up with the Bid; **and**
- (m) Cash Flow by Quarter.

ADDITIONAL REQUIREMENTS BY VMC (POST-QUALIFICATION)

<input type="checkbox"/>	Bidding Documents duly signed or initialed by the authorized representative of the prospective bidder (each page) – may attach Official Receipt as proof of payment of bidding documents
<input type="checkbox"/>	Document Request List (DRL) from PhilGEPS (Optional)
<input type="checkbox"/>	Bid Bulletin/s, if any
<input type="checkbox"/>	Registration certificate from Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives or its equivalent document.
<input type="checkbox"/>	Mayor's or Business permit issued by the city or municipality where the principal place of business of the prospective bidder is located, or the equivalent document for Exclusive Economic Zones or Areas.
<input type="checkbox"/>	Tax clearance per E.O. No. 398, s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR).
<input type="checkbox"/>	The Supplier's audited financial statements, showing, among others, the Supplier's total and current assets and liabilities, stamped "received" by the BIR with 2023 ITR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission

<input type="checkbox"/>	Certificate of Good Performance from at least one (1) Government or Private Hospital / Agency except from VMC (<i>with at least Satisfactory rating</i>) (CY 2023-present)
<input type="checkbox"/>	Special Power of Attorney (SPA) for authorized representative if OSS is Sole Proprietorship
<input type="checkbox"/>	Proof of evidence for Single Largest Completed Contract (SLCC) – Section 23.4.2.5. The SLCC shall be supported by an Owner's Certificate of Final Acceptance issued by the project owner other than the contractor or a final rating of at least Satisfactory in the Constructors Performance Evaluation System (CPES). In case of contracts with the private sector, an equivalent document shall be submitted. (23.5.2.4a) 23.4.2.6 The computation of a bidder's NFCC must be at least equal to the amount to be bid.
<input type="checkbox"/>	License to Operate (LTO)

