

PHILIPPINE BIDDING DOCUMENTS

Negotiated Procurement – Two (2) Failed Biddings for the Procurement of Tourism Destination Marketing Companies for Vietnam (Part 1)

Reference No.: DOT-BAC-NP NO. 2021-001

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***Section I. Invitation for Negotiated
Procurement Due to Two-Failed Biddings***



Invitation for Negotiated Procurement Due to Two-Failed Biddings for the Procurement of Tourism Destination Marketing Companies for Vietnam (Reference No.: DOT-BAC-NP NO. 2021-001)

1. In view of the two (2) failed biddings under Section 35 of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184 other known as the "Government Procurement Reform Act, the *Philippine Department of Tourism (PDOT)*, through the *General Appropriations Act 2021* intends to apply the sum of *Thirty-Seven Thousand Five Hundred US Dollars (US\$37,500.00) or its equivalent in Philippine Pesos* being the Approved Budget for the Contract (ABC) to payments under the contract for *DOT-BAC-NP No. 2021-001*. Bids received in excess of the ABC shall be automatically rejected at the opening of the financial proposals.
2. The *PDOT* now calls for the submission of eligibility documents for a *Tourism Destination Marketing Company for Vietnam to act as marketing representative for the period of five (5) months*. Eligibility documents of interested consultants must be duly received by the BAC Secretariat on or before *June 21, 2021 (until 9:00 a.m. only Manila Time) at the Procurement Management Division, 4th Floor, DOT Bldg., No. 351 Sen. Gil Puyat Avenue, Makati City. Eligibility Check will be on the same day, to be held at the Multi-Purpose Hall, 6th Floor, DOT Bldg., 351 Sen. Gil Puyat Avenue, Makati City at 11:00 a.m.* Applications for eligibility will be evaluated based on a non-discretionary "pass/fail" criterion.
3. Interested bidders may obtain further information from *PDOT* and inspect the Bidding Documents at the address given below during *8:00 a.m. to 5:00 p.m.*
4. A complete set of Bidding Documents may be acquired by shortlisted eligible Bidders on **June 30 to July 19, 2021 (8:00 a.m. to 5:00 p.m., Manila Time) and July 20, 2021 (until 9:00 a.m, Manila Time)** from the address below **and upon payment of the applicable fee for the Bidding Documents, pursuant to the latest Guidelines issued by the GPPB, in the amount of PhP5,000.00 or its equivalent in US Dollars.**

It may also be downloaded free of charge from the website of the Philippine Government Electronic Procurement System (PhilGEPS) and the website of the PDOT, provided that Bidders shall pay the applicable fee for the Bidding Documents not later than the submission of their bids.

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

Criteria	Numerical Weight
Applicable experience of the consultant and members in case of joint ventures, considering both the overall experiences of the firms or, in the case of new firms, the individual experiences of the principal and key staff, including the times when employed by other consultants	35%
Qualification of personnel who may be assigned to the job vis-à-vis extent and complexity of the undertaking	40%
Current workload relative to capacity	25%
TOTAL:	100%

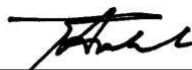
*Passing rate: 70%


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

Bidding is open to all interested bidders, whether local or foreign, subject to the conditions for eligibility provided in the IRR of R.A 9184.

7. The Procuring Entity shall evaluate bids using the **Quality Based Evaluation (QBE)** procedure. The criteria and rating system for the evaluation of bids shall be provided in the Instructions to Bidders.
8. The contract shall be completed within five (5) months upon receipt of Notice to Proceed.
9. The **PDOT** reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Section 41 of RA 9184 and its IRR, without thereby incurring any liability to the affected bidder or bidders.
10. For further information, please refer to:

Mr. GODOFREDO R. MALDONADO, JR.
Head, DOT-BAC Secretariat
4th Floor, DOT Bldg., No. 351 Sen. Gil Puyat Ave., Makati City
Telephone Nos. 8459-5200 to 30 Loc. 425
Email Address: grmaldonado@tourism.gov.ph
Website Address: www.tourism.gov.ph



USEC. ROBERTO P. ALABADO III
PDOT-BAC Chairperson


June 12, 2021

Section II. Eligibility Documents

1. Eligibility Criteria

- 1.1. **The following persons/entities shall be allowed to participate in the bidding for Consulting Services:**
 - (a) **Duly licensed Filipino citizens/sole proprietorships;**
 - (b) **Partnerships duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the interest belongs to citizens of the Philippines;**
 - (c) **Corporations duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the outstanding capital stock belongs to citizens of the Philippines;**
 - (d) **Cooperatives duly organized under the laws of the Philippines; or**
 - (e) **Persons/entities forming themselves into a joint venture, *i.e.*, a group of two (2) or more persons/entities that intend to be jointly and severally responsible or liable for a particular contract: Provided, however, That Filipino ownership or interest thereof shall be at least sixty percent (60%). For this purpose, Filipino ownership or interest shall be based on the contributions of each of the members of the joint venture as specified in their JVA.**
- 1.2. **When the types and fields of Consulting Services involve the practice of professions regulated by law, those who will actually perform the services shall be Filipino citizens and registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions specified in the EDS.**
- 1.3. **If the Request for Expression of Interest allows participation of foreign consultants, prospective foreign bidders may be eligible subject to the conditions stated in the EDS.**
- 1.4. **Government owned or –controlled corporations (GOCCs) may be eligible to participate only if they can establish that they (a) are legally and financially autonomous, (b) operate under commercial law, and (c) are not attached agencies of the Procuring Entity.**

2. Eligibility Requirements

- 2.1. **The following eligibility requirements, together with the Eligibility Documents Submission Form, shall be submitted on or before the date of the eligibility check specified in the Request for Expression of Interest and Clause 5 for purposes of determining eligibility of prospective bidders:**
 - (a) **Class “A” Documents –**
Legal Documents

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

Technical Documents

- (ii) **Statement of the prospective bidder of all its ongoing and completed government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid, within the relevant period provided in the EDS. The statement shall include, for each contract, the following:**
 - (ii.1) **the name and location of the contract;**
 - (ii.2) **date of award of the contract;**
 - (ii.3) **type and brief description of consulting services;**
 - (ii.4) **consultant's role (whether main consultant, sub consultant, or partner in a JV)**
 - (ii.5) **amount of contract;**
 - (ii.6) **contract duration; and**
 - (ii.7) **certificate of satisfactory completion or equivalent document specified in the EDS issued by the client, in the case of a completed contract;**
- (iii) **Statement of the consultant specifying its nationality and confirming that those who will actually perform the service are registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions in accordance with Clause 1.2, including their respective curriculum vitae.**

- (b) **Class "B" Document –**

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

- 2.2. **The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents**

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

- 2.3. Prospective bidders may obtain a full range of expertise by associating with individual consultant(s) and/or other consultants or entities through a JV or subcontracting arrangements, as appropriate. However, sub-consultants may only participate in the bid of one short listed consultant. Foreign Consultants shall seek the participation of Filipino Consultants by entering into a JV with, or subcontracting part of the project to, Filipino Consultants.

3. Format and Signing of Eligibility Documents

- 3.1. Prospective bidders shall submit their eligibility documents through their duly authorized representative on or before the deadline specified in Clause 5.
- 3.2. Prospective bidders shall prepare an original and copies of the eligibility documents. In the event of any discrepancy between the original and the copies, the original shall prevail.
- 3.3. The Eligibility Documents Submission Form shall be signed by the duly authorized representative/s of the Bidder. Failure to do so shall be a ground for the rejection of the eligibility documents.
- 3.4. Any interlineations, erasures, or overwriting shall be valid only if they are signed or initialed by the duly authorized representative/s of the prospective bidder.

4. Sealing and Marking of Eligibility Documents

- 4.1. Prospective bidders shall enclose their original eligibility documents described in Clause 2.1, in a sealed envelope marked "ORIGINAL – ELIGIBILITY DOCUMENTS". Each copy thereof shall be similarly sealed duly marking the envelopes as "COPY NO. ___ - ELIGIBILITY DOCUMENTS". These envelopes containing the original and the copies shall then be enclosed in one single envelope.
- 4.2. The original and the number of copies of the eligibility documents as indicated in the EDS shall be typed or written in ink and shall be signed by the prospective bidder or its duly authorized representative/s.
- 4.3. All envelopes shall:

- (a) contain the name of the contract to be bid in capital letters;
- (b) bear the name and address of the prospective bidder in capital letters;
- (c) be addressed to the Procuring Entity's BAC specified in the EDS;
- (d) bear the specific identification of this Project indicated in the EDS;
and
- (e) bear a warning "DO NOT OPEN BEFORE..." the date and time for the opening of eligibility documents, in accordance with Clause 5.

4.4 Eligibility documents that are not properly sealed and marked, as required in the bidding documents, shall not be rejected, but the bidder or its duly authorized representative shall acknowledge such condition of the documents as submitted. The BAC shall assume no responsibility for the misplacement of the contents of the improperly sealed or marked eligibility documents, or for its premature opening.

5. Deadline for Submission of Eligibility Documents

Eligibility documents must be received by the Procuring Entity's BAC at the address and on or before the date and time indicated in the Request for Expression of Interest and the EDS.

6. Late Submission of Eligibility Documents

Any eligibility documents submitted after the deadline for submission and receipt prescribed in Clause 5 shall be declared "Late" and shall not be accepted by the Procuring Entity. The BAC shall record in the minutes of submission and opening of eligibility documents, the Bidder's name, its representative and the time the eligibility documents were submitted late.

7. Modification and Withdrawal of Eligibility Documents

7.1. The prospective bidder may modify its eligibility documents after it has been submitted; provided that the modification is received by the Procuring Entity prior to the deadline specified in Clause 5. The prospective bidder shall not be allowed to retrieve its original eligibility documents, but shall be allowed to submit another set equally sealed, properly identified, linked to its original bid marked as "ELIGIBILITY MODIFICATION" and stamped "received" by the BAC. Modifications received after the applicable deadline shall not be considered and shall be returned to the prospective bidder unopened.

7.2. A prospective bidder may, through a letter of withdrawal, withdraw its eligibility documents after it has been submitted, for valid and justifiable reason; provided that the letter of withdrawal is received by the

Procuring Entity prior to the deadline prescribed for submission and receipt of eligibility documents.

- 7.3. Eligibility documents requested to be withdrawn in accordance with this Clause shall be returned unopened to the prospective bidder concerned. A prospective bidder that withdraws its eligibility documents shall not be permitted to submit another set, directly or indirectly, for the same project. A prospective bidder that acquired the eligibility documents may also express its intention not to participate in the bidding through a letter which should reach and be stamped by the BAC before the deadline for submission and receipt of eligibility documents.

8. Opening and Preliminary Examination of Eligibility Documents

- 8.1. The BAC will open the envelopes containing the eligibility documents in the presence of the prospective bidders' representatives who choose to attend, at the time, on the date, and at the place specified in the EDS. The prospective bidders' representatives who are present shall sign a register evidencing their attendance.

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

- 8.2. Letters of withdrawal shall be read out and recorded during the opening of eligibility documents and the envelope containing the corresponding withdrawn eligibility documents shall be returned unopened to the withdrawing prospective bidder.

- 8.3. The eligibility documents envelopes and modifications, if any, shall be opened one at a time, and the following read out and recorded:

- (a) the name of the prospective bidder;
- (b) whether there is a modification or substitution; and
- (c) the presence or absence of each document comprising the eligibility documents vis-à-vis a checklist of the required documents.

- 8.4. The eligibility of each prospective bidder shall be determined by examining each bidder's eligibility requirements or statements against a checklist of requirements, using non-discretionary "pass/fail" criterion, as stated in the Request for Expression of Interest, and shall be determined as either "eligible" or "ineligible." If a prospective bidder submits the specific eligibility document required, he shall be rated "passed" for that particular requirement. In this regard, failure to submit a requirement, or an incomplete or patently insufficient submission, shall be considered

“failed” for the particular eligibility requirement concerned. If a prospective bidder is rated “passed” for all the eligibility requirements, he shall be considered eligible to participate in the bidding, and the BAC shall mark the set of eligibility documents of the prospective bidder concerned as “eligible.” If a prospective bidder is rated “failed” in any of the eligibility requirements, he shall be considered ineligible to participate in the bidding, and the BAC shall mark the set of eligibility documents of the prospective bidder concerned as “ineligible.” In either case, the BAC chairperson or his duly designated authority shall countersign the markings.

9. Short Listing of Consultants

- 9.1. Only prospective bidders whose submitted contracts are similar in nature and complexity to the contract to be bid as provided in the EDS shall be considered for short listing.**
- 9.2. The BAC shall draw up the short list of prospective bidders from those declared eligible using the detailed set of criteria and rating system to be used specified in the EDS.**
- 9.3. Short listed consultants shall be invited to participate in the bidding for this project through a Notice of Eligibility and Short Listing issued by the BAC.**

10. Protest Mechanism

Decision of the Procuring Entity at any stage of the procurement process may be questioned in accordance with Section 55 of the IRR of RA 9184.

Section III. Eligibility Data Sheet

Eligibility Documents	
1.2	<i>Tourism Destination Marketing Company for Vietnam</i>
1.3	<p>Foreign consultants may be eligible to participate in this Project, subject to the following conditions to be complied within ten (10) days upon receipt of the Notice of Award:</p> <p style="margin-left: 40px;">a) Must be registered with the SEC and/or any agency authorized by the laws of the Philippines;</p> <p style="margin-left: 40px;">b) When the types and fields of consulting services in which the foreign consultant wishes to engage involve the practice of regulated professions, the foreign consultant must be authorized by the appropriate GoP professional regulatory body specified in Clause 1.2 to engage in the practice of those professions and allied professions: <i>Provided, however</i>, That the limits of such authority shall be strictly observed.</p>
2.1(a)(ii)	The statement of all ongoing and completed government and private contracts shall include all such contracts within <i>five (5) years</i> prior to the deadline for the submission and receipt of eligibility documents.
2.1(a)(ii.7)	May also attach Certificate of Services Rendered.
4.2	Each prospective bidder shall submit <i>one (1) original and five (5) photocopies</i> of its eligibility documents.
4.3(c)	<i>USEC. ROBERTO P. ALABADO III, DOT-BAC Chairperson c/o Ms. Maria Alma O. Almazan, DOT-BAC Secretariat, 4th Floor, DOT Bldg., No. 351 Sen. Gil Puyat Ave., Makati City</i>
4.3(d)	<i>Ref. No.: DOT-BAC-NP 2021-001</i>
5	<p>The address for submission of eligibility documents is at the <i>Procurement Management Division, 4th Floor, DOT Bldg., No. 351 Sen. Gil Puyat Ave., Makati City</i></p> <p>The deadline for submission of eligibility documents is <i>on or before 9:00 a.m. only Manila Time of June 21, 2021.</i></p>

8.1	<p>The place of opening of eligibility documents is at the <i>Multi-Purpose Hall, 6th Floor , DOT Bldg., No. 351 Sen. Gil Puyat Ave., Makati City</i></p> <p>The date and time of opening of eligibility documents is <i>June 21, 2021 at 11:00 a.m.</i></p> <p><i>The Opening of Eligibility Documents will be conducted through video conference using the MS Teams platform on June 21, 2021 at 11:00 a.m.</i></p> <p><i>Prospective bidders who are interested in joining the opening of eligibility documents must send the following details to the BAC Secretariat via e-mail at <u>dot.bac@tourism.gov.ph</u> not later than 5:00 p.m. of June 20, 2021.</i></p> <ul style="list-style-type: none"> • <i>Name of Representative(s) - Maximum of two (2)</i> • <i>Company Name:</i> • <i>Email Address:</i> • <i>Contact No.:</i> 												
9.1	<p>Similar contracts means performing both marketing and PR functions, including market intelligence and competitor analysis, or such services similar to Terms of Reference of this project.</p>												
9.2	<table border="1"> <thead> <tr> <th data-bbox="443 1037 1142 1153">Criteria (TDMC-Vietnam)</th> <th data-bbox="1142 1037 1362 1153">Numerical Weight</th> </tr> </thead> <tbody> <tr> <td data-bbox="443 1153 1142 1373">Applicable experience of the consultant and members in case of joint ventures, considering both the overall experiences of the firms or, in the case of new firms, the individual experiences of the principal and key staff, including the times when employed by other consultants</td> <td data-bbox="1142 1153 1362 1373">35%</td> </tr> <tr> <td data-bbox="443 1373 1142 1592"> <p><i>Work Experience as Tourism Destination Marketing Company (35%)</i></p> <p><i>a) 8 years and above – 35%</i></p> <p><i>b) 2 years and above but below 8 years – 20%</i></p> </td> <td data-bbox="1142 1373 1362 1592"></td> </tr> <tr> <td data-bbox="443 1592 1142 1709">Qualification of personnel who may be assigned to the job vis-à-vis extent and complexity of the undertaking</td> <td data-bbox="1142 1592 1362 1709">40%</td> </tr> <tr> <td data-bbox="443 1709 1142 1966"> <p><i>Educational background (at least 50%) of Personnel (40%)</i></p> <p><i>a) Tourism, marketing other related courses – 40%</i></p> <p><i>b) International Studies, Communications or other related courses – 20%</i></p> <p><i>c) Other courses – 10%</i></p> </td> <td data-bbox="1142 1709 1362 1966"></td> </tr> <tr> <td data-bbox="443 1966 1142 2042"> <p>Current workload relative to capacity</p> <p><i>a) No ongoing projects – 25%</i></p> </td> <td data-bbox="1142 1966 1362 2042">25%</td> </tr> </tbody> </table>	Criteria (TDMC-Vietnam)	Numerical Weight	Applicable experience of the consultant and members in case of joint ventures, considering both the overall experiences of the firms or, in the case of new firms, the individual experiences of the principal and key staff, including the times when employed by other consultants	35%	<p><i>Work Experience as Tourism Destination Marketing Company (35%)</i></p> <p><i>a) 8 years and above – 35%</i></p> <p><i>b) 2 years and above but below 8 years – 20%</i></p>		Qualification of personnel who may be assigned to the job vis-à-vis extent and complexity of the undertaking	40%	<p><i>Educational background (at least 50%) of Personnel (40%)</i></p> <p><i>a) Tourism, marketing other related courses – 40%</i></p> <p><i>b) International Studies, Communications or other related courses – 20%</i></p> <p><i>c) Other courses – 10%</i></p>		<p>Current workload relative to capacity</p> <p><i>a) No ongoing projects – 25%</i></p>	25%
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	<i>b) 1 to 3 ongoing projects – 20%</i>	
	<i>c) 4 or more ongoing projects – 15%</i>	
	TOTAL:	100%
<i>The Passing Rate is 70%.</i>		

