



Republic of the Philippines
**ENERGY
REGULATORY
COMMISSION**

**BIDS AND AWARDS COMMITTEE (BAC)
MINUTES OF MEETING**

14 August 2020 (Friday) 09:00 A.M.

Through Videoconferencing via Zoom

<https://us02web.zoom.us/j/86961373383?pwd=Z3prYzJxR1JxZk5URGlRcm1XeWVvdz09>

Meeting ID: 869 6137 3383

Password: 298046

Subject Matter : Pre-Bid Conference
Project : *Meter Seals - Acceptance Test*
Mode of Procurement: Competitive Bidding
Reference No. : Lot No. 2020-07

Attendees:

A. BAC Members, BAC Technical Working Group, and BAC Secretariat:

| Name | Position |
|--------------------------------------|------------------------------|
| Heiddi Venecia R. Barrozo | Chairperson, BAC |
| Sharon O. Montañer | Vice-Chairperson, BAC |
| August Anthony N. Balute | Member, BAC |
| Jose Romulo L. Castro | Member, BAC |
| Marina C. Bugayong | Member, BAC |
| Amabelle D. Del Rosario | Vice-Chairperson, BAC TWG |
| Jean Astrid C. Francisco | Member, BAC TWG |
| Arjay Louie Eu B. Cuanan | Chairperson, BAC Secretariat |
| Marie Alexis Denise S. Sanchez-Gayon | Member, BAC Secretariat |
| Kio Paulo H. San Andres | BAC Support |
| Lovelyn M. Alegre | BAC Support |
| Rosaly T. Flores | BAC Support |

B. End-User:

| Name | Position |
|-----------------------|--|
| Ferdinand A. Salviejo | Engineer III, Consumer Affairs Service (CAS) |
| Isidro Madrid | Engineer III, Consumer Affairs Service (CAS) |

C. Prospective Bidders:

| Name | Company |
|---------------------|--------------------------------|
| Charles Ratcliffe | AGP Trading Inc. |
| Beng Romo | AGP Trading Inc. |
| Miko Cornelio Pacia | AGP Trading Inc. |
| Genna Dimaano | Mega Fortris Philippines, Inc. |
| Jarrood Ng | Mega Fortis Philippines, Inc. |

I. Call to Order

The Pre-Bid Conference for the Procurement of Meter Seals - Acceptance Test with an Approved Budget of the Contract (ABC) of Seven Million Three Hundred Eighteen Thousand Five Hundred Pesos (PhP7,318,500.00), was called to order at two minutes past nine o'clock in the morning (09:02 A.M.) through videoconferencing via Zoom, with BAC Chairperson Heiddi Venecia R. Barrozo as the presiding officer.

II. Determination of Quorum

The BAC Secretariat Chairperson Arjay Louie Eu B. Cuanan confirmed the presence of a quorum with the attendance of all the members of the BAC. After having established the required quorum, BAC Secretariat Chairperson Cuanan likewise acknowledged the presence of the BAC Secretariat, Technical Working Group (TWG), representatives from the end-user and the representatives from the prospective bidders. Invitations to observe the Pre-Bid Conference were sent to Bishops-Businessmen's Conference for Human Development (BBC), Commission on Audit (COA), Philippine Chamber of Commerce and Industry (PCCI), Philippine Institute of Certified Public Accountants (PICPA); and Transparency Accountability Network (TAN). However, none of the invited observers attended the Pre-Bid Conference despite such notice.

III. Presentation of the Requirements of the Project

BAC Chairperson Barrozo manifested the availability of the Philippine Bidding Documents (PBD) of the subject project online. She then presented the salient features of the Technical Specifications, to wit:

***Minutes of Meeting: Pre-Bid Conference for the Procurement of Meter Seals - 2
Acceptance Test***



Specifications of the Meter Seals for Acceptance Test

| | |
|---------------------|---|
| Quantity | 1,230,000 pieces |
| Material | Polycarbonate material, Industrial Outdoor type, suitable for temperature up to 110°C |
| Color | Transparent Orange Color |
| Seal Type | Anchor-type with three sets of locking arrow head Unbreakable bridge connecting the body and the arrow head |
| Markings | Embossed new Energy Regulatory Commission (ERC) logo on the seal's body Special Embossed Marking |
| Body Dimensions | Length shall not be more than 30mm Width shall not be more than 13mm Thickness shall not be more than 6mm |
| Sealing Wire | Copper material with length shall not be less than 19cm; Size #24AWG with #26AWG spiral twisted over it |
| Seal Serial Numbers | Ten Digit Laser Printed Serial Numbers, Black Ink, Font Size No.12 Arial, with corresponding Barcode against White Background Series starting from 20V0000001 to 20V0050000 Series starting from 20M0050001 to 20M0100000 Series starting from 20L0100001 to 20L1230000 |



Packaging

Supplied in mat form with five (5) pieces per mat
Delivered in boxes with One Thousand (1,000) pieces per box

Schedule of Deliveries

| Delivery | Date | Quantity (pcs) | Serial Numbers | Place of Delivery |
|------------------------------|---------------------------------|-------------------------|--------------------------|--|
| First (1 st) | not later than December 3, 2020 | 50,000 | 20V0000001 to 20V0050000 | (to be delivered at the Cebu City ERC Office) |
| | not later than December 3, 2020 | 50,000 | 20M0050001 to 20M0100000 | (to be delivered at the Davao City ERC Office) |
| | not later than December 3, 2020 | 330,000 | 20L0100001 to 20L0430000 | (to be delivered at the Pasig City ERC Office) |
| | Total | 430,000 | | |
| Second (2 nd) | not later than February 4, 2021 | 400,000 | 20L0430001 to 20L0830000 | (to be delivered at the Pasig City ERC Office) |
| | Total | 400,000 | | |
| Third (3 rd) | not later than April 1, 2021 | 400,000 | 20L0430001 to 20L1230000 | (to be delivered at the Pasig City ERC Office) |
| | Total | 400,000 | | |
| Grand Total | | <u>1,230,000</u> | | |



IV. Question and Answer

1. **Mr. Charles Ratcliffe** from AGP Trading Inc. asked if the required material for the meter seal bridge connecting the body and the arrow head should really be “unbreakable”. He explained that the material used for the seal is made out of plastic, which will necessarily break upon the application of excessive force.

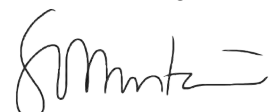
Mr. Ratcliffe further asked if the material could instead be “flexible and not easily broken”, since it is made out of plastic.

- **Mr. Ferdinand A. Salviejo**, representative of CAS, confirmed that since the material is made out of plastic, the more appropriate term to be used should be “flexible and not easily broken” instead of “unbreakable”.
 - The BAC stated that a Bid Bulletin will be issued to reflect the changes to the requirement.
2. **Mr. Charles Ratcliffe** raised before the BAC a discrepancy in the serial numbers indicated in the second and third phase of the schedule of delivery. The second phase started at “**20L0430001** and ended at **20L0830000**”. While the third phase started again at “**20L0430001** and ended at **20L1230000**”.
- **Mr. Salviejo** confirmed that there is a typographical error in the indicated serial number which they submitted to the BAC and which were adopted in the bidding documents. He clarified that the correct serial number should be “**20L0830001** to **20L1230000**” instead of “**20L0430001** and ended at **20L1230000**”.
 - The BAC declared that the amendment to the serial number will be incorporated in the Bid Bulletin to be issued.
3. **Ms. Genna Dimaano** from Mega Fortris Philippines Inc. manifested that they do not have ten (10) samples of transparent orange color at the moment. She asked if they can instead submit two (2) to three (3) samples in orange and the rest in blue, as reference. She also asked if, instead of a sample with the “special symbol”, they can be allowed to submit an engineering drawing of the special symbol together with the sample. She further asked what type of barcode the ERC is using. Lastly, she asked if



the consularized Sworn Statement should be submitted together with the documentary requirements for bid submission. She explained that it usually takes fourteen (14) days to secure said document and another five (5) days to transport through private courier.

- **Mr. Salviejo** answered that a bidder can submit samples in other colors, as long as the other specifications are complied with, including the three (3) sets of locking arrow heads. He also added that the embossed ERC logo must be present in the sample.
 - **Mr. Salviejo** clarified as well that the prospective bidder needs to submit an undertaking that they will provide the special symbol in the seal if they win the bidding.
 - **Mr. Salviejo** answered that there is no particular specification for the barcode, as long as the bar code indicates the serial number.
 - **Mr. Salviejo** answered that the consularized Sworn Statement from the manufacturer must be submitted when the prospective bidder wins the bid.
 - The BAC declared that these clarifications as to the requirements will be incorporated in the Bid Bulletin to be issued.
4. **Mr. Charles Ratcliffe, in relation to the questions and clarifications raised by Ms. Dimaano**, manifested that in previous bidding activities conducted by the ERC, the submission of the samples which are in accordance with the Technical Specifications, including the required color, is required to be made during the bid opening. He emphasized that the same has been the prevailing practice of ERC through several years. He further narrated that for AGP Trading, once they find out the advertisement in PhilGEPS and examine the specifications therein, they rush the manufacturing of the sample which only takes one (1) day to produce ten (10) sample pieces, and another four (4) to five (5) days for air shipping. He added that the prospective bidders still have until 31 August 2020 anyway to produce the samples. He therefore inquired as to the reason for the deviation from the said previous practice.



- **BAC Chaiperson Barrozo** asked the end-user to further explain why he answered in the affirmative to the question of **Ms. Dimaano** regarding the production of samples.
 - **Mr. Salviejo** clarified that he answered in the affirmative because he was not aware as to the number of days it would take to produce the samples, but given the information that it only takes ten (10) days to produce the samples, he withdrew his earlier statement and clarified that the prospective bidders must submit samples in accordance with the technical specifications posted. He added that the seal to be produced by the winning bidder must be identical to the samples presented during the bid opening, except for the barcode numbers.
 - The BAC therefore clarified that the samples to be submitted must be in accordance with the technical specifications mentioned in the bid documents, including the color and special symbol which were the subject of the earlier query.
- 5. Mr. Miko Cornelio Pacia** from AGP Trading Inc. asked if they can use the consularized Sworn Statement of the manufacturer that they submitted for a previous bidding since the said document does not indicate the validity period. He also asked as to when is the submission of the said sworn statement. Lastly, he asked if the bid opening will be conducted virtually or in person.
- As to the first question, the BAC clarified that since a new contract will be entered into by the ERC and the winning bidder, an updated document shall be required.
 - As to the second question the BAC declared that it will issue a Bid Bulletin to clarify the said requirement.
 - As to the third question, the BAC answered that the bid opening will be conducted in person at the ERC Office since the ERC currently has no available platform for the online submission of bids.
- 6. Mr. Ratcliffe** mentioned that previously, they were allowed to present the original copies of the documentary requirements for bid submission before the deadline of submission of bids. He added that the previous BAC simply issued a certificate stating that they have




already inspected the original documents; thus, during the bid opening, they did not have to bring the original documents for their bid submission but were allowed to submit certified true copies of the same.

Mr. Pacia added that this was previously allowed because the bidders usually encounter a delay in the return of their submitted original documents, which they need in order to participate in other bidding projects of other government agencies.

- BAC Chairperson Barrozo said that she cannot comment on behalf of the previous BAC. However, the BAC clarified that the original documents required for bid submission should be presented during the bid opening together with the certified true copies of the same. BAC Chairperson Barrozo later clarified that the issue regarding the submission of original documents shall be resolved through the Bid Bulletin that will be issued by the BAC.

7. **Mr. Ratcliffe** asked the BAC if the submission and opening of bids can be moved on an earlier date since 31 August 2020 is a holiday.

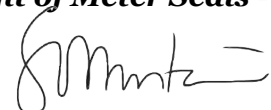
- The BAC answered that the amended date for the submission and opening of bids will be included in the Bid Bulletin to be issued.

8. **Mr. Pacia** asked if attendance in the pre-bid conference is mandatory to participate in the bidding and whether those who did not participate can still buy bid documents and submit their bids.

- The BAC clarified that attendance to the pre-bid conference is not mandatory and those who did not participate in the pre-bid conference can still participate in the bidding process.

V. Other Matters

The BAC Secretariat Chairperson reminded the prospective bidders that they can contact the BAC Secretariat through their official e-mail address and contact number as shown in the PBD for further concerns and clarifications.



VI. Adjournment

Having no more questions, discussions, and clarifications, the meeting was adjourned at forty-three minutes past nine o'clock in the morning (09:43 A.M.).

Approved By:

HEIDDI VENECIA R. BARROZO
BAC Chairperson



SHARON O. MONTAÑER
BAC Vice-Chairperson

MARINA C. BUGAYONG
BAC Member



AUGUST ANTHONY N. BALUTE
BAC Member

JOSE ROMULO L. CASTRO
BAC Member

ATTESTED BY:



ARJAY LOUIE EU B. CUANAN
Chairperson, BAC Secretariat