

**BIDS AND AWARDS COMMITTEE FOR THE INTEGRATED GOVERNMENT PHILIPPINES PROJECT (BAC4iGOV)**

**Supplemental Bid Bulletin No. 6**

**Design, Build Operate a Complete Cloud Solution for the Philippine Government Agencies**

**Bid Reference No. BAC4IGOV-2015-07-028**

In relation to the queries, clarifications, recommendations and suggestions for the aforementioned project, hereunder is the official response of the BAC4IGOV:

QUERY	BAC4IGOV REPLY
<p>Our international partner is asking if the attached documents will suffice though it does not follow the annex formats. These documents will be notarized and consularized should this will suffice</p>	<p>We will not accept this document. Kindly follow the prescribe forms.</p>
<p>Reference:</p> <p>Technical Documents Statement of at Least Three (3) Completed Contracts of Similar in Nature* Within The Last Five (5) Years, the Aggregate of which should be equivalent to at least fifty percent (50%) of the Approved Budget for the Contract (ABC); The Largest of These Similar Contracts Must be Equivalent to at least twenty-five percent (25%) of the ABC (Annex I-C)</p> <p>Scenario: We have completed several Cloud Solution Projects (i.e., Internet Data Centres) with costs that are enough to satisfy the requirements for the subject project. However, these data centers were built by us for no specific client, as the intention is to offer these commercially to our external clients (note: this is similar to TelCo companies like Globe and PLDT wherein they lease out their data centers to their external clients).</p>	<p>The submission of the Statement of at Least Three (3) Completed Contracts of Similar in Nature* Within The Last Five (5) Years, the Aggregate of which should be equivalent to at least fifty percent (50%) of the Approved Budget for the Contract (ABC); The Largest of These Similar Contracts Must be Equivalent to at least twenty-five percent (25%) of the ABC is required.</p> <p>Eligibility Data Sheet 9.1. provides that, "Similar contracts shall refer to Cloud Computing Solution Design, Implementation and/or Operation."</p> <p>The procurement is for a complete cloud solution, not a data center facility. The components of this procurement, as can be gleaned from the bid documents are hardware, software, managed service, self-service portal, and help desk.</p>



<p>Query:          We would like to verify on the documentation we shall submit, considering the documents published by ICTO contemplates a scenario where the bidder built the facility for a specific client, and considering further the scenario provided in item 2 of this table.</p>	
<p>Will you be allowing or accepting if the end user is the technical partner themselves?          This is based on the scenario that they completed several data center projects owned by them which satisfies the project cost criteria but is being leased out commercially?          The End user acceptance forms will be filled out and signed by them.</p>	<p>Refer to above answer.</p>
<p>With reference to the discussion on 24 August 2015 during the Bid Opening for the Procurement of a Business Process Management System Software License with Consultancy and Professional Services for the iGov Government Common Platform regarding the required submission of a Valid and Current ISO 9001 Quality Management System Certificate issued to the manufacturer by an Independent Certifying body, from which it was agreed upon that an ISO Certification is not applicable for software products.</p>	<p>ISO 9001 Quality Management System Certificate is not a requirement during the submission of eligibility documents.</p>
<p>We are requesting for the clarification of similar in contract as indicated in the REQUEST FOR EXPRESSION OF INTEREST FOR CONSULTANCY SERVICES FOR THE DESIGN, BUILD AND OPERATE OF A COMPLETE CLOUD SOLUTION FOR THE PHILIPPINE GOVERNMENT AGENCIES. We would like to refer to Section 9.1 of Page 15, which states that: "Similar contracts shall refer to Cloud Computing Solution Design, Implementation and/or Operation."          Since cloud is an emerging technology in the Philippines and comes in various models, we would like to request for a further qualification of cloud computing in order for our response to be acceptable on the Eligibility/Shortlisting Phase. As such we</p>	<p>No, unacceptable.</p>



<p>would like also to propose the following as the definition of “similar contract”:  <i>Similar or related projects to the bid shall refer to general IT projects that may include any of the following, the implementation, support and/or managed services of server, storage networking, hosting, outsourcing, DC facilities and/or disaster recovery services.</i>          Consequently, we would also like to propose inclusion of such mentioned similar contracts in the technical evaluation criteria:          “1.1. Successful experience in designing, building and operating a complete cloud solution or IT projects that may include implementation, support and/or managed services of server, storage, networking, hosting, outsourcing, DC facilities and/or disaster recovery services.”</p>	
<p>Following the pre-eligibility submission meeting last August 3, we would like to ask if the questions raised and the official responses during the said meeting will be published in PhilGEPs or will be sent to the attendees</p>	<p>No. All queries/concerns should be put in writing and should be addressed to the BAC4IGOV.</p>
<p>Since subcontractors are permitted for this opportunity, can we assume that subcontractor's references will be accepted as well will be included in the evaluation of eligibility documents?</p>	<p>Yes, subcontractor’s references are accepted and will also be part of the evaluation of the bid documents.</p>
<p>Under Eligibility Data Sheet, page 15, item (iii.7.), can we receive confirmation from your office that “c) Certificate of Performance Evaluation (Annex I-D) showing a rating of...” must be “c) Certificate of Performance Evaluation (Annex I-F) showing a rating of...”</p>	<p>The Certificate of Performance Evaluation should be Annex I-F</p>
<p>If the bidder's Single Largest Contract is already equivalent to 50% of the ABC, will submission of just one similar contract be acceptable instead of the aggregate of 3 similar contracts equivalent to 50% of ABC?</p>	<p>Yes. Please refer to the statement below regarding the changes made on this requirement.</p>



<p>Please confirm that authentication is only required when the sourced document is written in a language other than English and that consularization is not required for foreign sourced documents</p>	<p>Yes, authentication is only required when the sourced document is not written in English.</p> <p>If sourced document is not written in English, an accurate translation in English must be provided together with a certification from the appropriate embassy or consulate in the Philippines.</p> <p>If sourced document is already translated in English, the said translation should be certified/attested by the appropriate government office/agency.</p>
<p>May we know if the bidder can expect that the Special Conditions Contract (SCC) of the General Conditions of Contract (GCC) will include a provision on Change Request or Change Order Request and the situations covered by the Change Request, the processes that need to be established, and when it is compensable and when it is not?</p>	<p>The change order request will be covered in the Contract Negotiation after the issuance of Notice of Award.</p>
<p>Please confirm that in so far as the partner of the JV is concerned, to garner the desired scores, the Partner should be the Main Contractor; or the Partner; or the Subcontractor involved in implementing the previous Project subject of Single Largest Completed Contract.</p>	<p>Please refer to the Criteria and Rating System particularly item number 2 on Qualification of Personnel.</p>
<p>Please confirm that in so far as the Scoring for the Eligibility Criteria is concerned, the Qualification of Personnel (with 40% weight) will be evaluate based in the Single Largest Completed Contract similar to the project in terms of size and complexity which will be a requirement for eligibility. That for purposes for eligibility submission, the Curriculum Vitae of the proposed key personnel will be required at the later part of the bidding process and not for eligibility submission.</p>	<p>The Curriculum Vitae are required to be submitted during the eligibility submission.</p>



<p>As part of the Eligibility submission on Aug 25, we would like to confirm that</p> <p>1) Certified True Copy (CTC) of SEC Doc and GI Sheet, Mayor's Permit, Tax Clearance issued by BIR will be accepted. 2) 1 Reference can be submitted so long as it is at least 50% of the ABC</p>	<p>1) Yes. 2) Yes.</p>
<p>For the documents such as the Certificate of performance Evaluation, can we submit Digital Format instead of original signature considering that client reference will come from overseas?</p>	<p>Yes.</p>
<p>ANNEX I-F (Pg 152) Certificate of Performance Evaluation. Can we alter this section (specifically the country) if client is based outside the Philippines.</p>	<p>Yes, if the bidder's client is based outside of the Philippines.</p>
<p>Seeking clarification if on Annex 1-D (Pg 149) is still required to be filled up, considering that there are no personnel and or resources who are deem professional with license from Philippine regulatory agency.</p>	<p>Yes, it is still required. If personnel are not under any Philippine Regulatory Agency, please indicate 'Not Applicable' or 'N/A'.</p>
<p>On the attachment requirements for page 148, is there already a ruling on the ask that scope of work be exempted based on confidentiality and/or NDA with the reference account?</p>	<p>Disclosure as to the amount of the contract, scope of work, duration of the project, and name of client should be disclosed to the procuring entity.</p>
<p>Clarifying that for page 158 will only be for the Philippine registered entity (in our case for example, IBM Philippines) and that the HQ or parent company's documents will not be required.</p>	<p>We will be issuing a revised Checklist for Foreign Bidders with Local Representatives.</p> <p>For Local Representatives you have to submit a Mayor's Permit for 2015 as well as the Valid and Current Tax Clearance as per E.) 398 S. of 2005, as finally reviewed and approved by BIR.</p> <p>As to the Foreign bidders, please submit the following:</p> <ol style="list-style-type: none"> <li>1. Valid and current certificate/license/authority to conduct business of providing information technology solutions issued by the regulatory authority in the country where the company is based. Submission must be in English. If not in English, these must be accompanied by an accurate</li> </ol>



	<p>translation in English certified by the Foreign Bidder’s appropriate embassy or consulate in the Philippines. Bid submissions that have already been translated into the English language, and said translation has been certified/attested to by the appropriate government office/agency (i.e. Ministry of Foreign Affairs) of the country of the bidder is acceptable.</p> <p>2. Valid and current Delinquency Verification Certificate (issued to Non-Resident Foreign Corporation) or a Tax Clearance issued by BIR</p>
<p>Part of the eligibility document we need to submit is the Certification of Performance Evaluation wherein there is a standard format provided.</p> <p>We have already the Certification of Performance Evaluation signed by client. In this case, it is not in the format you provided. But just the same, the certification expressly provided the contract amount, project scope and performance rating of VERY SATISFACTORY. Attached is the sample document for your reference (attached file is only a sample format. What we are going to submit will indicate a rating of VERY SATISFACTORY) If we submit something like this, would it be an acceptable eligibility document for purposes of this bidding process? We might have difficulty if we use the format provided since client is not in the Philippines.</p>	<p>The attached document has no mention of “very satisfactory”. It does not suffice the requirement of the procuring entity. Kindly use the prescribed form attached in the bidding document.</p>
<p>For item 1.3 (iii) of the Eligibility Data Sheet, we understand that the Statement of All Ongoing and Completed Government and Private Contracts should have “...at Least Three (3) Completed Contracts of Similar Nature Within the Last Five (5) Years, the Aggregate of Which Should be Equivalent to at Least Fifty Percent (50%) of the Approved Budget For the Contract (ABC); The Largest of these Similar Contracts Must Be Equivalent To At Least</p>	<p>The BAC has convened to accept aggregate contracts. The submitted aggregated contracts should follow the conditions prescribed.</p>



<p>Twenty-Five (25%) Percent of the ABC.” We request that One Completed Contract of a similar nature within the last five (5) Years, the value of which should be equivalent to at least 50% of the Approved for the Contract (ABC) also be considered as an acceptable submission. We submit that a single contract of similar nature with a value of at least 50% of the ABC shows that the Bidder can successfully manage a project of a similar size and scope. The higher value of the project, 50% rather than just 25%, proves the Bidder's capability to handle projects of similar complexity, and focuses more on quality instead of quantity of projects delivered.</p>	
<p>For the Terms of Reference under 3.2 Scope of Work, on the sizing of 500 virtual machines, a vCPU metric is used for the size of the VM. May we know the desired ratio of a physical CPU core to 1 vCPU?</p>	1:2 (physical cpu: vcpu)
<p>For the Terms of Reference under 3.3.3. Service Support Requirements, the standard turnaround time is within 2 working days. May we clarify if this will still be the case for data migration services?</p>	Cases that involve data migration, the standard turnaround time one (1) month.
<p>With regards to the Single Largest Completed Contract (SLCC) similar to the contract to be bid, since Cloud Computing is a new technology and terminology, we would like to ask and request to accept or put in consideration the following projects or contracts which are the same and very similar in nature: a. Lease of Servers and/or Datawarehouses (including delivery, installation, configuration and migration) b. Data Center Hosting Services (IT Infrastructure Provisioning &amp; Operation)</p>	No, unacceptable.





<p>In connection with the subcontractors, is it still necessary to have their paper consularized if those papers are in English already?</p>	<p>Authentication is only required when the sourced document is not written in English.</p> <p>If sourced document is not written in English, an accurate translation in English must be provided together with a certification from the appropriate embassy or consulate in the Philippines.</p> <p>If sourced document is already translated in English, the said translation should be certified/attested by the appropriate government office/agency.</p>
<p>Section II Eligibility Documents, Item 2.3 (p.8)</p> <p>Details:        The eligibility requirements or statements and all other documents to be submitted to the BAC must be in English. A translation of the documents in English certified by the appropriate embassy or consulate in the Philippines must accompany the eligibility requirements under Classes "A" and "B" Documents if they are in other foreign language.</p> <p>Clarification:</p> <ol style="list-style-type: none"> <li>1. Is a certification of translation required even if the document is both Japanese and English with a declaration stating the equivalence?</li> <li>2. Do documents issued/released/published outside the Philippines but already in the English language still require certification from the appropriate embassy or consulate in the Philippines?</li> <li>3. Due to limited time of document preparation, are there any alternative documents that we can submit to comply for those documents already requested for certification but not yet released by the appropriate embassy or consulate in the Philippines?</li> </ol>	<ol style="list-style-type: none"> <li>1. If sourced document is already translated in English, the said translation should be certified/attested by the appropriate government office/agency.</li> <li>2. If the document is already in English, no need for certification or attestation.</li> <li>3. We cannot accept any counterpart documents. The BAC4iGOV has given sufficient time to bidders to prepare the bidding documents through moving the original schedule of bid opening from Sept 18, 2015 to Oct. 1, 2015.</li> </ol>





<p>Reference:          Checklist of Requirements for Eligibility Item #7</p> <p>Details:          State of the Consultant Specifying Its Nationality and Confirming That Personnel Involved in the Practice of Professions Regulated By Law Are Registered in the Appropriate Philippine Government Agency (Annex I-D)</p> <p>Clarification:          Do Curriculum Vitae (CV) of the respective personnel required to be submitted to support this requirement?          If yes, are there any prescribe format for the CV?</p>	<p>The CVs of the personnel are required to be submitted but not it is not required to be attached in Annex I-D.</p>
<p>Checklist of Requirements Item #5</p> <p>Details:          Statement of All Ongoing and Completed Contracts (including awarded contract/s not yet started, if any) within the last (5) Years, (Annex I-B)          The following documents must be submitted corresponding to each of the listed contracts per submitted Annex I-B:          a) Notice of Award; or Notice to Proceed, and          b) Certificate of Performance Evaluation if completed (Annex I-F)</p> <p>Clarification:          The end-user is NOT welcome to make signature in Annex I-F. It's not common thing to provide such document in Government Procurement in Japan. Therefore, the customer seems to be afraid signing the prescribed format might cause something troublesome for signer and its organization.          With the above challenge, are there alternative document that we can submit to comply with required Annex I-F?</p>	<p>Submission of the required attachments are no longer needed during the submission and opening of eligibility documents.</p>



<p>Checklist of Requirements for Eligibility Item #9</p> <p>Details:        If bidding as a Joint Venture,        a) Copy of the Joint Venture Agreement (JVA) in case the Joint Venture is already in existence, or        b) Copy of Protocol/undertaking of Agreement to Enter into Joint Venture (Annex I-E) signed by 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.</p> <p>Clarifications:        1. How should potential joint venture partners prepare Annex 1-E documents? Should all joint venture partners prepare and sign on single Annex 1-E document? Or, should each joint venture partner prepare separate 1-E document separately and sign it separately.        Or, should joint venture partner do both of above?</p> <p>2. In Annex 1-E, it is assumed that all potential joint venture is governed by the laws of the Philippines. If potential joint venture partner is foreign company, should it be changed to the law of the origin of foreign company?</p>	<ol style="list-style-type: none"> <li>1. Yes, all potential joint venture partners should sign the document. We will issue a revised form for Annex I-E</li> <li>2. NO, Philippine laws shall govern and not the country of origin of the company.</li> </ol>
<p>We understand that the necessary supporting documents to back-up the declared completed contract including the single largest completed contract is required to be presented, and we anticipated that potentially it may require the presentation of the contract which will be emanating from the Customer of the bidder. However, our partners who will be bringing in foreign sourced document may be constrained in providing the same due to stringent Non-Disclosure Agreements that have indemnity and damages provisions, should there be disclosures without such Customer's consent, for which obtaining such consent may pose as a challenge. Even assuming consent is obtained we</p>	<p>Submission of the required attachments are no longer needed during the submission and opening of eligibility documents.</p>

<p>anticipate such conditions in the disclosures specifically detailed disclosures referring to amount, overall nature of the transaction and the payment terms. Thus, in the interest of time we would like to request that we be allowed to present in lieu of a contract an abstract which will nonetheless be subject of verification in so far as the veracity of the abstract of the nature and functionality as well as the necessary scope relating to the deployment of the Software or the build of the IT infra is concerned.</p>	
<p>We would also request if a copy of the GCC and SCC be made available to enable the bidders to have a comprehensive overview of the rights and obligations of the parties should it qualify as the highest rated responsive bidder.</p>	<p>SCC and GCC are included in the bidding documents. You may download a copy of the bidding documents at philgeps website or in ICTO or igov website.</p>

Further, some of the parts of the bidding documents were modified. Kindly refer to the table below for the amended portions of the bid documents:

	Original Provision	Amended Provision
<p><b>Section II Eligibility Documents</b></p>		
<p>2. Eligibility Requirements</p>	<p>2.1 The following eligibility requirements 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:</p> <p>Class “A” Documents - <u>Legal Documents</u></p> <p>(i) Registration certificate from Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative</p>	<p><u>To add:</u></p> <p><u>iii. Tax clearance per Executive Order 398, Series of 2005, as finally reviewed and approved by BIR.</u></p>

	<p>Development Authority (CDA) for cooperatives, or any proof of such registration as stated in the <u>EDS</u>;</p> <p>(ii) Mayor's permit issued by the city or municipality where the principal place of business of the prospective bidder is located;</p>	
<p>Section III Eligibility Data Sheet</p>		
<p>(iii)</p>	<p>The Statement of All Ongoing and Completed Government and Private Contracts (<b>Annex I-B</b>), Statement of at Least Three (3) Completed Contracts of Similar Nature Within The Last Five (5) Years, The Aggregate Of Which Should Be Equivalent To At Least Fifty Percent (50%) Of The Approved Budget For The Contract (ABC); The Largest Of These Similar Contracts Must Be Equivalent To At Least Twenty-Five Percent (25%) of the ABC (<b>Annex I-C</b>) prior to the deadline for the submission and receipt of eligibility documents.</p>	<p><u><i>Statement of Completed Single Largest Contract from January 2010 up to the day before the deadline for the submission bids of similar in nature equivalent to at least fifty percent (50%) of the ABC (Annex I-A).</i></u></p> <p style="text-align: center;">or</p> <p><u><i>Statement of at Least Two (2) or more Completed Contracts of Similar Nature Within The Last Five (5) Years, the aggregate of which should be equivalent to at least fifty percent (50%) of the Approved Budget for the Contract (ABC); The largest of these similar contracts must be equivalent to at least twenty-five percent (25%) of the ABC (Annex I-A) prior to the deadline for the submission and receipt of eligibility</i></u></p>

iii.7	<p>Acceptable proof of satisfactory completion of completed contracts:</p> <ul style="list-style-type: none"> <li>a) Copy of End User's Acceptance; or</li> <li>b) Copy of Official Receipt/s</li> </ul> <p>Certificate of Performance Evaluation (<b>Annex I-D</b>) showing a rating of at least Very Satisfactory issued by the bidder's Single Largest Completed Contract client</p>	<p><i>documents."</i></p> <p>To be deleted during the Submission and Opening of Eligibility Documents.</p> <p>Submission will be required during the Submission of Proposal once shortlisted</p>
Annex I-C	<p>STATEMENT OF AT LEAST THREE (3) COMPLETED CONTRACTS OF SIMILAR NATURE WITHIN THE LAST FIVE (5) YEARS, THE AGGREGATE OF WHICH SHOULD BE EQUIVALENT TO AT LEAST FIFTY PERCENT (50%) OF THE APPROVED BUDGET FOR THE CONTRACT (ABC); THE LARGEST OF THESE SIMILAR CONTRACTS MUST BE EQUIVALENT TO AT LEAST TWENTY-FIVE PERCENT (25%) OF THE ABC</p>	<p><u><i>Statement of Completed Single Largest Contract from January 2010 up to the day before the deadline for the submission bids of similar in nature equivalent to at least fifty percent (50%) of the ABC (Annex I-A).</i></u></p> <p style="text-align: center;"><i>or</i></p> <p><i>Statement of at Least Two (2) or more Completed Contracts of Similar Nature Within The Last Five (5) Years, the aggregate of which should be equivalent to at least fifty percent (50%) of the Approved Budget for the Contract (ABC); The largest of these similar contracts must be equivalent to at least twenty-five percent (25%) of the ABC (Annex I-A) prior to the deadline for the submission and receipt of eligibility documents."</i></p>



Annex I-E PROTOCOL/UNDERTAKING OF AGREEMENT TO ENTER INTO JOINT VENTURE (Page 2 of 2)	Certified Correct Portion is modified	<u>Please see revised form</u>
CHECKLIST OF REQUIREMENTS FOR ELIGIBILITY	CHECKLIST OF REQUIREMENTS FOR LOCAL BIDDERS	<u>CHECKLIST OF REQUIREMENTS FOR FOREIGN AND LOCAL BIDDERS</u>

All terms, conditions and instructions to bidders specified in the Bidding Documents inconsistent with this Bid Bulletin are hereby superseded and modified accordingly.

For information and guidance of all concerned.

Issued this 22<sup>nd</sup> day of September 2015

**(SGD.) DENIS F. VILLORENTE**  
 Chairman, BAC4IGOV



**Revised Annex I-C  
as of 23 September 2015**

**(Bidder's Company Letterhead)**

**DESIGN, BUILD, OPERATE A COMPLETE CLOUD SOLUTION FOR PHILIPPINE GOVERNMENT AGENCIES**

**STATEMENT OF COMPLETED SINGLE LARGEST CONTRACT FROM JANUARY 2010 UP TO THE DAY BEFORE THE DEADLINE FOR THE SUBMISSION BIDS OF SIMILAR IN NATURE EQUIVALENT TO AT LEAST FIFTY PERCENT (50%) OF THE ABC (ANNEX I-A).**

**OR**

**STATEMENT OF AT LEAST TWO (2) OR MORE COMPLETED CONTRACTS OF SIMILAR NATURE WITHIN THE LAST FIVE (5) YEARS, THE AGGREGATE OF WHICH SHOULD BE EQUIVALENT TO AT LEAST FIFTY PERCENT (50%) OF THE APPROVED BUDGET FOR THE CONTRACT (ABC); THE LARGEST OF THESE SIMILAR CONTRACTS MUST BE EQUIVALENT TO AT LEAST TWENTY-FIVE PERCENT (25%) OF THE ABC (ANNEX I-A) PRIOR TO THE DEADLINE FOR THE SUBMISSION AND RECEIPT OF ELIGIBILITY DOCUMENTS.**

\*Similar nature means Cloud Computing Solution Design, Implementation and/or Operation

	<i>(Please fill up requested information below)</i>
<b>Name of Client</b>	
<b>Title of Contract</b>	
<b>Date of Award</b>	
<b>Type and Brief Description of the Project</b>	
<b>Consultant's Role (Main Proponent, Partner, Sub-Contractor)</b>	
<b>Amount of the Contract</b>	
<b>Completion Date</b>	

**Note:** For above cited contract, any of the following documents must be attached submitted:

- 1) End User's Acceptance or
- 2) Official Receipt/s

**CERTIFIED CORRECT:**

\_\_\_\_\_  
**Name & Signature of Authorized Representative**

\_\_\_\_\_  
**Position**

\_\_\_\_\_  
**Date**





**Revised Annex I-E (Page 1 of 2)  
as of 23 September 2015**

**PROCUREMENT OF CONSULTANCY SERVICES FOR THE DESIGN, BUILD AND OPERATE OF A COMPLETE CLOUD SOLUTION FOR PHILIPPINE GOVERNMENT AGENCIES**

Bid Reference No. BAC4IGOV-2015-007-028

**PROTOCOL / UNDERTAKING OF AGREEMENT TO ENTER INTO JOINT VENTURE**

This **PROTOCOL / UNDERTAKING OF AGREEMENT TO ENTER INTO JOINT VENTURE**, executed by:

\_\_\_\_\_ a sole proprietorship/partnership/corporation duly organized and existing under and by virtue of the laws of the Philippines, with offices located at \_\_\_\_\_, \_\_\_\_\_, representative herein by \_\_\_\_\_, \_\_\_\_\_, hereinafter referred to as "\_\_\_\_\_";  
-and-

\_\_\_\_\_ a sole proprietorship/partnership/corporation duly organized and existing under and by virtue of the laws of the Philippines, with offices located at \_\_\_\_\_, \_\_\_\_\_, representative herein by \_\_\_\_\_, \_\_\_\_\_, hereinafter referred to as "\_\_\_\_\_";  
-and-

\_\_\_\_\_ a sole proprietorship/partnership/corporation duly organized and existing under and by virtue of the laws of the Philippines, with offices located at \_\_\_\_\_, \_\_\_\_\_, representative herein by \_\_\_\_\_, \_\_\_\_\_, hereinafter referred to as "\_\_\_\_\_"; (hereinafter referred to collectively as "Parties")

For submission to the **Bids and Awards Committee for the Integrated Government Philippines Project (BAC4IGOV)** of the **Information and Communications Technology Office**, pursuant to **Section 23.1 (b)** of the Revised Implementing Rules and Regulations (IRR) of Republic Act (R.A.) 9184.

WITNESSETH That:

WHEREAS, the Parties desire to participate as a Joint Venture in the public bidding that will be conducted by **the Information and Communications Technology Office**, pursuant Republic Act (R.A.) 9184 and its Implementing Rules and Regulations, with the following particulars:

Bid Reference No.	BAC4IGOV-2015-07-028
Name/Title of Procurement Project	Consulting Services for the Design, Build and Operate of a Complete Cloud Solution for Philippine Government Agencies
Approved Budget for the Contract	FIVE MILLION PESOS (PhP414,500,000.00)



**Revised Annex I-E (Page 2 of 2)  
as of 23 September 2015**

NOW THEREFORE, in consideration of the foregoing, the Parties undertake to enter into a **JOINT VENTURE** and sign a **Joint Venture Agreement** relative to the joint cooperation for this bid project, in the event that their bid successful, furnishing the **ICTO BAC4IGOV** copy thereof within **ten (10) calendar days** from receipt of Notice from the BAC4IGOV that our bid has the lowest calculated bid or highest rated responsive bid (as the case may be).

For the purposes of this bid project, and unless modified by the terms of the Joint Venture Agreement, the following party shall be the authorized representative of the JV:

CERTIFIED CORRECT:

Authorized Representative of the JV Partner: (I attached Secretary's Certificate)	Authorized Representative of the JV Partner: (I attached Secretary's Certificate)
Name	Name
Date	Date

Furthermore, the parties agree to be bound jointly and severally under the said Joint Venture Agreement;

THAT Finally, failure on our part of enter into the Joint Venture and/or sign the Joint Venture Agreement for any reason after the Notice of Award has been issued by shall be a ground for non-issuance by ICT Office of the Notice to Proceed, forfeiture of our bid security and such other administrative and/or civil liabilities as may be imposed by ICT Office under the provisions of R.A. 9184 and its Revised IRR, without any liability on the part of ICT Office.

This Undertaking shall form an integral part of our Eligibility documents for the above-cited project.

IN WITNESS WHEREOF, the parties have signed this Protocol/Undertaking on the date fist above-written.

Bidder's Representative/Authorized Signature

SUBSCRIBED AND SWORN TO BEFORE ME this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, Philippines. Affiant exhibited to me his/her competent Evidence of Identity (as defined by the 2004 Rules on Notarial Practice \_\_\_\_\_ issued \_\_\_\_\_ at \_\_\_\_\_, Philippines.

**NAME OF NOTARY PUBLIC**

Serial No. of Commission \_\_\_\_\_  
Notary Public for \_\_\_\_\_ until \_\_\_\_\_  
Roll of Attorneys No. \_\_\_\_\_  
PTR No. \_\_, [date issued], [place issued]  
IBP No. \_\_, [date issued], [place issued]

Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of \_\_\_\_\_



**REVISED CHECKLIST OF REQUIREMENTS FOR ELIGIBILITY  
AS OF 23 SEPTEMBER 2015  
(For Opening of Eligibility Documents Only)**

**Project : CONSULTANCY SERVICES FOR THE DESIGN, BUILD AND OPERATE OF A COMPLETE CLOUD SOLUTION FOR PHILIPPINE GOVERNMENT AGENCIES**

**Bid Ref No. BAC4IGOV 2015-07-028**

**APPROVED BUDGET FOR THE CONTRACT : PhP414,500,000.00**

Tab No.	Particulars	√
<b>ELIGIBILITY DOCUMENTS FOR FOREIGN AND LOCAL BIDDERS</b>		
<b>1</b>	Eligibility Documents Submission Form	
<b>2</b>	Registration certificate from the Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives ( <b>Required from all Joint Venture partners if JV</b> )	
<b>3</b>	Business/Mayor's permit valid for 2015 issued by the city or municipality where the principal place of business of the prospective bidder is located ( <b>Required from all Joint Venture partners if JV</b> )	
<b>4</b>	Valid and Current Tax Clearance per Executive Order 398, Series of 2005, as finally reviewed and approved by the BIR. ( <b>Required from all Joint Venture partners if JV</b> )	
<b>5</b>	<p><b>Statement of All Ongoing and Completed Contracts</b> (including awarded contract/s not yet started, if any) within the last five (5) Years, (<b>Annex I-B</b>)</p> <p>The following documents must be submitted corresponding to each of the listed contracts per submitted <b>Annex I-B</b>:</p> <ul style="list-style-type: none"> <li>a) Notice of Award; or Notice to Proceed, and</li> <li>b) Certificate of Performance Evaluation if completed (<b>Revised Annex I-F as of 21 September 2015</b>)</li> </ul>	
<b>6</b>	<p><u>Statement of Completed Single Largest Contract from January 2010 up to the day before the deadline for the submission bids of similar in nature equivalent to at least fifty percent (50%) of the ABC (Annex I-A).</u></p> <p align="center"><b>or</b></p> <p>Statement of at Least <u>Two (2) or more</u> Completed Contracts of Similar Nature Within The Last Five (5) Years, the aggregate of which should be equivalent to at least fifty percent (50%) of the Approved Budget for the Contract (ABC); The largest of these similar contracts must be equivalent to at least twenty-five percent (25%) of the ABC (Annex I-A) prior to the deadline for the submission and receipt of eligibility documents.</p> <p>The following documents must be submitted corresponding to listed contracts per submitted Revised Annex I-C as of 21 September 2015:</p> <ul style="list-style-type: none"> <li>a) Copy of End User's Acceptance; or Copy of Official Receipt/s, and</li> <li>b) Certificate of Satisfactory Performance per Revised Annex I-F as of 21 September 2015</li> </ul>	



<b>REVISED CHECKLIST OF REQUIREMENTS FOR ELIGIBILITY AS OF 23 SEPTEMBER 2015 (For Opening of Eligibility Documents Only)</b>		
<b>Project : CONSULTANCY SERVICES FOR THE DESIGN, BUILD AND OPERATE OF A COMPLETE CLOUD SOLUTION FOR PHILIPPINE GOVERNMENT AGENCIES</b>		
<b>Bid Ref No. BAC4IGOV 2015-07-028</b>		
<b>APPROVED BUDGET FOR THE CONTRACT : PhP414,500,000.00</b>		
Tab No.	Particulars	√
<b>ELIGIBILITY DOCUMENTS FOR FOREIGN AND LOCAL BIDDERS</b>		
<b>7</b>	State of the Consultant Specifying Its Nationality and Confirming That Personnel Involved in the Practice of Professions Regulated By Law Are Registered in the Appropriate Philippine Government Agency <b>(Annex I-D)</b>	
<b>8</b>	<p><b>Copy of 2014 Annual Income Tax Return</b> submitted through <b>BIR's Electronic Filing and Payment System (EFPS)</b> together with the following <b>Audited Financial Statements for 2014 and 2013</b> (in comparative form or separate reports):</p> <ul style="list-style-type: none"> <li>a) Copy of Independent Auditor's Report;</li> <li>b) Balance Sheet (Statement of Financial Position);</li> <li>c) Income Statement (Statement of Comprehensive Income);</li> </ul> <p>Each of the above statements must have stamped "<b>received</b>" by the Bureau of Internal Revenue (BIR) or its duly accredited and authorized institutions</p>	
<b>9</b>	<p>If bidding as a <b>Joint Venture</b>,</p> <ul style="list-style-type: none"> <li>a) Copy of the <b>JOINT VENTURE AGREEMENT (JVA)</b> in case the joint venture is already in existence, or</li> <li>b) Copy of <b>Protocol / Undertaking of Agreement to Enter into Joint Venture (Revised Annex I-E as of 21 September 2015)</b> signed by 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.</li> </ul>	
<b>10</b>	Duly signed <b>Net Financial Contracting Capacity Computation (NFCC)</b> per <b>Annex I-G</b> , in accordance with ITB Clause 5.5	



<b>REVISED CHECKLIST OF REQUIREMENTS FOR ELIGIBILITY AS OF 23 SEPTEMBER 2015 (For Opening of Eligibility Documents Only)</b>		
<b>Project : CONSULTANCY SERVICES FOR THE DESIGN, BUILD AND OPERATE OF A COMPLETE CLOUD SOLUTION FOR PHILIPPINE GOVERNMENT AGENCIES</b>		
<b>Bid Ref No. BAC4IGOV 2015-07-028</b>		
<b>APPROVED BUDGET FOR THE CONTRACT : PhP414,500,000.00</b>		
Tab No.	Particulars	√
<b>ELIGIBILITY DOCUMENTS FOR FOREIGN BIDDERS AND ITS PHILIPPINE BASED COMPANY REPRESENTATIVE</b>		
<b>1</b>	Eligibility Documents Submission Form	
<b>2</b>	Valid and current certificate/license/authority to conduct business of providing information technology solutions issued by the regulatory authority in the country where the company is based. Submission must be in English. If not in English, these must be accompanied by an accurate translation in English certified by the Foreign Bidder's appropriate embassy or consulate in the Philippines. Bid submissions that have already been translated into the English language, and said translation has been certified/attested to by the appropriate government office/agency (i.e. Ministry of Foreign Affairs) of the country of the bidder is acceptable.	
<b>3</b>	Valid and current Delinquency Verification Certificate (issued to Non-Resident Foreign Corporation) or a Tax Clearance issued by BIR;	
<b>4</b>	<b>Statement of All Ongoing and Completed Contracts</b> (including awarded contract/s not yet started, if any) within the last five (5) Years, ( <b>Annex I-B</b> )  The following documents must be submitted corresponding to each of the listed contracts per submitted <b>Annex I-B</b> : a) Notice of Award; or Notice to Proceed, and b) Certificate of Performance Evaluation if completed ( <b>Revised Annex I-F as of 21 September 2015</b> )	
<b>6</b>	Statement of at Least Three (3) Completed Contracts of Similar Nature* Within The Last Five (5) Years, the Aggregate of which should be equivalent to at least fifty percent (50%) of the Approved Budget for the Contract (ABC); The Largest Of These Similar Contracts Must Be Equivalent to at least twenty-five percent (25%) of the ABC. (Revised Annex I-C as per 22 September 2015)	



<b>REVISED CHECKLIST OF REQUIREMENTS FOR ELIGIBILITY AS OF 23 SEPTEMBER 2015 (For Opening of Eligibility Documents Only)</b>		
<b>Project : CONSULTANCY SERVICES FOR THE DESIGN, BUILD AND OPERATE OF A COMPLETE CLOUD SOLUTION FOR PHILIPPINE GOVERNMENT AGENCIES</b>		
<b>Bid Ref No. BAC4IGOV 2015-07-028</b>		
<b>APPROVED BUDGET FOR THE CONTRACT : PhP414,500,000.00</b>		
Tab No.	Particulars	√
<b>ELIGIBILITY DOCUMENTS FOR FOREIGN BIDDERS AND ITS PHILIPPINE BASED COMPANY REPRESENTATIVE</b>		
7	State of the Consultant Specifying Its Nationality and Confirming That Personnel Involved in the Practice of Professions Regulated By Law Are Registered in the Appropriate Philippine Government Agency ( <b>Annex I-D</b> )	
8	Copy of Corporate Financial Statements or Annual Report for 2014 or 2013.	
10	Duly signed <b>Net Financial Contracting Capacity Computation</b> (NFCC) per <b>Annex I-G</b> , in accordance with ITB Clause 5.5	
<b>FOR PHILIPPINE-BASED REPRESENTATIVE COMPANY OF THE FOREIGN SUPPLIER</b>		
11	Registration certificate from the Securities and Exchange Commission (SEC) for corporation, Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives;	
12	Business/Mayor's permit for 2014, issued by the city or municipality where the principal place of business of the prospective bidder is located;	
13	Proof of Authority of the designated representative/s for purposes of this bidding. (a) For sole proprietorship if owner opts to designate a representative/s -Duly notarized Special Power of Attorney, OR (b) For corporation, cooperative or the members of the joint venture - Duly notarized Secretary's Certificate evidencing the authority of the designated representative/s. Provided that in the case of unincorporated joint venture, each member shall submit a separate Special Power of Attorney and/or Secretary's Certificate evidencing the authority of the designated representative/s	



<b>REVISED CHECKLIST OF REQUIREMENTS FOR ELIGIBILITY AS OF 22 SEPTEMBER 2015</b> (For Opening of Eligibility Documents Only)		
<b>Project : CONSULTANCY SERVICES FOR THE DESIGN, BUILD AND OPERATE OF A COMPLETE CLOUD SOLUTION FOR PHILIPPINE GOVERNMENT AGENCIES</b>		
<b>Bid Ref No. BAC4IGOV 2015-07-028</b>		
<b>APPROVED BUDGET FOR THE CONTRACT : PhP414,500,000.00</b>		
Tab No.	Particulars	√
<b>ELIGIBILITY DOCUMENTS FOR FOREIGN BIDDERS AND ITS PHILIPPINE BASED COMPANY REPRESENTATIVE</b>		
	<b>ADDITIONAL ELIGIBILITY DOCUMENTS:</b>	
	<b>For Local Sub-contractors:</b>	
	Mayor's Permit for 2015.	
	Valid and Current Tax Clearance per Executive Order 398, Series of 2005, as finally reviewed and approved by the BIR	
	<b>For Foreign Sub-contractors:</b>	
	Valid and current certificate/license/authority to conduct business of providing information technology solutions issued by the regulatory authority in the country where the company is based. Submission must be in English. If not in English, these must be accompanied by an accurate translation in English certified by the Foreign Bidder's appropriate embassy or consulate in the Philippines. Bid submissions that have already been translated into the English language, and said translation has been certified/attested to by the appropriate government office/agency (i.e. Ministry of Foreign Affairs) of the country of the bidder is acceptable.	
	Valid and current Delinquency Verification Certificate (issued to Non-Resident Foreign Corporation) or a Tax Clearance issued by BIR.	
<b>Note:</b>	<b>In case of inconsistency between the Checklist of Requirements for bidders and the provisions in the Instruction to Bidders/Bid Data Sheet, the Instruction to Bidders/Bid Data Sheet shall prevail</b>	