

**TERMS OF REFERENCE (TOR)  
PUBLIC BIDDING FOR THE PROCUREMENT  
OF 2018 SECURITY SERVICES FOR MARINA CENTRAL OFFICE**

**1. APPROVED BUDGET FOR THE CONTRACT (ABC)**

The Maritime Industry Authority (MARINA) shall offer public bidding to all prospective bidders for the procurement of Security Services with an Approved Budget for the Contract (ABC) amounting to **SIX MILLION ONE HUNDRED FIFTY THOUSAND PESOS (P6,150,000.00)** from April 2018 to December 2018 chargeable against 2018 GAA.

**2. SCOPE OF WORK**

The prospective bidders shall bid and provide security services for the **MARITIME INDUSTRY AUTHORITY** which Offices occupies the 2<sup>nd</sup> to 7<sup>th</sup> floor of the Parkview Plaza located at Taft Avenue corner T.M. Kalaw Street, Ermita, Manila and SCDD MARINA, 5<sup>TH</sup> Floor, SM Manila, with details as follows:

- 2.1 To provide a minimum of **eighteen (18)** Security Guards and **one (1)** Security Supervisor with a total of nineteen (19) who shall inspect, monitor, secure and guard the areas occupied by MARINA by rotation 24 hours a day from Monday to Sunday and **three (3)** Security Guards at Manpower Services Sector, SM Manila. Below is the breakdown of the distribution and deployment of the security guards.

| No. of security guard | LOCATION  |
|-----------------------|---|
| 18                    | MARINA Office at Parkview Plaza, Taft avenue corner T.M. Kalaw, Ermita, Manila                    |
| 3                     | MARINA MDS-SCDD at SM City Manila, Concepcion corner Arroceros St., San Marcelino, Ermita, Manila |
| 1                     | Supervisor  |
| 22                    | TOTAL   |

- 2.2 To perform the following:

- a. To guard and protect MARINA properties from theft, arson, pilferage, trespassers, robbery, destruction and other unlawful acts committed by any person as well as maintain peace and order within MARINA premises.
- b. Protect MARINA officials, employees, visitors and guests from assault, harassment, threat or intimidation, and other criminal acts and to enforce

and implement security and safety rules and regulations within MARINA premises.

- c. Conduct inspection of all bags and baggage carried by people coming in and out of the MARINA premises.
  - d. Conduct random physical inspection of people coming in and out of the premises, as warranted.
- 2.3. Nineteen (19) security guards will be hired at day shift and three (3) guards at night shift.

For day shift (12 hours duty) -19 guards (16 guards at Parkview Plaza and 3 guards at MDS, SM Manila)

For night shift (12 hours duty) -3 guards

- 2.4. The winning bidder shall provide MARINA with specified number of qualified, competent, uniformed and armed guards who possess the following qualifications:
- a. Must be Filipino citizen;
  - b. The Security Supervisor should be a graduate of Criminology or any related courses. The rest of the guards must be at least 2<sup>nd</sup> year college or should have earned 72 units in college. The security guards should also have 3 years relevant experience as guards;
  - c. Must be physically and mentally fit and not less than 21 or more than 45 years of age;
  - d. Must have passed and undergone regular security service training within the last 6 months, psychological evaluation test, neuro-psychiatric examination, polygraph integrity profile and drug test;
  - e. Must be of good moral character, courteous, alert and without any pending criminal case filed in court or any police record involving criminal acts;
  - f. Must be duly licensed and properly screened and cleared by PNP, NBI, and other government offices issuing clearances for employment;

### **3. PERIOD OF THE CONTRACT**

The Contract for security services shall cover the duration of nine (9) months effective upon receipt of the Notice to Proceed by the winning bidder.

### **4. CONDITIONS OF THE CONTRACT**

- 4.1 The contract shall have provisions for general conditions specified in Section IV of the Bid Documents, and special conditions specified in Section V of the Bid Documents.

- 4.2 That if the exigency of the service so requires, MARINA shall have the right to require additional security guards compensable in accordance with the provisions of the Labor Code.
- 4.3 The winning bidder shall comply with the provisions of the Labor Code particularly Chapter III Article 103 which states that wages shall be paid at least once every two (2) weeks or twice a month at intervals not exceeding sixteen (16) days and within five (5) working days from the scheduled date of payment shall submit proof of payment of wages, overtime, and 13<sup>th</sup> month pay of their deployed employees in MARINA.
- 4.4 Place of Work: Compliance with Labor Standards and Occupational Health and Safety and Administrative Fee

The place of work and terms and conditions governing the contracting arrangement, to include the agreed amount of the services to be rendered, the standard administrative fee of not less than ten percent (10%) of the total contract cost shall be provided.

Compliance with all rights and benefits of the employees under the Labor Code and Department Order No. 18-A, Series of 2011, on: safe and healthful working conditions; labor standards such as, service incentive leave, rest days, overtime pay, 13<sup>th</sup> month pay and separation pay; retirement benefits; contributions and remittances of SSS, PhilHealth and Pag-IBIG.

- 4.5 The service provider/contractor must submit, in addition to the bidding documents and in a separate envelope, at least three (3) client satisfaction rating from a government agency or a private corporation with whom the bidder has a past or on-going contract. [Source: Terms of Reference (TOR) for Janitorial Services of the Office of the Solicitor General (OSG) for the year 2017]<sup>1</sup>
- 4.6 MARINA shall have the sole option to cancel/terminate the contract at any time for violation of any of the terms and conditions thereof and/or, if in its judgment, the service it has rendered is substandard and/or unsatisfactory. [Source: Terms of Reference (TOR) for Janitorial Services of the Philippine Deposit Insurance Corporation (PDIC) for the year 2015-2018]<sup>2</sup>
- 4.7 The service provider/contractor shall maintain a satisfactory level of performance throughout the term of the contract based on a prescribed set of performance criteria, which shall include, among others: (i) quality of service delivered; (ii) time management; (iii) management and suitability of personnel; (iv) contract administration and management; and (v) provision of regular progress reports. [Source: Terms of Reference (TOR) for

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<sup>1</sup>[http://osg.gov.ph/old/osgwebsite/images/procurement\\_pdf/for%20Christian/TOR%20JANITORIAL%20SERVICES%202017.pdf](http://osg.gov.ph/old/osgwebsite/images/procurement_pdf/for%20Christian/TOR%20JANITORIAL%20SERVICES%202017.pdf)

<sup>2</sup> [http://www.pdic.gov.ph/files/TOR-Janitorial%20and%20Allied%20Services%20\(2015-2018\).pdf](http://www.pdic.gov.ph/files/TOR-Janitorial%20and%20Allied%20Services%20(2015-2018).pdf)

Janitorial Services of the Philippine Deposit Insurance Corporation (PDIC) for the year 2015-2018]<sup>3</sup>

- 4.8 Before end of each year, MARINA shall conduct an assessment or evaluation of the performance of the service provider/contractor based on the set of performance criteria prescribed by the MARINA.<sup>4</sup>

## 5. PRE-BID CONFERENCE

A Pre-Bid Conference shall be conducted on **08 March 2018, 2:00 P.M.** at the **MARINA Lounge** located at the **4<sup>th</sup> floor**, Parkview Plaza, Taft Avenue corner T.M. Kalaw Street, Ermita, Manila, to clarify and address the Bidders' questions on the requirements, terms and conditions and specifications stipulated in the Bidding Documents.

Bidders are encouraged to attend the Pre-Bid Conference but their non-attendance shall in no way prejudice their Bid. The Bidders, however are expected to know the changes and/or amendments to the Bidding Documents discussed during the Pre-Bid Conference.

## 6. BID SECURITY

- 6.1 All bids shall be accompanied by a bid security as required in Section 27 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, payable to MARINA as a guarantee that the successful bidder shall, within ten (10) calendar days or less, as indicated in the Instructions to Bidders, from receipt of the notice of award, enter into contract with the MARINA and furnish the performance security, except when Section 37.1 of the revised IRR of RA No. 9184 allows a longer period. Failure to enclose the required bid security in the form and amount prescribed herein shall automatically disqualify the bid concerned.
- 6.2 The bid security shall be in the amount equal to a percentage of the ABC in accordance with the following schedule:

| <b>Form of Bid Security</b>  | <b>Amount of Bid Security<br/>(Equal to Percentage of<br/>ABC)</b> |
|--|--|
| a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank  | Two percent (2%)   |
| b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or |  |

<sup>3</sup> [http://www.pdic.gov.ph/files/TOR-Janitorial%20and%20Allied%20Services%20\(2015-2018\).pdf](http://www.pdic.gov.ph/files/TOR-Janitorial%20and%20Allied%20Services%20(2015-2018).pdf)

<sup>4</sup> Item 5.5 of Appendix 23 of the IRR of RA 9184.

|  |                   |
|--|-------------------|
| Commercial Bank, if issued by a foreign bank.  |                   |
| c) Surety Bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security. | Five Percent (5%) |

However, in lieu of a bid security mentioned above, the bidder may submit a Bid Securing Declaration that is an undertaking which states, among others, that the bidder shall enter into contract with the procuring entity and furnish the required performance security within ten (10) calendar days, or less, as indicated in the Bidding Documents, from receipt of the Notice of Award, and committing to pay the corresponding fine and be suspended for a period of time from being qualified to participate in any government procurement activity in the event it violates any of the conditions stated therein as required in the guidelines issued by the GPPB.

**7. PERFORMANCE SECURITY**

To guarantee the faithful performance by the winning bidder of its obligations under the contract in accordance with the Bidding Documents, it shall post the performance security as required under Section 39 of the Revised IRR of RA 9184 prior to the signing of the contract. The performance security shall be denominated in Philippine Pesos and posted in favor of the procuring entity, which shall be forfeited in the event it is established that the winning bidder is in default in any of its obligations under the contract.

**8. LANGUAGE OF BID**

The Bid, as well as all correspondence and documents relating to the Bid exchanged by the Bidder and the MARINA, shall be written in English.

**9. ELIGIBILITY CHECK**

Prior to Bid opening the Bidder must first pass an eligibility check. Only after a Bidder has satisfactorily passed this eligibility check will its Bid be included in the Bid opening.

A Bidder shall include its eligibility documents in a separate envelope marked "Eligibility Documents" and shall be submitted together with the Technical and Financial Bid envelope on or before the deadline specified in the PBDs.

**10. ELIGIBILITY DOCUMENTS**

For purposes of determining the eligibility of bidders using the criteria stated in Section 23.5 of the Revised IRR of RA 9184, only the following documents shall be required by the BAC using the forms prescribed in the Bidding documents:

## 10.1 Class “A” Documents

### 10.1.1 Legal Documents

- (a) Registration certificate from SEC, Department of Trade and Industry (DTI) for sole proprietorship, or CDA for cooperatives, or any proof of such registration as stated in the Bidding Documents.
- (b) 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 Revised IRR of RA 9184.

- (c) Tax clearance per E.O. 398, s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR).

### 10.1.2 Technical Documents

- (a) Statement of the prospective Bidder of all its ongoing and completed government and private contracts, where applicable, 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 period for the last five (5) years. The statement shall include all information required in the PBDs prescribed by the GPPB:
  - 1. Name of the contract;
  - 2. Date of the contract;
  - 3. Kinds of goods;
  - 4. Amount of contract and value of outstanding contracts;
  - 5. Date of delivery; and
  - 6. End user’s acceptance or official receipt(s) issued for the contract, if completed.
- (b) 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 this

IRR, within the relevant period as provided in the Bidding Documents.

### 10.1.3 Financial Documents

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

The computation of a prospective bidder's NFCC must be at least equal to the ABC to be bid, calculated as follows:

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

Where: K = 10 for a contract duration of one year or less, 15 for a contract duration of more than one year up to two years, and 20 for a contract duration of more than two years.

The values of the bidder's current assets and current liabilities shall be based on the data submitted to the BIR, through its Electronic Filing and Payment System (EFPS).

### 10.2 Class "B" documents

Valid joint venture agreement (JVA), in case the joint venture is already in existence. In the absence of a JVA, a duly notarized statement 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 shall be included in the bid. Failure to enter into a joint venture in the event of a contract award shall be ground for the forfeiture of the bid security. Each partner of the joint venture shall submit the legal eligibility documents. The submission of technical and financial eligibility documents by any of the joint venture partners constitutes compliance.

## 11. BIDDING DOCUMENTS

A complete set of Bidding Documents containing other information and instructions to bidders can be purchased by interested bidders at the **4<sup>th</sup> Floor GSD-Procurement Section, MARINA Central Office**, Parkview Plaza, Taft

Avenue corner T.M. Kalaw Street, Ermita, Manila and upon payment of a non-refundable fee in the amount of **Ten Thousand Pesos (Php 10,000.00)**.

The Bidding Documents may also be downloaded at the following websites provided that the bidders shall pay the fee for the bidding documents upon submission of their bids:

1. MARINA Website- [www.marina.gov.ph](http://www.marina.gov.ph)
2. PHILGEPS – [www.philgeps.gov.ph](http://www.philgeps.gov.ph)