

North – South Commuter Railway (NSCR) Project (Malolos – Tutuban) Package CP03: Rolling Stock			
ITEM NO.	REFERENCE CLAUSE/ SECTION	CLARIFICATION REQUEST	RESPONSE
<i>Invitation for Bids</i>			
1	Page IFB-1, Item 5	It is our understanding that an unincorporated Joint Venture can be deemed as an eligible bidder. Please confirm if our understanding is correct. In addition, please confirm whether or not consortium who is jointly and severally liable to the Employer can be deemed as eligible bidder.	<p>1. Yes, the Bidder's understanding is correct, provided that it fulfils all the requirements under Section III, Eligibility and Qualification Criteria of the Bidding Documents. Please also refer to ITB 21.7 regarding a Joint Venture (JV) not legally constituted and GC Clause 1.14 regarding Joint Several Liability.</p> <p>Further, please refer to item 1 of Annex "B" of this General Bid Bulletin and ITB 11.2(e) which stipulates that in the case of a Bid submitted by a JV, a copy of the JV agreement, or letter of intent, signed by all members, to enter into a JV including a draft agreement, indicating at least the parts of the Plant to be executed by the respective members, shall be attached in accordance with the Bidding Forms, Appendix 4.</p> <p>2. Yes, provided that the consortium is jointly and severally liable to the Employer and that each of its members individually comply with the requirements under Section III, Eligibility and Qualification Criteria of the Bidding Documents.</p>
2	Page IFB-2, Item 7	It is our understanding that one of the firms forming consortium or Joint Venture is required to purchase the Bidding Documents. In other words, it is not mandatory for all firms consists consortium or JV to purchase the Bidding Documents. Please confirm if our understanding is correct.	Yes, the Bidder's understanding is correct.

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<i>Volume I, Part 1 – Bidding Procedures</i>			
3	Section II, Bid Data Sheet, Page BDS-3, ITB 18.7	<p>1) Import VAT and Import duties Can we understand the Employer will be the Consignee and pay the Import VAT and Import duties directly to the Bureau of Customs and Bureau of Internal Revenue? Please kindly confirm if our understanding is correct.</p> <p>2) Corporate Income Tax & Personal Income Tax It is our understanding that Contractor's Corporate Income Tax and Contractor's employees' Personal Income Tax will be paid to the Bureau of Internal Revenue directly from the Employer, in accordance with contractors' income tax return. Please confirm if our understanding is correct and provide the procedure in this regard (documentation etc.) more in detail.</p>	<p>1. Yes. In accordance with Revenue Memorandum Circular (RMC) No. 8-2017 issued on 9 January 2017 by the Bureau of Internal Revenue (BIR), Import Duty and Import VAT for the importation of materials and Equipment needed for implementation of the Project shall be assumed by the Employer and dealt with directly with the relevant Philippine government agencies concerned, e.g. the Bureau of Customs. Thus, Duty and VAT on such imported items shall not be included in the Bid Price. The Consignee will be in the name of the Department of Transportation (DOTr). A copy of RMC No. 8-2017 is attached as Annex "C" of this GBB.</p> <p>2. The Bidder's understanding is correct. However, it will be the responsibility of the Contractor to file with the BIR for the Corporate Tax requirements in the Philippines related only for this Project, and then DOTr will settle it.</p> <p>a. The Employer's assumption of Personal Income Tax will not apply to foreign employees other than Japanese Nationals employed by Japanese contractors.</p> <p>b. The Employer's assumption of Personal Income Tax will not apply to Local (Philippine) staff. Only Personal Income Tax of Japanese Nationals employed by Japanese contractors,</p>

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			<p>derived from the implementation of this JICA funded Project, shall be settled by DOTr.</p> <p>c. The details/procedure of the personal tax assumption by the Employer will be the responsibility of the Contractor to coordinate and establish with the BIR following award of Contract.</p>
4	<p>Section II, Bid Data Sheet, Page BDS-6, ITB 37.1</p> <p>And</p> <p>Section IV, Bidding Forms, Page BF-47, Schedule 2: Schedule of Adjustment Data</p>	<p>It is mentioned in ITB 37.1 "The date for the exchange rate shall be: Thirty (30) days prior to the date for the Bid Submission deadline", while it is mentioned in SCHEDULE 2: SCHEDULE OF ADJUSTMENT DATA "Column "(d) Base value and date" is the Index value twenty eight (28) days before the Bid Submission Date, to be provided by the Bidder...". While it seems inconsistent between the reference dates, please confirm those Thirty (30) days and twenty eight(28) days are correct. To avoidance of doubt, we believe it better be identical.</p>	<p>No, under BDS ITB 37.1, the 30 days prior to submission is for the purpose of Conversion to Single Currency only. Whereas, reference to 28 days in Schedule 2: Schedule of Adjustment Data is for the Base Date defined in GC 1.1.3.1.</p>
5	<p>Section III, Evaluation and Qualification Criteria, Step 4: Ranking of Bids, Page EQC-19</p> <p>And</p> <p>Section IV, Bidding Forms, Price Bid Grand Summary, Page BF-3</p>	<p>It is our understanding that the price to be evaluated is the price exclusive of VAT. In other words, the price for evaluation is the one stipulated in Sub Total of Schedule 1.1 through 1.9 above in page BF 43 and not the one stipulated in Summary of Total Bid Amount in page BF 43. Please confirm if our understanding is correct.</p>	<p>Yes, the Bidder's understanding is correct.</p>

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6	Section IV Bidding Forms (BF), Schedule 2 : Schedule Of Adjustment Data Table A. Local Currency, Page BF-47 And Table B. Foreign Currency, Page BF-48	In the Table B. Foreign Currency (FC), compared to the Table A Local Currency (LC), "column (f) Equivalent in FC for payment" is added although the instruction for each table is the almost the same. Please let us confirm what amount or figure shall be filled there.	Pursuant to the Schedule 2: Schedule of Adjustment Data, Table B. Foreign Currency (FC) "The Bidder shall fill in column (f) and specify a value within the ranges given by the Employer in B, C and D of column (g), so that the total weighting equals 1.00." The Bidder needs to specify therein as to the equivalent currency in which it intends to receive payments under the referenced Price Adjustment. Please also refer to BDS ITB 20.3(b).
7	Section IV Bidding Forms (BF), Page BF-67, Form ELI-1: Bidder Information,	It is our understanding that Bidder formed as unincorporated Joint Venture submits the bid has no valid information to respond to the following 5 items and has no other way than put "N/A" on the column of Form ELI-1. Please confirm if our understanding is correct and way of the treatment are acceptable. 1) Actual or intended Country of registration 2) Actual or intended Year of incorporation 3) Legal address in Country of registration 4) Attachment 2 [Articles of Incorporation and/or Registration Documents] 5) Attachment 3 [Organization Chart, a List of Board of Directors and the Beneficial Ownership]	Pursuant to the referenced Form ELI-1 , the Bidder is required to fill-in details of the lead firm of the JV/Consortium as required in the Form and consistent with the information to be provided in the letter of intent to form JV or JV agreement (if not already constituted), in accordance with ITB 4.1.
<i>Volume III, Part 3 - Conditions of Contracts and Contract Forms</i>			
8	Section VII, Page GC-57 – 64, Article 14	Please provide us with more information about the payment schedule including each milestone against the payment and its related percentage. To evaluate the cash flow impact of this	There is no fixed Payment Schedule mentioned in the Contract. Please refer to the Price Schedule Preamble and GC Clauses 14.3 to 14.7. This will be further

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		project, we need to have detailed milestone / payment schedule.	discussed with the lowest evaluated substantially responsive Bidder during contract negotiations stage.