

# ELIGIBILITY DOCUMENT KIT

AQUILINO Q. PIMENTEL JR. INTERNATIONAL CONVENTION CENTER





Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

**ELIGIBILITY DOCUMENTS KIT**

**TOURISM INFRASTRUCTURE AND ENTERPRISE ZONE AUTHORITY  
PUBLIC-PRIVATE PARTNERSHIP PROJECT (PPP Project)**

**JOINT VENTURE FOR OPERATION AND MANAGEMENT OF THE  
AQUILINO Q. PIMENTEL JR. INTERNATIONAL  
CONVENTION CENTER**

07 August 2024

This Eligibility Documents Kit (ED Kit) describes the procedures that will be followed in connection with applying for and in acquiring Eligibility to participate in the Comparative Challenge for the Joint venture (“JV”) in the operation and management of Aquilino Q. Pimentel Jr. International Convention Center (APICC) (Comparative Challenge) owned by the Tourism Infrastructure and Enterprise Zone Authority.

The PPP Project is being carried pursuant to the provisions of Republic Act No. 9593 otherwise known as the Tourism Act of 2009, Republic Act No. 11966 or the Public-Private Partnership Code of the Philippines (PPP Code), its Implementing Rules and Regulations (IRR), and the TIEZA Joint Venture Guidelines, as applicable.

TIEZA and the TIEZA Pre-qualification/Qualification, Bids and Awards Committee (PBAC) reserve the right to amend, supplement or replace this ED Kit at any time prior to the deadline for the submission of Eligibility Documents (“EDs”), subject to the thirty (30) calendar days freeze period as required by Section 66 of the IRR, it being understood that TIEZA and the TIEZA PBAC, shall be held free and harmless from any liability or damage which might occur or be incurred by Interested Challenger(s) as a result of such supplement or amendment. Any amendment made or supplement issued on the ED Kit shall be made known to Interested Challengers through Bid Bulletins as discussed below.

The PBAC shall administer the PPP Project, this ED Kit and any other documents to be issued related to this Comparative Challenge. Interested Challengers understand further that any decision of and/or action taken by the PBAC is recommendatory to the TIEZA COO and is not final while, on the other hand, the approval by the TIEZA COO on any aspect of the PPP Project, as duly authorized by law for him to grant such approval, is final.

In Line with the RA 9593, the PPP Code, and its IRR, TIEZA is making available this ED Kit to provide Interested Challengers with ample time to examine the same and to determine their interest and eventual participation in the Comparative Challenge for a JV Partner. This ED Kit is also made available to ensure transparency and fairness in the conduct of the Comparative Challenge.

This ED Kit is part of the Comparative Challenge documents and details the requirements to qualify as an Interested Challenger.





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## 1. GENERAL INFORMATION

**Applicable Laws.** All laws governing the operation and implementation of this ED Kit will be deemed to be those of the Republic of the Philippines. The PPP Code and its IRR shall primarily govern the procedures and requirements of the Comparative Challenge process.

### Pre-Qualification Process

**Publication of the Invitation for Comparative Proposals.** The Invitation for Comparative Proposals was first published in the official website of TIEZA and Public-Private Partnership Center on 02 August 2024. Attached hereto as Annex “A” is a copy of the Invitation, as published.

**Participation Fees.** The public shall be given access to published tender documents prior to the payment of participation fees. However, prospective bidders/challengers, prior to submission of their qualification/pre-qualification documents and/or bids, shall be required to pay the corresponding non-refundable participation fee of **One Hundred Thousand Philippines Pesos** (Php 100,000.00).

Payment, either in cash or in manager’s check, shall be made to the following:

**Bank Name: LANDBANK of the Philippines, Pasong Tamo**  
**Account Name: Tourism Infrastructure and Enterprise Zone Authority**  
**Account Number: 1782104647**

Prospective bidders/challengers shall inform the PBAC Secretariat of such payment through sending an email to [jvsc.secretariat@tieza.gov.ph](mailto:jvsc.secretariat@tieza.gov.ph) attaching thereto such proof of payment for verification (“**ED No. 1**”).

For purposes of determining the date of receipt of such participation fee, the reckoning date of said payment shall be such date that TIEZA has received the amount as reflected in its bank statement.

Only bidders/challengers who have paid the participation fee in full shall be entitled to send queries to the PBAC, to attend the Pre-Bid Conference, to One-on-One meetings, and to submit a bid. *Provided*, That in case of a consortium, purchase of the bidding documents by one consortium member shall be sufficient. No transfer or assignment of the purchased bidding documents by the purchasing entity to a third party (other than the consortium in which the purchasing entity is a member or an affiliate of the purchasing entity) shall be allowed, except with the prior written consent of the PBAC.

**Deadline for payment of Participation Fees.** Challenger interested in applying for Eligibility must settle their participation fees on or before 12:00 NN of 29 August 2024. Non-payment of said fees on or before the deadline shall disqualify an Interested Challenger from submitting the EDs and applying for eligibility.





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**Registered Interested Challenger.** Interested Challengers are required to fill-out a Registration Form to be provided by TIEZA and to register all the names of the individuals or legal entities who will participate in The Comparative Challenge upon submission of the ED Kit.

Only the names registered as indicated in the Official Receipt issued by TIEZA shall be allowed to submit the EDs.

**Eligibility Documents (EDs).** The Eligibility Documents (EDs) are the documents required from an Interested Challenger applying for eligibility synonymous to QUALIFICATION DOCUMENTS. Interested Challenger are required to submit the EDS within the deadline specified in this ED Kit otherwise they shall not be considered eligible.

**Interested Challenger's Initial Meeting.** TIEZA will conduct a pre-bid conference with Interested Challenger regarding The Comparative Challenge. The Initial Meeting will be on:

2 p.m. of 02 September 2024  
TIEZA PBAC Secretariat Office  
7TH Floor Tower I  
Double Dragon Plaza  
DD Meridian Park  
Macapagal Avenue corner EDSA Extension  
Bay Area, Pasay City

**Clarifications and Bid Bulletins.** An Interested Challenger may submit a written request for clarification to TIEZA on or before 12:00NN of 09 September 2024 as to the meaning of any data or requirement or any part of this ED Kit. Any and all requests for clarification regarding the ED Kit by Interested Challengers should be addressed to:

Chairperson  
TIEZA Pre-qualification/Qualificaion, Bids and Awards Committe  
PBAC Secretariat Office  
7TH Floor Tower I  
Double Dragon Plaza  
DD Meridian Park  
Macapagal Avenue corner EDSA Extension  
Bay Area, Pasay City

Any substantive interpretation given by TIEZA shall be issued in the form of a Bid Bulletin, and furnished to all Interested Challengers. TIEZA may, at its discretion, also issue Bid Bulletins to all Interested Challengers at any time for purposes of clarifying any provision of this ED Kit to allow Interested Challengers to consider the same in the preparation of their EDs. Receipt of all Bid Bulletins shall be duly acknowledged by each Interested Challenger prior to the submission of its EDs. Unless covered later on by Bid Bulletins, verbal clarifications will not form part of this ED Kit and shall not be binding on TIEZA or the PBAC.

**Amendment of the ED Kit.** It is understood and Interested Challengers hereby agree that the information and/or procedures contained in this ED Kit may be amended, supplemented or replaced at any time, at TIEZA's or at the PBAC's discretion, without giving prior notice or providing any reason it being understood that TIEZA and the PBAC shall be held free and harmless from any liability



6th & 7th Floors, Tower 1, Double Dragon Plaza, Double Dragon Meridian Park  
Macapagal Avenue corner EDSA Extension Bay Area, Pasay City 1302, Philippines  
(+632) 8249-5900 to 79 [www.tieza.gov.ph](http://www.tieza.gov.ph)







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or damage which might occur or be incurred by the Interested Challenger(s) as a result of such amendment. Should any of the information and/or procedures contained in this ED Kit be amended or replaced, the PBAC will inform and send a Bid Bulletin to all Interested Challengers. To ensure that all Interested Challengers are informed of any amendments, Interested Challengers are requested to submit their contact persons as well as contact telephone numbers, email and postal addresses upon obtaining the ED Kit, and to call the PBAC from time to time to update itself of any changes in this ED Kit.

**Correspondence with the PBAC.** As appropriate, all correspondence with the PBAC should be addressed for the attention of:

Chairperson  
TIEZA Pre-qualification/Qualification, Bids and Awards Committee  
PBAC Secretariat Office  
7TH Floor Tower I  
Double Dragon Plaza  
DD Meridian Park  
Macapagal Avenue corner EDSA Extension  
Bay Area, Pasay City

## 2. GENERAL RULES AS REQUIRED BY THE PPP CODE AND ITS IRR

In general, the participation of an Interested Challenger in the PPP Project shall be governed by the following rules in accordance with the PPP Code and its IRR:

**Preparation and Application for Qualification/Pre-Qualification.** Any individual, partnership, corporation, or firm, whether local or foreign, including consortia of local, foreign, or both local and foreign firms, or cooperatives may apply for qualification/pre-qualification for PPP Projects implemented under the Code and this IRR, subject to the limits set herein, and applicable laws, rules, and regulations.

**Rules on Qualifying/Pre-Qualifying Prospective Bidders/Challengers.** At the date, time, and place stipulated in the Invitation to Pre- Qualify and Bid or Instruction to Bidders/Challengers, as may be applicable, which shall be within ten (10) calendar days after the deadline set for the submission of qualification/pre-qualification documents, the PBAC shall open the documents and ascertain whether the same is complete in terms of the information required under Section 72 of the PPP Code IRR. Such information shall be recorded at the time, including the names and addresses of required witnesses.

All prospective bidders/challengers shall be invited to the opening of the qualification/pre-qualification documents, and prospective bidders/challengers present at the opening shall sign a register. The absence of any invited prospective bidder/challenger during the opening shall not nullify the opening proceedings.

In case the documents cannot be opened as scheduled due to justifiable reasons, the PBAC shall take custody of the submitted documents 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 on the website of TIEZA and the PPP Center.



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The PBAC shall check the submitted qualification/pre-qualification documents of each prospective bidder/challenger against the rules set forth in the Instruction to Bidders/challengers. Accordingly, the PBAC shall duly inform the qualified/pre-qualified prospective bidders/challengers whether they are qualified/pre-qualified or disqualified, and for the latter, the reasons for disqualification, within twenty (20) calendar days or such longer period as may be allowed but, in any case, not longer than thirty (30) calendar days after the opening of bids/comparative proposals.

In the course of evaluating the qualification/pre-qualification documents, the PBAC may seek clarifications and make inquiries with the prospective bidder/challenger, any person, government authority, client organization, consortium member, officer, director, employee or other agent of any bidder, consortium member, or affiliate of any of these entities for the purpose of clarifying any matter included in the prospective bidder's/challenger's submission.

The PBAC shall make all requests for clarification in writing. Clarifications shall be limited to providing explanations and/or supporting documentation for information included as part of the qualification/pre-qualification documents and shall not include the submission of additional elements and new requirements, nor modification of the submitted documents in any way. Any clarification by the bidder/challenger or third-parties that is not in response to the request by the PBAC shall not be considered.

Disqualified prospective bidders/challengers shall be similarly given notice of such disqualification, stating therein the ground for disqualification within the same period provided under this section. Those disqualified may appeal the disqualification in accordance with the protest mechanism under the IRR.

In the case of Unsolicited Proposals, any change in the composition of the Original Challenger that will affect its majority ownership shall be strictly prohibited.

Only qualified/pre-qualified prospective bidders/challengers shall be allowed to participate in the opening of technical and financial proposals.

**Unopened Technical and Financial Proposals of Disqualified Bidders/Challengers.** The technical and financial proposals of the disqualified bidders/challengers shall be returned unopened upon the lapse of the period to file a motion for reconsideration of such disqualification or the final resolution of the protest regarding such disqualification, whichever is applicable.

**PBAC Considerations in Qualifying/Pre-Qualifying Prospective Bidders/Challengers.** The PBAC, in setting forth the requirement for qualification/prequalification, shall consider: (a) preventing the creation of shell companies for purposes of circumventing shareholding restrictions; and (b) imposing stricter requirements for majority entity/ies that will control the consortium. To qualify/pre-qualify, a prospective Private Partner must comply with the following requirements:

### Legal Requirements

In case the prospective Private Partner is a consortium, the members or participants thereof shall be disclosed during the qualification/pre-qualification stage and shall undergo qualification/pre-qualification. Further, the members or participants thereof shall execute an undertaking in favor of





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the Implementing Agency that if awarded the PPP Contract, they shall bind themselves to be jointly and severally liable for the obligations of the Private Partner under the PPP Contract.

However, if members of the consortium organize themselves as a corporation registered under Philippine laws, such corporation shall execute such an undertaking binding itself to the rights and obligations of the Private Partner under the PPP Contract, which shall substitute or be in lieu of the undertaking submitted by the members or participants of the consortium.

Prospective Private Partners is required to submit to TIEZA a certification under oath indicating that the prospective Private Partner:

- (a) is not included in blacklists issued by any government agency
- (b) has not been found by final judgment to be liable for violating the Anti-Money Laundering Act or for violating statutes that carry the penalty of disqualification from participating in tenders for government contract
- (c) has no pending case filed against it by the government or by it against the government, or, should there be any, that such cases shall not impact the capability of the prospective Private Partner to carry out its obligations under the PPP Project.

The prospective Private Partner shall be required to submit full disclosure of its pending cases, whether by it against the government or filed against it by the government. Any misrepresentation in the certification under oath shall be a ground to disqualify the prospective Private Partner.

For avoidance of doubt, pending cases shall include criminal, civil, administrative, and arbitration proceedings.

### Experience or Track Record

The prospective Private Partner must possess adequate experience in terms of the following:

#### (a) Firm Experience

By itself or through the member-firms in case of a consortium, the prospective Private Partner must have successfully undertaken a project/s similar or related to the subject Project to be bid.

A consortium shall be evaluated based on the individual or collective experience of the member-firms of the consortium. The consortia shall submit as part of their qualification/pre-qualification statement a business plan which shall, among others, identify their members and the equity interest/contribution of each member to the consortium.

#### (b) Key Personnel Experience

The key personnel of the prospective Private Partner must have sufficient experience in the relevant aspect of schemes similar or related to the subject project, as specified by TIEZA. Any substitution in the key personnel of the qualified/pre-qualified Private Challenger shall be allowed prior to bid submission, in accordance with the Instructions to Bidders: *Provided*, That the substitute has equal or better qualification/pre-qualifications.





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### **Financial Capability**

The prospective Private Partner must have adequate capability to sustain the financing requirements for the operation and maintenance of the PPP Project.

For purposes of qualification/pre-qualification, this capability shall be measured in terms of proof of the ability of the prospective Private Partner and/or the consortium to provide:

**Equity** – a minimum amount of equity to the project measured in terms of the latest net worth of the company as of the nearest date to the deadline for submission of qualification/pre-qualification documents, or in the case of a consortium, the net worth of the lead member or the combined net worth of members as of the nearest date to the deadline for submission of qualification/pre-qualification documents;

**Debt** – The prospective Private Partner shall demonstrate its capability to finance the PPP Project with debt by submitting a current letter testimonial from a financial institution attesting that:

- (i) The prospective Private Partner or members of the consortium are banking with them; and
- (ii) The prospective Private Partner and/or members of the consortium are in good financial standing and/or qualified to obtain debt financing from such financial institution to finance the PPP Project equivalent to the value of the debt requirement in the proposal.

The testimonial must come from an established financial institution that (1) is authorized by BSP to transact in the Philippines, or (2) has an investment grade foreign currency credit rating from a reputable agency which has an outstanding rating on the Republic of the Philippines.

### **3. SUBJECT OF PROPOSALS - AQUILINO Q. PIMENTEL JR. INTERNATIONAL CONVENTION CENTER**

**Description of Asset.** Situated in an elevated area of Cagayan de Oro City, the Aquilino Q. Pimentel, Jr. International Convention Center represents as an exciting investment opportunity. This newly-completed facility is set to become a cornerstone of business events, conferences, and cultural gatherings in the region. With its strategic location, modern infrastructure, and a city that's rapidly growing as an economic hub, this project offers investors the chance to help shape the future of the city's event and hospitality landscape.

The operation and management of Aquilino Q. Pimentel Jr. International Convention Center (APICC) (the "Project") is to be undertaken through Public-Private Partnership (PPP) in accordance with the TIEZA Joint Venture Guidelines.

It is a 7,700-seater multi-purpose facility with a floor area of 1.34 hectare on a 4.9 hectares lot located in Sitio Taguanao, Brgy. Indahag, Cagayan de Oro City.







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The Aquilino Q. Pimentel Jr. International Convention Center was turned over to TIEZA from DPWH Region X upon its completion of the construction project on November 4, 2022. Since then, TIEZA had been working on its Occupancy Permit and Fire Safety Inspection Certificate. A Business Permit was issued on November 3, 2023 and since then TIEZA managed and operated APICC with eight (8) realized events such as the Cagayan de Oro Charter Day Events (State of the City Address and Philippine Volleyball League on Tour), Book Launching and Thanksgiving Event, Philippine Commercial Vehicle Show, Leadership Seminars, Company Anniversary and Philippine Basketball Association (PBA) Commissioners' Cup. It is currently composed of the following operational infrastructure facilities (the "Project Facilities"):

### A. Arena

### B. Ground Floor

- 1) Four (4) Lobbies only as Exhibit/Concessionaire/Selling Area only
- 2) Function Room (2,3,4,6,7 & 8) @ 67 square meter per function room
- 3) Function Room (1 and 5) @ 200 square meter per function room

### C. Lower Ground Floor

- 1) Rehearsal Room 1 @ 51 square meter
- 2) Rehearsal Room 2 @ 34 square meter (open area)
- 3) Club Room (1 and 4) @ 53 square meter/room
- 4) Club Room (2 and 3) @37 square meter/room
- 5) Canteen/ Cafeteria @ 52 square meter (open area)
- 6) Concessionaire 1, 2 & 3 @ 10.7 - 12 square meter
- 7) VIP Room @22 square meter

### D. Parking Area

**Project Scope.** The scope of the Project includes the operation and management of APICC in order to upgrade the facilities of the asset, improve efficiency in operations, and create significant contribution to a thriving and sustainable tourism in the area. Specifically, the Project may include the following:

- Operation, management and maintenance of the Project Facilities;
- Provision of additional equipment
- Other Convention Center support facility and management strategies

**Turnover of the Asset.** The Asset(s) shall be turned over, on an "as is where is" basis, to a Winning Challenger(s) upon the occurrence of all of the following:

- Signing of the JV Contract; and
- Payment of financial commitments due to TIEZA upon signing of the JV Contract.

**Term of the JV Contract** - The term of the JV Contract is fixed at TWENTY FIVE (25) YEARS to commence from date of signing/execution.

## 4. ELIGIBILITY

**Eligibility of Interested Challengers.** Interested Challengers intending to participate in the eligibility process should have the following minimum qualifications:



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**Legal Entity.** If the Interested Challenger is a legal entity, it must submit documents to show that 1) it is duly registered with the pertinent government agencies (i.e., SEC or its equivalent), and 2) it possesses all the authority, licenses and clearances needed for the pursuit of its business; Provided, that the participation of the JV partner shall be subject to all applicable laws.

Further, the Interested Challenger must submit the following:

- a. Certified True Copy of the SEC Certificate of Incorporation, Articles of Incorporation/Partnership, By-Laws, or its equivalent documents from the country of incorporation (**"ED No. 2"**)
- b. Notarized Secretary's Certificate that the Board resolves to appoint and name an authorized representative who will be representing it in all of its transactions pertaining to the purported Joint Venture Activities, attaching thereto the corresponding Board Resolution, enumerating therein the powers as well as limitations of such appointment (**"ED No. 3"**) (*use Annex C - Form ED No. 3*)
- c. Notarized Secretary's Certificate that the legal entity meets the nationality and ownership requirements under the Constitution and other applicable laws and issuances (**"ED No. 4"**) (*use Annex C - Form ED No. 4*)
- d. Applicable authority, licenses and clearances needed for the pursuit of its business (**"ED No. 5"**)

**Consortium.** If the Interested Challenger is a consortium (whether formally incorporated with the SEC or its lead member equivalent, or by virtue of an agreement among members) consisting of separate entities/corporations, the consortium must comply with and submit the following requirements:

- a. Minimum Qualification requirements under 5.1.1 for each legal entity constituting the consortium (**ED Nos. 2, 3, 4, and 5 for each legal entity**)
- b. Notarized Undertaking in favor of TIEZA of the consortium member/s who shall be responsible for complying with the financial and/or technical qualification, stating therein that if awarded the contract, they shall bind themselves to be jointly and severally liable for the obligations of the Project Challenger under the contract (**"ED No. 6 - consortium"**) (*use Annex "C" - Form ED No. 6 - consortium*)
- c. Further thereto, the consortium shall submit as part of their qualification/pre-qualification Notarized Statement of a Business Plan which shall, among others, identify its members, the equity interest/contribution of each member to the consortium, and the description of the respective roles said members shall play



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or undertake in the project, including as to which members are the prospective Facility Operators (“**ED No. 7 - consortium**”)

c. Letter to the PBAC identifying the lead institution that controls a sizeable portion of the consortium (“**ED No. 8 - consortium**”)(*use Annex “C” - Form ED No. 8 - consortium*)

d. If the consortium has, one of its members, a foreign entity, said foreign member must be registered with appropriate government agency equivalent to the SEC in the foreign country where the foreign entity was registered for creation and recognition of its juridical personality or capacity, and submit documents to prove such registration (i.e. authenticated copy of its Certificate of Registration, Articles of Association or its equivalent) (“**ED No. 9 - consortium**”)

After the consortium has been found eligible and in the event that the lead member is changed, the consortium should identify the new lead member through a letter to the PBAC. The new lead member can be an existing member of the consortium or can be a non-member but in any case, the new lead member should be an Interested Challenger.

If a member of an Eligible Consortium decides to drop out of its consortium, the following shall apply:

- a. If the combined financial and technical capabilities of the remaining consortium members are beyond the minimum eligibility requirements specified in this ED Kit, then the consortium will not be required to seek a replacement.
- b. If the combined financial and technical capability of the remaining consortium members is below the minimum eligibility requirements specified in this ED Kit, then the consortium must seek a replacement from among the other Interested Challengers or merge/join themselves with other Interested Challengers to meet the minimum requirements. Failure to do so will render the affected consortium as “ineligible” and will not be allowed to submit a Proposal.

### Track record of an Interested Challenger and its Key Personnel

**Track record of Interested Challenger.** To qualify to propose for the Project, the Interested Challenger must meet the following technical criteria:

- a. Must have been operating and managing a hotel with Food & Beverage Services and Conference Facility (either banquet hall or function/meeting rooms) for a minimum of fifteen (15) years





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- b. Must have been operating and managing a Meetings, Incentives, Conferences, and Exhibitions (MICE) facility with a total minimum capacity of Three Thousand (3,000) pax
- c. The facility operated and managed had been a venue of at least any three (3) international MICE Event
- d. The facility operated and managed had been a venue of at least twenty (20) national MICE Event

Such required track record must be reduced into writing, in a form of a Notarized Affidavit, indicating the project cost and relevant period in which the stated projects were undertaken, (**“ED No. 10”**) (*use Annex “C” - Form ED No. 10*), attaching thereto as annexes certified copies of corresponding Certificate/s of Undertaking/Completion of Project/s.

**Key Personnel.** The Interested Challenger, Consortium Members, their Affiliates must nominate the personnel with the following qualifications and experience. The Interested Challenger has to submit at least one, and a maximum of two (2), CVs of personnel in each of the following categories, containing their corresponding education qualification, relevant certifications, and relevant experience. One person’s CV cannot be submitted for two different positions. (**“ED No. 11”**)

The Key Personnel need not be retained for the entire duration of the Project but should be currently employed as regular employees.

- a. **General Manager:** The General Manager must have a minimum professional experience of ten (10) years. He must have handled a minimum of three (3) similar projects. The General Manager must have a bachelor’s degree or equivalent, and have experience in Resort and/or Hotel Hospitality or Real Estate or Tourism Recreation Facilities Management business.
- b. **Operations Manager:** The Operations Manager must have a minimum professional experience of ten (10) years. He must have handled a minimum of three (3) similar projects. The Operations Manager must have a bachelor’s degree or equivalent, and have relevant experience in the operations of Resort and/or Hotel Hospitality business.
- c. **Sales/Marketing Manager:** The Sales/Marketing Manager must have a minimum professional experience of ten (10) years. He must have handled a minimum of three (3) similar projects. The Sales Manager must have a bachelor’s degree or equivalent, and have relevant experience in the sales and marketing of Resort and/or Hotel Hospitality or Real Estate or Tourism Recreation Facilities Management business.





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- d. **Civil Engineer:** The Civil Engineer must be a licensed Civil Engineer with at least ten (10) years of professional experience.
- e. **Environmental and Community Relations Officer:** The Environmental and Community Relations Officer must have an experience of at least ten (10) years in the management of wastes, conservation of energy and freshwater resources, and relations with community and relevant environmental agencies.

**Net Worth and Financial Capability.** The Interested Challenger must submit, among others, the following:

- a. Audited Financial Statements for the immediately past three (3) consecutive calendar years, stamped "Received" by the Bureau of Internal Revenue or its duly accredited authorized institutions, or its equivalent in another jurisdiction (**"ED No. 12"**)
- b. Income Tax Returns stamped "Received" by the BIR, or its equivalent in the BIR Electronic Filing and Payment System, or its equivalent in another jurisdiction (**"ED No. 13"**)
- c. Notarized Statement of Current Net worth (**"ED No. 14"**) (*use Annex "C" - Form ED No. 14*)
- d. List of its bankers and total credit facilities (**"ED No. 15"**) (*use Annex "C" - Form ED No. 15*)
- e. Letter attesting that the Interested Challenger is one of its current clients and is in good financial standing, to be furnished by a domestic universal/commercial bank, or an international bank with a subsidiary/branch in the Philippines, or any international bank recognized by the BSP (**"ED No. 16"**) (*use Annex "C" - Form ED No. 16*)

If the Interested Challenger is a consortium, each member shall execute their corresponding Statements/Returns/Lists/Letters as herein enumerated.

Further, the Interested Challenger must meet the following financial requirement, based on a 70/30 Debt-Equity Ratio as computed from its Project Cost, and as approved by the TIEZA Governing Board:

- a. have a minimum net worth of at least Thirty Million Pesos (PhP 30,000,000.00) or equivalent, as of the nearest date to the deadline for submission of qualification/pre-qualification documents, or in the case of a consortium, the net worth of the lead member or the combined net worth of members as of the nearest date to the deadline for submission of qualification/pre-qualification documents (**"ED No. 17"**)
- b. The prospective Private Partner shall demonstrate its capability to finance the PPP Project with debt by submitting a current letter testimonial from a financial institution attesting that:
  - b.1. The prospective Private Partner or members of the consortium are banking with them; and



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b.2. The prospective Private Partner and/or members of the consortium are in good financial standing and/or qualified to obtain debt financing from such financial institution to finance the PPP Project equivalent to the value of the debt requirement in the proposal, or to an amount of at least Sixty-Nine Million Pesos (PhP 69,000,000.00)

The testimonial must come from an established financial institution that (1) is authorized by BSP to transact in the Philippines, or (2) has an investment grade foreign currency credit rating from a reputable agency which has an outstanding rating on the Republic of the Philippines. (**“ED No. 18”**)

**No Arrears.** The Interested Challenger or any of its material stockholders shall not be in arrears or has not defaulted with its financial obligation to TIEZA or its subsidiaries regarding any past or current projects being undertaken with TIEZA or its subsidiaries. If the Interested Challenger is a consortium, said consortium and/or any of its members, and their affiliates or subsidiaries, and any material stockholder therein shall not be in arrears or has not defaulted with its financial obligation to TIEZA or its subsidiaries regarding any past or current project being undertaken with TIEZA or its subsidiaries. If the Interested Challenger is a corporation, said corporation and/or its material stockholder(s) shall not be in arrears or has not defaulted with its financial obligation to TIEZA or its subsidiaries regarding any past or current project being undertaken with TIEZA or its subsidiaries. The Interested Challenger must submit a notarized sworn statement in the form of **“ED No. 19” (use Annex “C” - Form ED No. 19)**.

If the Interested Challenger is a consortium, each member shall execute their corresponding notarized statement.

**Non-Aggression.** Prospective Private Partners is required to submit to TIEZA a notarized sworn statement indicating that the prospective Private Partner, including its material stockholders, affiliates or subsidiaries:

- a. are not involved in any previous or ongoing litigation against the Tourism Infrastructure and Enterprise Zone Authority (TIEZA), its affiliates or subsidiaries, or against or materially affecting TIEZA’s assets and properties;
- b. are not included in blacklists issued by any government agency;
- c. have not been found by final judgment to be liable for violating the Anti-Money Laundering Act or for violating statutes that carry the penalty of disqualification from participating in tenders for government contract;
- d. have no pending case filed against it by the government or by it against the government, or, should there be any, that such cases shall not impact the capability of the prospective Private Partner to carry out its obligations under the PPP Project. (**“ED No. 20”**) (use **Annex “C” - Form ED No. 20**)

If the Interested Challenger is a consortium, each member shall execute their corresponding notarized statement.

**Eligibility Documents (ED) Completeness Checklist and its corresponding Mandatory ED Forms.** An Eligibility Documents (ED) Completeness Checklist is herein attached as Annex “B”, and its corresponding Mandatory ED Forms as Annex “C”. An Interested Challenger shall, among others,





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## Tourism Infrastructure & Enterprise Zone Authority

submit all the EDs enumerated in Annex “B”, and must furnish and submit all the Mandatory ED Forms found in Annex “C”, except for those additional requirements for consortium if the Interested Challenger is an individual entity.

**Disqualification.** An Interested Challenger will be disqualified if, for any reason, such Interested Challenger:

- a. did not possess the general qualifications of Interested Challengers outlined above;
- b. did not submit or submitted beyond the deadline for submission the EDs specified herein, or any other information reasonably required by TIEZA;
- c. is prohibited from entering into a contract with TIEZA;
- d. there exists under Philippine laws any legal impediment from becoming a Winning Challenger.
- e. has made an assignment for the benefit of creditors, petition or apply to any tribunal for a receiver or a trustee for itself or of any substantial part of its property, commence any judicial or other legal proceedings by reason of its financial difficulties under any reorganization, arrangement, readjustment of debt, dissolution, or liquidation law or statute or any jurisdiction, whether now or hereafter in effect; or there shall be commenced against such party any such proceeding which shall remain un-dismissed for a period of sixty (60) days, or such party shall by any act indicate its consent to, approval of, or acquiescence in, any such proceeding or the appointment of any receiver of or trustee for it or any substantial part of its property, or shall suffer any such receivership or trusteeship to continue un-discharged for a period of sixty (60) calendar days; or there shall be any reorganization, arrangement, readjustment of debt, dissolution, or liquidation with respect to such party which does not involve a judicial proceeding;
- f. failed to comply with any of the provisions in this ED Kit.

### 5. SUBMISSION OF ED's BY INTERESTED CHALLENGERS

**Documentary Requirements.** Interested Challengers applying for eligibility should submit the EDs specified in Annex “B”, in accordance to the mandatory forms under Annex “C”, of the ED Kit, as applicable i.e. consortium requirements.

In the event that some of the EDs submitted are reproductions or certified true copies, the Interested Challengers hereby agree and authorize TIEZA and the PBAC and its authorized representatives to verify and compare such reproductions or certified true copies to the originals thereof.

**Additional Information.** TIEZA or the PBAC may, in its discretion, require any additional information from any Interested Challenger. TIEZA or the PBAC may, in its discretion, also waive any required information not applicable to a given Interested Challenger but are required in general from all Interested Challengers.

All documents or certifications issued by foreign authorities or executed outside of the Philippines shall also be authenticated before a Philippine consular official at the Philippine consular office having jurisdiction over the place of issue or execution.





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**Deadline to Submit EDs.** Interested Challengers are given up to 12:00 NN of 05 November 2024 to submit the EDs in a sealed envelope addressed to:

Chairperson  
TIEZA Pre-qualification/Qualification, Bids and Awards Committee  
PBAC Secretariat Office  
7TH Floor Tower I  
Double Dragon Plaza  
DD Meridian Park  
Macapagal Avenue corner EDSA Extension  
Bay Area, Pasay City

**Signing and Marking of EDs.** In applying for eligibility, the Interested Challenger must submit the following:

- a. TEN (10) copies (one original and nine machine copies) of his EDs. Each copy shall be accompanied by a checklist of all documents submitted in the form of Annex "B".
- b. a removable flashdrive containing scanned copies of the EDs submitted

Interested Challengers shall clearly mark each EDs as "EDs - JOINT VENTURE FOR THE OPERATION AND MANAGEMENT OF THE AQUILINO Q. PIMENTEL JR. INTERNATIONAL CONVENTION CENTER - COPY No.\_". In the event of any discrepancy among the ten sets, Copy No. 1 (the original copy) shall prevail.

All pages of the original EDs to be submitted shall be initialed by the authorized person by the Interested Challenger to sign and submit the EDs.

**Sealing of EDs.** Interested Challengers shall enclose and seal each copy of the EDs in an envelope marked "EDs -Operation and Management of the Aquilino Q. Pimentel Jr. International Convention Center - COPY No.\_". The removable flashdrive containing the scanned copies of the EDs should be included inside the envelope containing the Original Copy of the EDs. These envelopes containing the EDs shall then be bound and submitted to the PBAC.

All envelopes shall be addressed to:

Chairperson  
TIEZA Pre-qualification/Qualification, Bids and Awards Committee  
PBAC Secretariat Office  
7TH Floor Tower I  
Double Dragon Plaza  
DD Meridian Park  
Macapagal Avenue corner EDSA Extension  
Bay Area, Pasay City

and shall state the name and address of the Interested Challenger. It shall also bear the marking: "Do not open before 2:00 PM of 05 November 2024"

TIEZA or the PBAC shall not assume any responsibility for the misplacement or pre-mature opening of the Proposals not sealed and marked as required.







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## Tourism Infrastructure & Enterprise Zone Authority

**Modification or Withdrawal of EDs.** Interested Challengers are not allowed to modify or withdraw their EDs after submission to the PBAC.

**Late Submission of EDs.** EDs submitted after the deadline for submission prescribed herein shall be considered late, shall not be accepted and shall be returned unopened to its Interested Challenger.

**TIEZA's Prerogative.** The PBAC reserves the right to consider and decide on matters brought to its attention or such issues which shall arise or those which it may deem proper during the opening of the submission/opening of the EDs, including but not limited to extending the deadline for submission, for reasons which the PBAC shall deem justifiable.

### 6. OPENING AND EVALUATING EDs

EDs received will be opened and evaluated separately and independently of each other.

#### Opening and Preliminary Examination of EDs.

Only the members of the PBAC and its authorized representatives may open the envelopes containing the EDs.

The EDs received shall be opened in the order of its actual receipt (based on the time stamped on the envelopes) by the PBAC.

The envelopes containing the EDs shall be opened one at a time, and the names of the Interested Challenger and the documents submitted shall be read out and recorded.

The envelopes containing the EDs will be opened, following the procedure indicated in Section 8.2 below, for checking by the PBAC of the required documents for submission as well as markings by the PBAC.

Interested Challengers (or their duly authorized representatives) who submitted EDs are allowed to attend and witness the proceedings, if they so desire. All Interested Challengers (or their representatives) who submitted EDs and are present at the opening of the envelopes containing the EDs shall sign a register of the EDs opening.

The PBAC shall prepare the minutes of the proceedings of the opening of the EDs.

#### Opening of the EDs.

**Order of Opening of EDs.** The PBAC shall start opening the envelopes containing the EDs at 2:00 p.m. of 05 November 2024. The said envelopes shall be opened based on the order that it was received by TIEZA.

**Checking for Compliance.** Each ED shall be checked for compliance with the required submissions as specified in Annex B and C of this ED Kit.



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The completeness of the EDs of each Interested Challenger shall be determined by examining the submitted documents vis-à-vis the requirements of this ED Kit (as listed in Annex “B” in accordance to the mandatory ED Forms under Annex “C”) and using a complete/incomplete criterion. For each specific eligibility document required, the Interested Challenger shall be rated “Submitted” for each particular eligibility document submitted. If he fails to submit any of the said specific eligibility document, he shall be rated “Not Submitted” for that particular eligibility document. If an Interested Challenger is rated “Submitted” for all the eligibility documents required, he shall be considered as “Complete” and he shall thereafter be evaluated for pre-qualification. The PBAC shall mark the set of EDs of the said Interested Challengers “Complete”. If an Interested Challenger is rated “Not Submitted” in any of the eligibility documents required, he shall be considered “Incomplete” and will not be allowed to participate further, neither will his EDs be evaluated for pre-qualification. The PBAC shall mark the sets of EDs of the said Interested Challenger as “Failed”. All the members of the PBAC shall sign on all the markings made on the envelopes.

**Minutes.** The PBAC Secretariat shall prepare the minutes of the proceedings of the opening of the EDs.

### 7. Evaluation of EDs

**Interested Challengers.** All Interested Challengers shall be allowed to submit Technical and Financial Proposals for the JV of the Asset.

**Completion of Evaluation of Technical Proposals.** The PBAC shall complete the evaluation of the EDs and the PBAC shall inform the Interested Challengers on 06 November 2024 whether they are considered as Interested Challengers, and are allowed/not allowed to proceed to the next stage – the submission of Technical and Financial Proposals.

**Right to Reject EDs.** The TIEZA and the PBAC reserve the right to reject any or all EDs, waive any minor defects therein, or discontinue the eligibility and shortlisting process at any time without incurring any liability to Interested Challengers.

**Appeals Mechanism.** Decisions of the PBAC with respect to the conduct of the Eligibility Application process are governed by the Appeals Mechanism provided under the PPP Code and its IRR.

### 8. TIMETABLE OF ACTIVITIES

Milestone	Tentative Date
Pre-Bid Conference	September 2, 2024
Site Visit and meeting with the Comparative Proponents (If necessary)	September 2-8, 2024





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One-on-One Meetings with the Comparative Proponents (If necessary)	September 2-8, 2024
Last day for submission of queries	September 9, 2024
Release of Pre-Bid Conference Agreements/Clarifications	September 16, 2024
Last day for issuance of bid documents or bid bulletins	October 5, 2024
Freeze Period	October 6 - November 4, 2024
Submission of Qualification Documents, Technical and Financial Proposals / Opening of Qualification Documents	05 November 2024
Notice to Qualified/Disqualified Bidders	November 6 - 25, 2024
Simultaneous Evaluation of Technical and Financial Proposals	November 6 - December 19, 2024
Right-to-Match	December 20 - January 18, 2025
Recommendation of the PBAC to Award the PPP Contract	January 23, 2025
Decision to Award	January 28, 2025
Issue Notice to Award	January 30, 2025
Publish Notice of Award (NOA) and/or Bidding Results	February 3, 2025
Fulfillment of Requirements under NOA	February 17, 2025
Head of IA to Determine Compliance of Submitted Requirements	February 20, 2025
Execution of PPP Contract	February 24, 2025
Submit Signed Copy of the PPP Contract to the PPP Center	February 27, 2025

- Advise through a Bid Bulletin shall be made for activities that requires rescheduling.



**INVITATION TO SUBMIT COMPARATIVE PROPOSALS FOR THE OPERATION AND MANAGEMENT OF AQUILINO Q. PIMENTEL JR. INTERNATIONAL CONVENTION CENTER**

The Tourism Infrastructure and Enterprise Zone Authority ("TIEZA") (the "Implementing Agency") has received an unsolicited proposal from Premier Islands Management Corporation (the "Original Proponent"). Upon evaluation, successful negotiation and approval of the TIEZA Board of Directors (the appropriate "Approving Body"), the Implementing Agency has accepted the unsolicited proposal to Operate and Manage the Aquilino Q. Pimentel Jr. International Convention Center ("APICC") (the "Project"), in accordance with the provisions of Republic Act No. 11966, otherwise known as the "Public-Private Partnership Code of the Philippines ("PPP Code").

The Project is a 7,700-seater multi-purpose facility on a 4.9 hectares lot located in Sitio Taguanao, Brgy. Indahag, Cagayan de Oro City. Subject areas for Joint Venture are the Main Building (10,500 sqm) and the Parking Area (3,150 sqm). It is currently composed of the following operational infrastructure facilities (the "Project Facilities"):

- A. Arena
- B. Ground Floor
  - 1. Four (4) Lobbies only as Exhibit/Concessionaire/Selling Area only
  - 2. Function Room (2, 3, 4, 6, 7 & 8) @ 67 square meter per function room
  - 3. Function Room (1 and 5) @ 200 square meter per function room
- C. Lower Ground Floor
  - 1. Rehearsal Room 1 @ 51 square meter
  - 2. Rehearsal Room 2 @ 34 square meter (open area)
  - 3. Club Room (1 and 4) @ 53 square meter/room
  - 4. Club Room (2 and 3) @ 37 square meter/room
  - 5. Canteen/ Cafeteria @ 52 square meter (open area)
  - 6. Concessionaire 1, 2 & 3 @ 10.7 - 12 square meter
  - 7. VIP Room @ 22 square meter
- D. Parking Area

The scope of the Project includes upgrading of the facilities of the asset, improving efficiency in operations, and creating significant contribution to a thriving and sustainable tourism in the area. Specifically, the Project may include the following:

- 1. Operation, management and maintenance of the Project Facilities;
- 2. Provision of additional equipment; and
- 3. Other Convention Center support facility management strategies

The Implementing Agency invites local and international companies ("Comparative Proponents/Challengers") to submit comparative proposals under a Comparative Challenge Process to operate and manage the Project under a 25-year concession period.

The Comparative Challenge Process will be conducted pursuant to and in accordance with the procurement rules and procedures applicable for unsolicited proposals set out in the PPP Code.

Without prejudice to the submission of all documentary and other requirements and compliance with all applicable rules and regulations, prospective Comparative Proponents/Challengers may participate in the challenge process and be given access to the virtual data room upon payment of non-refundable participation fee of One Hundred Thousand Philippines Pesos (Php 100,000.00), and the submission of:

- a. an expression of interest addressed to TIEZA, attention: Chairperson Pre-Qualification/Qualification, Bids and Awards;
- b. a letter appointing an authorized representative to execute a non-disclosure undertaking for the grant of access to the virtual data room; and



c. the duly executed non-disclosure undertaking.

The Implementing Agency will, at a later date, provide information on the availability of the instructions to Comparative Proponents/Challengers and other tender/bid documents. The comparative challenge period will run ninety (90) calendar days from the issuance of the comparative documents.

Payments may be made through cashier's check made payable to the "TOURISM INFRASTRUCTURE AND ENTERPRISE ZONE AUTHORITY", cash payment over the counter, or through the following TIEZA bank accounts:

Bank Name: **LANDBANK of the Philippines, Pasong Tamo**  
Account Name: Tourism Infrastructure and Enterprise Zone Authority  
Account Number: 1782104647

The Implementing Agency reserves the right to reject any or all bids, declare a failure of the comparative challenge, modify the Comparative Challenge Process documents or any aspect thereof anytime, and/or not award the project for any reason whatsoever and without need of any explanation.

For further instruction and clarification on how to participate in the Project, interested parties may coordinate with the PBAC through:

**ATTY. KAREN MAE G. SARINAS-BAYDO**  
Chairperson  
Pre-Qualifications, Bids, and Awards Committee  
Tourism Infrastructure and Enterprise Zone Authority

Thru: **THE PBAC SECRETARIAT**  
Tourism Infrastructure and Enterprise Zone Authority  
Address: 7<sup>th</sup> Floor, Tower 1, Double Dragon Plaza, Double Dragon Meridian Park Macapagal Avenue corner EDSA Extension, 1302, Bay Area, Pasay City  
Tel: 8249-5900 loc. 755  
Email: [jvsc.secretariat@tieza.gov.ph](mailto:jvsc.secretariat@tieza.gov.ph)  
Website: <https://tieza.gov.ph>

## Annex “B” Eligibility Documents Checklist

- TEN (10) copies (one original and nine machine copies) of its EDS. Each copy shall be accompanied by a checklist of all documents submitted in the form of this Annex “B”.
- a removable flashdrive containing scanned copies of the EDS submitted
- clearly marked each EDS as “EDs - JOINT VENTURE FOR THE OPERATION AND MANAGEMENT OF THE AQUILINO Q. PIMENTEL JR. INTERNATIONAL CONVENTION CENTER - COPY No. \_\_\_”.
- All pages of the original EDS initialed by the authorized person by the Interested Proponent to sign and submit the EDS.

### Each copy must contain the following:

- Notarized Copy Certification of Proof of payment of Participation Fees to Landbank (**“ED No. 1”**)(*use Annex C - Form ED No. 1*), attaching thereto the copy certified proof of payment, as properly sealed by the Notary Public
- Certified True Copy of the SEC Certificate of Incorporation, Articles of Incorporation/Partnership, By-Laws, or its equivalent documents from the country of incorporation (**“ED No. 2”**)
- Notarized Secretary’s Certificate that the Board resolves to appoint and name an authorized representative who will be representing it in all of its transactions pertaining to the purported Joint Venture Activities, attaching thereto the corresponding Board Resolution, enumerating therein the powers as well as limitations of such appointment (**“ED No. 3”**)(*use Annex C - Form ED No. 3*)
- Notarized Secretary’s Certificate that the legal entity meets the nationality and ownership requirements under the Constitution and other applicable laws and issuances (**“ED No. 4”**) (*use Annex C - Form ED No. 4*)
- Applicable authority, licenses and clearances needed for the pursuit of its business (**“ED No. 5”**)
- Notarized Undertaking in favor of TIEZA of the consortium member/s who shall be responsible for complying with the financial and/or technical qualification, stating therein that if awarded the contract, they shall bind themselves to be jointly and severally liable for the obligations of the Project Proponent under the contract (**“ED No. 6 - consortium”**)(*use Annex C - Form ED No. 6 - consortium*)
- Notarized Statement of a Business Plan which shall, among others, identify its members, the equity interest/contribution of each member to the consortium, and the description of the respective roles said members shall play or undertake in the project, including as to which members are the prospective Facility Operators (**“ED No. 7 - consortium”**)

- Letter to the PBAC identifying the lead institution that controls a sizeable portion of the consortium (***“ED No. 8 - consortium”***)(***use Annex C - Form ED No. 8 - consortium***)
- If the consortium has, one of its members, a foreign entity, said foreign member must be registered with appropriate government agency equivalent to the SEC in the foreign country where the foreign entity was registered for creation and recognition of its juridical personality or capacity, and submit documents to prove such registration (i.e. authenticated copy of its Certificate of Registration, Articles of Association or its equivalent)(***“ED No. 9”***)
- Required track record reduced into writing, in a form of a Notarized Affidavit (re: successfully completed similar or related project/s, indicating the project cost and relevant period in which the similar/stated projects were undertaken, (***“ED No. 10”***)( ***use Annex C - Form ED No. 10***), ***attaching thereto as annexes certified copies of corresponding Certificate/s of Completion of Project/s.***
- Nominated personnels with required qualifications and experience. The Interested Proponent has to submit at least one and a maximum of two (2) CVs of personnel in each of the categories, attaching thereto proof of Education Qualification/ relevant certifications, and relevant experience. One person’s CV cannot be submitted for two different positions. (***“ED No. 11”***)
- Audited Financial Statements for the immediately past three (3) consecutive calendar years, stamped “Received” by the Bureau of Internal Revenue or its duly accredited authorized institutions, or its equivalent in another jurisdiction (***“ED No. 12”***)<sup>1</sup>
- Income Tax Returns stamped “Received” by the BIR, or its equivalent in the BIR Electronic Filing and Payment System, or its equivalent in another jurisdiction (***“ED No. 13”***)<sup>2</sup>
- Notarized Statement of Current Net worth (***“ED No. 14”***) (***use Annex C - Form ED No. 14***)<sup>3</sup>
- List of its bankers and total credit facilities (***“ED No. 15”***) (***use Annex C - Form ED No. 15***)<sup>4</sup>
- Letter attesting that the Interested Proponent is one of its current clients and is in good financial standing, to be furnished by a domestic universal/commercial bank, or an international bank with a subsidiary/branch in the Philippines, or any international bank recognized by the BSP (***“ED No. 16”***) (***use Annex C - Form ED No. 16***)<sup>5</sup>
- Minimum net worth of at least Thirty Million Pesos (PhP 30,000,000.00) or equivalent, as of the nearest date to the deadline for submission of qualification/pre-qualification documents, or in the case of a consortium, the net worth of the lead member or the combined net worth of members as of the nearest date to the deadline for submission of qualification/pre-qualification documents (***“ED No. 17”***)

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<sup>1</sup> If the Interested Proponent is a consortium, each member shall execute their corresponding Statements/Returns/Lists/Letters

<sup>2</sup> *supra*

<sup>3</sup> *supra*

<sup>4</sup> *supra*

<sup>5</sup> *supra*

- Capability to finance the PPP Project with debt by submitting a current letter testimonial from a financial institution attesting that the prospective Private Partner or members of the consortium are banking with them; and that the prospective Private Partner and/or members of the consortium are in good financial standing and/or qualified to obtain debt financing from such financial institution to finance the PPP Project equivalent to the value of the debt requirement in the proposal, or to an amount of at least Sixty Nine Million Pesos (PhP 69,000,000.00). The testimonial must come from an established financial institution that (1) is authorized by BSP to transact in the Philippines, or (2) has an investment grade foreign currency credit rating from a reputable agency which has an outstanding rating on the Republic of the Philippines. (**“ED No. 18”**)
  
- No Arrears. The Interested Proponent or any of its material stockholders shall not be in arrears or has not defaulted with its financial obligation to TIEZA or its subsidiaries regarding any past or current projects being undertaken with TIEZA or its subsidiaries. If the Interested Proponent is a consortium, said consortium and/or any of its members, and their affiliates or subsidiaries, and any material stockholder therein shall not be in arrears or has not defaulted with its financial obligation to TIEZA or its subsidiaries regarding any past or current project being undertaken with TIEZA or its subsidiaries. If the Interested Proponent is a corporation, said corporation and/or its material stockholder(s) shall not be in arrears or has not defaulted with its financial obligation to TIEZA or its subsidiaries regarding any past or current project being undertaken with TIEZA or its subsidiaries. (**“ED No. 19”**)(*use Annex C - Form ED No. 19*)<sup>6</sup>
  
- Non-Aggression. Prospective Private Partners is required to submit to TIEZA a certification under oath, (**“ED No. 20”**)(*use Annex C - Form ED No. 20*)<sup>7</sup>

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<sup>6</sup> *supra*

<sup>7</sup> *supra*



**ANNEX “C” – Mandatory ED Forms**

*Form ED No. 1 - COPY CERTIFICATION*

*Form ED No. 3 - SECRETARY'S CERTIFICATE - APPOINTMENT OF AUTHORIZED REPRESENTATIVE*

*Form ED No. 4 - STATEMENT OF NATIONALITY AND OWNERSHIP*

*Form ED No. 6 – Consortium - SOLIDARY UNDERTAKING*

*Form ED No. 8 – Consortium - UNDERTAKING OF CONSORTIUM – LEAD INSTITUTION*

*Form ED No. 10 - STATEMENT OF UNDERTAKING OF SIMILAR OR RELATED PROJECT(S)*

*Form ED No. 14 - STATEMENT OF CURRENT NET WORTH*

*Form ED No. 15 - LIST OF BANKERS AND CREDIT FACILITIES*

*Form ED No. 16 - BANK CERTIFICATION*

*Form ED No. 19 - STATEMENT OF NO ARREARS AND NO DEFAULT*

*Form ED No. 20 - STATEMENT OF NON-AGGRESSION*

**Form ED No. 1**

REPUBLIC OF THE PHILIPPINES)

) SS

**COPY CERTIFICATION**

I, **ATTY.** \_\_\_\_\_, a Notary Public in the \_\_\_\_\_, do hereby depose and state:

1. THAT the following document were presented to me on \_\_\_\_\_ by \_\_\_\_\_:
  - a. Landbank Receipt for payment made in favor of the Tourism Infrastructire and Enterprise Zone Authority in the amount of ONE HUNDRED THOUSAND PESOS (P100,000.00)
2. THAT I have caused or supervised the copying of said document;
3. THAT I have compared the copy with the documents stated in item no. 1; and
4. THAT I certify, after having determined, that the said copy is accurate and a complete faithful reproduction of the documents stated in item no. 1.

This certification is issued upon the request of \_\_\_\_\_ for all legal purposes.

Given this \_\_\_\_\_ at \_\_\_\_\_, Philippines.

Doc. No.

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**Form ED No. 3**

REPUBLIC OF THE PHILIPPINES)  
 ) SS

**SECRETARY'S CERTIFICATE - APPOINTMENT OF AUTHORIZED REPRESENTATIVE**

I, [name of Corporate Secretary], of legal age, with office address at \_\_\_\_\_,  
after having been duly sworn in accordance with law, hereby certify that:

1. I am the duly appointed and incumbent Corporate Secretary of [name of company], duly organized and existing under Philippine laws, with principal office address at \_\_\_\_\_;
2. The following is a true and correct copy of Board Resolution No. \_\_\_\_ adopted and approved by the Board of Directors of [name of company] on [date of approval of the board resolution]:

“xxx RESOLVED, That the Board of Directors of [name of company], authorize, as it hereby authorizes, [name of authorized person], [position], as the true and lawful attorney-in-fact of [name of company] for transactions pertaining to Joint Venture Activities with the Tourism Infrastructure and Enterprise Zone Authority, with full power and authority to:

[enumerate delegated powers] xxx”

3. Below are the three specimen signatures of [name of authorized person]:  
[three wet signatures]
4. The above-quoted resolution has not been amended, modified or rescinded, and are in full force and effect as of the date hereof.
5. The foregoing statements are true and correct and in accordance with the records of [name of company].

IN WITNESS WHEREOF, I hereunto affix my signature this \_\_\_\_\_ at \_\_\_\_\_.

**[Name of Corporate Secretary]**

Affiant

ID/ID No: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me, this \_\_\_\_\_, by \_\_\_\_\_ who exhibited to me his/her identification card as indicated below his/her name.

[Notary Public]

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**Form ED No. 4**

REPUBLIC OF THE PHILIPPINES)

) SS

**STATEMENT OF NATIONALITY AND OWNERSHIP**

I, [name of Corporate Secretary], of legal age, with office address at \_\_\_\_\_, after having been duly sworn in accordance with law, hereby certify that:

1. I am the duly appointed and incumbent Corporate Secretary of [name of company], duly organized and existing under Philippine laws, with principal office address at \_\_\_\_\_;

2. I hereby certify that [name of company] meets the nationality and ownership requirements under the Constitution and other applicable laws and issuances;

3. That I am executing this document for whatever legal purpose it may serve.

IN WITNESS WHEREOF, I hereunto affix my signature this \_\_\_\_\_ at \_\_\_\_\_.

**Name of Corporate Secretary]**

Affiant

ID/ID No: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me, this \_\_\_\_\_, by \_\_\_\_\_ who exhibited to me his/her identification card as indicated below his/her name.

[Notary Public]

Doc No.

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**Form ED No. 6 - Consortium**

REPUBLIC OF THE PHILIPPINES)

) SS

**SOLIDARY UNDERTAKING**

I, [name of authorized representative], of legal age, with office address at \_\_\_\_\_, after having been duly sworn in accordance with law, hereby certify that:

1. I am the duly authorized representative of [name of company], a duly organized and existing under Philippine laws, with principal office address at \_\_\_\_\_, by virtue of Board Resolution No. \_\_\_\_\_, faithful reproduction of which is herein attached as Annex "A" and shall form integral part of this Affidavit;
2. [name of company] is one of the members of the [name of the consortium], a consortium seeking to engage Joint Venture Activities with the Tourism Infrastructure and Enterprise Zone Authority (TIEZA) through Public-Private Partnership;
3. [name of company], on behalf of the [name of consortium], shall be responsible for complying with the financial and/or technical qualification of said Joint Venture Activity;
4. if awarded the Joint Venture contract, [name of company] hereby undertakes to be jointly and severally liable any and all obligations of [name of the consortium] arising from said contract;
5. I am executing this document for whatever legal purpose it may serve.

IN WITNESS WHEREOF, I hereunto affix my signature this \_\_\_\_\_ at \_\_\_\_\_.

**Name of Authorized Representative]**

Affiant

ID/ID No: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me, this \_\_\_\_\_, by \_\_\_\_\_ who exhibited to me his/her identification card as indicated below his/her name.

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**Form ED No. 8 – Consortium**

**(UNDERTAKING OF CONSORTIUM – LEAD INSTITUTION)**

Date

*Chairperson*

Pre-qualification/Qualification, Bids,  
and Awards Committee

TIEZA PBAC Secretariat Office  
7<sup>TH</sup> Floor Tower I  
Double Dragon Plaza, DD Meridian Park  
Macapagal Avenue corner EDSA Extension Bay  
Area, Pasay City

Subject : **Undertakings of Consortium – Lead Institution**

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Dear Ma'am:

In compliance with the requirements set forth in the Tender Documents for the Comparative Challenge for the Operation and Management of the Aquilino Pimentel Jr. International Convention Center, this Consortium, which consist of the following members to wit:

[enumerate the members of the consortium]

hereby identifies [Lead Corporation] as the lead institution that controls the sizeable portion of the consortium.

**[Names of all members]  
[Signatory]**

*Note: This letter should be accompanied by notarized Corporate Secretary's Certificate issued by the corporation authorizing, through a duly executed Board Resolution, the said Authorized Representative to execute such document.*



**Form ED No. 10**

REPUBLIC OF THE PHILIPPINES)  
 ) SS

**STATEMENT OF UNDERTAKING OF SIMILAR OR RELATED PROJECT(S)**

I, [name of Corporate Secretary], of legal age, with office address at \_\_\_\_\_, after having been duly sworn in accordance with law, hereby certify that:

1. I am the duly appointed and incumbent Corporate Secretary of [name of company], duly organized and existing under Philippine laws, with principal office address at \_\_\_\_\_;
2. I hereby certify as true and correct the list of [name of company]'s successfully undertaken similar or related project/s, with the respective project costs and relevant period in which said projects were undertaken:

Project Name	Project Cost	Period in which project was undertaken

3. The documents evidencing the above mentioned list i.e. Certificate(s) of Undertaking of Project, as herein attached, are certified true copies of the originals;
4. That I am executing this document for whatever legal purpose it may serve.

IN WITNESS WHEREOF, I hereunto affix my signature this \_\_\_\_\_ at \_\_\_\_\_.

**Name of Authorized Representative]**

Affiant

ID/ID No: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me, this \_\_\_\_\_, by \_\_\_\_\_ who exhibited to me his/her identification card as indicated below his/her name.

[Notary Public]

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**Form ED No. 14**

REPUBLIC OF THE PHILIPPINES)  
 ) SS

**STATEMENT OF CURRENT NET WORTH**

I, [name of Corporate Secretary], of legal age, with office address at \_\_\_\_\_, after having been duly sworn in accordance with law, hereby certify that:

1. I am the duly appointed and incumbent Corporate Secretary of [name of company], duly organized and existing under Philippine laws, with principal office address at \_\_\_\_\_;
2. I hereby certify as true and correct the Statement of Current Net Worth of [name of company], as enumerated herein:

Financial Information	[year 1]	[year 2]	[year 3]
(indicate last day of accounting year)			
1. Total Assets			
2. Total Liabilities			
3. Total Net Worth			
4. Profits before Taxes			
5. Profits after Taxes			

3. I am executing this document for whatever legal purpose it may serve.

IN WITNESS WHEREOF, I hereunto affix my signature this \_\_\_\_\_ at \_\_\_\_\_.

**Name of Authorized Representative]**

Affiant

ID/ID No: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me, this \_\_\_\_\_, by \_\_\_\_\_ who exhibited to me his/her identification card as indicated below his/her name.

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**Form ED No. 15**

REPUBLIC OF THE PHILIPPINES)  
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**LIST OF BANKERS AND CREDIT FACILITIES**

I, [name of Corporate Secretary], of legal age, with office address at \_\_\_\_\_, after having been duly sworn in accordance with law, hereby certify that:

1. I am the duly appointed and incumbent Corporate Secretary of [name of company], duly organized and existing under Philippine laws, with principal office address at \_\_\_\_\_;
2. I hereby certify as true and correct the List of Bankers and Credit Facilities of [name of company], as enumerated herein:

Bank	Total Deposit		Total Loan/Borrowings from Bank		Total Available Credit Facilities/Stand-by Letter of Credit/Similar Instruments	
	Amount	Date	Amount	Date	Amount	Date
<b>Other Sources of funds</b> ( <i>earmarked for the proposed project</i> ):						

3. The documents evidencing the above-mentioned List, as herein attached, are certified true copies of the originals;
4. That I am executing this document for whatever legal purpose it may serve.

IN WITNESS WHEREOF, I hereunto affix my signature this \_\_\_\_\_ at \_\_\_\_\_.

**[Name of Authorized Representative]**

Affiant

ID/ID No: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me, this \_\_\_\_\_, by \_\_\_\_\_ who exhibited to me his/her identification card as indicated below his/her name.

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**Bank Certification**

Date

*Chairperson*

Pre-qualification/Qualification, Bids,  
and Awards Committee

TIEZA PBAC Secretariat Office  
7<sup>TH</sup> Floor Tower I  
Double Dragon Plaza, DD Meridian Park  
Macapagal Avenue corner EDSA Extension Bay  
Area, Pasay City

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Subject : **Bank Certification**

Madame/Sir:

Pursuant to the request of our client (State the name of the company), the undersigned hereby certifies that (State name of company) is a current and active client with an account with our bank, is a client in good financial standing, and has the capability to raise/obtain loans at the amount of (P \_\_) in relation to the prospective Investment/Project/s.

Name & Signature  
of the Bank Officer : \_\_\_\_\_  
Title/Position : \_\_\_\_\_  
Date : \_\_\_\_\_

SUBSCRIBED and sworn to before me, in the city/municipality of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ by \_\_\_\_\_ with Identification No. \_\_\_\_\_ issued at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_\_.

[Notary Public]

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**Form ED No. 19**

REPUBLIC OF THE PHILIPPINES)  
 ) SS

**STATEMENT OF NO ARREARS AND NO DEFAULT**

I, [name of Corporate Secretary], of legal age, with office address at \_\_\_\_\_, after having been duly sworn in accordance with law, hereby certify that:

1. I am the duly appointed and incumbent Corporate Secretary of [name of company], duly organized and existing under Philippine laws, with principal office address at \_\_\_\_\_;
2. I hereby certify that [name of company], including its material stockholders, affiliates or subsidiaries, is not in arrears and has not defaulted with its financial obligation to the Tourism Infrastructure and Enterprise Zone Authority (TIEZA), its affiliates or subsidiaries, regarding any past or current projects being undertaken with TIEZA, its affiliates or subsidiaries;
3. That I am executing this document for whatever legal purpose it may serve.

IN WITNESS WHEREOF, I hereunto affix my signature this \_\_\_\_\_ at \_\_\_\_\_.

**[Name of Corporate Secretary]**

Affiant

ID/ID No: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me, this \_\_\_\_\_, by \_\_\_\_\_ who exhibited to me his/her identification card as indicated below his/her name.

[Notary Public]

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**Form ED No. 20**

REPUBLIC OF THE PHILIPPINES)  
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**STATEMENT OF NON-AGGRESSION**

I, [name of Corporate Secretary], of legal age, with office address at \_\_\_\_\_, after having been duly sworn in accordance with law, hereby certify that:

1. I am the duly appointed and incumbent Corporate Secretary of [name of company], duly organized and existing under Philippine laws, with principal office address at \_\_\_\_\_;
2. I hereby certify that [name of company], including its material stockholders, affiliates or subsidiaries:
  - a. are not involved in any previous or ongoing litigation against the Tourism Infrastructure and Enterprise Zone Authority (TIEZA), its affiliates or subsidiaries, or against or materially affecting TIEZA's assets and properties;
  - b. are not included in blacklists issued by any government agency;
  - c. have not been found by final judgment to be liable for violating the Anti-Money Laundering Act or for violating statutes that carry the penalty of disqualification from participating in tenders for government contract; and
  - d. have no pending case filed against it by the government or by it against the government, or, should there be any, that such cases shall not impact the capability of the prospective Private Partner to carry out its obligations under the PPP Project.
3. That I am executing this document for whatever legal purpose it may serve.

IN WITNESS WHEREOF, I hereunto affix my signature this \_\_\_\_\_ at \_\_\_\_\_.

**[Name of Corporate Secretary]**  
Affiant  
ID/ID No: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me, this \_\_\_\_\_, by \_\_\_\_\_ who exhibited to me his/her identification card as indicated below his/her name.

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