

PHILIPPINE BIDDING DOCUMENTS

(As Harmonized with Development Partners)

Procurement of

Supply, Delivery, Installation, Testing, and Commissioning of Two (2) Sets of Brand-New Service Elevator with Two (2) Sets Single Lane Turnstile Access System Including Extended Comprehensive Maintenance for the New National Institutes of Health (NIH) Building, University of the Philippines Manila

(April 2023)

Government of the Republic of the Philippines

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Preface

These Philippine Bidding Documents (PBDs) for the procurement of Infrastructure Projects (hereinafter referred to also as the “Works”) through Competitive Bidding have been prepared by the Government of the Philippines for use by all branches, agencies, departments, bureaus, offices, or instrumentalities of the government, including government- owned and/or -controlled corporations, government financial institutions, state universities and colleges, local government units, and autonomous regional government. The procedures and practices presented in this document have been developed through broad experience and are for mandatory use in projects that are financed in whole or in part by the Government of the Philippines or any foreign government/foreign or international financing institution in accordance with the provisions of the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.

The PBDs are intended as a model for admeasurements (unit prices or unit rates in a bill of quantities) types of contract, which are the most common in Works contracting.

The Bidding Documents shall clearly and adequately define, among others: (i) the objectives, scope, and expected outputs and/or results of the proposed contract; (ii) the eligibility requirements of Bidders; (iii) the expected contract duration; and (iv) the obligations, duties, and/or functions of the winning Bidder.

Care should be taken to check the relevance of the provisions of the PBDs against the requirements of the specific Works to be procured. If duplication of a subject is inevitable in other sections of the document prepared by the Procuring Entity, care must be exercised to avoid contradictions between clauses dealing with the same matter.

Moreover, each section is prepared with notes intended only as information for the Procuring Entity or the person drafting the Bidding Documents. They shall not be included in the final documents. The following general directions should be observed when using the documents:

- a All the documents listed in the Table of Contents are normally required for the procurement of Infrastructure Projects. However, they should be adapted as necessary to the circumstances of the particular Project.
- b Specific details, such as the “*name of the Procuring Entity*” and “*address for bid submission,*” should be furnished in the Instructions to Bidders, Bid Data Sheet, and Special Conditions of Contract. The final documents should contain either blank spaces nor options.
- c This Preface and the footnotes or notes in italics included in the Invitation to Bid, BDS, General Conditions of Contract, Special Conditions of Contract, Specifications, Drawings, and Bill of Quantities are not part of the text of the final document, although they contain instructions that the Procuring Entity should strictly follow.
- d The cover should be modified as required to identify the Bidding Documents as to the names of the Project, Contract, and Procuring Entity, in addition to date of issue.

- e. Modifications for specific Procurement Project details should be provided in the Special Conditions of Contract as amendments to the Conditions of Contract. For easy completion, whenever reference has to be made to specific clauses in the Bid Data Sheet or Special Conditions of Contract, these terms shall be printed in bold typeface on Sections I (Instructions to Bidders) and III (General Conditions of Contract), respectively.
- f. For guidelines on the use of Bidding Forms and the procurement of Foreign-Assisted Projects, these will be covered by a separate issuance of the Government Procurement Policy Board.

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Glossary of Terms, Abbreviations, and Acronyms

ABC – Approved Budget for the Contract.

ARCC – Allowable Range of Contract Cost.

BAC – Bids and Awards Committee.

Bid – A signed offer or proposal to undertake a contract submitted by a bidder in response to and in consonance with the requirements of the bidding documents. Also referred to as *Proposal* and *Tender*. (2016 revised IRR, Section 5[c])

Bidder – Refers to a contractor, manufacturer, supplier, distributor and/or consultant who submits a bid in response to the requirements of the Bidding Documents. (2016 revised IRR, Section 5[d])

Bidding Documents – The documents issued by the Procuring Entity as the bases for bids, furnishing all information necessary for a prospective bidder to prepare a bid for the Goods, Infrastructure Projects, and/or Consulting Services required by the Procuring Entity. (2016 revised IRR, Section 5[e])

BIR – Bureau of Internal Revenue.

BSP – Bangko Sentral ng Pilipinas.

CDA – Cooperative Development Authority.

Consulting Services – Refer to services for Infrastructure Projects and other types of projects or activities of the GOP requiring adequate external technical and professional expertise that are beyond the capability and/or capacity of the GOP to undertake such as, but not limited to: (i) advisory and review services; (ii) pre-investment or feasibility studies; (iii) design; (iv) construction supervision; (v) management and related services; and (vi) other technical services or special studies. (2016 revised IRR, Section 5[i])

Contract – Refers to the agreement entered into between the Procuring Entity and the Supplier or Manufacturer or Distributor or Service Provider for procurement of Goods and Services; Contractor for Procurement of Infrastructure Projects; or Consultant or Consulting Firm for Procurement of Consulting Services; as the case may be, as recorded in the Contract Form signed by the parties, including all attachments and appendices thereto and all documents incorporated by reference therein.

Contractor – is a natural or juridical entity whose proposal was accepted by the Procuring Entity and to whom the Contract to execute the Work was awarded. Contractor as used in these Bidding Documents may likewise refer to a supplier, distributor, manufacturer, or consultant.

CPI – Consumer Price Index.

DOLE – Department of Labor and Employment.

DTI – Department of Trade and Industry.

Foreign-funded Procurement or Foreign-Assisted Project – Refers to procurement whose funding source is from a foreign government, foreign or international financing institution as specified in the Treaty or International or Executive Agreement. (2016 revised IRR, Section 5[b]).

GFI – Government Financial Institution.

GOCC – Government-owned and/or –controlled corporation.

Goods – Refer to all items, supplies, materials and general support services, except Consulting Services and Infrastructure Projects, which may be needed in the transaction of public businesses or in the pursuit of any government undertaking, project or activity, whether in the nature of equipment, furniture, stationery, materials for construction, or personal property of any kind, including non-personal or contractual services such as the repair and maintenance of equipment and furniture, as well as trucking, hauling, janitorial, security, and related or analogous services, as well as procurement of materials and supplies provided by the Procuring Entity for such services. The term “related” or “analogous services” shall include, but is not limited to, lease or purchase of office space, media advertisements, health maintenance services, and other services essential to the operation of the Procuring Entity. (2016 revised IRR, Section 5[r])

GOP – Government of the Philippines.

Infrastructure Projects – Include the construction, improvement, rehabilitation, demolition, repair, restoration or maintenance of roads and bridges, railways, airports, seaports, communication facilities, civil works components of information technology projects, irrigation, flood control and drainage, water supply, sanitation, sewerage and solid waste management systems, shore protection, energy/power and electrification facilities, national buildings, school buildings, hospital buildings, and other related construction projects of the government. Also referred to as *civil works or works*. (2016 revised IRR, Section 5[u])

LGUs – Local Government Units.

NFCC – Net Financial Contracting Capacity.

NGA – National Government Agency.

PCAB – Philippine Contractors Accreditation Board.

PhilGEPS - Philippine Government Electronic Procurement System.

Procurement Project – refers to a specific or identified procurement covering goods, infrastructure project or consulting services. A Procurement Project shall be described, detailed, and scheduled in the Project Procurement Management Plan prepared by the agency which shall be consolidated in the procuring entity's Annual Procurement Plan. (GPPB Circular No. 06-2019 dated 17 July 2019)

PSA – Philippine Statistics Authority.

SEC – Securities and Exchange Commission.

SLCC – Single Largest Completed Contract.

UN – United Nations.

Section I. Invitation to Negotiate



UNIVERSITY OF THE PHILIPPINES MANILA

The Health Sciences Center

BIDS AND AWARDS COMMITTEE 2 (BAC 2)

INVITATION TO NEGOTIATE

The University of the Philippines Manila – Philippine General Hospital, through its Bids and Awards Committee 2 (BAC 2), invites interested bidders for negotiation for the hereunder project:

- Name of Project : *Supply, Delivery, Installation, Testing and Commissioning of Two (2) Sets of Brand-New Service Elevator with Two (2) Sets Single Lane Turnstile Access System Including Extended Comprehensive Maintenance for the New National Institute of Health Building*
- Location : *University of the Philippines Manila*
- Contract Duration : *Two Hundred Forty-Five (245) Calendar Days*
- Approved Budget Contract : *Nineteen Million Four Hundred Seventeen Thousand Four Hundred Seventy-Five Pesos and Seventy-Three Centavos. (Php19,417,475.73)*
- Bidding Documents Fee : *Twenty-Five Thousand Pesos Only (Php25,000.00)*

Negotiations will be conducted in accordance with the pertinent provisions of the IRR of RA 9184, Section 53 on Negotiated Procurement.

The schedule of negotiation is as follows:

| Activities | Target Date | Venue |
|---|--|------------------|
| 1. Meeting with the Contractors for the Negotiation | 1:30pm, 02 May 2023 (Tuesday) | Via Zoom Meeting |
| 2. Submission and Opening of Proposal | Not later than 1:00 PM, 16 May 2023 (Tuesday), at the Procurement Management Office, 2 nd Floor Joaquin Gonzales Compound, Padre Faura St., Ermita Manila | Via Zoom Meeting |

BAC 2 conduct meetings via zoom until such time that the implementation of community quarantine or similar government restrictions are lifted by the proper government authorities.

1. Meeting with the contractors for the negotiation:
The prospective bidders are advised to register first @ [Zoom Meeting Registration Link](#) and wait for further advice for the Zoom link which shall be provided to the prospective bidders who successfully registered.

The prospective bidders are admitted first to the Zoom waiting room, and BAC 2 will provide access once the discussion of the project starts.
2. Submission and Opening of Proposal:
The prospective bidders are advised to register first @ [Zoom Meeting Registration Link](#) and wait for further advice for the Zoom link which shall be provided to the prospective bidders who successfully registered.

The prospective bidders are admitted first to the Zoom waiting room, and BAC 2 will provide access once the opening of bids starts.

The University of the Philippines Manila assumes no responsibility whatsoever to compensate or indemnify bidders for any expenses incurred in the preparation of their bids.

For further inquiries, please contact the BAC 2 secretariat @ 8814-1224 (Ms. Melody Jane L. Rojo/Mr. Jonald D. Karingal/Ms. Joy A. Rodriguez)

Approved:

Maria Eliza Ruiz Aguilan
MARIA ELIZA RUIZ AGUILA, PhD
Chair, Bids and Awards Committee 2

Noted:

Arlene A. Samaniego
ARLENE A. SAMANIEGO, MD
Vice Chancellor for Administration and Finance

Section II. Instructions to Bidders

1. Scope of Bid

The University of the Philippines Manila invites Bids for the *Supply, Delivery, Installation, Testing and Commissioning of Two (2) Sets of Brand-New Service Elevators with Two (2) Sets Single Lane Turnstile Access System Including Extended Comprehensive Maintenance for the New National Institute of Health Building, University of the Philippines Manila*. under Purchase Request No. **16271**

The Procurement Project (referred to herein as “Project”) is for the *Supply, Delivery, Installation, Testing and Commissioning of Two (2) Sets of Brand-New Service Elevators with Two (2) Sets Single Lane Turnstile Access System Including Extended Comprehensive Maintenance for the New National Institute of Health Building*, as described in Section VI (Specifications).

2. Funding Information

2.1. The GOP through the source of funding as indicated below for *UPSA Fund* in the amount of *Nineteen Million Four Hundred Seventeen Thousand Four Hundred Seventy-Five Pesos and Seventy-Three Centavos (Php19,417,475.73)*

2.2. The source of funding is *UPSA Fund*

3. Bidding Requirements

The Bidding for the Project shall be governed by all the provisions of RA No. 9184 and its 2016 revised IRR, including its Generic Procurement Manual and associated policies, rules and regulations as the primary source thereof, while the herein clauses shall serve as the secondary source thereof.

Any amendments made to the IRR and other GPPB issuances shall be applicable only to the ongoing posting, advertisement, or invitation to bid by the BAC through the issuance of a supplemental or bid bulletin.

The Bidder, by the act of submitting its Bid, shall be deemed to have inspected the site, determined the general characteristics of the contracted Works and the conditions for this Project, such as the location and the nature of the work; (b) climatic conditions; (c) transportation facilities; (c) nature and condition of the terrain, geological conditions at the site communication facilities, requirements, location and availability of construction aggregates and other materials, labor, water, electric power and access roads; and (d) other factors that may affect the cost, duration and execution or implementation of the contract, project, or work and examine all instructions, forms, terms, and project requirements in the Bidding Documents.

4. Corrupt, Fraudulent, Collusive, Coercive, and Obstructive Practices

The Procuring Entity, as well as the Bidders and Contractors, shall observe the highest standard of ethics during the procurement and execution of the contract. They or through an agent shall not engage in corrupt, fraudulent, collusive, coercive, and obstructive practices defined under Annex “I” of the 2016 revised IRR of RA No. 9184 or other integrity violations in competing for the Project.

5. Eligible Bidders

- 5.1. Only Bids of Bidders found to be legally, technically, and financially capable will be evaluated.
- 5.2. The Bidder must have an experience of having completed a Single Largest Completed Contract (SLCC) that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC adjusted, if necessary, by the Bidder to current prices using the PSA's CPI, except under conditions provided for in Section 23.4.2.4 of the 2016 revised IRR of RA No. 9184.

A contract is considered to be "similar" to the contract to be bid if it has the major categories of work stated in the **BDS**.

- 5.3. For Foreign-funded Procurement, the Procuring Entity and the foreign government/foreign or international financing institution may agree on another track record requirement, as specified in the Bidding Document prepared for this purpose.
- 5.4. The Bidders shall comply with the eligibility criteria under Section 23.4.2 of the 2016 IRR of RA No. 9184.

6. Origin of Associated Goods

There is no restriction on the origin of Goods other than those prohibited by a decision of the UN Security Council taken under Chapter VII of the Charter of the UN.

7. Subcontracts

- 7.1 The Procuring Entity has prescribed that no subcontracting is allowed.

8. Pre-Bid Conference

The Procuring Entity will hold a pre-bid conference for this Project on the specified date and time and either at its physical address and/or through videoconferencing/webcasting } as indicated in paragraph 6 of the **IB**.

9. Clarification and Amendment of Bidding Documents

Prospective bidders may request for clarification on and/or interpretation of any part of the Bidding Documents. Such requests must be in writing and received by the Procuring Entity, either at its given address or through electronic mail indicated in the

IB, at least ten (10) calendar days before the deadline set for the submission and receipt of Bids.

10. Documents Comprising the Bid: Eligibility and Technical Components

- 10.1. The first envelope shall contain the eligibility and technical documents of the Bid as specified in **Section IX. Checklist of Technical and Financial Documents**.
- 10.2. If the eligibility requirements or statements, the bids, and all other documents for submission to the BAC are in foreign language other than English, it must be accompanied by a translation in English, which shall be authenticated by the appropriate Philippine foreign service establishment, post, or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines. For Contracting Parties to the Apostille Convention, only the translated documents shall be authenticated through an apostille pursuant to GPPB Resolution No. 13-2019 dated 23 May 2019. The English translation shall govern, for purposes of interpretation of the bid.
- 10.3. A valid PCAB License is required, and in case of joint ventures, a valid special PCAB License, and registration for the type and cost of the contract for this Project. Any additional type of Contractor license or permit shall be indicated in the **BDS**.
- 10.4. A List of Contractor's key personnel (e.g., Project Manager, Project Engineers, Materials Engineers, and Foremen) assigned to the contract to be bid, with their complete qualification and experience data shall be provided. These key personnel must meet the required minimum years of experience set in the **BDS**.
- 10.5. A List of Contractor's major equipment units, which are owned, leased, and/or under purchase agreements, supported by proof of ownership, certification of availability of equipment from the equipment lessor/vendor for the duration of the project, as the case may be, must meet the minimum requirements for the contract set in the **BDS**.

11. Documents Comprising the Bid: Financial Component

- 11.1. The second bid envelope shall contain the financial documents for the Bid as specified in **Section IX. Checklist of Technical and Financial Documents**.
- 11.2. Any bid exceeding the ABC indicated in paragraph 1 of the **IB** shall not be accepted.
- 11.3. For Foreign-funded procurement, a ceiling may be applied to bid prices provided the conditions are met under Section 31.2 of the 2016 revised IRR of RA No. 9184.

12. Alternative Bids

Bidders shall submit offers that comply with the requirements of the Bidding Documents, including the basic technical design as indicated in the drawings and specifications. Unless there is a value engineering clause in the **BDS**, alternative Bids shall not be accepted.

13. Bid Prices

All bid prices for the given scope of work in the Project as awarded shall be considered as fixed prices, and therefore not subject to price escalation during contract implementation, except under extraordinary circumstances as determined by the NEDA and approved by the GPPB pursuant to the revised Guidelines for Contract Price Escalation guidelines.

14. Bid and Payment Currencies

14.1. Bid prices may be quoted in the local currency or tradeable currency accepted by the BSP at the discretion of the Bidder. However, for purposes of bid evaluation, Bids denominated in foreign currencies shall be converted to Philippine currency based on the exchange rate as published in the BSP reference rate bulletin on the day of the bid opening.

14.2. *Payment of the contract price shall be made in Philippine Pesos*

15. Bid Security

15.1. The Bidder shall submit a Bid Securing Declaration or any form of Bid Security in the amount indicated in the **BDS**, which shall be not less than the percentage of the ABC in accordance with the schedule in the **BDS**.

15.2. The Bid and bid security shall be valid until *one hundred twenty (120) calendar days*. Any bid not accompanied by an acceptable bid security shall be rejected by the Procuring Entity as non-responsive.

16. Sealing and Marking of Bids

Each Bidder shall submit **(3) three** copies of the first and second components of its bid. **(1) one** original and **(2) two** additional copies (Copy 1 and Copy 2)

The Procuring Entity may request additional hard copies and/or electronic copies of the Bid. However, failure of the Bidders to comply with the said request shall not be a ground for disqualification.

If the Procuring Entity allows the submission of bids through online submission to the given website or any other electronic means, the Bidder shall submit an electronic copy of its Bid, which must be digitally signed. An electronic copy that cannot be opened or is corrupted shall be considered non-responsive and, thus, automatically disqualified.

17. Deadline for Submission of Bids

The Bidders shall submit on the specified date and time and either at its physical address or through online submission as indicated in paragraph 7 of the **IB**.

18. Opening and Preliminary Examination of Bids

18.1. The BAC shall open the Bids in public at the time, on the date, and at the place specified in paragraph 9 of the **IB**. The Bidders' representatives who are present shall sign a register evidencing their attendance. In case videoconferencing, webcasting or other similar technologies will be used, attendance of participants shall likewise be recorded by the BAC Secretariat.

In case the Bids cannot be opened as scheduled due to justifiable reasons, the rescheduling requirements under Section 29 of the 2016 revised IRR of RA No. 9184 shall prevail.

18.2. The preliminary examination of Bids shall be governed by Section 30 of the 2016 revised IRR of RA No. 9184.

19. Detailed Evaluation and Comparison of Bids

19.1. The Procuring Entity's BAC shall immediately conduct a detailed evaluation of all Bids rated "*passed*" using non-discretionary pass/fail criteria. The BAC shall consider the conditions in the evaluation of Bids under Section 32.2 of 2016 revised IRR of RA No. 9184.

19.2. If the Project allows partial bids, all Bids and combinations of Bids as indicated in the **BDS** shall be received by the same deadline and opened and evaluated simultaneously so as to determine the Bid or combination of Bids offering the lowest calculated cost to the Procuring Entity. Bid Security as required by **ITB** Clause 16 shall be submitted for each contract (lot) separately.

19.3. In all cases, the NFCC computation pursuant to Section 23.4.2.6 of the 2016 revised IRR of RA No. 9184 must be sufficient for the total of the ABCs for all the lots participated in by the prospective Bidder.

20. Post Qualification

Within a non-extendible period of five (5) calendar days from receipt by the Bidder of the notice from the BAC that it submitted the Lowest Calculated Bid, the Bidder shall submit its latest income and business tax returns filed and paid through the BIR Electronic Filing and Payment System (eFPS), and other appropriate licenses and permits required by law and stated in the **BDS**.

21. Signing of the Contract

The documents required in Section 37.2 of the 2016 revised IRR of RA No. 9184 shall form part of the Contract. Additional Contract documents are indicated in the **BDS**.

Section III. Bid Data Sheet

Bid Data Sheet

| ITB Clause | | | | | | | | | | | | | | | | |
|------------------------|---|---|---------------------------|----------------------------|------------------------|-------------------------|---|------------------------|-------------------------|--|---------|--|--|-----------|--|--|
| 5.2 | For this purpose, contracts similar to the Project refer to contracts which have the same major categories of work, which shall be: <i>[Supply, delivery and installation of elevator].</i> | | | | | | | | | | | | | | | |
| 6.1 | Note: The Quick Fact Sheet Should be submitted on top (1 st page) of the documents contained in the 1 st envelope. | | | | | | | | | | | | | | | |
| 10.3 | <i>(PCAB) License; GB-1 (Building) Classification, at least Category D.</i> | | | | | | | | | | | | | | | |
| 10.4 | The key personnel must meet the required minimum years of experience set below: <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"><u>Key Personnel</u></td> <td style="width: 33%;"><u>General Experience</u></td> <td style="width: 33%;"><u>Relevant Experience</u></td> </tr> <tr> <td><u>Project Manager</u></td> <td><u>At least 5 years</u></td> <td><u>Engineer with similar project experience</u></td> </tr> <tr> <td><u>Lead Technician</u></td> <td><u>At least 3 years</u></td> <td><u>with similar project experience</u></td> </tr> </table> | <u>Key Personnel</u> | <u>General Experience</u> | <u>Relevant Experience</u> | <u>Project Manager</u> | <u>At least 5 years</u> | <u>Engineer with similar project experience</u> | <u>Lead Technician</u> | <u>At least 3 years</u> | <u>with similar project experience</u> | | | | | | |
| <u>Key Personnel</u> | <u>General Experience</u> | <u>Relevant Experience</u> | | | | | | | | | | | | | | |
| <u>Project Manager</u> | <u>At least 5 years</u> | <u>Engineer with similar project experience</u> | | | | | | | | | | | | | | |
| <u>Lead Technician</u> | <u>At least 3 years</u> | <u>with similar project experience</u> | | | | | | | | | | | | | | |
| 10.5 | The minimum major equipment requirements are the following: <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"><u>Equipment</u></td> <td style="width: 33%;"><u>Capacity</u></td> <td style="width: 33%;"><u>Number of Units</u></td> </tr> <tr> <td>PPE</td> <td></td> <td></td> </tr> <tr> <td>Power tools</td> <td></td> <td></td> </tr> <tr> <td>Lifting</td> <td></td> <td></td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> </tr> </table> | <u>Equipment</u> | <u>Capacity</u> | <u>Number of Units</u> | PPE | | | Power tools | | | Lifting | | | Equipment | | |
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| PPE | | | | | | | | | | | | | | | | |
| Power tools | | | | | | | | | | | | | | | | |
| Lifting | | | | | | | | | | | | | | | | |
| Equipment | | | | | | | | | | | | | | | | |
| 12 | <i>[Insert Value Engineering clause if allowed.]</i> | | | | | | | | | | | | | | | |
| 15.1 | The bid security shall be in the form of a Bid Securing Declaration or any of the following forms and amounts: a. The amount of not less than Php388,349.51 if bid security is in cash, cashier's/manager's check, bank draft/guarantee or irrevocable letter of credit; b. The amount of not less than Php970,873.78 if the bid security is in surety Bond. | | | | | | | | | | | | | | | |
| 16. | <i>Each Bidder shall submit (3) three copies of the first and second components of its bid.: (1) one original and (2) two additional copies (Copy 1 and Copy 2)</i> | | | | | | | | | | | | | | | |
| 19.2 | Partial bids are not allowed. | | | | | | | | | | | | | | | |
| 20 | <i>Submission of Postqualification requirements within a non-extendable period of five (5) calendar days from receipt by the Bidders of the notice from the BAC that it submitted the Lowest Calculated Bid, the Bidders shall submit its latest income and business tax return filed and paid through the BIR Electronic Filing and Payment System (eFPS) and other appropriate license and permits required by law and stated in the BDS.</i> | | | | | | | | | | | | | | | |
| 21 | Additional contract documents relevant to the Project that may be required by existing laws and/or the Procuring Entity, such as technical specification, user's manual, warranty certificate and other acceptable tools of project scheduling. | | | | | | | | | | | | | | | |

Section IV. General Conditions of Contract

1. Scope of Contract

This Contract shall include all such items, although not specifically mentioned, that can be reasonably inferred as being required for its completion as if such items were expressly mentioned herein. All the provisions of RA No. 9184 and its 2016 revised IRR, including the Generic Procurement Manual, and associated issuances, constitute the primary source for the terms and conditions of the Contract, and thus, applicable in contract implementation. Herein clauses shall serve as the secondary source for the terms and conditions of the Contract.

This is without prejudice to Sections 74.1 and 74.2 of the 2016 revised IRR of RA No. 9184 allowing the GPPB to amend the IRR, which shall be applied to all procurement activities, the advertisement, posting, or invitation of which were issued after the effectivity of the said amendment.

2. Sectional Completion of Works

If sectional completion is specified in the **Special Conditions of Contract (SCC)**, references in the Conditions of Contract to the Works, the Completion Date, and the Intended Completion Date shall apply to any Section of the Works (other than references to the Completion Date and Intended Completion Date for the whole of the Works).

3. Possession of Site

41. The Procuring Entity shall give possession of all or parts of the Site to the Contractor based on the schedule of delivery indicated in the **SCC**, which corresponds to the execution of the Works. If the Contractor suffers delay or incurs cost from failure on the part of the Procuring Entity to give possession in accordance with the terms of this clause, the Procuring Entity's Representative shall give the Contractor a Contract Time Extension and certify such sum as fair to cover the cost incurred, which sum shall be paid by Procuring Entity.

42. If possession of a portion is not given by the above date, the Procuring Entity will be deemed to have delayed the start of the relevant activities. The resulting adjustments in contract time to address such delay may be addressed through contract extension provided under Annex "E" of the 2016 revised IRR of RA No. 9184.

4. The Contractor's Obligations

The Contractor shall employ the key personnel named in the Schedule of Key Personnel indicating their designation, in accordance with **ITB** Clause 10.3 and specified in the **BDS**, to carry out the supervision of the Works.

The Procuring Entity will approve any proposed replacement of key personnel only if their relevant qualifications and abilities are equal to or better than those of the personnel listed in the Schedule.

5. Performance Security

- 51.** Within ten (10) calendar days from receipt of the Notice of Award from the Procuring Entity but in no case later than the signing of the contract by both parties, the successful Bidder shall furnish the performance security in any of the forms prescribed in Section 39 of the 2016 revised IRR.
- 52.** The Contractor, by entering into the Contract with the Procuring Entity, acknowledges the right of the Procuring Entity to institute action pursuant to RA No. 3688 against any subcontractor be they an individual, firm, partnership, corporation, or association supplying the Contractor with labor, materials and/or equipment for the performance of this Contract.

6. Site Investigation Reports

The Contractor, in preparing the Bid, shall rely on any Site Investigation Reports referred to in the SCC supplemented by any information obtained by the Contractor.

7. Warranty

- 71.** In case the Contractor fails to undertake the repair works under Section 62.2.2 of the 2016 revised IRR, the Procuring Entity shall forfeit its performance security, subject its property(ies) to attachment or garnishment proceedings, and perpetually disqualify it from participating in any public bidding. All payables of the GOP in his favor shall be offset to recover the costs.
- 72.** The warranty against Structural Defects/Failures, except that occasioned-on force majeure, shall cover the period from the date of issuance of the Certificate of Final Acceptance by the Procuring Entity. Specific duration of the warranty is found in the SCC.

8. Liability of the Contractor

Subject to additional provisions, if any, set forth in the SCC, the Contractor's liability under this Contract shall be as provided by the laws of the Republic of the Philippines.

If the Contractor is a joint venture, all partners to the joint venture shall be jointly and severally liable to the Procuring Entity.

9. Termination for Other Causes

Contract termination shall be initiated in case it is determined *prima facie* by the Procuring Entity that the Contractor has engaged, before, or during the implementation of the contract, in unlawful deeds and behaviors relative to contract acquisition and implementation, such as, but not limited to corrupt, fraudulent, collusive, coercive, and obstructive practices as stated in **ITB** Clause 4.

10. Dayworks

Subject to the guidelines on Variation Order in Annex “E” of the 2016 revised IRR of RA No. 9184, and if applicable as indicated in the **SCC**, the Dayworks rates in the Contractor’s Bid shall be used for small additional amounts of work only when the Procuring Entity’s Representative has given written instructions in advance for additional work to be paid for in that way.

11. Program of Work

11.1. The Contractor shall submit to the Procuring Entity’s Representative for approval the said Program of Work showing the general methods, arrangements, order, and timing for all the activities in the Works. The submissions of the Program of Work are indicated in the **SCC**.

11.2. The Contractor shall submit to the Procuring Entity’s Representative for approval an updated Program of Work at intervals no longer than the period stated in the **SCC**. If the Contractor does not submit an updated Program of Work within this period, the Procuring Entity’s Representative may withhold the amount stated in the **SCC** from the next payment certificate and continue to withhold this amount until the next payment after the date on which the overdue Program of Work has been submitted.

12. Instructions, Inspections and Audits

The Contractor shall permit the GOP or the Procuring Entity to inspect the Contractor’s accounts and records relating to the performance of the Contractor and to have them audited by auditors of the GOP or the Procuring Entity, as may be required.

13. Advance Payment

The Procuring Entity shall, upon a written request of the Contractor which shall be submitted as a Contract document, make an advance payment to the Contractor in an amount not exceeding fifteen percent (15%) of the total contract price, to be made in lump sum, or at the most two installments according to a schedule specified in the **SCC**, subject to the requirements in Annex “E” of the 2016 revised IRR of RA No. 9184.

14. Progress Payments

The Contractor may submit a request for payment for Work accomplished. Such requests for payment shall be verified and certified by the Procuring Entity’s Representative/Project Engineer. Except as otherwise stipulated in the **SCC**, materials and equipment delivered on the site but not completely put in place shall not be included for payment.

15. Operating and Maintenance Manuals

- 151.** If required, the Contractor will provide “as built” Drawings and/or operating and maintenance manuals as specified in the **SCC**.

- 152.** If the Contractor does not provide the Drawings and/or manuals by the dates stated above, or they do not receive the Procuring Entity’s Representative’s approval, the Procuring Entity’s Representative may withhold the amount stated in the **SCC** from payments due to the Contractor.

Section V. Special Conditions of Contract

Special Conditions of Contract

| GCC Clause | |
|------------|---|
| 2 | <i>[Not Applicable.]</i> |
| 4.1 | <i>Site access to the location of the project will be granted as a whole.</i> |
| 6 | The site investigation reports are: <i>Certificate of Inspection.</i> |
| 7.2 | <i>N/A</i> |
| 10 | <p style="margin-left: 40px;">a. Day works are applicable at the rate shown in the Contractor’s Original Bid.</p> <p style="margin-left: 40px;">b. No day works are applicable to the contract. (Not applicable)</p> |
| 11.1 | The Contractor shall submit the Program of Work to the Procuring Entity’s Representative within <i>[insert number]</i> days of delivery of the Notice of Award. |
| 11.2 | The amount to be withheld for late submission of an updated Program of Work is <i>[insert amount]</i> . |
| 13 | The amount of the advance payment is <i>15% of the total contract price which shall be made upon request of the contractor upon approval of the contract and acceptance of the Notice to Proceed.</i> |
| 14 | Materials and equipment delivered on the site but not completely put in place shall be NOT be included for payment. |
| 15.1 | <p>The date by which operating, and maintenance manuals are required is <i>[date]</i>.</p> <p>The date by which “as built” drawings are required is <i>before the issuance of the certificate of completion of the project.</i></p> |
| 15.2 | The amount to be withheld for failing to produce “as built” drawings and/or operating and maintenance manuals by the date required is <i>[One (1%) percent of total contract cost]</i> . |

Section VI. Specifications

Section VII. Drawings

Section VIII. Bill of Quantities

Section IX. Checklist of Technical and Financial Documents

Checklist of Technical and Financial Documents

| I. TECHNICAL COMPONENT ENVELOPE | |
|--|--|
| <i>Class "A" Documents</i> | |
| <u>Legal Documents</u> | |
| | (a) Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages); And |
| | (b) Registration certificate from Securities and Exchange Commission (SEC) with Articles Incorporation or Cooperative Development Authority (CDA) (whichever is applicable), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives or its equivalent document; And |
| | (c) Mayor's or 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; And |
| | (e) Tax clearance per E.O. No. 398, s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR). |
| <u>Technical Documents</u> | |
| | (f) Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; (attach Notice of Award and/or Contract. Notice to Proceed issued by the owner and Certificate of Accomplishment signed by the owner for Ongoing Contracts, if applicable; and |
| | (g) Statement of the bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided under the rules; (attach Contract, CPES rating sheets and/or Certificate of Completion, Certificate of Acceptance, Official receipt(s) or Sales Invoice issued for the Contract) and |
| | (h) Statement of the prospective bidder of all its completed government and private contract for the past five (5) years |
| | (h) Philippine Contractors Accreditation Board (PCAB) License; at least GB-1 (Building) Category D or Special PCAB License in case of Joint Ventures; and registration for the type and cost of the contract to be bid; and |
| | (i) Certified true copy of official receipt as proof of payment of Bid Security. If in the form of a Surety Bond, submit also a certification issued by the Insurance Commission; or Original copy of Notarized Bid Securing Declaration; and |
| | (j) Project Requirements, which shall include the following: |
| ■ | a. Construction Schedule and S•Curve. b. Manpower Schedule c. Construction methods d. Organizational chart for the contract to be bid; |
| | e. List of contractor's key personnel (e.g., Project Manager, Project Engineers, Materials Engineers, and Foremen), to be assigned to the contract to be bid, with their complete qualification and experience data; |
| ■ | f. List of contractor's major equipment units, which are owned, leased, and/or under purchase agreements, supported by proof of ownership or certification of availability of equipment from the equipment lessor/vendor for the duration of the project, as the case may be; g. Equipment utilization schedule |

| | |
|---|--|
| | <p>h. Construction safety and health program</p> <p>i. Certificate of Site Inspection or Affidavit of Site Inspection (Original and Notarized); whichever is applicable. and</p> |
| | <p>(k) Original duly signed Omnibus Sworn Statement (OSS); and if applicable, Original Notarized Secretary’s Certificate in case of a corporation, partnership, or cooperative; or Original Special Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder.</p> <p>Note: The authorized signatory who executed the OSS and given authority to sign in the Secretary’s Certificate should indicate his/her position in the company participating in this bidding. (Attach valid government IDs used by the said authorized representative and corporate secretary in the notarization of the omnibus sworn statement, and the secretary’ certificate.)</p> <p>(l) Notarized UP Questionnaire.</p> |
| <i>Financial Documents</i> | |
| | <p>(m) 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; (2020-2021) and</p> |
| | <p>(n) The prospective bidder’s computation of Net Financial Contracting Capacity (NFCC).</p> |
| <i>Class “B” Documents</i> | |
| | <p>(o) If applicable, duly signed joint venture agreement (JVA) in accordance with RA No. 4566 and its IRR in case the joint venture is already in existence; or duly notarized statements 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.</p> |
| II. FINANCIAL COMPONENT ENVELOPE | |
| | <p>(p) Original of duly signed and accomplished Financial Bid Form; and</p> |
| | <p>(q) Original of duly signed Bid Prices in the Bill of Quantities; and</p> |
| | <p>(r) Duly accomplished Detailed Estimates Form, including a summary sheet indicating the unit prices of construction materials, labor rates, and equipment rentals used incoming up with the Bid; and</p> |
| | <p>(s) Cash Flow by Quarter.</p> |

Statement of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contact to be bid

Contract to be bid: _____

Business Name: _____

Business Address: _____

| Name of Client | a. Owner's Name b. Address c. Telephone Nos. | a. Date Awarded b. Date Started c. Date of Completion d. Contract duration | Title of the Project in the Contract | Nature of Work | Contractor's Role (whether sole contractor, subcontractor, or partner in a JV) | | % of Accomplishment | | Total Contract Value at Award | Value of Outstanding Works/ Contract |
|--------------------|--|---|--------------------------------------|----------------|--|---|---------------------|--------|-------------------------------|--------------------------------------|
| | | | | | Description | % | Planned | Actual | | |
| <u>Government:</u> | | | | | | | | | | |
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| <u>Private:</u> | | | | | | | | | | |
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Important notes:

This statement shall be supported with:

1. Notices of Award and/or Contract
2. Notices to Proceed issued by the owner
3. Certificate of Accomplishments signed by the Owner for Ongoing Contracts, if applicable

Submitted by : _____
(Print Name and Signature)

Designation : _____

Date : _____

Name of the Procuring Entity
 Name of the Project
 Location of the Project

Contract Reference Number

Statement identifying the bidder's single largest completed contract similar to the contract to be bid

Business Name : _____
 Business Address : _____

| Name of Contract | a. Owner's Name b. Address c. Telephone Nos. | Nature of Work | Contractor's Role | | a. Amount at Award b. Amount at Completion c. Duration | a. Date Awarded b. Contract Effectivity c. Date Completed |
|-------------------|--|----------------|-------------------|---|--|---|
| | | | Description | % | | |
| <u>Government</u> | | | | | | |
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| <u>Private</u> | | | | | | |
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Note: This statement shall be supported with:

- 1 Contract
- 2 CPES rating sheets and/or Certificate of Completion
- 3 Certificate of Acceptance

Submitted by : _____
 (Printed Name & Signature)
 Designation : _____
 Date : _____

One of the technical documents required to be in the Eligibility Envelope of a prospective bidder is a list of all contracts which are similar in nature and complexity to the contract to be bid. This statement will show that the value of the prospective bidder's largest single completed contract, adjusted to current prices using the Philippine Statistics Authority (PSA) consumer price indices available at the G-EPS website, and similar to the contract to be bid, must be at least fifty percent (50%) of the approved budget for the contract to be bid.

Bid Form

Date: _____ B^t

N^o: _____

To: *[name and address of PROCURING ENTITY]*

Address: *[insert address]*

We, the undersigned, declare that:

- (a) We have examined and have no reservation to the Bidding Documents, including Addenda, for the Contract *[insert name of contract]*;
- (b) We offer to execute the Works for this Contract in accordance with the Bid and Bid Data Sheet, General and Special Conditions of Contract accompanying this Bid;

The total price of our Bid, excluding any discounts offered below is: *[insert information]*;

The discounts offered and the methodology for their application are :
[insert information];

- (c) Our Bid shall be valid for a period of *[insert number]* days from the date fixed for the Bid submission deadline in accordance with the Bidding Documents, and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
- (d) If our Bid is accepted, we commit to obtain a Performance Security in the amount of *[insert percentage amount]* percent of the Contract Price for the due performance of the Contract;
- (e) Our firm, including any subcontractors or suppliers for any part of the Contract, have nationalities from the following eligible countries: *[insert information]*;
- (f) We are not participating, as Bidders, in more than one Bid in this bidding process, other than alternative offers in accordance with the Bidding Documents;
- (g) Our firm, its affiliates or subsidiaries, including any subcontractors or suppliers for any part of the Contract, has not been declared ineligible by the Funding Source;
- (h) We understand that this Bid, together with your written acceptance thereof included in your notification of award, shall constitute a binding contract between us, until a formal Contract is prepared and executed; and

If ADB, JICA and WB funded projects, use IFB.

- (i) We understand that you are not bound to accept the Lowest Calculated Bid or any other Bid that you may receive.
- (j) **We likewise certify/confirm that the undersigned, is the duly authorized representative of the bidder, and granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for the [Name of Project] of the [Name of the Procuring Entity].**
- (k) **We acknowledge that failure to sign each and every page of this Bid Form, including the Bill of Quantities, shall be a ground for the rejection of our bid.**

Name: _ In the capacity of: _____ Signed: _Duly authorized to sign the Bid for and on behalf of: _____ Date:

Bid-Securing Declaration

(REPUBLIC OF THE PHILIPPINES)
CITY OF _____) S.S.

x-----x

Invitation to Bid *[Insert reference number]*

To: *[Insert name and address of the Procuring Entity]*

I/We, the undersigned, declare that:

1. I/We understand that, according to your conditions, bids must be supported by a Bid Security, which may be in the form of a Bid-Securing Declaration.
2. I/We accept that: (a) I/we will be automatically disqualified from bidding for any contract with any procuring entity for a period of two (2) years upon receipt of your Blacklisting Order; and, (b) I/we will pay the applicable fine provided under Section 6 of the Guidelines on the Use of Bid Securing Declaration, within fifteen (15) days from receipt of written demand by the procuring entity for the commission of acts resulting to the enforcement of the bid securing declaration under Sections 23.1(b), 34.2, 40.1 and 69.1, except 69.1 (f), of the IRR of RA 9184; without prejudice to other legal action the government may undertake.
3. I/We understand that this Bid-Securing Declaration shall cease to be valid on the following circumstances:
 - a. Upon expiration of the bid validity period, or any extension thereof pursuant to your request;
 - b. I am/we are declared ineligible or post-disqualified upon receipt of your notice to such effect, and (i) I/we failed to timely file a request for reconsideration or (ii) I/we filed a waiver to avail of said right;
 - c. I am/we are declared as the bidder with the Highest Rated Responsive Bid, and I/we have furnished the performance security and signed the Contract.

IN WITNESS WHEREOF, I/We have hereunto set my/our hand/s this ____ day of [month] [year] at [place of execution].

[Insert NAME OF BIDDER'S AUTHORIZED REPRESENTATIVE]
[Insert signatory's legal capacity]

Affiant

SUBSCRIBED AND SWORN to before me this day of [month] [year] at [place of execution], Philippines. Affiant/s is/are personally known to me and was/were identified by me through competent evidence of identity as defined in the 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC). Affiant/s exhibited to me his/her [insert type of government identification card used], with his/her photograph and signature appearing thereon, with no. _____.

Witness my hand and seal this ____ day of [month] [year].

NAME OF NOTARY PUBLIC

Serial No. of Commission _____
Notary Public for _____ **until** _____
Roll of Attorneys No. _____
PTR No._, [date issued], [place issued]
IBP No._, [date issued], [place issued]
Doc. No. _____
Page **No.**
Book **No.**
Series of _.

**FINANCIAL DOCUMENTS FOR ELIGIBILITY CHECK
 COMPUTATION OF NET FINANCIAL CONTRACTING CAPACITY (NFCC)**

1. Summary of the Applicant Supplier's/Distributor's/Manufacturer's assets and liabilities on the basis of the attached income tax return and audited financial statement, stamped "RECEIVED" by the Bureau of Internal Revenue or BIR authorized collecting agent, for the immediately preceding year and a certified copy of schedule of Fixed Assets.

| | | Year 20 _____ |
|----|---------------------------|---------------|
| 1. | Total Assets | |
| 2. | Current Assets | |
| 3. | Total Liabilities | |
| 4. | Current Liabilities | |
| 5. | Net worth (1-3) | |
| 6. | Net Working Capital (2-4) | |

- (b) The Net Financial Contracting Capacity (NFCC) based on the above data is computed as follows:
 NFCC = [(Current assets – Current liabilities) (15)] minus the value of all outstanding or uncompleted portions of the projects under on- going contracts, including awarded contracts yet to be started coinciding with the contract to be bid. Please show detailed computation including the value of all outstanding / on-going contracts to be deducted from the net working capital)

NFCC = P _____

Or

Commitment from a licensed bank to extend to it a credit line certificate if awarded the contract in the amount of at least 10% of the proposed project to bid.

Name of Bank: _____ Amount: _____

Herewith attached are certified true copies of the income tax return and audited financial statement stamped "RECEIVED" by the BIR or BIR authorized collecting agent for the immediately preceding year and the certificate of commitment from a licensed bank to extend a credit line.

Submitted by:

 Name of Supplier/Distributor/Manufacturer

 Date:

 Signature of Authorized Representative

NOTE:

- (i) If Partnership or Joint Venture, each Partner or Member Firm of Joint Venture shall submit the above requirements.
2. The values of the domestic bidder's current assets and current liabilities shall be based on the latest Audited Financial Statements submitted to the BIR.

Omnibus Sworn Statement (Revised)

[shall be submitted with the Bid]

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

AFFIDAVIT

I, [Name of Affiant], of legal age, [Civil Status], [Nationality], and residing at [Address of Affiant], after having been duly sworn in accordance with law, do hereby depose and state that:

1. *[Select one, delete the other:]*

[If a sole proprietorship:] I am the sole proprietor or authorized representative of [Name of Bidder] with office address at [address of Bidder];

[If a partnership, corporation, cooperative, or joint venture:] I am the duly authorized and designated representative of [Name of Bidder] with office address at [address of Bidder];

2. *[Select one, delete the other:]*

[If a sole proprietorship:] As the owner and sole proprietor, or authorized representative of [Name of Bidder], I have full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for [Name of the Project] of the [Name of the Procuring Entity], as shown in the attached duly notarized Special Power of Attorney;

[If a partnership, corporation, cooperative, or joint venture:] I am granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for [Name of the Project] of the [Name of the Procuring Entity], as shown in the attached [state title of attached documents showing proof of authorization (e.g., duly notarized Secretary's Certificate, Board/Partnership Resolution, or Special Power of Attorney, whichever is applicable)];

3. [Name of Bidder] is not "blacklisted" or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board, **by itself or by relation, membership, association, affiliation, or controlling interest with another blacklisted person or entity as defined and provided for in the Uniform Guidelines on Blacklisting;**

4. Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;

5. [Name of Bidder] is authorizing the Head of the Procuring Entity or its duly authorized representative(s) to verify all the documents submitted;

6. *[Select one, delete the rest:]*

[If a sole proprietorship:] The owner or sole proprietor is not related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

[If a partnership or cooperative:] None of the officers and members of [Name of Bidder] is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by

consanguinity or affinity up to the third civil degree;

[If a corporation or joint venture:] None of the officers, directors, and controlling stockholders of *[Name of Bidder]* is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

7. *[Name of Bidder]* complies with existing labor laws and standards; and
8. *[Name of Bidder]* is aware of and has undertaken the responsibilities as a Bidder in compliance with the Philippine Bidding Documents, which includes:
 - a. Carefully examining all of the Bidding Documents;
 - b. Acknowledging all conditions, local or otherwise, affecting the implementation of the Contract;
 - c. Making an estimate of the facilities available and needed for the contract to be bid, if any; and
 - d. Inquiring or securing Supplemental/Bid Bulletin(s) issued for the *[Name of the Project]*.
9. *[Name of Bidder]* did not give or pay directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.
10. **In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No.3815 s. 1930, as amended, or the Revised Penal Code.**

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of ___, 20__ at _____, Philippines.

[Insert NAME OF BIDDER OR ITS AUTHORIZED REPRESENTATIVE]

[Insert signatory's legal capacity]

Affiant

[Jurat]

*[Format shall
be based on
the latest
Rules on
Notarial
Practice]*

QUESTIONNAIRE FOR PROSPECTIVE BIDDERS
(additional requirement for eligibility)

1. Have you ever participated in any bidding in the University of the Philippines System?

| | |
|-----|----|
| YES | NO |
| | |

If YES, fill up the table below, Use additional pages if necessary.

| Constituent University / UP Campus | Name of Project | Amount of Project | Duration Start / End (Dates) | Status (On-going / completed) |
|------------------------------------|-----------------|-------------------|------------------------------|-------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

2. Has your company ever been suspended or Blacklisted by the University of the Philippines System?

| | |
|-----|----|
| YES | NO |
| | |

If YES, fill up the table below, Use additional pages if necessary

| Constituent University/UP Campus | Name of project | Reason for suspension / Blacklisting | Status (on-going / lifted) |
|----------------------------------|-----------------|--------------------------------------|----------------------------|
| | | | |
| | | | |
| | | | |

3. Has your company ever been suspended or Blacklisted by any government agency / Company

| | |
|-----|-------------------------------------|
| YES | NO |
| | <input checked="" type="checkbox"/> |

If YES, FILL UP THE Table below, Use additional pages if necessary

| Name of government Agency / Company | Name of Project | Reason for suspension / Blacklisting | Status (on-going / lifted) |
|-------------------------------------|-----------------|--------------------------------------|----------------------------|
| | | | |
| | | | |
| | | | |

4. Has there been any project of your company In the University of the Philippines that was terminated By Administration

| | |
|-----|----|
| YES | NO |
| | |

If YES, FILL UP THE TABLE BELOW, Use additional pages if necessary

| Constituents University / UP Campus | Name of Project | Reason for termination | Date of termination |
|-------------------------------------|-----------------|------------------------|---------------------|
| | | | |
| | | | |
| | | | |

5. Do you certify that all documents submitted by Your company and personnel are authentic?

| | |
|-------------------------------------|----|
| YES | NO |
| <input checked="" type="checkbox"/> | |

| | |
|-----|----|
| YES | NO |
| | |

6. Is there any pending cases in a Court or any similar institutions in relation to any Government contract awarded to your company? In relation to practice or profession of any of your personnel?

If YES, fill up the table below. Use additional pages if necessary

For Company

| Case Filed | Where Filed | Date Filed | Status (On-going / resolved) | Remarks |
|------------|-------------|------------|------------------------------|---------|
| | | | | |
| | | | | |
| | | | | |

For Personnel

| Name of Personnel & Designation | Case Filed | Where Filed | Date Filed | Status (On-going / resolved) | Remarks |
|---------------------------------|------------|-------------|------------|------------------------------|---------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

I hereby certify that all statements and information provided herein are complete, true and correct.

Name & Signature of Bidder's Authorized Representative

Official Designation
Company
Date

Suggested Marking (ITB 21)

“Mother Envelop”

BIDDER:
Address



Title of Project

THE BIDS AND AWARDS COMMITTEE 2
University of the Philippines Manila
Taft Avenue, Manila



DO NOT OPEN BEFORE _____

Suggested Marking (ITB 21)

ORIGINAL BID

BIDDER:

Address



Title of Project

THE BIDS AND AWARDS COMMITTEE 2

University of the Philippines Manila

Taft Avenue, Manila



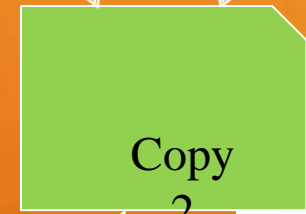
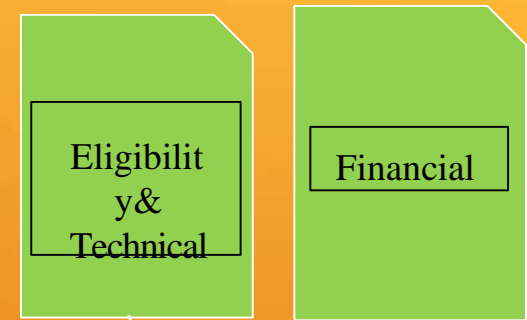
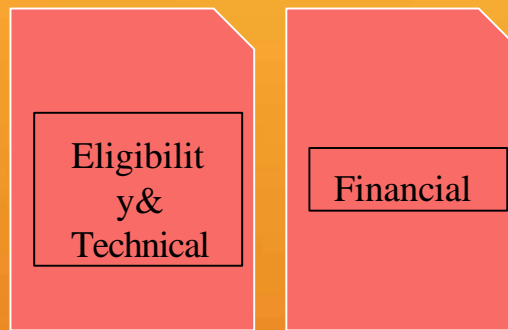
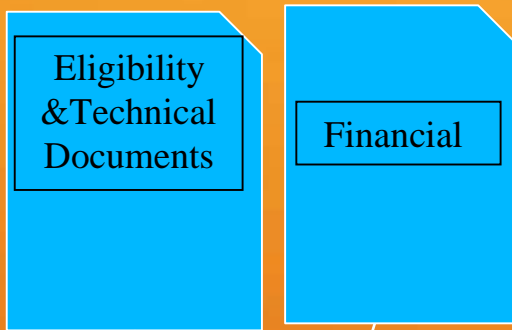
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UNIVERSITY OF THE PHILIPPINES MANILA
Procurement Office

QUICK FACT SHEET OF PROSPECTIVE BIDDERS:

PROJECT TITLE: _____

PURCHASE REQUEST NO. _____

BIDDER'S OFFICIAL BUSINESS NAME _____

COMPLETE BUSINESS ADDRESS: _____

OFFICIAL CONTACT DETAILS:

Landline: _____

Cellphone No. _____

Email Address: _____

NAME OF AUTHORIZED/DESIGNATED REPRESENTATIVE: _____

OFFICIAL DESIGNATION IN THE COMPANY: _____

Certified true and correct:

Signature over Printed Name

Designation in the Company

NOTES:

1. Information provided in this fact sheet should be consistent with the details contained in the bidder's legal documents.
2. The certifying officer should be at least the Corporate Secretary who shall execute the Secretary's Certificate of signing authority.
3. A filled-up copy of this sheet shall be sent to the BAC Secretariat when requesting zoom link. Another copy should be placed on top of the original copy of legal documents/eligibility requirements (Envelope 1) of bid documents.

Issued by:

BAC 2/3 Secretariat
Date: _____



UNIVERSITY OF THE PHILIPPINES MANILA
Procurement Office

**GUIDELINES FOR THE CONDUCT OF
BIDS AND AWARDS COMMITTEE MEETINGS USING ONLINE PLATFORMS
(SUCH AS VIDEO CONFERENCING, ZOOM, ETC)**

Background and General Principle

Article III, Section 8 of RA 9184 2016 Implementing Rules and Regulations (IRR) provides that “to promote transparency and efficiency, information and communications technology shall be utilized in the conduct of procurement procedure.”

The Government Procurement Policy Board through its Technical Support Office (TSO) continuously strived for the development of various on-line systems such as PhilGEPS which serves as the primary source of information on all government procurement. Procurement of common-used supplies and equipment can now be done at the Virtual Store of the Procurement Service. Recently, the development of online training platform was hastened due to the physical restrictions brought about by the community quarantine due to the COVID-19 pandemic.

Development of the online system for the submission of bids is ongoing. However, also due to the pandemic, the GPPB-TSO encouraged procuring agencies to develop their own system but in accordance with the guidelines issued by GPPB-TSO to ensure security, integrity and confidentiality of bid documents submitted.

The conduct of meetings with prospective bidders including prebid conference and opening of bids may now be conducted in person or face-to-face through videoconferencing, webcasting or similar technology with the interested suppliers, contractors and consultants.

In UP Manila, specifically the Bids and Awards Committee (BAC1, BAC2 and BAC3) meetings shall be conducted “face to face” using the online platforms. The manner of holding BAC meetings should be announced and described in the Invitation to Bid at the onset of the procurement activities. It should clearly define the guidelines or procedures to be observed by the prospective bidders and other interested contractors, suppliers, or consultants, as follows:

- a. Using the attached Quick Fact Sheet, prospective bidders shall inform the concerned BAC Secretariat of their interest to participate in the prebid conference and opening of bids by sending the name/s of their authorized representative/s and their corresponding email address/es at least, the day before the meeting, to the following email addresses:
BAC 2 : upm-bac2-secretariat@up.edu.ph
BAC 3 : upm-bac3-secretariat@up.edu.ph
- b. The zoom link which shall be provided by the BAC Secretariat to those who signified their intention to attend at least one (1) hour before the scheduled start of the meeting. Only those whose names were submitted to the Secretariat will be allowed access to the meeting room. Zoom link should not be shared to other people.
- c. The prospective bidders/suppliers shall stay initially at the zoom waiting room until the discussion of the item where they intend to participate starts. The host of the meeting from the BAC Secretariat will then let them in to the meeting room just before the discussion of the specific matter they intend to participate.
- d. During discussion, participants shall be requested to put their audio/microphones in “mute” mode, and shall unmute only upon raising their hands and have been given by the presiding officer the permission to speak.
- e. Participants shall open their camera when speaking for proper recognition.
- f. After discussion, all prospective bidders/suppliers for a particular project will courteously be requested to leave the meeting.
- g. Attendance to the zoom meeting should be documented. Likewise, the proceedings/minutes of the meeting should be recorded.

