



Republic of the Philippines
PROVINCE OF DAVAO DEL SUR
Barangay Matti, DigosCity, Davao del Sur
Telephone No. (082) 553-9579
Mobile Nos. 0905-229-0526/ 0908-3332-2024
Email: bac.davaodelsur2@gmail.com

OFFICE OF THE BIDS AND AWARDS COMMITTEE (BAC)

BIDDING DOCUMENTS

Supply/Delivery of Underground Fuel Tanks

PUBLIC BIDDING IB NO. G- 072-22



Republic of the Philippines
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OFFICE OF THE BIDS AND AWARDS COMMITTEE (BAC)

Section I.

Invitation to Bid



Republic of the Philippines
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Rm. 4 Executive Building, Capitol Matti, Digos City
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Telefax: (082) 553-9579 / Website: www.davaodelsur.gov.ph/pgo-bac
Email Add.: bac.davaodelsur2@gmail.com

PGO - BIDS AND AWARDS COMMITTEE (BAC)

INVITATION TO BID FOR Supply/Delivery of Underground Fuel Tanks

1. The Provincial Government of Davao del Sur, through the General Fund 2022 intends to apply the sum of ₱ 1,000,000.00 being the ABC to payments under the contract for IB No. G-072-22. Bids received in excess of the ABC shall be automatically rejected at bid opening.
2. The Provincial Government of Davao del Sur now invites bids for the above Procurement Project. Delivery of the Goods is required by 30 calendar days. Bidders should have completed, for the last 3 years from the date of submission and receipt of bids, a contract similar to the Project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II (Instructions to Bidders).
3. Bidding will be conducted through open competitive bidding procedures using a non-discretionary "*pass/fail*" criterion as specified in the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.
 - a. Bidding is restricted to Filipino citizens/sole proprietorships, partnerships, or organizations with at least sixty percent (60%) interest or outstanding capital stock belonging to citizens of the Philippines, and to citizens or organizations of a country the laws or regulations of which grant similar rights or privileges to Filipino citizens, pursuant to RA No. 5183.
4. Prospective Bidders may obtain further information from Provincial Government of Davao del Sur and inspect the Bidding Documents at the address given below during 8:00 A.M. – 4:00 P.M., Monday to Friday.

MS. NORJANNA M. CAMAGUIN, MPA
Head of BAC Secretariat
Office of the BAC Secretariat
Room 4, Executive Building, Capitol Matti, Digos City

5. A complete set of Bidding Documents may be acquired by interested Bidders on February 24, 2022 – March 15, 2022 at the Office of the BAC Secretariat Room 4, Executive Building, Capitol Matti, Digos City and upon accomplishing a bidder's assessment slip pursuant to the latest Guidelines issued by the GPPB, in the amount of ₱ 1,000.00. The Provincial Government of Davao del Sur shall allow the bidder to present its proof of payment for the fees upon payment of a non-refundable fee for the Bidding Documents in the amount stated above to the Provincial Treasurer's Office. An authorization from the proprietor of the company shall be presented in case the latter opted to send representative/s in his/her behalf. Only bidders who purchased the Bidding Documents with corresponding official receipt of the bidding documents will be allowed to submit bids. Eligibility/Technical and Financial documents must be book bound and properly tab at right side. The bidder will prepare (3) sets of book bound bidding documents with corresponding proper markings (Original Copy, Copy 1 and Copy 2), respectively. Any document submitted, not book bound shall be rejected outright. For the Financial Proposals not exceeding ten (10) pages may be book bound or securely stapled.



PGO - BIDS AND AWARDS COMMITTEE (BAC)

6. The Provincial Government of Davao del Sur will hold a Pre-Bid Conference on **March 03, 2022** at 10:00 A.M. via Google Meet Application through this link: meet.google.com/ajm-bjbx-yjd, which shall be open to prospective bidders.
7. Bids must be duly received by the Office of the BAC Secretariat Room 4, Executive Building, Capitol Matti, Digos City through manual submission on or before **March 15, 2022 at 9:00 A.M.** Late bids shall not be accepted.
8. All Bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in ITB Clause 14.
9. Bid opening shall be on **March 15, 2022 at 10:00 A.M. via Google Meet Application through this link: meet.google.com/ajm-bxbj-yjd**. Bids will be opened in the presence of the bidders' representatives who choose to attend the activity.
10. The Provincial Government of Davao del Sur reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Sections 35.6 and 41 of the 2016 revised IRR of RA No. 9184, without thereby incurring any liability to the affected bidder or bidders.
11. For further information, please refer to:

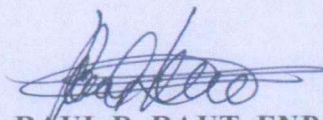
The BAC Chairperson
Provincial Government of Davao del Sur
Email: bac.davaodelsur2@gmail.com

MS. NORJANNA M. CAMAGUIN, MPA
Head, BAC Secretariat
Office of the BAC Secretariat
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12. You may visit the following websites:

Website: www.davaodelsur.gov.ph/pgo-bac

February 23, 2022


RAUL D. RAUT, ENP
(PGDH-HRMO)
BAC Chairperson



PROVINCIAL REQUEST
 PROVINCIAL GOVERNMENT OF DAVAO DEL SUR
 Mati, Digos City

PR Id.: PEO- MOTORPOOL Underground Tank (edit)1

Control No.:
 Department: PEO P.R.No.: 0291-06-22 Date Controlled: FEB 16 2022 Date P.R. Prepared: 02/08/2022
 Section: Motorpool

Item No.	Unit	Item and Description	Qty	Unit Cost	Total Cost
1	lot	UNDERGROUND FUEL TANKS Includes: -1- unit UG Tank at least 24,000 kiloliters capacity -1- unit UG Tank at least 16,000 kiloliters capacity -10- pcs. G.I Pipe, light, 1 1/2 -10- pcs. Fittings, 1 1/2 -1- pc. G.I. Pipe, light, 2 1/2 -2- pcs. Dust Cup, 2 1/2 -2- pcs. Check Valve, 1 1/2 - with installation -X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X- DELIVERY PERIOD: Thirty (30) calendar days delivery period upon receipt of P.O. Charges: 8754 PEO Motorpool Division 1-07-04-990 Other Structure of Installation of Dispensing Station - 2021 BIDS & AWARDS COMMITTEE (BAC) TECHNICAL WORKING GROUP CONTROLLED BY: [Signature] DATE: 2022-02-08 BIDS & AWARDS COMMITTEE BAC SECRETARIA COVERED UNDER AWP 2022 CONTROLLED BY: [Signature] DATE: 2/10/22 CB G-072-22 prebid: 03-03-22 1st: 03-15-22 <div style="text-align: center;"> </div>	1	1,000,000.00	1,000,000.00

Total : P 1,000,000.00

Purpose: For use in the PEO Gasoline Dispensing Station

Requested by: Signature: [Signature] Printed Name: LEONERL MARCH P. SUARIO Designation: Provincial Engineer	Cash Availability: [Signature] FARAH GEMMA Y. BIDAN, CPA Provincial Treasurer	Approved by: MARC DOUGLAS IV CHAN CAGAS Governor
Date: FEB 10 2022		[Signature]



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OFFICE OF THE BIDS AND AWARDS COMMITTEE (BAC)

Section II.

Instructions to

Bidders



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OFFICE OF THE BIDS AND AWARDS COMMITTEE (BAC)

1. Scope of Bid

The **Provincial Government of Davao del Sur** wishes to receive Bids for the **Supply/Delivery of Underground Fuel Tanks** with identification number **G-072-22**.

The Procurement Project (referred to herein as “**Supply/Delivery of Underground Fuel Tanks**”) is composed of **By Item**, the details of which are described in Section VII (Technical Specifications).

2. Funding Information

2.1. The GOP through the source of funding as indicated below for **2022** in the amount of **P1,000,000.00**.

2.2. The source of funding is **LGDF-GEN. FUND 2022**:

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 Manuals 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 **IB** 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 verified and accepted the general requirements of this Project, including 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, and Coercive Practices

The Procuring Entity, as well as the Bidders and Suppliers, 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.



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5.2. *[Select one, delete other/s]*

- a. Foreign ownership exceeding those allowed under the rules may participate pursuant to:
 - i. When a Treaty or International or Executive Agreement as provided in Section 4 of the RA No. 9184 and its 2016 revised IRR allow foreign bidders to participate;
 - ii. Citizens, corporations, or associations of a country, included in the list issued by the GPPB, the laws or regulations of which grant reciprocal rights or privileges to citizens, corporations, or associations of the Philippines;
 - iii. When the Goods sought to be procured are not available from local suppliers; or
 - iv. When there is a need to prevent situations that defeat competition or restrain trade.
- b. Foreign ownership limited to those allowed under the rules may participate in this Project.

5.3. Pursuant to Section 23.4.1.3 of the 2016 revised IRR of RA No.9184, the Bidder shall have an SLCC that is at least one (1) contract similar to the Project the value of which, adjusted to current prices using the PSA's CPI, must be at least equivalent to:

[Select one, delete the other/s]

- a. For the procurement of Non-expendable Supplies and Services: The Bidder must have completed a single contract that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC.
- b. For the procurement of Expendable Supplies: The Bidder must have completed a single contract that is similar to this Project, equivalent to at least twenty-five percent (25%) of the ABC.
- c. For procurement where the Procuring Entity has determined, after the conduct of market research, that imposition of either (a) or (b) will likely result to failure of bidding or monopoly that will defeat the purpose of public bidding: the Bidder should comply with the following requirements: *[Select either failure or monopoly of bidding based on market research conducted]*



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- i. Completed at least two (2) similar contracts, the aggregate amount of which should be equivalent to at least *fifty percent (50%) in the case of non-expendable supplies and services or twenty-five percent (25%) in the case of expendable supplies*] of the ABC for this Project; and
- ii. The largest of these similar contracts must be equivalent to at least half of the percentage of the ABC as required above.

5.4. The Bidders shall comply with the eligibility criteria under Section 23.4.1 of the 2016 IRR of RA No. 9184.

6. Origin of 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, subject to Domestic Preference requirements under **ITB** Clause 18.

7. Subcontracts

7.1.a **Subcontracting is not allowed.**

8. Pre-Bid Conference

The Provincial Government of Davao del Sur will hold a Pre-Bid Conference on **March 03, 2022 at 10:00 A.M. via Google Meet Application through this link: meet.google.com/ajm-bxbj-vjd**, which shall be open to prospective bidders.

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 VIII (Checklist of Technical and Financial Documents)**.
- 10.2. The Bidder's SLCC as indicated in **ITB** Clause 5.3 should have been completed within *[state relevant period as provided in paragraph 2 of the IB]* prior to the deadline for the submission and receipt of bids.
- 10.3. 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



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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. Similar to the required authentication above, 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.

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 VIII (Checklist of Technical and Financial Documents)**.
- 11.2. If the Bidder claims preference as a Domestic Bidder or Domestic Entity, a certification issued by DTI shall be provided by the Bidder in accordance with Section 43.1.3 of the 2016 revised IRR of RA No. 9184.
- 11.3. Any bid exceeding the ABC indicated in paragraph 1 of the **IB** shall not be accepted.
- 11.4. 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.
- 11.5. *[Include if Framework Agreement will be used:]* Financial proposals for single or multi-year Framework Agreement shall be submitted before the deadline of submission of bids as prescribed in the **IB**. For multi-year Framework Agreement, evaluation of the financial proposal during this stage is for purposes of determining eligibility and whether or not such financial proposal is within the ABC.

12. Bid Prices

- 12.1. Prices indicated on the Price Schedule shall be entered separately in the following manner:
 - a. For Goods offered from within the Procuring Entity's country:
 - i. The price of the Goods quoted EXW (ex-works, ex-factory, ex-warehouse, ex-showroom, or off-the-shelf, as applicable);
 - ii. The cost of all customs duties and sales and other taxes already paid or payable;
 - iii. The cost of transportation, insurance, and other costs incidental to delivery of the Goods to their final destination; and



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- iv. The price of other (incidental) services, if any, listed in e.
 - b. For Goods offered from abroad:
 - i. Unless otherwise stated in the **BDS**, the price of the Goods shall be quoted delivered duty paid (DDP) with the place of destination in the Philippines as specified in the **BDS**. In quoting the price, the Bidder shall be free to use transportation through carriers registered in any eligible country. Similarly, the Bidder may obtain insurance services from any eligible source country.
 - ii. The price of other (incidental) services, if any, as listed in **Section VII (Technical Specifications)**.
- 12.2. *[Include if Framework Agreement will be used:]* For Framework Agreement, the following should also apply in addition to Clause 12.1:
- a. For a single year Framework Agreement, the prices quoted by the Bidder shall be fixed during the Bidder's performance of the contract and not subject to variation or escalation on any account. Price schedules required under Clause 12.1 shall be submitted with the bidding documents.
 - b. For a multi-year Framework Agreement, the prices quoted by the Bidder during submission of eligibility documents shall be the ceiling and the price quoted during mini-competition must not exceed the initial price offer. The price quoted during call for mini-competition shall be fixed during the Bidder's performance of that Call-off and not subject to variation or escalation on any account. Price schedules required under Clause 12.1 shall be submitted with the bidding documents.

13. Bid and Payment Currencies

- 13.1. For Goods that the Bidder will supply from outside the Philippines, the 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.
- 13.2. Payment of the contract price shall be made in: **Philippine Pesos**.

14. Bid Security

- 14.1. The Bidder shall submit a Bid Securing Declaration¹ 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**.

¹ In the case of Framework Agreement, the undertaking shall refer to entering into contract with the Procuring Entity and furnishing of the performance security or the performance securing declaration within ten (10) calendar days from receipt of Notice to Execute Framework Agreement.



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- 14.2. The Bid and bid security shall be valid until *[indicate date]*. Any Bid not accompanied by an acceptable bid security shall be rejected by the Procuring Entity as non-responsive.
- 14.3. *[Include if Framework Agreement will be used:]* In the case of Framework Agreement, other than the grounds for forfeiture under the 2016 revised IRR, the bid security may also be forfeited if the successful bidder fails to sign the Framework Agreement, or fails to furnish the performance security or performance securing declaration. Without prejudice on its forfeiture, bid securities shall be returned only after the posting of performance security or performance securing declaration, as the case may be, by the winning Bidder or compliant Bidders and the signing of the Framework Agreement.

15. Sealing and Marking of Bids

Each Bidder shall submit one copy of the first and second components of its Bid.

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 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.

16. Deadline for Submission of Bids

- 16.1. Bids must be delivered to the Office of the BAC Secretariat Room 4, Executive Building, Capitol Matti, Digos City on or before **March 15, 2022 at 9:00 A.M.** Late bids shall not be accepted. All bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in ITB Clause 18.

17. Opening and Preliminary Examination of Bids

- 17.1. Bid Opening shall be on **March 15, 2022 at 10:00 A.M.** via Google Meet Application through this link: meet.google.com/ajm-bxbj-yjd. Bids will be opened in the presence of bidders' representatives who choose to attend the activity.
- 17.2. The preliminary examination of bids shall be governed by Section 30 of the 2016 revised IRR of RA No. 9184.

18. Domestic Preference

2



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- 18.1. The Procuring Entity will grant a margin of preference for the purpose of comparison of Bids in accordance with Section 43.1.2 of the 2016 revised IRR of RA No. 9184.
- 18.2. *[Include if Framework Agreement will be used:]* For multi-year Framework Agreement, determination of margin of preference shall be conducted every call for Mini-Competition.

19. Detailed Evaluation and Comparison of Bids

- 19.1. The Procuring 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 the 2016 revised IRR of RA No. 9184.
- 19.2. If the Project allows partial bids, bidders may submit a proposal on any of the lots or items, and evaluation will be undertaken on a per lot or item basis, as the case maybe. In this case, the Bid Security as required by **ITB** Clause 15 shall be submitted for each lot or item separately.
- 19.3. The descriptions of the lots or items shall be indicated in **Section VII (Technical Specifications)**, although the ABCs of these lots or items are indicated in the **BDS** for purposes of the NFCC computation pursuant to Section 23.4.2.6 of the 2016 revised IRR of RA No. 9184. The NFCC must be sufficient for the total of the ABCs for all the lots or items participated in by the prospective Bidder.
- 19.4. The Project shall be awarded as:

One Project having several items that shall be awarded as one contract.
- 19.5. Except for bidders submitting a committed Line of Credit from a Universal or Commercial Bank in lieu of its NFCC computation, all Bids must include the NFCC computation pursuant to Section 23.4.1.4 of the 2016 revised IRR of RA No. 9184, which must be sufficient for the total of the ABCs for all the lots or items participated in by the prospective Bidder. For bidders submitting the committed Line of Credit, it must be at least equal to ten percent (10%) of the ABCs for all the lots or items participated in by the prospective Bidder.

20. Post-Qualification

- 20.1. *[Include if Framework Agreement will be used:]* For multi-year Framework Agreement, all bidders initially determined to be eligible and financially compliant shall be subject to initial post-qualification. The BAC shall then recommend the execution of a Framework Agreement among all eligible, technically and financially compliant bidders and the Procuring Entity and shall be issued by HOPE a Notice to Execute Framework Agreement. The determination of the Lowest Calculated Bid (LCB) shall not be performed by the BAC until a Mini-Competition is conducted among the bidders who executed a Framework Agreement. When a Call for Mini-



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Competition is made, the BAC shall allow the bidders to submit their best financial proposals on such pre-scheduled date, time and place to determine the bidder with the LCB.

- 20.2. 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, *{[Include if Framework Agreement will be used:]}* or in the case of multi-year Framework Agreement, that it is one of the eligible bidders who have submitted bids that are found to be technically and financially compliant,}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**. *{[Include if Framework Agreement will be used:]}* For every mini-competition in Framework Agreement, the LCB shall likewise submit the required documents for final Post Qualification.}



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Section III.

Bid Data Sheet



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Bid Data Sheet

ITB Clause	
5.3	<p>For this purpose, contracts similar to the Project shall be:</p> <p>a. Statement of the bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid for the last 3 years, and whose value, adjusted to current prices using the Philippine Statistics Authority (PSA) consumer price indices, must be at least fifty percent (50%) of the ABC. However, in the case of Expendable Supplies, said SLCC must be at least twenty five percent (25%) of the ABC. Other conditions set forth under Section 23.4.1.3 of the 2016 Revised IRR of R.A. 9184 shall also be observed.</p>
7.1	<i>Subcontracting is not allowed.</i>
12	The price of the Goods shall be quoted DDP [<i>state place of destination</i>] or the applicable International Commercial Terms (INCOTERMS) for this Project.
14.1	<p>The bid security shall be in the form of a Bid Securing Declaration, or any of the following forms and amounts:</p> <p>a. The amount of not less than P20,000.00 if bid security is in cash, cashier's/manager's check, bank draft/guarantee or irrevocable letter of credit; or</p> <p>b. The amount of not less than P50,000.00 if bid security is in Surety Bond.</p>
19.3	Please see Purchase Request No. 0291-CB-22 dated February 16, 2022.
20.2	<i>Post-Qualification Requirements</i>
21.2	<p>Each Bidder shall submit:</p> <p>1. Envelope 1 (Eligibility/Technical Documents) One (1) ORIGINAL COPY, another copy for COPY 1, and another copy for COPY 2.</p> <p>2. Envelope 2 (Financial Proposal) One (1) ORIGINAL COPY, another copy for COPY 1, and another copy for COPY 2</p> <p>Such documents shall be duly signed by the bidders or its duly authorized representative/s.</p> <p>Eligibility/Technical and Financial Proposal must be book bound and properly tab at the right side. Any documents submitted not book bound shall be rejected outright. For the Financial Proposal not exceeding ten (10) pages maybe book bound or securely stapled.</p> <p>All copies must be properly marked (ORIGINAL COPY, COPY 1 AND COPY</p>

2



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2)

Envelope 1 and Envelope 2 must be properly sealed. Envelope 1 and Envelope 2 shall be placed in one mother envelope.



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Barangay Matti, DigosCity, Davao del Sur
Telephone No. (082) 553-9579
Mobile Nos. 0905-229-0526/ 0908-3332-2024
Email: bac.davaodelsur2@gmail.com

OFFICE OF THE BIDS AND AWARDS COMMITTEE (BAC)

Section IV.
General Conditions of
Contract



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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.

Additional requirements for the completion of this Contract shall be provided in the **Special Conditions of Contract (SCC)**.

2. Advance Payment and Terms of Payment

- 2.1. Advance payment of the contract amount is provided under Annex "D" of the revised 2016 IRR of RA No. 9184.
- 2.2. The Procuring Entity is allowed to determine the terms of payment on the partial or staggered delivery of the Goods procured, provided such partial payment shall correspond to the value of the goods delivered and accepted in accordance with prevailing accounting and auditing rules and regulations. The terms of payment are indicated in the **SCC**.

[Include the following clauses if Framework Agreement will be used:]

- 2.3. For a single-year Framework Agreement, prices charged by the Supplier for Goods delivered and/or services performed under a Call-Off shall not vary from the prices quoted by the Supplier in its bid.
- 2.4. For multi-year Framework Agreement, prices charged by the Supplier for Goods delivered and/or services performed under a Call-Off shall not vary from the prices quoted by the Supplier during conduct of Mini-Competition.

3. Performance Security

Within ten (10) calendar days from receipt of the Notice of Award by the Bidder from the Procuring Entity but in no case later than prior to 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 of RA No. 9184. *[Include if Framework Agreement will be used:]* In the case of Framework Agreement, the



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Bidder may opt to furnish the performance security or a Performance Securing Declaration as defined under the Guidelines on the Use of Framework Agreement.}

4. Inspection and Tests

The Procuring Entity or its representative shall have the right to inspect and/or to test the Goods to confirm their conformity to the Project *{[Include if Framework Agreement will be used:]*or Framework Agreement} specifications at no extra cost to the Procuring Entity in accordance with the Generic Procurement Manual. In addition to tests in the **SCC, Section IV (Technical Specifications)** shall specify what inspections and/or tests the Procuring Entity requires, and where they are to be conducted. The Procuring Entity shall notify the Supplier in writing, in a timely manner, of the identity of any representatives retained for these purposes.

All reasonable facilities and assistance for the inspection and testing of Goods, including access to drawings and production data, shall be provided by the Supplier to the authorized inspectors at no charge to the Procuring Entity.

5. Warranty

- 6.1. In order to assure that manufacturing defects shall be corrected by the Supplier, a warranty shall be required from the Supplier as provided under Section 62.1 of the 2016 revised IRR of RA No. 9184.
- 6.2. The Procuring Entity shall promptly notify the Supplier in writing of any claims arising under this warranty. Upon receipt of such notice, the Supplier shall, repair or replace the defective Goods or parts thereof without cost to the Procuring Entity, pursuant to the Generic Procurement Manual.

6. Liability of the Supplier

The Supplier's liability under this Contract shall be as provided by the laws of the Republic of the Philippines.

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



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Section V.
Special Conditions of
Contract



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Special Conditions of Contract

GCC Clause	
1	<p>Delivery of the Goods shall be made by the Supplier in accordance with the terms specified in Section VI (Schedule of Requirements).</p> <p>For purposes of this Clause the Procuring Entity's Representative at the Project Site is PGSO Warehouse.</p> <p>Incidental Services –</p> <p>The Supplier is required to provide all of the following services, including additional services, if any, specified in Section VI. Schedule of Requirements:</p> <p><i>Select appropriate requirements and delete the rest.</i></p> <ul style="list-style-type: none">a. performance or supervision of on-site assembly and/or start-up of the supplied Goods;b. furnishing of tools required for assembly and/or maintenance of the supplied Goods;c. furnishing of a detailed operations and maintenance manual for each appropriate unit of the supplied Goods;d. performance or supervision or maintenance and/or repair of the supplied Goods, for a period of time agreed by the parties, provided that this service shall not relieve the Supplier of any warranty obligations under this Contract; and <p><i>Select appropriate requirements and delete the rest.</i></p> <ul style="list-style-type: none">e. performance or supervision of on-site assembly and/or start-up of the supplied Goods;f. furnishing of tools required for assembly and/or maintenance of the supplied Goods;g. furnishing of a detailed operations and maintenance manual for each appropriate unit of the supplied Goods;h. performance or supervision or maintenance and/or repair of the supplied Goods, for a period of time agreed by the parties, provided that this service shall not relieve the Supplier of any warranty obligations under this Contract; and



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- i. training of the Procuring Entity's personnel, at the Supplier's plant and/or on-site, in assembly, start-up, operation, maintenance, and/or repair of the supplied Goods.
- j. *[Specify additional incidental service requirements, as needed.]*

The Contract price for the Goods shall include the prices charged by the Supplier for incidental services and shall not exceed the prevailing rates charged to other parties by the Supplier for similar services.

Spare Parts –

The Supplier is required to provide all of the following materials, notifications, and information pertaining to spare parts manufactured or distributed by the Supplier:

Select appropriate requirements and delete the rest.

- a. such spare parts as the Procuring Entity may elect to purchase from the Supplier, provided that this election shall not relieve the Supplier of any warranty obligations under this Contract; and
- b. in the event of termination of production of the spare parts:
 - i. advance notification to the Procuring Entity of the pending termination, in sufficient time to permit the Procuring Entity to procure needed requirements; and
 - ii. following such termination, furnishing at no cost to the Procuring Entity, the blueprints, drawings, and specifications of the spare parts, if requested.

The spare parts and other components required are listed in **Section VI (Schedule of Requirements)** and the cost thereof are included in the contract price.

The Supplier shall carry sufficient inventories to assure ex-stock supply of consumable spare parts or components for the Goods for a period of *[indicate here the time period specified. If not used indicate a time period of three times the warranty period]*.

Spare parts or components shall be supplied as promptly as possible, but in any case, within *[insert appropriate time period]* months of placing the order.



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Packaging –

The Supplier shall provide such packaging of the Goods as is required to prevent their damage or deterioration during transit to their final destination, as indicated in this Contract. The packaging shall be sufficient to withstand, without limitation, rough handling during transit and exposure to extreme temperatures, salt and precipitation during transit, and open storage. Packaging case size and weights shall take into consideration, where appropriate, the remoteness of the Goods' final destination and the absence of heavy handling facilities at all points in transit.

The packaging, marking, and documentation within and outside the packages shall comply strictly with such special requirements as shall be expressly provided for in the Contract, including additional requirements, if any, specified below, and in any subsequent instructions ordered by the Procuring Entity.

The outer packaging must be clearly marked on at least four (4) sides as follows:

Name of the Procuring Entity
Name of the Supplier
Contract Description
Final Destination
Gross weight
Any special lifting instructions
Any special handling instructions
Any relevant HAZCHEM classifications

A packaging list identifying the contents and quantities of the package is to be placed on an accessible point of the outer packaging if practical. If not practical the packaging list is to be placed inside the outer packaging but outside the secondary packaging.

Transportation –

Where the Supplier is required under Contract to deliver the Goods CIF, CIP, or DDP, transport of the Goods to the port of destination or such other named place of destination in the Philippines, as shall be specified in this Contract, shall be arranged and paid for by the Supplier, and the cost thereof shall be included in the Contract Price.

Where the Supplier is required under this Contract to transport the Goods to a specified place of destination within the Philippines, defined as the Project Site, transport to such place of destination in the Philippines, including insurance and storage, as shall be specified in this Contract, shall be arranged by the Supplier, and related costs shall be included in the contract price.



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	<p>Where the Supplier is required under Contract to deliver the Goods CIF, CIP or DDP, Goods are to be transported on carriers of Philippine registry. In the event that no carrier of Philippine registry is available, Goods may be shipped by a carrier which is not of Philippine registry provided that the Supplier obtains and presents to the Procuring Entity certification to this effect from the nearest Philippine consulate to the port of dispatch. In the event that carriers of Philippine registry are available but their schedule delays the Supplier in its performance of this Contract the period from when the Goods were first ready for shipment and the actual date of shipment the period of delay will be considered force majeure.</p> <p>The Procuring Entity accepts no liability for the damage of Goods during transit other than those prescribed by INCOTERMS for DDP deliveries. In the case of Goods supplied from within the Philippines or supplied by domestic Suppliers risk and title will not be deemed to have passed to the Procuring Entity until their receipt and final acceptance at the final destination.</p> <p>Intellectual Property Rights –</p> <p>The Supplier shall indemnify the Procuring Entity against all third-party claims of infringement of patent, trademark, or industrial design rights arising from use of the Goods or any part thereof.</p>
2.2	The terms of payment shall be Credit Basis.
4	The inspections and tests that will be conducted are: <i>[Indicate the applicable inspections and tests]</i>

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OFFICE OF THE BIDS AND AWARDS COMMITTEE (BAC)

Section VI. Schedule of Requirements

PGO - BIDS AND AWARDS COMMITTEE

Schedule of Requirements

The delivery schedule as per IB NO.: **G-072-22 is 30 calendar days**

Item No.	Item and Description	Qty	Unit	Delivered	
				Weeks	Months
	PR# 0291-CB-22 (PEO - Motorpool)				
1	UNDERGROUND FUEL TANKS	1	lot		
	Includes:				
	-1- unit UG Tank at least 24,000 kiloliters capacity				
	-1- unit UG Tank at least 16,000 kiloliters capacity				
	-10- pcs. G.I Pipe, light, 1 1/2				
	-10- pcs. Fittings, 1 1/2				
	-1- pc. G.I. Pipe, light, 2 1/2				
	-2- pcs. Dust Cup, 2 1/2				
	-2- pcs. Check Valve, 1 1/2				
	- with installation				
	-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-				
	DELIVERY PERIOD: Thirty (30) calendar days delivery period upon receipt of P.O.				



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OFFICE OF THE BIDS AND AWARDS COMMITTEE (BAC)

Section VII. Technical Specifications

PGO - BIDS AND AWARDS COMMITTEE

Technical Specifications

IAEB NO.: _____ Date of Opening: March 15, 2022 Quotation: By Item

Item No.	Item and Description	Supplier's Specification	Brand Name (Mandatory)	Qty	Unit	Statement of Compliance
	PR# 0291-CB-22 (PEO - Motorpool)					
1	UNDERGROUND FUEL TANKS			1	lot	
	Includes:					
	-1- unit UG Tank at least 24,000 kiloliters capacity					
	-1- unit UG Tank at least 16,000 kiloliters capacity					
	-10- pcs. G.I Pipe, light, 1 1/2					
	-10- pcs. Fittings, 1 1/2					
	-1- pc. G.I. Pipe, light, 2 1/2					
	-2- pcs. Dust Cup, 2 1/2					
	-2- pcs. Check Valve, 1 1/2					
	- with installation					
	-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-					
	DELIVERY PERIOD: Thirty (30) calendar days delivery period upon receipt of P.O.					



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OFFICE OF THE BIDS AND AWARDS COMMITTEE (BAC)

Section VIII.
Checklist of Technical
and Financial
Documents



OFFICE OF THE BIDS AND AWARDS COMMITTEE

CHECKLIST-GOODS

IB No. _____

Opening of Bids:

Name of Project/Brief Description of Goods:			
PR:	Dated:	ABC	End User:
Name of Contractor/Supplier			
ENVELOPE 1 - TECHNICAL COMPONENT ENVELOPE			
	1.	Class "A" Documents	
Legal Documents			
	(a)	Valid PhilGEPS Registration Certificate (Platinum Membership)	
	(b)	Registration certificate from Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives or its equivalent document,	
	(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;	
	(d)	Tax clearance per E.O. No. 398, s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR).	
Technical Documents			
	(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 (with supporting documents)	
	(g)	Statement of the bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid for the last 3 years, except under conditions provided for in Sections 23.4.1.3 and 23.4.2.4 of the 2016 revised IRR of RA No. 9184 (with supporting documents)	
	(h)	Original copy of Bid Security in the form of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Cash or Cashier's/Manager's check (2%) <input type="checkbox"/> Bank Guarantee/Draft or Irrevocable Letter of Credit (2%) <input type="checkbox"/> Surety Bond (5%) (submit a certification issued by the Insurance Commission) <input type="checkbox"/> Notarized Bid Securing Declaration 	
	(i)	Conformity with the following: <ul style="list-style-type: none"> a. Compliance as to Technical Specifications b. Production/delivery schedule c. Manpower requirements d. After sales service/parts/warranty/return policy <ul style="list-style-type: none"> - Minimum of 3 months in the case of expendable supplies from the date of acceptance of the delivered supplies. - Minimum of 1 year in the case of non-expendable supplies from the date of acceptance of the delivered supplies. Medicines Expiration – Minimum of 1 year from the date of delivery 	
	(j)	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.	
Financial Documents			
	(k)	The Supplier's audited financial statements, showing, among others, the Supplier'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;	
	(l)	The prospective bidder's computation of Net Financial Contracting Capacity (NFCC); or A committed Line of Credit from a Universal or Commercial Bank in lieu of its NFCC computation.	
	2.	Class "B" Documents	
	(m)	If applicable, a duly signed joint venture agreement (JVA) 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.	
		Other documentary requirements under RA No. 9184 (as applicable)	
	(n)	<i>[For foreign bidders claiming by reason of their country's extension of reciprocal rights to Filipinos]</i> Certification from the relevant government office of their country stating that Filipinos are allowed to participate in government procurement activities for the same item or product.	
	(o)	Certification from the DTI if the Bidder claims preference as a Domestic Bidder or Domestic Entity.	
ENVELOPE 2 - FINANCIAL COMPONENT ENVELOPE			
	(a)	Original of duly signed and accomplished Financial Bid Form;	
	(b)	Original of duly signed and accomplished Price Schedule(s).	

Statement of Single Largest Completed Contract (SLCC)

(Similar in Nature for the Last 3 years)

Name of Project/Contract: _____

IB No. _____

Location: _____

Name of Contract / Location Project Cost	a) Owner's Name b) Address c) Telephone No.	Nature of Work	Bidder's Role		a) Amount at Award b) Amount at Completion c) Duration	a) Date Awarded b) Date Started c) Date of Completion
			Description	%		

Note: This statement shall be supported with:

1. Contract/Purchase Order
2. Certificate of Completion/Acceptance or Inspection and Acceptance Report or Official Receipts

Submitted by: _____
(Printed Name & Signature)

Designation: _____

Date: _____

Bid Securing Declaration Form

[shall be submitted with the Bid if bidder opts to provide this form of bid security]

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

BID SECURING DECLARATION **Project Identification No.: *[Insert 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 procurement 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 the 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 No. 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; and
 - c. I am/we are declared the bidder with the Lowest Calculated 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 OR ITS AUTHORIZED
REPRESENTATIVE]*
[Insert signatory's legal capacity]
Affiant

[Jurat]

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

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 document 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]

Bid Form for the Procurement of Goods
[shall be submitted with the Bid]

BID FORM

Date : _____
 Project Identification No. : _____

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

Having examined the Philippine Bidding Documents (PBDs) including the Supplemental or Bid Bulletin Numbers *[insert numbers]*, the receipt of which is hereby duly acknowledged, we, the undersigned, offer to *[supply/deliver/perform]* *[description of the Goods]* in conformity with the said PBDs for the sum of *[total Bid amount in words and figures]* or the total calculated bid price, as evaluated and corrected for computational errors, and other bid modifications in accordance with the Price Schedules attached herewith and made part of this Bid. The total bid price includes the cost of all taxes, such as, but not limited to: *[specify the applicable taxes, e.g. (i) value added tax (VAT), (ii) income tax, (iii) local taxes, and (iv) other fiscal levies and duties]*, which are itemized herein or in the Price Schedules,

If our Bid is accepted, we undertake:

- a. to deliver the goods in accordance with the delivery schedule specified in the Schedule of Requirements of the Philippine Bidding Documents (PBDs);
- b. to provide a performance security in the form, amounts, and within the times prescribed in the PBDs;
- c. to abide by the Bid Validity Period specified in the PBDs and it shall remain binding upon us at any time before the expiration of that period.

[Insert this paragraph if Foreign-Assisted Project with the Development Partner:

Commissions or gratuities, if any, paid or to be paid by us to agents relating to this Bid, and to contract execution if we are awarded the contract, are listed below:

Name and address of agent	Amount and Purpose of Commission or gratuity
---------------------------	--

(if none, state "None")]

Until a formal Contract is prepared and executed, this Bid, together with your written acceptance thereof and your Notice of Award, shall be binding upon us.

We understand that you are not bound to accept the Lowest Calculated Bid or any Bid you may receive.

We certify/confirm that we comply with the eligibility requirements pursuant to the PBDs.

The undersigned is authorized to submit the bid on behalf of *[name of the bidder]* as evidenced by the attached *[state the written authority]*.

We acknowledge that failure to sign each and every page of this Bid Form, including the attached Schedule of Prices, shall be a ground for the rejection of our bid.

Name: _____

Legal capacity: _____

Signature: _____

Duly authorized to sign the Bid for and behalf of: _____

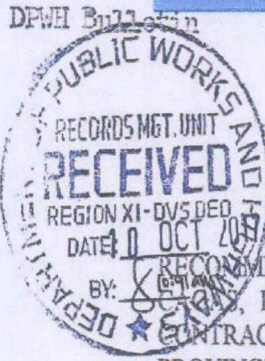
Date: _____



Republic of the Philippines
PROVINCE OF DAVAO DEL SUR
 Barangay Matti, Digos City, Davao del Sur
 TELEFAX NO. (082) 553-9579

CPM Governor
 Capitol Bulletin 10/10/17

OFFICE OF THE BIDS AND AWARDS COMMITTEE



Resolution No. 547
 Series of 2017

SA-1 YBANEZ w/dt
 10/10/17

A RESOLUTION

RECOMMENDING TO THE HEAD OF THE PROCURING ENTITY, GOVERNOR DOUGLAS RA. [Signature], LLB, MBE, MNSA TO ADOPT THE 3-STRIKE POLICY IN THE PROCUREMENT OF CONTRACTS FOR INFRASTRUCTURE WORKS, GOODS AND CONSULTING SERVICES OF THE PROVINCIAL GOVERNMENT OF DAVAO DEL SUR-

WHEREAS, the Provincial Government of Davao del Sur encounters several failures of biddings due to constant errors committed by the participating Bidders in the submission of their bidding documents despite of the orientation during Pre-Bid Conference and the Instruction To Bidders;

WHEREAS, to further strengthen the integrity of the competitive bidding process, the Bids and Awards Committee together with the Members of the Technical Working Group Unanimously agreed that the following instructions are hereby issued pertaining to the implementation of the 3-Strike Policy of the Provincial Government of Davao del Sur against violations of Section 69 of the IRR of RA 9184:

1. The provision of Section 69.1 of the said IRR, pertaining to 3-strike policy of the Provincial Government of Davao del Sur, is hereby reiterated as follows:

"In addition to the provisions of Rules XXI and XXII of this IRR, the Head of the Procuring Entity, subject to the authority delegated to the BAC, if any, shall impose on bidders or prospective bidders, the administrative penalty of suspension for one (1) year for the first offense, and suspension of two (2) years for the second offense from participating in the competitive bidding process, as well as disqualification from further participating in the competitive bidding being undertaken by the Procuring Entity concerned, where applicable, for the following violations: 69.1.i. All other acts that tend to defeat the purpose of competitive bidding, such as habitually withdrawing from bidding, submitting late bids or patently insufficient bid, for at least three (3) times within a year, except for valid reasons."

2. The violations enumerated, which are considered as acts that tend to defeat the purpose of competitive bidding under the 3-strike policy, are hereby clarified to read as follows:
 - 2.a A Bidder that had purchased bidding documents, but subsequently (a) withdrawn from the bidding or (b) submitted a letter of non-participation, or (c) did not submit a bid or late submission of bid – without a valid cause, as determined by the Bids and Awards Committee (BAC);
 - 2.b Submission of erroneous, insufficient, defective documents such as, but not limited to, insufficient bid securities, any computational/typographical error in the submitted bidding documents and other deficiencies which causes bid disqualification;
 - 2.c Non-submission of post-qualification and other requirements within the prescribed period as specified in the notice issued by the BAC;
3. Each "offense" by a bidder referred to in Section 69.1.i. of the IRR, as stated in the said Resolution No. 547 dated August 15, 2017, consists of three violations or strikes within a period of one year starting from the date of the first strike, for all procurements by all offices of the Provincial Government of Davao del Sur;
4. Every time a bidder is observed to have done any of the three acts enumerated in Item 2 of par. a, b & c of this Resolution No. 547 dated August 15, 2017, the Chairperson of the BAC shall immediately serve a written notice to the bidder informing him of his act, and giving him five (5) days to show cause why he should not be sanctioned committing an act which tends to defeat the purpose of public bidding under the 3-strike policy of the Provincial Government of Davao del Sur;



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OFFICE OF THE BIDS AND AWARDS COMMITTEE

BAC RES. NO. 547, S. 2017

Page - 2 -

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5. Based on the evaluation by the BAC of the bidder's response to the show-cause notice mentioned in Item No. 4 of this Resolution, the BAC shall, within seven (7) days from receipt of the bidder's response, determine whether the bidder's act was done with or without a valid cause;
6. The BAC Secretariat shall submit to the BAC a 3-Strike Policy Report, which shall contain the information in item 3 and 4 of this Resolution. The Report must be received by the BAC through its Chairperson within fifteen (15) days after the date of opening of the bids;
7. The BAC through its Secretariat shall monitor the participation of bidders in all of its projects and maintain a tally of violations by each bidder of the 3-strike policy in its jurisdiction as well as of the violations by the bidder of the said policy in other offices of the Provincial Government of Davao del Sur;
8. Based on the 3-strike reports, the Bids and Awards Committee, shall recommend to the Head of the Procuring Entity, for approval, the following administrative sanctions on the erring contractor/Supplier for violation of the 3-strike policy:
 - a. For the first violation or strike – a first warning,
 - b. For the second strike – a second warning,
 - c. For the third strike, which together with the first two strikes constitutes the first offense against the 3-strike policy- an administrative penalty of suspension for one (1) year from participating in any procurement process in the Provincial Government of Davao del Sur,
 - d. For the second offense- the second set of three strikes committed by the bidder- an administrative penalty of suspension for two (2) years from participating in any procurement process in the Provincial Government of Davao del Sur;
9. In addition, a cumulative violations of at least three (3) to the 3-strike policy committed within 2 succeeding years by any Contractor/Supplier which is not covered in the preceding paragraphs shall be sanctioned administratively by (1) year suspension from participating in any procurement process of the Provincial Government of Davao del Sur.

WHEREFORE, on motion of BAC Member, Engr. Roderick R. Milana, duly Seconded by all the BAC Members present, it was –

RESOLVED, as it is hereby RESOLVED, to recommend to the Head of the Procuring Entity, DOUGLAS RA. CAGAS, LLB, MBE, MNSA to **ADOPT the 3-Strike Policy in the Procurement of Contracts for Infrastructure Works, Goods, and Consulting Services of the Provincial Government of Davao del Sur**,

RESOLVED FINALLY, to furnish copies of this Resolution to the Provincial General Services Office, Commission on Audit, Concerned End Users, and Various Suppliers/Bidders, for their information and appropriate action;



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OFFICE OF THE BIDS AND AWARDS COMMITTEE

BAC RES. NO. 547, S. 2017
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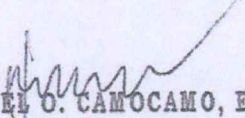
UNANIMOUSLY APPROVED at the PGSO Conference Room, PGSO Building, Provincial Capitol, Matti, Digos City, Province of Davao del Sur, this 15th day of August, 2017.


I hereby certify the correctness of the above-mentioned resolution.

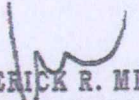
NORJANNA M. CAMAGUIN, MPA
 (AO V-PTO)
 Head-BAC Secretariat

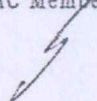
Attested by:



Engr. ANGELIE R. GELLA
 (Engineer IV, PEO)
 BAC Member

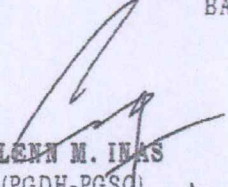

Engr. ISABEL O. CAMOCAMO, EnP
 (Planning Officer IV, PPDO)
 BAC Member


Engr. DULCESIMA D. PADILLO, EnP
 Provincial ENRO, PENRO
 BAC Member

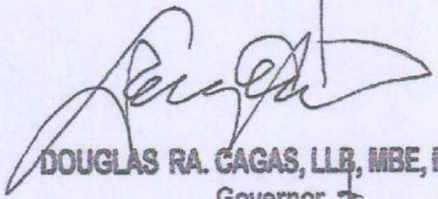

Engr. RODERICK R. MILANA, REA
 (PGDH-PASSO)
 BAC Member


Mr. DANILO P. CADUNOG
 (PGDH-PCO)
 BAC Member


RAUL D. RAUT, EnP
 HRMO IV, PGO-HRMO
 BAC Vice-Chairperson


GLENN M. IBAS
 (PGDH-PGSO)
 BAC Chairperson - Presiding Officer

Approved:


DOUGLAS RA. GAGAS, LLB, MBE, MNSA
 Governor
 Head of the Procuring Entity

119
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Republic of the Philippines
PROVINCE OF DAVAO DEL SUR
Barangay Matti, Digos City, Davao del Sur
TELEFAX: (082) 553-95-79
Email Add.: bac9579davaodelsur@gmail.com

OFFICE OF THE BIDS AND AWARDS COMMITTEE

Resolution No. 913 Series of 2018

A RESOLUTION

RECOMMENDING TO THE HEAD OF THE PROCURING ENTITY, GOVERNOR DOUGLAS RA. CAGAS, LLB, MBE, MNSA TO DEFINE, CLARIFY AND/OR AMEND SOME OF THE PROVISIONS OF THE 3-STRIKES POLICY IN THE PROCUREMENT OF CONTRACTS FOR GOODS AND CONSULTING SERVICES OF THE PROVINCIAL GOVERNMENT OF DAVAO DEL SUR -

WHEREAS, the Bids and Awards Committee was able to receive several replies from the Show Cause Order issued to participating bidders/suppliers whose bid participation were outrightly rejected, disqualified, and post-disqualified for violations committed as specified in the 3-Strikes Policy of the Provincial Government of Davao del Sur covered under BAC Resolution No. 547 dated August 15, 2017;

WHEREAS, the Bids and Awards Committee during series of deliberations on the matter realized the importance to revisit the 3-Strikes Policy;

WHEREAS, justifications and reasons presented by the aforementioned participating bidders/suppliers were discussed and examined by the Bids and Awards Committee, and concludes that such disqualification that causes failure of biddings were not done intentionally by the bidders to defeat the purpose of competitive bidding;

WHEREAS, to have uniformity and clarity in the interpretation of the policy, and at the same time to attract and encourage more Suppliers/Bidders to participate in the procurement activities of the Provincial Government of Davao del Sur, it was Unanimously agreed to Define, Clarify and/or Amend some of the provisions of the 3-Strikes Policy as enumerated hereunder:

1. To issue Show Cause Order for violations specified under 2.a of BAC Resolution No. 547, Series of 2017:
 - A bidder that had purchased bidding documents, but (a) withdrawn from the bidding, or (b) submitted a letter of non-participation, or (c) did not submit a bid or late submission of bid – without a valid cause, as determined by the Bids and Awards Committee,
2. To impose Automatic Violation (1st, or 2nd, or 3rd strikes) to the bidders that committed violations under line items 2.b and 2.c of BAC Resolution No. 547, Series of 2017,
 - 2.b Submission of erroneous, insufficient, defective documents such as, but not limited to, insufficient bid securities, any computational/typographical error in the submitted bidding documents and other deficiencies which causes bid disqualification;
 - 2.c Non-submission of post-qualification and other requirements within the prescribed period as specified in the notice issued by the BAC;
3. To issue one (1) Strike only - for various IB Nos. participated in by the bidder with the same nature of violation opened on the same date; or was disqualified during post-qualification stage with the same case of the latter;
4. To issue Multiple Strikes - with different discrepancies/offenses under different IB Nos. opened on the same date; or was disqualified during post-qualification stage with the same case of the latter;



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OFFICE OF THE BIDS AND AWARDS COMMITTEE

BAC Res. No. 913, S. 2018
Page -2-
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5. The counting of number of "strikes" in one (1) year period shall be meant Calendar Year. A Fresh Period of one (1) year in counting of "strikes" shall be observed in the succeeding year;
6. For the bidders who were sanctioned for the 3rd Time with administrative suspension of 1 year from participating in the procurement process of the Provincial Government of Davao del Sur, the reckoning period of penalty will be from the time he was sanctioned for the 3rd Strike until its Anniversary date for one (1) year;
7. This Policy is applicable only to Competitive Bidding as mode of procurement;

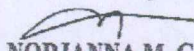
WHEREFORE, on motion of BAC Vice-Chairperson, EnP Raul D. Raut, J.D., duly Seconded by all BAC Members present, it was -

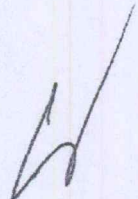
RESOLVED, as it is hereby RESOLVED, to recommend to the Head of the Procuring Entity, Governor DOUGLAS RA. CAGAS, LLB, MBE, MNSA to Define, Clarify and/or Amend some of the Provisions of the 3-Strikes Policy in the Procurement of Contracts for Goods and Consulting Services of the Provincial Government of Davao Del Sur on the provisions enumerated above;

RESOLVED FINALLY, to furnish copies of this Resolution to the Provincial General Services Office, Commission on Audit and Concerned End Users, for their information and appropriate action;

UNANIMOUSLY APPROVED at the PGSO Conference Room, PGSO Building, Provincial Capitol, Matti, Digos City, Province of Davao del Sur, this 11th day of December, 2018.

I hereby certify the correctness of the above-mentioned resolution.


NORJANNA M. CAMAGUIN,MPA
(AO V-PTO)
Head-BAC Secretariat





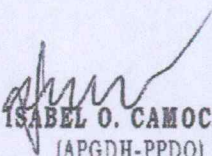
Republic of the Philippines
PROVINCE OF DAVAO DEL SUR
 Barangay Matti, Digos City, Davao del Sur
 TELEFAX: (082) 553-95-79
 Email Add.: bac9579davaodelsur@gmail.com

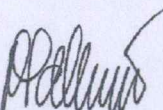
OFFICE OF THE BIDS AND AWARDS COMMITTEE


BAC Res. No. 913, S. 2018
 Page -3-
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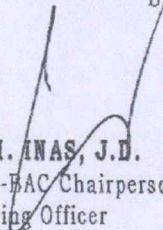
Attested by:


Engr. ANGELIE R. GELLA
 (APGDH-PEO)
 BAC Member


Engr. ISABEL O. CAMOCAMO, EnP
 (APGDH-PPDO)
 BAC Member


Engr. DULCESIMA D. PADILLO, EnP
 (PGDH-PENRO)
 BAC Member


EnP RAUL D. RAUT, J.D.
 (HRMO IV-PGO-HRMO)
 BAC Vice-Chairperson


GLENN M. INAS, J.D.
 (PGDH-PGSO)-BAC Chairperson
 Presiding Officer

Approved:

DOUGLAS RA. CAGAS, LLB, MBE, MNSA
 Governor
 Head of the Procuring Entity


 IN AUTHORITY OF THE GOVERNOR
CHRIS D. BAUTISTA
 PDRMO IV
 OFFICE OF THE PROVINCIAL GOVERNOR

2



OFFICE OF THE BIDS AND AWARDS COMMITTEE

Resolution No. 242
Series of 2021

A RESOLUTION

RECOMMENDING TO THE HEAD OF THE PROCURING ENTITY, GOVERNOR DOUGLAS RA. CAGAS, LLB, MBE, MNSA TO FURTHER AMEND SOME PROVISIONS OF THE 3-STRIKES POLICY IN THE PROCUREMENT OF CONTRACTS FOR GOODS AND CONSULTING SERVICES OF THE PROVINCIAL GOVERNMENT OF DAVAO DEL SUR -

WHEREAS, the Bids and Awards Committee was able to receive several answers in response to the Show Cause Orders issued to participating bidders/suppliers whose bid participation were outrightly rejected, disqualified, or post-disqualified for violating the 3-Strikes Policy of the Provincial Government of Davao del Sur embraced under BAC Resolution No. 547, series of 2017 as amended by BAC Resolution No. 913, series of 2018;

WHEREAS, the Bids and Awards Committee after series of deliberations on the matter realized the importance to revisit and/or amend the 3-Strikes Policy;

WHEREAS, after the justifications and reasons presented by the aforementioned participating bidders/suppliers were exhaustively examined and judiciously discussed by the Bids and Awards Committee, the latter is of the considered finding that such disqualifications that causes failure of biddings were not intentionally done by the bidders to defeat the purpose of public bidding;

WHEREAS, to have uniformity in the interpretation of the policy, and at the same time in order to attract and encourage more Suppliers/Bidders to participate in the procurement undertakings of the Provincial Government of Davao del Sur, the Committee **UNANIMOUSLY** agreed to Define with Clarity the imposable sanctions and in connection thereto some provisions of the 3-Strikes Policy be **AMENDED** which shall now read as follows:

To issue Show Cause Order for committing the following violations:

- a. A bidder that had purchased bidding documents, but (a) withdrawn from the bidding, or (b) submitted a letter of non-participation, or (c) did not submit a bid or late submission of bid - without a valid cause, as determined by the Bids and Awards Committee,
- b. Submission of erroneous, insufficient, defective documents such as, but not limited to, insufficient bid securities, any computational/typographical error in the submitted bidding documents and other deficiencies which causes bid disqualification,
- c. Non-submission of post-qualification and other requirements within the prescribed period as specified in the notice issued by the BAC,

WHEREAS, after thorough and considerable BAC deliberations to the Show Cause Order Reply of the erring supplier/bidder, the BAC may impose the following sanction/s:

- a. **ONE (1) STRIKE** for various IB Nos. participated by the bidder with the same nature of violation opened on the same date, or was disqualified during post-qualification stage with the same case of the latter;
- b. **MULTIPLE STRIKES** for different discrepancies/offenses under different IB Nos. opened on the same date, or was disqualified during post-qualification stage with the same case of the latter;



OFFICE OF THE BIDS AND AWARDS COMMITTEE

BAC Res. No. 242, S. 2021

Page -2-

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WHEREAS, The counting of number of "strikes" in one (1) year period shall be meant Calendar Year. A Fresh Period of one (1) year in counting of "strikes" shall be observed in the succeeding year;

WHEREAS, For the bidders who were sanctioned for the 3rd Time with administrative suspension of 1 year from participating in the procurement process of the Provincial Government of Davao del Sur, the reckoning period of penalty shall be from the time he was sanctioned for the 3rd Strike until its Anniversary date for one (1) year;

WHEREAS, This Policy is applicable only to Competitive Bidding as mode of procurement;

WHEREAS, all previous resolutions relative to the Bids and Awards Committee (BAC) Three (3) Strikes Policy of the Province which are inconsistent with the provisions of the instant resolution are hereby repealed, modified or amended accordingly;

WHEREFORE, on motion of BAC Member, Dominic S. Bucol, J.D., duly Seconded by all BAC Members present, it was -

RESOLVED, as it is hereby RESOLVED, to recommend to the Head of the Procuring Entity, Governor DOUGLAS RA. CAGAS, LLB, MBE, MNSA to **Further Amend** some provisions of the 3-Strikes Policy in the Procurement of Contracts for Goods and Consulting Services of the Provincial Government of Davao Del Sur;

RESOLVED FINALLY, to furnish copies of this Resolution to the Commission on Audit, Suppliers, and the Concerned End Users, for their information and appropriate action;

UNANIMOUSLY APPROVED at the RALOTA Hall, Davao del Sur Provincial Coliseum, Barangay Matti, Digos City, Province of Davao del Sur, this 26th day of March, 2021.

I hereby certify the correctness of the above-mentioned resolution.

NORJANNA M. CAMAGUIN,MPA
(LTOO IV-PTO)
Head-BAC Secretariat

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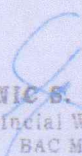


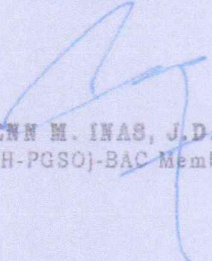
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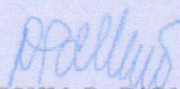
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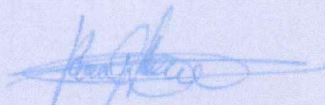
Attested by:


Engr. ANGELIE R. GELLA
 (APGDH-PEO)
 BAC Member

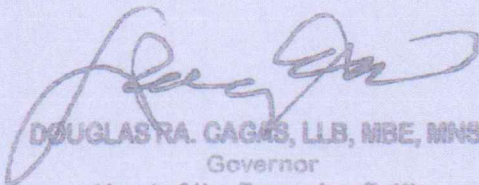

DOMINIC S. BUCOL, J.D.
 (Provincial Warden-PWO)
 BAC Member


GLENN M. INAS, J.D.
 (APGDH-PGSO)-BAC Member


Engr. DULCESIMA D. PADILLO, EnP
 (PGDH-PENRO)
 BAC Vice-Chairperson


RAUL D. RAUT, EnP
 (PGDH-PHRMO)
 BAC Chairperson/Presiding Officer

Approved:


DOUGLAS R. CAGAS, LLB, NBE, MNSA
 Governor
 Head of the Procuring Entity

2