

Procure

These Philippine Bidding Documents (PBDs) for the procurement of Goods through Competitive Bidding have been prepared by the Government of the Philippines for use by any branch, constitutional commission or office, agency, department, bureau, office, or instrumentality of the Government of the Philippines, National Government Agencies, including Government Owned and/or Controlled Corporations, Government Financing Institutions, State Universities and Colleges, and Local Government Unit. 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 of Republic Act No 9184.

The Bidding Documents shall clearly and adequately define, among others (i) the objectives, scope, and expected outputs and/or results of the proposed contract or Framework Agreement, as the case may be; (ii) the eligibility requirements of Bidders; (iii) the expected contract or Framework Agreement duration, the estimated quantity in the case of procurement of goods, delivery schedule and/or time frame; 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 Goods 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 Goods. Halangang maging malin ang mga dokumentong ito sa pagpapalaganap ng mga pangangailangan ng mga proyekto ng PNP. —A**

- d The cover should be modified as required to identify the Bidding Documents as to the Procurement Project, Project Identification Number, and Procuring Entity, in addition to the 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 the Procurement Manual**

- **Approved Budget for the Contract**
- **Bids and Awards Committee**
- **A signed offer or proposal to undertake a contract submitted by a bidder in response to and in conformance with the requirements of the bidding documents. Also referred to as and (2016 revised IRR, Section 5(c))**
- **Refers to a contractor, manufacturer, supplier, distributor and/or consultant who**

buildings, school buildings, hospital buildings, and other related construction projects of the government. Also referred to as . (2016 revised IRR, Section 5[u])

Local Government Units

Net Financial Contracting Capacity:

National Government Agency:

Philippine Government Electronic Procurement System

- 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)

Philippine Statistics Authority:

Securities and Exchange Commission

Single Largest Completed Contract

- refers to a citizen, or any corporate body or commercial company duly organized and registered under the laws where it is established, habitually established in business and engaged in the manufacture or sale of the merchandise or performance of the general services covered by his bid (Item 38 of GPPB Resolution No. 13-2019 dated 23 May 2019). Supplier as used in these Bidding Documents may likewise refer to a distributor; manufacturer; contractor; or consultant.

United Nations

The Invitation to Bid (IB) provides information that enables potential Bidders to decide whether to participate in the procurement at hand. The IB shall be posted in accordance with Section 21.2 of the 2016 Revised IRR of RA No. 9184.

Apart from the essential items listed in the Bidding Documents, the IB should also indicate the following:

- a. The date of availability of the Bidding Documents, which shall be from the time the IB is first advertised/posted until the deadline for the submission and receipt of bids;**
- b. The place where the Bidding Documents may be acquired or the website where it may be downloaded;**
- c. The deadline for the submission and receipt of bids; and**
- d. Any important bid evaluation criteria (or passed item) may**

- 7 Bids must be duly received by the BAC Secretariat through manual submission at the office address indicated below on or before _____ 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 _____ Clause 14**
- 9 Bid opening shall be on _____ Bids will be opened in the presence of the bidder's representative who choose to attend the activity.**
- 10 The _____ 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 356 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 _____**



- 12 You may visit the following website _____
For downloading of Bidding Documents _____**

The Procuring Entity,

wishes to receive Bids for the

with identification number

The Procurement Project (referred to herein as "Project") is composed of the details of which are described in Section VII (Technical Specifications).

21. The GOP through the source of funding as indicated below for

51 Only Bids of Bidders found to be legally, technically, and financially capable will be evaluated

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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 9181 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;**

i. Completed at least two (2) similar contracts, the aggregate amount of which should be equivalent to at least

] of the ABC for this

Project; and

u " t ofq ;ii The largest of these similar contracts must be equi

114 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

121. 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**
- iv The price of other (incidental) services, if any, listed in the**

b For Goods offered from abroad:

- i Unless otherwise stated in the _____, the price of the Goods shall be quoted _____ E _____ dao**

141. The Bidders shall submit a Bid Securing Declaration² or any form of Bid Security in the amount indicated in the _____, which shall be not less than the percentage of the ABC in accordance with the schedule in the _____.

142. The Bid and bid security shall be valid until _____ Any Bid not accompanied by an acceptable bid security shall be rejected by the Procuring Entity as non-responsive

Each Bidders 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

161. 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 _____

171. The BAC shall open the Bids in public at the time, on the date, and at the place specified in paragraph 9 of the _____. The Bidders' representatives who are present shall sign a register evidencing their attendance. In case video conferencing, 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.

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

² In the case of Framework Agreement, the undertaking shall refer to entering into contact 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.

181. 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.

191. The Procuring BAC shall immediately conduct a detailed evaluation of all Bids rated “ ”, using nondiscretionary 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.

192. If the Project allows partial bids, bidders may submit a proposal on any of the lots/critens, and evaluation will be undertaken on a per lot/criten basis, as the case may be. In this case, the Bid Security as required by Clause 15 shall be submitted for each lot/criten separately.

193. The descriptions of the lots/critens shall be indicated in , although the ABCs of these lots/critens are indicated in the 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/critens participated in by the prospective Bidder.

194. The Project shall be awarded as follows:

Option 1 – One Project having several items that shall be awarded as one contract.

195. 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/critens 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/critens participated in by the prospective Bidder.

Agreement, the LCB shall likewise submit the required documents for final Post Qualification}

21.1 The documents required in Section 372 of the 2016 revised IRR of RA No 9184 shall form part of the Contract. Additional Contract documents are indicated in the .

The Bid Data Sheet (BDS) consists of provisions that supplement, amend, or specify in detail, information, or requirements included in the IIB found in Section II, which are specific to each procurement.

This Section is intended to assist the Procuring Entity in providing the specific information in relation to corresponding clauses in the IIB and has to be prepared for each specific procurement.

The Procuring Entity should specify in the BDS information and requirements specific to the circumstances of the Procuring Entity, the processing of the procurement, and the bid evaluation criteria that will apply to the Bids. In preparing the BDS, the following aspects should be checked:

- a Information that specifies and complements provisions of the IIB must be incorporated**
- b Amendments and/or supplements, if**

53	<p>For this purpose, contracts similar to the Project shall be</p> <p>b completed within [] prior to the deadline for the submission and receipt of bids</p>
12	<p>The price of the Goods shall be quoted DDP or the applicable International Commercial Terms (INCOTERMS) for this Project</p>
141	<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</p>

The General Conditions of Contract (GCC) in this Section, read in conjunction with the Special Conditions of Contract in Section V and other documents listed therein, should be a complete document expressing all the rights and obligations of the parties

Matters governing performance of the Supplier, payments under the contract, or matters affecting the risks, rights, and obligations of the parties under the contract are included in the GCC and Special Conditions of Contract

Any complementary information, which may be needed, shall be introduced only through

61. 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 621 of the 2016 revised IRR of RA No 9184

62. Tef

Similar to the BDS, the clauses in this Section are intended to assist the Procuring Entity in providing contract-specific information in relation to corresponding clauses in the GCC found in Section IV.

The Special Conditions of Contract (SCC) complement the GCC, specifying contractual requirements linked to the special circumstances of the Procuring Entity, the Procuring Entity's country, the sector, and the Goods purchased. In preparing this Section, the following aspects should be checked:

- a Information that complements provisions of the GCC must be incorporated**
- b Amendments and/or supplements to provisions of the GCC as necessitated by the circumstances of the specific purchase, must also be incorporated**

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,

When 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.

The Procuring Entity accepts 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.

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.

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“The terms of payment shall be as follows

_____.”

The delivery schedule expressed as weeks/months stipulates hereafter a delivery date which is the date of delivery to the project site

Where appropriate, drawings, including site plans as required, may be furnished by the Procuring Entity with the Bidding Documents. Similarly, the Supplier may be requested to provide drawings or samples either with its Bid or for prior review by the Procuring Entity during contract execution.

Bidders are also required, as part of the technical specifications, to complete their statement of compliance demonstrating how the items comply with the specification.

**Please see separate sheets for the
specification requirements**

The prescribed documents in the checklist are named }ind

(a)

- government procurement activities for the same item or product**
- (j) Certification from the DII if the Bidder claims preference as a Domestic Bidder or Domestic Entity.**

 - (a) Original of duly signed and accomplished Financial Bid Form _____**
 - (b) Original of duly signed and accomplished Price Schedule(s).**

