



Republic of the Philippines  
**Supreme Court**  
Manila

**BIDS AND AWARDS COMMITTEE  
FOR INFRASTRUCTURE PROJECTS  
(SC-BAC-IP)**

**PHILIPPINE BIDDING DOCUMENTS**

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**FOR THE PROCUREMENT OF A CONTRACTOR  
FOR THE RETROFITTING WORKS AT THE  
SUPREME COURT – COURT OF APPEALS (SC-  
CA) BUILDING, MARIA OROSA STREET,  
ERMITA, MANILA  
IP No. 2023-09**

As published and made available both at the Supreme Court (SC)  
and Philippine Government Electronic Procurement System  
(PhilGEPS) websites  
**on 17 November 2023**



Bidding Documents: Procurement of a Contractor for the Retrofitting Works at the Supreme Court – Court of Appeals (SC-CA) Building, Maria Orosa Street, Ermita, Manila

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## ***Glossary of Terms, Abbreviations, and Acronyms***

**ABC** – Approved Budget for the Contract.

**ARCC** – Allowable Range of Contract Cost.

**BAC** – Bids and Awards Committee.

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

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

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

**BIR** – Bureau of Internal Revenue.

**BSP** – Bangko Sentral ng Pilipinas.

**CDA** – Cooperative Development Authority.

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

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

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

**CPI** – Consumer Price Index.

**DOLE** – Department of Labor and Employment.

**DTI** – Department of Trade and Industry.

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

**GFI** – Government Financial Institution.



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

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

**GOP** – Government of the Philippines.

**GPPB** – Government Procurement Policy Board

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

**LGUs** – Local Government Units.

**NFCC** – Net Financial Contracting Capacity.

**NGA** – National Government Agency.

**PCAB** – Philippine Contractors Accreditation Board.

**PhilGEPS** - Philippine Government Electronic Procurement System.

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

**PSA** – Philippine Statistics Authority.

**SEC** – Securities and Exchange Commission.

**SLCC** – Single Largest Completed Contract.

**UN** – United Nations.



## ***Section I. Invitation to Bid***



## **INVITATION TO BID**

### **Procurement of a Contractor for the Retrofitting Works at the Supreme Court – Court of Appeals (SC-CA) Building, Maria Orosa Street, Ermita, Manila IP No. 2023-09**

1. The **Supreme Court of the Philippines** (Supreme Court), through its Local Bank Account, and pursuant to Court En Banc Resolution A.M. No. 14-03-06-SC dated 18 October 2022, under Infrastructure Development Projects, intends to apply the sum of **Four Million Four Hundred Forty-seven Thousand One Hundred Three Pesos and 55/100 (₱4,447,103.55)** being the Approved Budget for the Contract (ABC) to payments under the contract for the **Procurement of a Contractor for the Retrofitting Works at the Supreme Court – Court of Appeals (SC-CA) Building, Maria Orosa Street, Ermita, Manila** with identification number **IP No. 2023-09**. Bids received in excess of the ABC shall be automatically rejected at bid opening.
2. The **Supreme Court, through the Bids and Awards Committee for Infrastructure Projects (SC-BAC-IP)**, now invites bids for the above-captioned Procurement Project. Completion of the Works is required within a period of **sixty (60) calendar days**. Bidders should have an experience of at least **five (5) years in the construction business, i.e., from the first issuance of its Philippine Contractors Accreditation Board (PCAB) license**,<sup>1</sup> and has completed a contract similar to the Project *equivalent to at least 50% of the ABC*. 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 non-discretionary “*pass/fail*” criterion as specified in the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, otherwise known as the “*Government Procurement Reform Act*.”

Interested bidders *shall download and print* the complete set of Bidding Documents from the Supreme Court website (<https://sc.judiciary.gov.ph/bids-and-awards/>) free of charge starting on **17 November 2023**. *The Procuring Entity will not provide hardcopies*. For purposes of the submission of bids, the

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<sup>1</sup> For recently renewed PCAB Licenses, there must be documentary proof in the submitted documents at the opening of bids that **the first issuance thereof was 2018 or earlier**. Otherwise, the bidder will be technically disqualified outright.



Bids and Awards Committee for Infrastructure Projects (SC-BAC-IP)

Bidding Documents: Procurement of a Contractor for the Retrofitting Works at the Supreme Court – Court of Appeals (SC-CA) Building, Maria Orosa Street, Ermita, Manila

amount of **Five Thousand Pesos (₱5,000.00)** shall be the corresponding Bidding Documents Fee for this Procurement Project pursuant to *GPPB Resolution No. 04-2012 dated 24 February 2012 (Re: Guidelines on the Sale of Bidding Documents)*. Bidders shall pay the aforesaid non-refundable fee *on or before the submission of their bid* at the **Supreme Court Cashier's Office at Padre Faura Street, Manila** for the issuance of official receipts. *Please be informed that online and over-the-counter bank payment options are unavailable at this time.*

For verification and documentation purposes, *the bidders shall send the scanned/photo proof of payment to the given email address below on or before the 12:00 P.M. deadline of the submission of bids. Otherwise, the submitted bid envelope shall be considered invalid.*

All prospective bidders are already given the opportunity to assiduously peruse the publicly uploaded Bidding Documents in preparation for the scheduled Pre-Bid Conference and/or before accomplishing their payment. *Questions already covered by the Bidding Documents shall not be entertained.*

4. The Supreme Court will hold within its premises a Pre-Bid Conference<sup>2</sup> on **29 November, Wednesday at 2:00 P.M., at the 4<sup>th</sup> Floor Conference Room, Centennial Building**, to be attended by the prospective bidders who shall formalize their intent to participate by sending a **letter request via email** to the SC-BAC-IP Secretariat at **SupremeCourtBACinfra@gmail.com** *prior to the aforesaid date* containing the name of their authorized representative attendee. Requests made on the date of the Pre-Bid Conference shall **not** be entertained.

Prospective bidders who have submitted their letter of intent will be furnished with subsequent Bid Bulletins in case of *revision of the procurement timeline, rescheduling of the Pre-Bid Conference due to lack of quorum or conflict of schedule, or conducting the same through videoconferencing.*

For purposes of **site inspection**, the prospective bidders may conduct the site inspection from **Mondays to Fridays between 8:00 A.M. to 4:30 P.M.** The engineers of the Procuring Entity are on standby to assist requests for site inspection upon arrival within the premises of the Court. A corresponding **site inspection certification of appearance** will be given to the personnel who conducted the same for purposes of the bid submission.

5. All Bid Envelopes are to be **manually submitted** at the designated SC-BAC-IP dropbox at the **Entrance Gate of the Supreme Court Centennial Building, Padre Faura Street Ermita, Manila 1000**, on or before **13 December 2023, Wednesday at 12:00 P.M.** Late bids shall not be accepted.
6. All bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in **ITB Clause 15.**

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<sup>2</sup> Section 20.2 of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184 - The holding of a pre-procurement conference may not be required for procurement of Infrastructure Projects costing Five Million Pesos (₱5,000,000.00) and below.





7. The Opening of Bids shall be on **13 December 2023, Wednesday at 2:00 P.M., at the 4<sup>th</sup> Floor Conference Room, Centennial Building** to be attended by the members of the Committee, End-users, Observers, and the prospective Bidders. All bids shall be opened in the presence of the bidders' representatives duly authorized to attend the activity. **Only one (1) representative per bidder shall be allowed in the Opening of Bids.**
8. The **Supreme Court** 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 IRR of R.A. No. 9184, without thereby incurring any liability to the affected bidder or bidders.
9. Any requests for clarifications on inquiries not covered by the Bidding Documents should be **sent via email** for proper documentation to allow the Secretariat to address the same *during office hours from Monday to Friday between 8:00 A.M. to 4:30 P.M.* **Any calls or SMS queries will not be entertained by the Secretariat.** The sole purpose of the provided cellphone number is for prospective bidders to notify that they have submitted their bid envelopes at the designated dropbox of SC-BAC-IP at the Centennial Building.

*Bids and Awards Committee for Infrastructure Projects (SC-BAC-IP)*

*Supreme Court Centennial Building at Padre Faura Street Ermita, Manila 1000*

**SupremeCourtBACinfra@gmail.com** +639189187909

Lastly, please be reminded of the **“no contact rule”** under Section 32.1 of the 2016 IRR of R.A. No. 9184, i.e., *bidders whose bids are being evaluated are prohibited to make any communication with any member of SC-BAC-IP, including its staff and personnel, as well as its Secretariat and Technical Working Group (TWG) until the issuance of the Notice of Award.* On the other hand, a disqualified bidder may provide valid, reasonable and lawful information on matters pertaining to the bids being evaluated, provided that such bidder has no pending request for reconsideration or protest relative to his/her disqualification.<sup>3</sup>

10. Due to the upload file size limitation of PhilGEPS (**<https://notices.philgeps.gov.ph/>**), the complete set of Bidding Documents can only be downloaded at the Supreme Court website (**<https://sc.judiciary.gov.ph/bids-and-awards/>**). All supplemental Bid Bulletins relative to the subject Procurement Project will be both uploaded accordingly to the abovementioned websites:

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<sup>3</sup> GPPB Resolution NPM 003-2012 dated 04 January 2012.





<b>Procurement Stage</b>	<b>Schedule</b>
Advertisement/Posting of Invitation to Bid at the Supreme Court and PhilGEPS websites, and bulletin boards within the premises of the Supreme Court	17 November 2023
Pre-bid Conference Meeting at the 4 <sup>th</sup> Floor Conference Room, Centennial Building <i>*Please check for any Bid Bulletins in case of rescheduling due to conflict of schedule or lack of quorum or conducting the same through videoconferencing</i>	29 November 2023 (Wednesday) at 2:00 P.M. (onsite with bidders)
Last Day of Request for Clarification	03 December 2023 (via email)
Last Day for Issuance of Supplemental Bid Bulletin	06 December 2023
Deadline for Submission of Bids through Manual Submission at the designated dropbox	13 December 2023 (Wednesday) at 12:00 P.M.
Opening of Bids at the 4 <sup>th</sup> Floor Conference Room, Centennial Building	13 December 2023 (Wednesday) at 2:00 P.M. (onsite with bidders)

**15 November 2023.**

**MARIA CARINA A. MATAMMU-CUNANAN**

Deputy Clerk of Court and  
Chief Administrative Officer  
Office of Administrative Services, and  
Chairperson, SC-BAC-IP



## ***Section II. Instructions to Bidders***



## 1. Scope of Bid

The Procuring Entity, *Supreme Court of the Philippines*, invites Bids for the *Procurement of a Contractor for the Retrofitting Works at the Supreme Court – Court of Appeals (SC-CA) Building, Maria Orosa Street, Ermita, Manila*, with identification number *IP No. 2023-09*.

The Procurement Project (referred to herein as “Project”) is for the construction of Works, as described in Section VI (Specifications).

## 2. Funding Information

- 2.1. The GOP through the source of funding as indicated below for in the amount of *Four Million Four Hundred Forty-seven Thousand One Hundred Three Pesos and 55/100 (P4,447,103.55)*.
- 2.2. The source of funding is chargeable against the Local Bank Account of the Supreme Court per *Certificate Availability of Funds (CAF) No. 2023-59/LBA dated 03 November 2023*.

## 3. Bidding Requirements

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

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

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

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

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



## 5. Eligible Bidders

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

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

- 5.3. For Foreign-funded Procurement, the Procuring Entity and the foreign government/foreign or international financing institution may agree on another track record requirement, as specified in the Bidding Document prepared for this purpose.
- 5.4. Pursuant to *GPPB Resolution No. 06-2019 dated 08 March 2019*, the Bidders shall comply with the eligibility criteria under Section 23.4.2 of the 2016 IRR of RA No. 9184, wherein the following persons/entities shall be allowed to participate in the bidding for Infrastructure Projects, provided a license was issued to the latter by the Philippine Contractors Accreditation Board (PCAB) to engage or act as a contractor, to wit:
  - a) Duly licensed Filipino citizens/sole proprietorships; or
  - b) Partnerships duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the interest belongs to citizens of the Philippines; or
  - c) Corporations duly organized under the laws of the Philippines, and of which at least sixty percent (60%) of the outstanding capital stock belongs to citizens of the Philippines; or
  - d) Cooperatives duly organized under the laws of the Philippines; or
  - e) Joint ventures, in accordance with Executive Order No. 65, Series of 2018.

In addition, the Bidders must comply with the following criteria:

1. Be a duly registered member of the PCAB with at least Small B category;
2. Have at least five (5) years of experience in the construction business, **i.e., from the first issuance of its PCAB license**, with at least one (1) contract that is similar to this Project; and
3. Submit one (1) satisfactory certification rating for a project similar to the contract to be bid.

## 6. Origin of Associated Goods

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



## 7. Subcontracts

The Procuring Entity has prescribed that subcontracting is not allowed.

## 8. Pre-Bid Conference

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

## 9. Clarification and Amendment of Bidding Documents

Prospective bidders may request for clarification on and/or interpretation of any part of the Bidding Documents. Such requests must be in writing and received by the Procuring Entity, either at its given address or through electronic mail indicated in the **IB**, at least ten (10) calendar days before the deadline set for the submission and receipt of Bids.

## 10. Documents Comprising the Bid: Eligibility and Technical Components

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



## 11. Documents Comprising the Bid: Financial Component

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

## 12. Alternative Bids

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

## 13. Bid Prices

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

## 14. Bid and Payment Currencies

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

## 15. Bid Security

- 15.1. The Bidder shall submit a Bid Securing Declaration or any form of Bid Security in the amount indicated in the **BDS**, which shall be not less than the percentage of the ABC in accordance with the schedule in the **BDS**.
- 15.2. The Bid and bid security shall be valid until ***one hundred twenty (120) calendar days from the date of Opening of Bids***. Any bid not accompanied by an acceptable bid security shall be rejected by the Procuring Entity as non-responsive.



## 16. Sealing and Marking of Bids

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

## 17. Deadline for Submission of Bids

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

## 18. Opening and Preliminary Examination of Bids

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

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

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

## 19. Detailed Evaluation and Comparison of Bids

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

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

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





## 20. Post Qualification

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

## 21. Signing of the Contract

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



## ***Section III. Bid Data Sheet***



## Bid Data Sheet

ITB Clause													
5.2	For this purpose, contracts similar to the Project refer to contracts which have the same major categories of work, which shall be: construction, rehabilitation, repair, or renovation of office building												
5.3	No further instructions.												
5.4	<p>In addition to the eligibility criteria under Section 23.4.2 of the 2016 IRR of R.A. 9184, the Bidders must comply with the following criteria:</p> <p>1. Be a duly registered member of the PCAB with at least Small B category;</p> <p>2. Have at least five (5) years of experience in the construction business, <b>i.e., from the first issuance of its PCAB license</b>, with at least one (1) contract that is similar to this Project; and</p> <p>3. Submit one (1) satisfactory certification rating for a project similar to the contract to be bid.</p>												
7	Subcontracting is not allowed.												
8	The venue for the Pre-Bid Conference is at the 4 <sup>th</sup> Floor Conference Room, Centennial Building.												
10.3	The Bidder must have a valid PCAB license with at least Small B category.												
10.4	<p>The key personnel must meet the required minimum years of experience set below:</p> <table><tr><td><u>Key Personnel</u></td><td><u>General Experience</u></td><td><u>Relevant Experience</u></td></tr><tr><td>Project Manager</td><td>5 years</td><td>5 years</td></tr><tr><td>Project Engineer</td><td>5 years</td><td>5 years</td></tr><tr><td>Foreman</td><td>3 years</td><td>3 years</td></tr></table>	<u>Key Personnel</u>	<u>General Experience</u>	<u>Relevant Experience</u>	Project Manager	5 years	5 years	Project Engineer	5 years	5 years	Foreman	3 years	3 years
<u>Key Personnel</u>	<u>General Experience</u>	<u>Relevant Experience</u>											
Project Manager	5 years	5 years											
Project Engineer	5 years	5 years											
Foreman	3 years	3 years											
10.5	<p>The minimum major equipment requirements are the following:</p> <table><tr><td><u>Equipment</u></td><td><u>Capacity</u></td><td><u>Number of Units</u></td></tr><tr><td>Grinders</td><td></td><td></td></tr><tr><td>H-Frames/Scaffoldings</td><td></td><td></td></tr></table>	<u>Equipment</u>	<u>Capacity</u>	<u>Number of Units</u>	Grinders			H-Frames/Scaffoldings					
<u>Equipment</u>	<u>Capacity</u>	<u>Number of Units</u>											
Grinders													
H-Frames/Scaffoldings													
12	Not applicable.												
15.1	<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 <b>₱88,942.071</b>, if bid security is in cash, cashier's/manager's check, bank draft/guarantee or irrevocable letter of credit;</p>												



	b. The amount of not less than <b>P222,355.17</b> , if bid security is in Surety Bond.
16	<p><b>Strict Instructions for the Sealing and Marking of Bids:</b></p> <p>Each Bidder shall submit <b>three (3) copies</b> of the Technical and Financial components of its bid: <b>one (1) certified true copy of the original documents</b> and <b>two (2) photocopies thereof</b>.</p> <p>The Bidders shall enclose the <b>Technical Components</b> (eligibility and technical documents) in one sealed envelope and the <b>Financial Component</b> in another sealed envelope with the following markings on each of the two envelopes:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"><p style="text-align: center;"><b><u>TECHNICAL COMPONENT</u></b></p><p style="text-align: center;"><b>Bid for the</b></p><p style="text-align: center;"><i><b>Procurement of a Contractor for the Retrofitting Works at the Supreme Court – Court of Appeals (SC-CA) Building, Maria Orosa Street, Ermita, Manila</b></i></p><p style="text-align: center;">[COMPANY NAME] [COMPANY ADDRESS] [E-MAIL ADDRESS]</p><p style="text-align: center;">Atty. Maria Carina A. Matammu-Cunanan Chairperson Supreme Court Bids and Awards Committee For Infrastructure Projects (SC-BAC-IP)</p><p style="text-align: center;">DO NOT OPEN BEFORE (*insert date &amp; time of opening of bids*)</p><p>Please check one:</p><p><input type="checkbox"/> Original - Technical Component</p><p><input type="checkbox"/> Copy No. 1 - Technical Component</p><p><input type="checkbox"/> Copy No. 2 - Technical Component</p></div>



	<div style="border: 1px solid black; padding: 10px; text-align: center;"><p><b><u>FINANCIAL COMPONENT</u></b></p><p><b>Bid for the</b></p><p><i>Procurement of a Contractor for the Retrofitting Works at the Supreme Court – Court of Appeals (SC-CA) Building, Maria Orosa Street, Ermita, Manila</i></p><p>[COMPANY NAME] [COMPANY ADDRESS] [E-MAIL ADDRESS]</p><p>Atty. Maria Carina A. Matammu-Cunanan Chairperson Supreme Court Bids and Awards Committee For Infrastructure Projects (SC-BAC-IP)</p><p>DO NOT OPEN BEFORE (*insert date &amp; time of opening of bids*)</p><p>Please check one: <input type="checkbox"/> Original - Financial Component <input type="checkbox"/> Copy No. 1 - Financial Component <input type="checkbox"/> Copy No. 2 - Financial Component</p></div>
	<p><b>Note: The two (2) abovementioned envelopes shall be enclosed and sealed in one (1) single envelope containing the following marking:</b></p> <div style="border: 1px solid black; padding: 10px; text-align: center; margin-top: 20px;"><p><b>Bid for the</b></p><p><i>Procurement of a Contractor for the Retrofitting Works at the Supreme Court – Court of Appeals (SC-CA) Building, Maria Orosa Street, Ermita, Manila</i></p><p>[COMPANY NAME] [COMPANY ADDRESS] [E-MAIL ADDRESS]</p><p>Atty. Maria Carina A. Matammu-Cunanan Chairperson Supreme Court Bids and Awards Committee For Infrastructure Projects (SC-BAC-IP)</p><p>DO NOT OPEN BEFORE (*insert date &amp; time of opening of bids*)</p><p><input type="checkbox"/> Original Bid</p></div>
19.2	Partial bids are not allowed.
20	The Bidder with the Single/Lowest Calculated Bid (S/LCB) shall submit its <b>Company Profile</b> in addition to the enumerated documentary requirements consisting <b>three (3) sets of true copies of the original certified by the former or duly authorized signatory</b> within a <b><u>non-extendible period of five (5) calendar days</u></b> from receipt of the notice from SC-BAC-IP that it submitted the LCB to be arranged, numbered and tabbed below:



(a) **Latest Annual Tax Return** filed through the Bureau of Internal Review (BIR) Electronic Filing and Payment Systems (eFPS) and must be duly validated with the tax payments made thereon for the preceding Tax Year whether it be on a calendar or fiscal income year, pursuant to *BIR Revenue Regulation No. 3-2005 (Re: Rules and Regulations Implementing Executive Order No. 398 and Requiring Timely and Complete Payment of Taxes as a Precondition for Entering Into and as a Continuing Obligation in Contracts with Government)* dated 16 February 2005;

(b) **Latest Business Tax Return** filed through BIR's eFPS duly validated with the tax payments made thereon, Value Added Tax (VAT) or Percentage Tax Returns, covering the previous six (6) months pursuant to the abovementioned BIR Revenue Regulation;

*\*The latest income and business tax returns are those within the last six months preceding the date of bid submission;*

(c) Valid and subsisting **Platinum Certificate of PhilGEPS Registration** with Annex "A" documents (Articles of Incorporation and General Information Sheet (GIS), in case the Bidder has submitted a SEC registration in its PhilGEPS Certificate of Platinum Membership, if applicable);

*Other appropriate licenses and permits required by law.*

*\*Failure of the Bidder declared as LCB to duly submit the aforesaid requirements on time, or a finding against the veracity thereof shall cause to disqualify the Bidder for award and shall be a ground for forfeiture of the bid security in accordance with Sections 34.2 and 69 of the 2016 IRR of R.A. No. 9184.*

(d) Sworn Statement using the prescribed form.

**NOTE:**

1) In case of a Joint Venture Agreement (JVA), all the parties thereof must submit the aforesaid documents under Section 34.2 of the 2016 IRR of R.A. No. 9184 for purposes of passing the Post-Qualification documentary requirements (*GPPB Non-Policy Matter (NPM) No. 006-2010 dated 04 February 2010*).

2) The Single/Lowest Calculated Responsive Bidder (S/LCRB) shall provide softcopies of the Technical Specifications submitted for the subject procurement project in both Microsoft Word and Portable Document Format (PDF).

3) All submitted documents by the S/LCB during the Submission and Opening of Bids (*original and the two (2) copies*) must be true copies of the original certified as such by the Bidder's duly authorized signatory.



21	<p>Additional contract documents relevant to the Project that may be required by existing laws and/or the Procuring Entity:</p> <p>Duly accomplished and signed Project Requirements, which shall include the following:</p> <ul style="list-style-type: none"><li>a. Construction Schedule and S-Curve;</li><li>b. Manpower Schedule;</li><li>c. Construction Methodology in narrative form;</li><li>d. Equipment Utilization Schedule;</li><li>e. Construction Safety and Health Program approved by DOLE;</li></ul>





## ***Section IV. General Conditions of Contract***



## 1. Scope of Contract

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

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

## 2. Sectional Completion of Works

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

## 3. Possession of Site

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

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

## 4. The Contractor's Obligations

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

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



## **5. Performance Security**

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

## **6. Site Investigation Reports**

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

## **7. Warranty**

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

## **8. Liability of the Contractor**

Subject to additional provisions, if any, set forth in the **SCC**, the Contractor's liability under this Contract shall be as provided by the laws of the Republic of the Philippines. If the Contractor is a joint venture, all partners to the joint venture shall be jointly and severally liable to the Procuring Entity.

## **9. Termination for Other Causes**

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

## **10. Dayworks**

Subject to the guidelines on Variation Order in Annex "E" of the 2016 revised IRR of RA No. 9184, and if applicable as indicated in the **SCC**, the Dayworks rates in the



Contractor's Bid shall be used for small additional amounts of work only when the Procuring Entity's Representative has given written instructions in advance for additional work to be paid for in that way.

## **11. Program of Work**

- 11.1. The Contractor shall submit to the Procuring Entity's Representative for approval the said Program of Work showing the general methods, arrangements, order, and timing for all the activities in the Works. The submissions of the Program of Work are indicated in the **SCC**.
- 11.2. The Contractor shall submit to the Procuring Entity's Representative for approval an updated Program of Work at intervals no longer than the period stated in the **SCC**. If the Contractor does not submit an updated Program of Work within this period, the Procuring Entity's Representative may withhold the amount stated in the **SCC** from the next payment certificate and continue to withhold this amount until the next payment after the date on which the overdue Program of Work has been submitted.

## **12. Instructions, Inspections and Audits**

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

## **13. Advance Payment**

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

## **14. Progress Payments**

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

## **15. Operating and Maintenance Manuals**

- 15.1. If required, the Contractor will provide "as built" Drawings and/or operating and maintenance manuals as specified in the **SCC**.
- 15.2. If the Contractor does not provide the Drawings and/or manuals by the dates stated above, or they do not receive the Procuring Entity's Representative's approval, the Procuring Entity's Representative may withhold the amount stated in the **SCC** from payments due to the Contractor.



## ***Section V. Special Conditions of Contract***



## Special Conditions of Contract

GCC Clause									
2	The Intended Completion Date is 60 calendar days upon receipt of the Notice to Proceed.								
3.1	The Contract duration shall be reckoned upon receipt of the NTP.								
4	<p>The Contractor shall employ the following Key Personnel:</p> <table><thead><tr><th>Position</th><th>Experience</th></tr></thead><tbody><tr><td>Project Manager</td><td>5 years</td></tr><tr><td>Project Engineer</td><td>5 years</td></tr><tr><td>Foreman</td><td>3 years</td></tr></tbody></table> <p>Upon issuance of Notice of Award, the COVID-19 vaccination card as proof that said personnel is fully vaccinated must be submitted by each of the Key Personnel prior to deployment.</p>	Position	Experience	Project Manager	5 years	Project Engineer	5 years	Foreman	3 years
Position	Experience								
Project Manager	5 years								
Project Engineer	5 years								
Foreman	3 years								
6	The site investigation reports are based on the walk through or actual site inspection by the Contractor with the representative/s of the Procuring Entity. The conduct of site survey or investigation by the Contractor will determine if there is a difference between the actual site condition and the details presented in the bid documents. <u>The Certificate of Site Inspection issued by the representative/s of the Procuring Entity shall be an integral part of the technical documents and part of the eligibility requirements</u>								
7.2	Ten (10) years.								
10	No dayworks are applicable to the contract.								
11.1	The Contractor shall submit the Program of Work to the Procuring Entity's Representative within seven (7) days of delivery of the Notice of Award.								
11.2	The amount to be withheld for late submission of an updated Program of Work is 1/10 of one percent (1%) of the Contract Cost of unperformed portion for every day of delay. Reckoning date for the submission of the updated Program of Work is within 7 days upon receipt of the Notice of Award.								
13	The amount of the advance payment shall not exceed fifteen percent (15%) of the total contract price.								
14	Materials and equipment delivered on the site but not completely put in place/installed shall NOT be included for payment.								
15.1	The date by which operating and maintenance manuals are required is Five (5) days after the issuance of the Certificate of Completion and subject for submission before the issuance of Certificate of Acceptance.								



15.2	No further instructions.





## ***Section VI. Specifications***

Please refer to Annex “A”

1. Scope of Works
2. Summary Costs



## ***Section VII. Drawings***

Please refer to Annex “B”



## ***Section VIII. Bill of Quantities***

Please refer to Annex “C”



## ***Section IX. Checklist of Technical and Financial Documents***



## Checklist of Technical and Financial Documents

### I. TECHNICAL COMPONENT ENVELOPE

#### *Class “A” Documents*

##### Legal Documents

- ☐ (a) Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages) in accordance with Section 8.5.2 of the IRR;

##### Technical Documents

- ☐ (b) 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 (Form 1); **and**
- ☐ (c) Statement of the bidder’s Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided under the rules (Form 2); **and**
- ☐ (d) Philippine Contractors Accreditation Board (PCAB) License;  
**or**  
Special PCAB License in case of Joint Ventures;  
**and** registration for the type and cost of the contract to be bid; **and**
- ☐ (e) Original copy of Bid Security. If in the form of a Surety Bond, submit also a certification issued by the Insurance Commission;  
**or**  
Original copy of Notarized Bid Securing Declaration (Form 3); **and**
- (f) Project Requirements, which shall include the following:
- ☐ a. Organizational chart for the contract to be bid (Form 4);
- ☐ b. List of contractor’s key personnel (*e.g.*, Project Manager, Project Engineers, Materials Engineers, and Foremen), to be assigned to the contract to be bid, with their complete qualification and experience data (Form 5);
- ☐ c. List of contractor’s major equipment units, which are owned, leased, and/or under purchase agreements, supported by proof of ownership or certification of availability of equipment from the equipment lessor/vendor for the duration of the project, as the case may be (Form 6);



- d. Site Inspection Report;
  - e. Construction Schedule and S-Curve;
  - f. Manpower Schedule;
  - g. Construction Methodology in narrative form;
  - h. Equipment Utilization Schedule; **and**
  - i. Construction Safety and Health Program;
- ☐ (g) Original duly signed Omnibus Sworn Statement (OSS) (Form 7); **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

- ☐ (h) The prospective bidder's computation of Net Financial Contracting Capacity (NFCC) (Form 8).

*Class "B" Documents*

- ☐ (i) If applicable, duly signed joint venture agreement (JVA) in accordance with RA No. 4566 and its IRR in case the joint venture is already in existence;  
or  
duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful.

II. FINANCIAL COMPONENT ENVELOPE

- ☐ (j) Original of duly signed and accomplished Financial Bid Form (Form 9); **and**

Other documentary requirements under RA No. 9184

- ☐ (k) Original of duly signed Bid Prices in the Bill of Quantities; **and**
- ☐ (l) Duly accomplished Detailed Estimates Form, including a summary sheet indicating the unit prices of construction materials, labor rates and equipment rentals used in coming up with the Bid; **and**
- ☐ (m) Cash Flow by Quarter.

*Note: All notarized documents should attach the corresponding ID that was presented before the Notary Public.*



## ***Section X. Bidding Forms to be Submitted***

<b>List of Ongoing Government and Private Contracts .....</b>	<b>37</b>
<b>Statement of Single Largest Completed Contract Similar to the Contract to be Bid .....</b>	<b>38</b>
<b>Bid Securing Declaration Form.....</b>	<b>39</b>
<b>Contractor's Organizational Chart for the Contract .....</b>	<b>40</b>
<b>List of Contractor's Key Personnel Proposed to be Assigned to the Contract .....</b>	<b>41</b>
<b>List of Equipment, Owned or Leased and/or under Purchase Agreements, Pledged to the Proposed Contract .....</b>	<b>42</b>
<b>Omnibus Sworn Statement .....</b>	<b>43</b>
<b>Computation of Net Financial Contracting Capacity .....</b>	<b>45</b>
<b>Bid Form for the Procurement of Infrastructure Projects .....</b>	<b>46</b>
 <b>After Receiving the Notice of Award:</b>	
<b>Contract Agreement Form for the Procurement of Infrastructure Projects</b>	<b>48</b>
<b>Performance Securing Declaration Form</b>	<b>50</b>



**Form 1****STATEMENT OF ONGOING GOVERNMENT & PRIVATE CONTRACTS  
INCLUDING CONTRACTS AWARDED BUT NOT YET STARTED***[shall be submitted with the Bid]*

Business Name:

Business Address:

Name of Contract and Amount of Contract	a. Owner Name b. Address	Contract Duration	Date of Contract	Date of Delivery	Kinds of Goods	% of Accomplishment		Value of Outstanding Works/Uncompleted Portion
						Planned	Actual	
<u>Government</u>								
<u>Private</u>								
						Total Cost		

**Instructions:**

- I. This Statement shall be supported with (whichever is available)
  - a. Notice of Award and/or Contract.
  - b. Notice to Proceed signed by the owner.
  - c. Certificate of Accomplishment signed by the owner or authorized representative.
- II. State ALL ongoing contracts including those awarded but not yet started (government) and private contracts which may be similar to the project being bidded up to the Opening of Bids of the subject Procurement Project.
- III. If there is no ongoing contract including those awarded but not yet started as of the aforementioned period, state none or equivalent term.
- IV. The total amount of the ongoing and awarded but not yet started contracts should be consistent with those used in the Net Financial Contracting Capacity (NFCC).

**NOTE:** Failure to submit any documents must be supported by a sworn statement to the effect that such required documents are not available for that particular project.

\* **Continue in a separate sheet if necessary.**

**Form 2****STATEMENT OF SINGLE LARGEST COMPLETED CONTRACT  
(SLCC) SIMILAR TO THE CONTRACT TO BE BID***[shall be submitted with the Bid]*

Business Name:

Business Address:

Name of Contract	a. Date of the Contract b. Date Started c. Date of Completion	a. Contract Duration b. Address c. Telephone Nos.	Kinds of Goods Sold	Amount of Completed Contracts	Date Delivery	End-user's Acceptance/Official Receipt/Sales Invoice issued

\_\_\_\_\_  
Name and Signature Authorized Representative\_\_\_\_\_  
Date

## Instructions:

- Cut-off date as of:
  - Up to the day before the deadline of** submission of bids.
- Largest Contracts to be submitted must be a part of the list.
- In the column under “Dates”, indicate the dates of delivery/End-user's Acceptance and Official Receipt.
- “Name of Contracts”. Indicate here the Nature/Scope of the Contract for the Procuring Entity to determine the relevance of the entry with the Procurement at hand.



**Form 3**

**Bid Securing Declaration Form**

***[shall be submitted with the Bid if bidder opts to provide this form of bid security pursuant to GPPB Resolution No. 16-2020 dated 16 September 2020]***

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]*



**Form 4**

**CONTRACTOR'S ORGANIZATIONAL CHART FOR THE CONTRACT**

*[shall be submitted with the Technical Envelope Component of the Bid]*

Submit a copy of the Organizational Chart that the Contractor intends to use to execute the Contract if the Project is awarded to him. The organization chart should represent the “*Contractor's Organization required for the Subject Procurement,*” and not the organizational chart of the entire firm. The attached proposed chart should also indicate the names of the following Key Personnel:

- |                     |         |
|---------------------|---------|
| 1. Project Manager  | 5 years |
| 2. Project Engineer | 5 years |
| 3. Foreman          | 3 years |



**Form 5**

**List of Contractor's Key Personnel Proposed  
to be Assigned to the Contract**

*[shall be submitted with the Technical Component Envelope of the Bid]*

Project: Contractor for the Retrofitting Works at the Supreme Court – Court of Appeals  
(SC-CA) Building, Maria Orosa Street, Ermita, Manila

Business Name:

Business Address:

	<b>Project Manager (5 years)</b>	<b>Project Engineer (5 years)</b>	<b>Foreman (3 years)</b>
1. Name			
2. Address			
3. Date of Birth			
4. Employed since			
5. Experience			
6. Previous Employment			
7. Education			
8. PRC License			
9. Cost of Biggest Project Handled			
10. Years of Experience in the Proposed Position			

Submitted by: \_\_\_\_\_  
(Printed Name & Signature)

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

**Note:**

1. A signed written commitment to work for the project once awarded the contract must be duly accomplished by the Key Personnel; and
2. The attached list must be supported by the corresponding resumes of the aforesaid Key Personnel as well as a photocopy of the PRC License of the (Professional) Personnel.

**Form 6****List of Equipment, Owned or Leased and/or under Purchase Agreements, Pledged to the Proposed Contract***[shall be submitted with the Technical Component Envelope of the Bid]*

Project: Contractor for the Retrofitting Works at the Supreme Court – Court of Appeals  
(SC-CA) Building, Maria Orosa Street, Ermita, Manila

Business Name:

Business Address:

Description	Model/Year	Capacity / Performance/ Size	Plate No.	Motor No. / Body No.	Location	Condition	Proof of Ownership / Lessor or Vendor
A. Owned							
i.							
ii.							
iii.							
iv.							
v.							
B. Leased							
i.							
ii.							
iii.							
iv.							
v.							
C. Under Purchase Agreements							
i.							
ii.							
iii.							
iv.							
v.							

List of minimum equipment required for the project

Submitted by: \_\_\_\_\_

(Printed Name & Signature)

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

**Note:** The minimum equipment pledged for the contract to be bid must be supported by a proof of ownership or a certification of availability from the lessor/vendor for those leased, and/or under purchase agreements for the duration of the project.



## Omnibus Sworn Statement (Revised)

*[shall be submitted with the Bid pursuant to  
GPPB Resolution No. 16-2020 dated 16 September 2020]*

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]*



**COMPUTATION OF NET FINANCIAL CONTRACTING CAPACITY**

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

		Year 20__
1	Total Assets	
2	Current Assets	
3	Total Liabilities	
4	Current Liabilities	
5	Net Worth (1-3)	
6	Net Working Capital	

The Net Financial Contracting Capacity (NFCC) based on the above data is computed as follows:

**NFCC** = K (Current Assets – Current Liabilities) minus value of all outstanding or uncompleted portions of the projects under ongoing contracts, including awarded contracts yet to be started coinciding with the contract to be bid.

Where:

K = 15

NFCC = **PhP** \_\_\_\_\_

Attached are certified true copies of the Audited Financial Statements stamped "RECEIVED" by the BIR for the years \_\_\_\_\_ and \_\_\_\_\_, including the Auditor's /Accountant's Certificate.

Date: \_\_\_\_\_

Submitted by:

Authorized Signature  
Name & Title of Authorized Signatory  
Name of Bidder-Agency  
Bidder's Address  
Contact Number



## Bid Form for the Procurement of Infrastructure Projects

*[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, declare that:

- a. We have no reservation to the PBDs, including the Supplemental or Bid Bulletins, for the Procurement Project: *[insert name of contract]*;
- b. We offer to execute the Works for this Contract in accordance with the PBDs;
- c. The total price of our Bid in words and figures, excluding any discounts offered below is: *[insert information]*;
- d. The discounts offered and the methodology for their application are: *[insert information]*;
- e. 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 and reflected in the detailed estimates,
- f. Our Bid shall be valid within the period stated in the PBDs, and it shall remain binding upon us at any time before the expiration of that period;
- g. If our Bid is accepted, we commit to obtain a Performance Security in the amount of *[insert percentage amount]* percent of the Contract Price for the due performance of the Contract, or a Performance Securing Declaration in lieu of the allowable forms of Performance Security, subject to the terms and conditions of issued GPPB guidelines<sup>4</sup> for this purpose;
- h. We are not participating, as Bidders, in more than one Bid in this bidding process, other than alternative offers in accordance with the Bidding Documents;
- i. We understand that this Bid, together with your written acceptance thereof included in your notification of award, shall constitute a binding contract between us, until a formal Contract is prepared and executed; and

<sup>4</sup> GPPB Resolution No. 09-2020 dated 07 May 2020; and GPPB Resolution No. 16-2020 dated 16 September 2020.



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

Name: \_\_\_\_\_

Legal Capacity: \_\_\_\_\_

Signature: \_\_\_\_\_

Duly authorized to sign the Bid for and behalf of: \_\_\_\_\_

Date: \_\_\_\_\_



## Contract Agreement Form for the Procurement of Infrastructure Projects (Revised)<sup>5</sup>

*[not required to be submitted with the Bid, but it shall be submitted within ten (10) days after receiving the Notice of Award]*

### CONTRACT AGREEMENT

THIS AGREEMENT, made this *[insert date]* day of *[insert month]*, *[insert year]* between *[name and address of PROCURING ENTITY]* (hereinafter called the “Entity”) and *[name and address of Contractor]* (hereinafter called the “Contractor”).

WHEREAS, the Entity is desirous that the Contractor execute *[name and identification number of contract]* (hereinafter called “the Works”) and the Entity has accepted the Bid for *[contract price in words and figures in specified currency]* by the Contractor for the execution and completion of such Works and the remedying of any defects therein.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereinafter referred to.
2. The following documents as required by the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184 shall be deemed to form and be read and construed as part of this Agreement, viz.:
  - a. Philippine Bidding Documents (PBDs);
    - i. Drawings/Plans;
    - ii. Specifications;
    - iii. Bill of Quantities;
    - iv. General and Special Conditions of Contract;
    - v. Supplemental or Bid Bulletins, if any;
  - b. Winning bidder’s bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

Bid form, including all the documents/statements contained in the Bidder’s bidding envelopes, as annexes, and all other documents submitted (e.g., Bidder’s response to request for clarifications on the bid), including corrections to the bid, if any, resulting from the Procuring Entity’s bid evaluation;

- c. Performance Security;
- d. Notice of Award of Contract and the Bidder’s conforme thereto; and
- e. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the PBDs. **Winning bidder agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for submission after the contract execution, such as the Notice to Proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract.**

<sup>5</sup> GPPB Resolution No. 16-2020 dated 16 September 2020.



Bids and Awards Committee for Infrastructure Projects (SC-BAC-IP)

Bidding Documents: Procurement of a Contractor for the Retrofitting Works at the Supreme Court – Court of Appeals (SC-CA) Building, Maria Orosa Street, Ermita, Manila

3. In consideration for the sum of *[total contract price in words and figures]* or such other sums as may be ascertained, *[Named of the bidder]* agrees to *[state the object of the contract]* in accordance with his/her/its Bid.
4. The *[Name of the procuring entity]* agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

IN WITNESS whereof the parties thereto have caused this Agreement to be executed the day and year first before written.

*[Insert Name and Signature]*

*[Insert Name and Signature]*

*[Insert Signatory's Legal Capacity]*

*[Insert Signatory's Legal Capacity]*

for:

for:

*[Insert Procuring Entity]*

*[Insert Name of Supplier]*

**Acknowledgment**

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



## Performance Securing Declaration (Revised)<sup>6</sup>

*[if used as an alternative performance security but it is not required to be submitted with the Bid, as it shall be submitted within ten (10) days after receiving the Notice of Award]*

REPUBLIC OF THE PHILIPPINES)  
CITY OF \_\_\_\_\_ ) S.S.

### PERFORMANCE SECURING DECLARATION

Invitation to Bid: [Insert Reference Number indicated in the Bidding Documents]

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

I/We, the undersigned, declare that:

1. I/We understand that, according to your conditions, to guarantee the faithful performance by the supplier/distributor/manufacturer/contractor/consultant of its obligations under the Contract, I/we shall submit a Performance Securing Declaration within a maximum period of ten (10) calendar days from the receipt of the Notice of Award prior to the signing of the Contract.
2. I/We accept that: I/we will be automatically disqualified from bidding for any procurement contract with any procuring entity for a period of one (1) year for the first offense, or two (2) years **for the second offense**, upon receipt of your Blacklisting Order if I/We have violated my/our obligations under the Contract;
3. I/We understand that this Performance Securing Declaration shall cease to be valid upon:
  - a. issuance by the Procuring Entity of the Certificate of Final Acceptance, subject to the following conditions:
    - i. Procuring Entity has no claims filed against the contract awardee;
    - ii. It has no claims for labor and materials filed against the contractor; and
    - iii. Other terms of the contract; or
  - b. replacement by the winning bidder of the submitted PSD with a performance security in any of the prescribed forms under Section 39.2 of the 2016 revised IRR of RA No. 9184 as required by the end-user.

**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]*

<sup>6</sup> GPPB Resolution No. 16-2020, dated 16 September 2020.

