

# PHILIPPINE BIDDING DOCUMENTS

## PROCUREMENT OF INFRASTRUCTURE PROJECTS

Lot	Bid No.	P.R.	PhilGEPS	R.O.	Description	ABC	Rate	Work Duration
1	B20234508	2023085093	10157679	PROVINCIAL ENGINEER'S OFFICE	PROCUREMENT OF 1 LOT CONTRACT PACKAGE: EQUIPMENT, LABOR AND MATERIALS FOR THE ROAD OPENING AND WIDENING OF PUROK 4 TO ECO-PARK TO PUROK 4A AT BRGY. SEMONG, KAPALONG, DAVAO DEL NORTE	23,000,000.00	25,000.00	290 Calendar Days
2	B20234509	2023095207	10157714	PROVINCIAL ENGINEER'S OFFICE	PROCUREMENT OF 1 LOT CONTRACT PACKAGE: EQUIPMENT, LABOR AND MATERIALS FOR THE ROAD OPENING OF SITIO MANGKAY TO SITIO KAPOGI (PHASE 1) AT BRGY. GUPITAN, MUNICIPALITY OF KAPALONG, DAVAO DEL NORTE	14,000,000.00	25,000.00	145 Calendar Days

Government of the Republic of the Philippines  
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# Preface

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

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

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

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

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

- a. All the documents listed in the Table of Contents are normally required for the procurement of Infrastructure Projects. However, they should be adapted as necessary to the circumstances of the particular Project.
- b. Specific details, such as the “*name of the Procuring Entity*” and “*address for bid submission,*” should be furnished in the Instructions to Bidders, Bid Data Sheet, and Special Conditions of Contract. The final documents should contain neither blank spaces nor options.
- c. This Preface and the footnotes or note in italics included in the Invitation to Bid, BDS, General Conditions of Contract, Special Conditions of Contract, Specifications, Drawings, and Bill of Quantities are not part of the text of the final document, although they contain instructions that the Procuring Entity should strictly follow.
- d. The cover should be modified as required to identify the Bidding Documents as to the names of the Project, Contract, and Procuring Entity, in addition to date of issue.
- e. Modifications for specific Procurement Project details should be provided in the Special Conditions of Contract as amendments to the Conditions of Contract. For easy completion, whenever reference has to be made to specific clauses in the Bid Data Sheet or Special Conditions of Contract, these terms shall be printed in bold typeface on Sections I (Instructions to Bidders) and III (General Conditions of Contract), respectively.
  - a. For guidelines on the use of Bidding Forms and the procurement of Foreign-Assisted Projects, these will be covered by a separate issuance of the Government Procurement Policy Board.

# TABLE OF CONTENTS

GLOSSARY OF TERMS, ABBREVIATIONS, AND ACRONYMS.....	4
<b>SECTION I. INVITATION TO BID</b> .....	6
<b>SECTION II. INSTRUCTIONS TO BIDDERS</b> .....	9
1. SCOPE OF BID.....	10
2. FUNDING INFORMATION.....	10
3. BIDDING REQUIREMENTS.....	10
4. CORRUPT, FRAUDULENT, COLLUSIVE, COERCIVE, AND OBSTRUCTIVE PRACTICES.....	10
5. ELIGIBLE BIDDERS.....	10
6. ORIGIN OF ASSOCIATED GOODS.....	10
7. SUBCONTRACTS.....	11
8. PRE-BID CONFERENCE.....	11
9. CLARIFICATION AND AMENDMENT OF BIDDING DOCUMENTS.....	11
10. DOCUMENTS COMPRISING THE BID: ELIGIBILITY AND TECHNICAL COMPONENTS.....	11
11. DOCUMENTS COMPRISING THE BID: FINANCIAL COMPONENT.....	11
12. ALTERNATIVE BIDS.....	11
13. BID PRICES.....	12
14. BID AND PAYMENT CURRENCIES.....	12
15. BID SECURITY.....	12
16. SEALING AND MARKING OF BIDS.....	12
17. DEADLINE FOR SUBMISSION OF BIDS.....	12
18. OPENING AND PRELIMINARY EXAMINATION OF BIDS.....	12
19. DETAILED EVALUATION AND COMPARISON OF BIDS.....	12
20. POST QUALIFICATION.....	13
21. SIGNING OF THE CONTRACT.....	13
<b>SECTION III. BID DATA SHEET</b> .....	14
<b>SECTION IV. GENERAL CONDITIONS OF CONTRACT</b> .....	16
1. SCOPE OF CONTRACT.....	17
2. SECTIONAL COMPLETION OF WORKS.....	17
3. POSSESSION OF SITE.....	17
4. THE CONTRACTOR'S OBLIGATIONS.....	17
5. PERFORMANCE SECURITY.....	17
6. SITE INVESTIGATION REPORTS.....	17
7. WARRANTY.....	18
8. LIABILITY OF THE CONTRACTOR.....	18
9. TERMINATION FOR OTHER CAUSES.....	18
10. DAYWORKS.....	18
11. PROGRAM OF WORK.....	18
12. INSTRUCTIONS, INSPECTIONS AND AUDITS.....	18
13. ADVANCE PAYMENT.....	18
14. PROGRESS PAYMENTS.....	19
15. OPERATING AND MAINTENANCE MANUALS.....	19
<b>SECTION V. SPECIAL CONDITIONS OF CONTRACT</b> .....	20
<b>SECTION VI. SPECIFICATIONS</b> .....	22
<b>SECTION VII. DRAWINGS</b> .....	24
<b>SECTION VIII. BILL OF QUANTITIES</b> .....	25
<b>SECTION IX. CHECKLIST OF TECHNICAL AND FINANCIAL DOCUMENTS</b> .....	26
<b>SECTION X. SAMPLE FORMS</b> .....	29
<b>SECTION XI. SEALING AND MARKING OF BIDS</b> .....	42

# Glossary of Terms, Abbreviations, and Acronyms

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

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

**BAC** – Bids and Awards Committee.

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

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

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

**BIR** – Bureau of Internal Revenue.

**BSP** – Bangko Sentral ng Pilipinas.

**CDA** – Cooperative Development Authority.

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

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

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

**CPI** – Consumer Price Index.

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

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

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

**GFI** – Government Financial Institution.

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

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

**GOP** – Government of the Philippines.

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

**LGUs** – Local Government Units.

**NFCC** – Net Financial Contracting Capacity.

**NGA** – National Government Agency.

**PCAB** – Philippine Contractors Accreditation Board.

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

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

**PSA** – Philippine Statistics Authority.

**SEC** – Securities and Exchange Commission.

**SLCC** – Single Largest Completed Contract.

**UN** – United Nations.

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

### **Notes on the Invitation to Bid**

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.

The IB should be incorporated into the Bidding Documents. The information contained in the IB must conform to the Bidding Documents and in particular to the relevant information in the Bid Data Sheet.



## PROVINCIAL BIDS AND AWARDS COMMITTEE

### Invitation to Bid for Procurement of Infrastructure Projects

1. The Provincial Government of Davao del Norte, through the following fund, to wit:

Lot 1 – B20234508	23,000,000.00	: SB # 1 CY 2023 GF - ROAD OPENING PROJECT
Lot 2 – B20234509	14,000,000.00	: SB # 1 - CY 2023

and intends to apply the sum of *the abovementioned amount* being the Approved Budget for the Contract (ABC) to payments under the contract with **PR No. 2023085093 and 2023095207**. Bids received in excess of the ABC shall be automatically rejected at bid opening.

2. The Provincial Government of Davao del Norte now invites bids for the Procurement Infrastructure Projects stated below. Bidders should have completed a contract similar to the Project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II (Instructions to Bidders).

Lot	Bid No.	P.R.	PhilGEPS	P.R.	Description	ABC	Rate	Work Duration
1	B20234508	2023085093	10135725	PROVINCIAL ENGINEER'S OFFICE	PROCUREMENT OF 1 LOT CONTRACT PACKAGE: EQUIPMENT, LABOR AND MATERIALS FOR THE ROAD OPENING AND WIDENING OF PUROK 4 TO ECO-PARK TO PUROK 4A AT BRGY. SEMONG, KAPALONG, DAVAO DEL NORTE	23,000,000.00	25,000.00	290 Calendar Days
2	B20234509	2023095207	10135766	PROVINCIAL ENGINEER'S OFFICE	PROCUREMENT OF 1 LOT CONTRACT PACKAGE: EQUIPMENT, LABOR AND MATERIALS FOR THE ROAD OPENING OF SITIO MANGKAY TO SITIO KAPOGI (PHASE 1) AT BRGY. GUPITAN, MUNICIPALITY OF KAPALONG, DAVAO DEL NORTE	14,000,000.00	25,000.00	145 Calendar Days

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.
4. Interested bidders may obtain further information from The Provincial Government of Davao del Norte and inspect the Bidding Documents at the address given below from **8:00 am – 5:00 pm, Mondays to Fridays**.
5. A complete set of Bidding Documents may be acquired by interested bidders on **September 23, 2023 to October 12, 2023 at 8:00 a.m. to 5:00 p.m.** from given address and website/s specifically at BAC secretariat Office, 2F PGSO Bldg., Government Center, Mankilam, Tagum City, Province of Davao del Norte or at <http://www.davaodelnorte.gov.ph/index.php/bid-opportunities/bidding-invitations>; and upon payment of the applicable fee for the Bidding Documents, pursuant to the latest guidelines issued by the GPPB. The Procuring Entity shall allow the bidder to present its proof of payment for the fees to be presented **in person**.
6. The Provincial Government of Davao del Norte will hold a Pre-Bid Conference through Google Meet® as the official platform for the videoconferencing on, **October 02, 2023 at 9:00 a.m.** at which shall be opened to all interested parties. Interested parties for the online pre-bid conference shall send the following information at **bacddn4@gmail.com a day before the pre-bid conference**, to wit:
  1. Official e-mail address which will be used during the videoconferencing;
  2. Name of Participant;
  3. Name and Address of Establishment;
  4. Bid Number; and
  5. Name of Project/Item Description

7. Bids must be duly received by the BAC Secretariat through **manual submission** at the office address indicated below on or before, **October 16, 2023 at 9:00 a.m.** Late bids shall not be accepted. Moreover, all interested parties can only attend the above-cited Opening of Bids through Google Meet® as the official platform for the videoconferencing. Interested parties for the online opening of bids shall send the following information at **bacddn4@gmail.com** a day **before the opening of bids**, to wit:
  1. Official e-mail address which will be used during the videoconferencing;
  2. Name of Participant;
  3. Name and Address of Establishment;
  4. Bid Number; and
  5. Name of Project/Item Description
8. All bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in **ITB** Clause 14.
9. Bid opening shall be on, **October 16, 2023 at 9:00 a.m.** at the given address below. Bids will be opened in the presence of the bidders' representatives who choose to attend the activity.
10. The Provincial Government of Davao del Norte reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Sections 35.6 and 41 of the 2016 revised Implementing Rules and Regulations (IRR) of RA No. 9184, without thereby incurring any liability to the affected bidder or bidders.
11. For further information, please refer to:

**DENNIS B. DEVILLERES, LL.B.**  
PG Department Head – PEEDO  
BAC Chairperson  
Government Center, Mankilam, Tagum City

**BAC SECRETARIAT OFFICE**  
Province of Davao del Norte  
2F PGSO Bldg., Government Center, Mankilam, Tagum City  
Cellphone No. +63999-222-1967 Local: 2320  
Email address: **bacddn4@gmail.com**  
Website address: [www.davaodelnorte.gov.ph](http://www.davaodelnorte.gov.ph)

12. You may visit the following websites:

For downloading of Bidding Documents: [www.davaodelnorte.gov.ph](http://www.davaodelnorte.gov.ph)

**DENNIS B. DEVILLERES, LL.B.**  
PG Department Head - PEEDO  
BAC Chairperson

***Date of Issue: September 23, 2023***



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

### **Notes on the Instructions to Bidders**

This Section on the Instruction to Bidders (ITB) provides the information necessary for bidders to prepare responsive bids, in accordance with the requirements of the Procuring Entity. It also provides information on bid submission, eligibility check, opening and evaluation of bids, post-qualification, and on the award of contract.

## 1. Scope of Bid

The Procuring Entity, Provincial Government of Davao del Norte invites Bids for the construction of Works, with Project Identification Numbers **PR No. 2023085093 and 2023095207**. 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, to wit:

<i>Lot 1 – B20234509</i>	23,000,000.00	: <i>SB # 1 CY 2023 GF - ROAD OPENING PROJECT</i>
<i>Lot 2 – B20234509</i>	14,000,000.00	: <i>SB # 1 - CY 2023</i>

2.2. The source of funding is:

- a. LGUs, the Annual or Supplemental Budget, as approved by the Sanggunian

## 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 **IB** by the BAC through the issuance of a supplemental or bid bulletin.

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

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

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

## 5. Eligible Bidders

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

A contract is considered to be “similar” to the contract to be bid if it has the major categories of work stated in the **BDS**.
- 5.3. For Foreign-funded Procurement, the Procuring Entity and the foreign government/foreign or international financing institution may agree on another track record requirement, as specified in the Bidding Document prepared for this purpose.
- 5.4. The Bidders shall comply with the eligibility criteria under Section 23.4.2 of the 2016 IRR of RA No. 9184.

## 6. Origin of Associated Goods

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

#### **a. Subcontracts**

The Bidder may subcontract portions of the Project to the extent allowed by the Procuring Entity as stated herein, but in no case more than fifty percent (50%) of the Project.

The Procuring Entity has prescribed that:

- a. Subcontracting is not allowed.
- 7.1. Subcontracting of any portion of the Project does not relieve the Contractor of any liability or obligation under the Contract. The Supplier will be responsible for the acts, defaults, and negligence of any subcontractor, its agents, servants, or workmen as fully as if these were the Contractor's own acts, defaults, or negligence, or those of its agents, servants, or workmen.

#### **8. Pre-Bid Conference**

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

#### **9. Clarification and Amendment of Bidding Documents**

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

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

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

#### **11. Documents Comprising the Bid: Financial Component**

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

#### **12. Alternative Bids**

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

### 13. Bid Prices

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

### 14. Bid and Payment Currencies

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

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

- a. 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 within 120 calendar days from the 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 15 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**

### **Notes on the Bid Data Sheet (BDS)**

The Bid Data Sheet (BDS) consists of provisions that supplement, amend, or specify in detail, information, or requirements included in the ITB 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 ITB 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 ITB must be incorporated.
- b. Amendments and/or supplements, if any, to provisions of the ITB as necessitated by the circumstances of the specific procurement, must also be incorporated.

# Bid Data Sheet

ITB Clause																																																																																	
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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 <i>[Insert two percent (2%) of ABC]</i>, if bid security is in cash, cashier's/manager's check, bank draft/guarantee or irrevocable letter of credit;</p> <p>b. The amount of not less than <i>[Insert five percent (5%) of ABC]</i> if bid security is in Surety Bond.</p>			
19.2	Partial bid is not allowed. The infrastructure project is packaged in a single lot and the lot shall not be divided into sub-lots for the purpose of bidding, evaluation, and contract award.			
20	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 <b>BDS</b>			
21	Additional contract documents relevant to the Project which shall be included in the required documents prior to signing of contract, such as construction schedule and S-curve, manpower schedule, construction methods, equipment utilization schedule, PERT/CPM, construction safety and health program received and approved by the DOLE, and other acceptable tools of project scheduling and Contractor's All Risk Insurance (CARI) for ABC above P5,000,000.00			



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

### **Notes on the General Conditions of Contract**

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 Contractor, 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 the Special 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**

### **Notes on the Special Conditions of Contract**

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 Works procured. 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.

However, no special condition which defeats or negates the general intent and purpose of the provisions of the GCC should be incorporated herein.

# Special Conditions of Contract

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15.1	The date by which operating and maintenance manuals are required is the date of submission of the request for final billing.																														
15.2	The amount to be withheld for failing to produce “as built” drawings and/or operating and maintenance manuals by the date required is 20% of the amount of the final billing.																														

## Section VI. Specifications

### Notes on Specifications

A set of precise and clear specifications is a prerequisite for Bidders to respond realistically and competitively to the requirements of the Procuring Entity without qualifying or conditioning their Bids. In the context of international competitive bidding, the specifications must be drafted to permit the widest possible competition and, at the same time, present a clear statement of the required standards of workmanship, materials, and performance of the goods and services to be procured. Only if this is done will the objectives of economy, efficiency, and fairness in procurement be realized, responsiveness of Bids be ensured, and the subsequent task of bid evaluation facilitated. The specifications should require that all goods and materials to be incorporated in the Works be new, unused, of the most recent or current models, and incorporate all recent improvements in design and materials unless provided otherwise in the Contract.

Samples of specifications from previous similar projects are useful in this respect. The use of metric units is mandatory. Most specifications are normally written specially by the Procuring Entity or its representative to suit the Works at hand. There is no standard set of Specifications for universal application in all sectors in all regions, but there are established principles and practices, which are reflected in these PBDs.

There are considerable advantages in standardizing General Specifications for repetitive Works in recognized public sectors, such as highways, ports, railways, urban housing, irrigation, and water supply, in the same country or region where similar conditions prevail. The General Specifications should cover all classes of workmanship, materials, and equipment commonly involved in construction, although not necessarily to be used in a particular Works Contract. Deletions or addenda should then adapt the General Specifications to the particular Works.

Care must be taken in drafting specifications to ensure that they are not restrictive. In the specification of standards for goods, materials, and workmanship, recognized international standards should be used as much as possible. Where other particular standards are used, whether national standards or other standards, the specifications should state that goods, materials, and workmanship that meet other authoritative standards, and which ensure substantially equal or higher quality than the standards mentioned, will also be acceptable. The following clause may be inserted in the SCC.

### **Sample Clause: Equivalency of Standards and Codes**

Wherever reference is made in the Contract to specific standards and codes to be met by the goods and materials to be furnished, and work performed or tested, the provisions of the latest current edition or revision of the relevant standards and codes in effect shall apply, unless otherwise expressly stated in the Contract. Where such standards and codes are national, or relate to a particular country or region, other authoritative standards that ensure a substantially equal or higher quality than the standards and codes specified will be accepted subject to the Procuring Entity's Representative's prior review and written consent. Differences between the standards specified and the proposed alternative standards shall be fully described in writing by the Contractor and submitted to the Procuring Entity's Representative at least twenty-eight (28) days prior to the date when the Contractor desires the Procuring Entity's Representative's consent. In the event the Procuring Entity's Representative determines that such proposed deviations do not ensure substantially equal or higher quality, the Contractor shall comply with the standards specified in the documents.

These notes are intended only as information for the Procuring Entity or the person drafting the Bidding Documents. They should not be included in the final Bidding Documents.

**Lot 1 – B20234508** – Procurement of 1 Lot Contract Package: Equipment, Labor and Materials for the Road Opening and Widening of Purok 4 to Eco – Park to Purok 4A at Brgy. Semong, Kapitalong, Davao del Norte.

**ABC: Php 23,000,000.00**

No. of Lanes: 2  
No. of Pipes: 1  
Roadway Width: 8.0m  
Net Length: 1,690.91m

**SCOPE OF WORK:**

**PART 1 - OTHER GENERAL REQUIREMENTS**

- B.1 Offices, Shops, Stores and Workmen's Accommodation for Contractor - 1.00 L.S.
- B.4(1) Construction Survey and Staking - 1.69 km
- B.5 Project Billboard/Signboard - 2.00 each
- B.7 Occupational Safety and Health - 1.00 L.S.
- B.8(2) Traffic Management - 1.00 L.S.
- B.9 Mobilization/Demobilization - 1.00 L.S.

**PART II - EARTHWORKS**

- 103(3) Foundation Fill - 2.50 cu.m.
- 103(6)a Pipe Culverts and Drain Excavation - 29.24 cu.m.
- 104(1)b Embankment (Cut to Fill) - 28,782.88 cu.m.
- 104(2)a Embankment from Borrow, Common Soil - 19,839.12 cu.m.
- 105(1) Subgrade Preparation - 14,627.00 sq.m.

**PART III - SUBBASE AND BASE COURSE**

- 200(1) Aggregate Subbase Course - 2,114.00 cu.m.

**PART IV - DRAINAGE AND SLOPE PROTECTION STRUCTURES**

- 404(1) Reinforcing Steel - 358.32 kgs
- 405(1) Structural Concrete - 3.92 cu.m.
- 500(1)b3 Pipe Culverts, 910mmØ, Class IV, RCPC - 10.00 In.m.
- 511(1)a3 Gabions, 1m x 1m x 2m - 84.00 cu.m.

**REMARKS : TERMS AND CONDITIONS:**

1. All procedures and policies under this projects shall be governed by the provisions of RA 9184 and its IRR, its Annexes issued by the GPPB;
2. General and special conditions of this project shall be those stipulated in the bidding documents which can be secured only after payment of the required fee;
3. Purchase Order and Procurement Contract Agreement shall be awarded to the Contractor whose bid shall have been declared as the lowest calculated and responsive bid (LCRB);
4. Payment will be made through progress billing;
5. Billboard must be installed on site before the start of the construction. Text and design shall be provided by PEO; 6. All works must conform to the approved plans and specifications;
7. Construction supervision will be conducted by PEO Engineer;
8. All materials must be pre-inspected by PEO Quality Control (QC) Engineer before usage;
9. All electrical works must be inspected by a PEO Electrical Engineer;
10. For All RSB except 8mm RSB, Please coordinate with QC Engineer for the conduct of Quality Test through Universal Testing Machine (UTM) at the expense of the winning establishment;
11. Submit quality control plan before project implementation;
12. Work duration is Two Hundred Ninety (290) Calendar Days;
13. Conduct site validation with PEO Representative prior to bidding and secure Certificate of Inspection issued by PEO.

**Place of Delivery: Jobsite**

**Delivery Term: 290 Calendar Days**



**Lot 2 – B20234509** – Procurement of 1 Lot Contract Package: Equipment, Labor and Materials for the Road Opening of Sitio Mangkay to Sitio Kapogi (Phase 1) Brgy. Gupitan, Municipality of Kapalong, Davao del Norte.

**ABC: Php 14,000,000.00**

**PROJECT DESCRIPTION:**

Station Limits: Sta. 0+000.00 to 0+940.00

Total Length: 940.00

**RCPC:**

Station: 0+000.00 (10 In.m. - 1220mm Ø)

Station 0+280.00 (10 In.m. - 1220mm Ø)

Station 0+822.40 (10 In.m. - 1220mm Ø)

**SCOPE OF WORK:**

**PART A- OTHER GENERAL REQUIREMENTS**

B.1 Offices, Shops, Stores and Workmen's Accommodation for Contractor - 1.00 L.S.

B.4(1) Construction Survey and Staking - 0.94km

B.5 Project Billboard/Signboard - 2.00 ea.

B.7(2) Occupational Safety and Health Program - 1.00 L.S.

B.8(2) Traffic Management - 1.00 L.S.

B.9 Mobilization/Demobilization - 1.00 L.S.

**PART B-EARTHWORK**

100(1) Clearing and Grubbing - 18,222.43 sq.m.

101(2)e Removal of RCPC (48" dia.) - 1220mm : 30.00 In.m.

102(2) Surplus Common Excavation - 56,612.60 cu.m.

103(3) Foundation Fill - 13.70 cu.m.

103(6)a Pipe Culverts and Drain Excavation, Common Soil - 109.20 cu.m.

104(1)a Embankment from Roadway Excavation, Common Soil -5.00 cu.m.

105(1)a Subgrade Preparation, Common Soil - 7,520.00 sq.m.

**PART C- SUBBASE AND BASE COURSE**

200(1) Aggregate Subbase Course - 1,175.00 cu.m.

**PART D- MISCELLANEOUS**

404(1) Reinforcing Steel (Headwall) - 1,474.55 kgs.

405(1) Structural Concrete, Class A (Headwall) - 22.53 cu.m.

500(1)e Pipe Culverts, 1220mm Ø : 30.00 In.m.

**REMARKS : TERMS AND CONDITIONS:**

1. All procedures and policies under this projects shall be governed by the provisions of RA 9184 and its IRR, its Annexes issued by the GPPB;
2. General and special conditions of this project shall be those stipulated in the bidding documents which can be secured only after payment of the required fee;
3. Purchase Order and Procurement Contract Agreement shall be awarded to the Contractor whose bid shall have been declared as the lowest calculated and responsive bid (LCRB);
4. Payment will be made through progress billing;
5. Billboard must be installed on site before the start of the construction. Text and design shall be provided by PEO;
6. All works must conform to the approved plans and specifications;
7. Construction supervision will be conducted by PEO Engineer;
8. All materials must be pre-inspected by PEO Quality Control (QC) Engineer before usage;
9. All electrical works must be inspected by a PEO Electrical Engineer;
10. For All RSB except 8mm RSB, Please coordinate with QC Engineer for the conduct of Quality Test through Universal Testing Machine (UTM) at the expense of the winning establishment;
11. Submit quality control plan before project implementation;
12. Work duration is One Hundred Forty-Five (145) calendar days;
13. Conduct site validation with PEO Representative prior to bidding and secure Certificate of Inspection issued by PEO.

**Place of Delivery: Jobsite**

**Delivery Term: 145 Calendar Days**

## **Section VII. Drawings**

**NOTE:**

**MAP/STAKING SHEET SHALL BE SECURED FROM PROVINCIAL ENGINEER'S OFFICE-PLANNING, DESIGNING, PROGRAMMING/ AND MONITORING (PEO-PDPM) AFTER PURCHASE OF BIDDING DOCUMENTS. BIDDERS MUST PRESENT AN OFFICIAL RECEIPT OF PAYMENT OF BIDDING DOCUMENTS**

# Section VIII. Bill of Quantities

## Notes on the Bill of Quantities

### Objectives

The objectives of the Bill of Quantities are:

- a. to provide sufficient information on the quantities of Works to be performed to enable Bids to be prepared efficiently and accurately; and
- b. when a Contract has been entered into, to provide a priced Bill of Quantities for use in the periodic valuation of Works executed.

In order to attain these objectives, Works should be itemized in the Bill of Quantities in sufficient detail to distinguish between the different classes of Works, or between Works of the same nature carried out in different locations or in other circumstances which may give rise to different considerations of cost. Consistent with these requirements, the layout and content of the Bill of Quantities should be as simple and brief as possible.

### Daywork Schedule

A Daywork Schedule should be included only if the probability of unforeseen work, outside the items included in the Bill of Quantities, is high. To facilitate checking by the Entity of the realism of rates quoted by the Bidders, the Daywork Schedule should normally comprise the following:

- a. A list of the various classes of labor, materials, and Constructional Plant for which basic daywork rates or prices are to be inserted by the Bidder, together with a statement of the conditions under which the Contractor will be paid for work executed on a daywork basis.
- b. Nominal quantities for each item of Daywork, to be priced by each Bidder at Daywork rates as Bid. The rate to be entered by the Bidder against each basic Daywork item should include the Contractor's profit, overheads, supervision, and other charges.

### Provisional Sums

A general provision for physical contingencies (quantity overruns) may be made by including a provisional sum in the Summary Bill of Quantities. Similarly, a contingency allowance for possible price increases should be provided as a provisional sum in the Summary Bill of Quantities. The inclusion of such provisional sums often facilitates budgetary approval by avoiding the need to request periodic supplementary approvals as the future need arises. Where such provisional sums or contingency allowances are used, the SCC should state the manner in which they will be used, and under whose authority (usually the Procuring Entity's Representative's).

The estimated cost of specialized work to be carried out, or of special goods to be supplied, by other contractors should be indicated in the relevant part of the Bill of Quantities as a particular provisional sum with an appropriate brief description. A separate procurement procedure is normally carried out by the Procuring Entity to select such specialized contractors. To provide an element of competition among the Bidders in respect of any facilities, amenities, attendance, etc., to be provided by the successful Bidder as prime Contractor for the use and convenience of the specialist contractors, each related provisional sum should be followed by an item in the Bill of Quantities inviting the Bidder to quote a sum for such amenities, facilities, attendance, etc.

### Signature Box

A signature box shall be added at the bottom of each page of the Bill of Quantities where the authorized representative of the Bidder shall affix his signature. Failure of the authorized representative to sign each and every page of the Bill of Quantities shall be a cause for rejection of his bid.

These Notes for Preparing a Bill of Quantities are intended only as information for the Procuring Entity or the person drafting the Bidding Documents. They should not be included in the final documents.

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

### **Notes on the Checklist of Technical and Financial Documents**

The prescribed documents in the checklist are mandatory to be submitted in the Bid, but shall be subject to the following:

- a. GPPB Resolution No. 09-2020 on the efficient procurement measures during a State of Calamity or other similar issuances that shall allow the use of alternate documents in lieu of the mandated requirements; or
- b. any subsequent GPPB issuances adjusting the documentary requirements after the effectivity of the adoption of the PBDs.

The BAC shall be checking the submitted documents of each Bidder against this checklist to ascertain if they are all present, using a non-discretionary “pass/fail” criterion pursuant to Section 30 of the 2016 revised IRR of RA No. 9184.

# Checklist of Technical and Financial Documents

## I. TECHNICAL COMPONENT ENVELOPE

### *Class “A” Documents*

#### Legal Documents

- (a) Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages) with valid and updated Annex A pursuant to GPPB Resolution No. 15-2021, with amended Section 8.5.2. wherein, *All bidders shall upload and maintain in PhilGEPS a current and updated file of the following Class “A” eligibility documents under Sections 23.1(a) and 24.1(a).*

*In lieu of the Class “A” eligibility documents mentioned under Section 8.5.2 of this IRR, the Bidder shall only submit a valid and updated PhilGEPS Certificate of Registration and Membership in accordance with Section 8.5.2 of this IRR for purposes of determining eligibility;*

**or**

#### 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; **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; **and**
- (d) 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**
- (f) Original copy of Notarized Bid Securing Declaration; **and** Project Requirements, which shall include the following:
- a. Organizational chart for the contract to be bid;
- 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;
- 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; **and**
- (g) Original duly signed Omnibus Sworn Statement (OSS); and if applicable, Original Notarized Secretary’s Certificate in case of a corporation, partnership, or cooperative; or Original Special Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder.
- (h) Registration/Bidders fee of P 500.00 (enclose official receipt only) (***Note: Must be renewed annually***)

#### Financial Documents

- (i) The prospective bidder’s computation of Net Financial Contracting Capacity (NFCC).

***Class “B” Documents***

- (j) 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**

- (k) Original of duly signed and accomplished Financial Bid Form; **and**  
 (l) Bid Form PASIMS generated (This shall be given upon receipt of the Bidding Document after payment of the non-refundable fee)

Note:

1. Fill-up the Bid form PASIMS generated provided, (Handwritten or typewritten)
2. Only the original bid form shall be accepted
3. Photocopy of the Bid form shall be accepted, provided that it shall be in the original size of the bid form (8.5 x 13) paper size

**Other documentary requirements under RA No. 9184**

- (m) Original of duly signed Bid Prices in the Bill of Quantities; **and**  
 (n) 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**  
 (o) Cash Flow by Quarter.

## Section X. Sample Forms

Bid Forms .....	30
Form of Contract Agreement.....	31
Omnibus Sworn Statement.....	33
Statement of On Going Government and Private construction contracts including contracts awarded but not yet started.....	35
Statement of Single Largest Completed Contract (SLCC) Similar to the Contract to be Bid.	36
Net Financial Contracting Capacity (NFCC) .....	37
Bid Securing Declaration .....	38
Statement of Availability of Key Personnel and Equipment .....	39
List of Equipment .....	40

**Bid Form**

---

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

To: **The Provincial Government of Davao del Norte**  
Address: **Government Center, Mankilam, Tagum City**

We, the undersigned, declare that:

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

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

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

- (c) Our Bid shall be valid for a period of *[insert number]* days from the date fixed for the Bid submission deadline in accordance with the Bidding Documents, and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
- (d) If our Bid is accepted, we commit to obtain a Performance Security in the amount of *[insert percentage amount]* percent of the Contract Price for the due performance of the Contract;
- (e) Our firm, including any subcontractors or suppliers for any part of the Contract, have nationalities from the following eligible countries: *[insert information]*;
- (f) We are not participating, as Bidders, in more than one Bid in this bidding process, other than alternative offers in accordance with the Bidding Documents;
- (g) Our firm, its affiliates or subsidiaries, including any subcontractors or suppliers for any part of the Contract, has not been declared ineligible by the Funding Source;
- (h) We understand that this Bid, together with your written acceptance thereof included in your notification of award, shall constitute a binding contract between us, until a formal Contract is prepared and executed; and
- (i) We understand that you are not bound to accept the Lowest Evaluated Bid or any other Bid that you may receive.
- (j) **We likewise certify/confirm that the undersigned, is the duly authorized representative of the bidder, and granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for the [Name of Project] of the [Name of the Procuring Entity].**
- (k) **We acknowledge that failure to sign each and every page of this Bid Form, including the Bill of Quantities, shall be a ground for the rejection of our bid.**

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

In the capacity of: \_\_\_\_\_

Signed: \_\_\_\_\_

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

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



## Form of Contract Agreement

---

THIS AGREEMENT, made this *[insert date]* day of *[insert month]*, *[insert year]* between **Provincial Government of Davao del Norte, Government Center, Mankilam, Tagum City** (hereinafter called the “Entity”) and *[name and address of Contractor]* (hereinafter called the “Contractor”).

WHEREAS, the Entity is desirous that the Contractor execute *[insert description of contract]* (hereinafter called “the Works”) and the Entity has accepted the Bid for *[insert the amount in specified currency in numbers and words]* 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 shall be attached, deemed to form, and be read and construed as part of this Agreement, to wit:
  - (a) General and Special Conditions of Contract;
  - (b) Drawings/Plans;
  - (c) Specifications;
  - (d) Invitation to Apply for Eligibility and to Bid;
  - (e) Instructions to Bidders;
  - (f) Bid Data Sheet;
  - (g) Addenda and/or Supplemental/Bid Bulletins, if any;
  - (h) 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;
  - (i) Eligibility requirements, documents and/or statements;
  - (j) Performance Security;
  - (k) Notice of Award of Contract and the Bidder’s conformed thereto;
  - (l) Other contract documents that may be required by existing laws and/or the Entity.
3. In consideration of the payments to be made by the Entity to the Contractor as hereinafter mentioned, the Contractor hereby covenants with the Entity to execute and complete the Works and remedy any defects therein in conformity with the provisions of this Contract in all respects.
4. The Entity hereby covenants to pay the Contractor in consideration of the execution and completion of the Works and the remedying of defects wherein, the Contract Price or such other sum as may become payable under the provisions of this Contract at the times and in the manner prescribed by this Contract.

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

Signed, sealed, delivered by \_\_\_\_\_ the \_\_\_\_\_ (for the Entity)

Signed, sealed, delivered by \_\_\_\_\_ the \_\_\_\_\_ (for the Contractor).

Binding Signature of PROCURING ENTITY

\_\_\_\_\_

Binding Signature of Contractor

\_\_\_\_\_

*[Addendum showing the corrections, if any, made during the Bid evaluation should be attached with this agreement]*

## Omnibus Sworn Statement (Revised)

*[shall be submitted with the Bid]*

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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], with email address at [email address] and official contact number at [contact number], at 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] and official email address at [electronic mail 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] and official email address at [electronic mail 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]*

**Statement of all Ongoing Government & Private Construction Contracts including contracts awarded but not yet started**

Business Address

: \_\_\_\_\_

Name of Contract/Location Project Cost	Owner Name a. Address b. Telephone Nos.	Nature of Work	Contractor's Role		Date Awarded Date Started Date of Completion	% of Accomplishment		Value of Outstanding Works
			Description			Planned	Actual	
							<b>Total Cost</b>	

Note: This statement shall be supported with:

1. Notice of Award and/or Contract
2. Notice to Proceed issued by the owner
3. Certificate of Accomplishments signed by the owner or Project Engineer

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

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

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

**Statement of Single Largest Completed Contract (SLCC) Similar to the Contract to be Bid**

**Business Name** : \_\_\_\_\_

Name of Contract/ Project Cost	a. Owner's Name b. Address c. Telephone Nos.	Definition or description of the similar project or major categories of work	Bidder's Role		a. Amount at Award b. Amount at Completion c. Duration	a. Date Awarded b. Contract Effectivity c. Date Completed
			Description	%		
					<b>Total Cost</b>	

Note: This statement shall be supported with:

1. Contract
2. Certificate of Completion
3. Certificate of Acceptance

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

## NET FINANCIAL CONTRACTING CAPACITY (NFCC)

The computation for the Net Financial Contracting Capacity (NFCC) should be included in the eligibility documents following the formula and format calculated as follows:

$NFCC = [(Current\ assets\ minus\ current\ liabilities) (15)]$  minus the 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.

**Note: K factor is fixed at 15**

The values of the bidder's current assets and current liabilities shall be based on the latest Audited Financial Statements submitted to the BIR.

\*Current assets and current liabilities should be picked up from the corresponding entry in the audited financial statement for the year 2020.

\*The NFCC should at least be equal to the Approved Budget for the Contract (ABC) to be bid.

Example:

Current Assets - P 5.2M

Current Liabilities - P 4.1M

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–

P 1.1M

$$NFCC = (5.2M - 4.1M) * 15 - 1.1M$$

$$NFCC = 15.4M$$

## **Bid Securing Declaration Form**

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

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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]*



## Statement of Availability of Key Personnel and Equipment

(Date of Issuance)

Name of the Head of the Procuring Entity  
Position of the Head of the Procuring Entity  
(Name of Procuring Entity)  
(Address of Procuring Entity)

Attention : The Chairman  
Bids and Awards Committee

Dear Sir / Madame:

In compliance with the requirements of the (Name of the Procuring Entity) BAC for the bidding of the (Name of the Contract), we certify that (Name of the Bidder) has in its employ key personnel, such as project managers, project engineers, materials engineers and foremen, who may be engaged for the construction of the said contract.

Further, we likewise certify the availability of equipment that (Name of the Bidder) owns, has under lease, and/or has under purchase agreements, that may be used for the construction contracts for actual inspection during post-qualification.

Very truly yours,

(Name of Representative)

(Position)

(Name of Bidder)

Name of the Procuring Entity  
 Contract Reference Number  
 Name of the Contract  
 Location of the Contract

Standard Form Number: SF-INFR - 49  
 Revised on: August 11, 2004

**List of Equipment, Owned or Leased and/or under Purchase Agreements, Pledged to the Proposed Contract**

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

Business Address : \_\_\_\_\_

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

ii.							
iii.							
iv.							
v.							

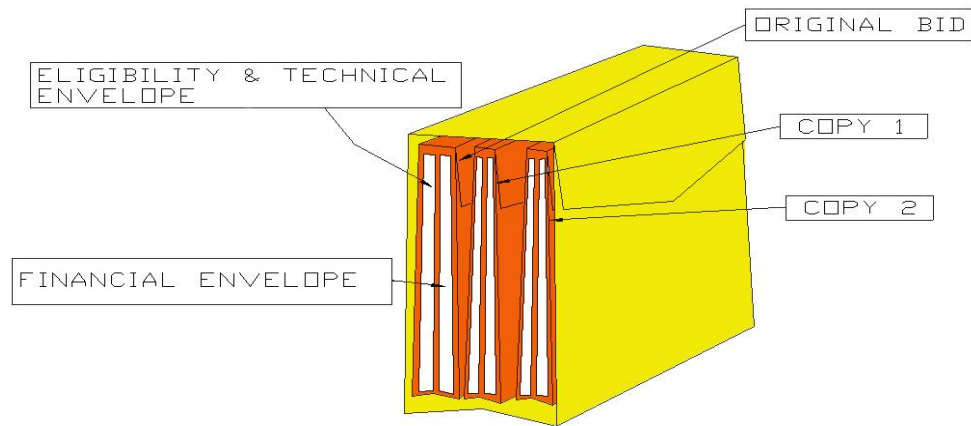
List of minimum equipment required for the project:

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

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

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

## **Section XI. SEALING AND MARKING OF BIDS**



### **I. Single Stage Bidding Process**

#### **Envelope 1. Original Bid**

- a. Original Eligibility Documents and Technical Proposal
- b. Original Financial Proposal

#### **Envelope 2. Copy #1**

- a. Copy #1 Eligibility Documents and Technical Proposal
- b. Copy #1 Financial Proposal

#### **Envelope 3. Copy #2**

- a. Copy #2 Eligibility Documents and Technical Proposal
- b. Copy #2 Financial Proposal

### **II. Each Envelope shall:**

1. Contain the name of the contract to be bid in capital letters
2. Bear the name and address of the prospective bidder in capital letters
3. Bear addressed to the PROCURING ENTITY'S BAC
4. Bear the specific identification of this project indicated in the ITB
5. Bear a warning "DO NOT OPEN BEFORE" the date and time for the Opening of Bids indicated in the ITB.

Each envelope must be sealed.

#### **The Chairman**

**Bids & Awards Committee**

2F/PGSO Building, Government Center, Mankilam, Tagum City  
Davao del Norte

ORIGINAL ENVELOPE

**Bid No. / PROCUREMENT OF \_\_\_\_\_**

Contractor: **(NAME OF CONTRACTOR)**  
(ADDRESS)

**"DO NOT OPEN BEFORE \_\_\_\_\_ AT 9:00 AM"**

**(ORIGINAL/COPY 1/COPY 2)**

**Eligibility Documents and  
Technical Proposal**

Bid No:

Item Description/Project:

Establishment:

Address:

Contact Details:

**PhilGEPS  
Certificate**

**Ongoing  
Contracts**

**SLCC**

**NFCC**

**Bid Security**

**Omnibus  
Sworn  
Statement**

**Technical  
Specs**

**Registration**

**JVA**

**(ORIGINAL/COPY 1/COPY 2)**

**Financial Proposal**

Bid No:

Item Description/Project:

Establishment:

Address:

Contact Details:

**Bid Form**

**Bid Form  
PASIMS  
Generated**

**Price  
Schedule**

