

**PHILIPPINE BIDDING DOCUMENTS**

# Procurement of GOODS

Government of the Republic of the Philippines

**Invitation to Bid No. 2025-001**

**Provision of Various Food Processing Equipment for the Shared  
Service Facilities in the Province of Isabela and Cagayan  
(Rebidding)**

**Sixth Edition**

**July 2020**

# Preface

These Philippine Bidding Documents (PBDs) for the procurement of Goods through Competitive Bidding have been prepared by the Government of the Philippines for use by any branch, constitutional commission or office, agency, department, bureau, office, or instrumentality of the Government of the Philippines, National Government Agencies, including Government-Owned and/or Controlled Corporations, Government Financing Institutions, State Universities and Colleges, and Local Government Unit. The procedures and practices presented in this document have been developed through broad experience, and are for mandatory use in projects that are financed in whole or in part by the Government of the Philippines or any foreign government/foreign or international financing institution in accordance with the provisions of the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184.

The Bidding Documents shall clearly and adequately define, among others: (i) the objectives, scope, and expected outputs and/or results of the proposed contract or Framework Agreement, as the case may be; (ii) the eligibility requirements of Bidders; (iii) the expected contract or Framework Agreement duration, the estimated quantity in the case of procurement of goods, delivery schedule and/or time frame; and (iv) the obligations, duties, and/or functions of the winning bidder.

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

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

- a. All the documents listed in the Table of Contents are normally required for the procurement of Goods. However, they should be adapted as necessary to the circumstances of the particular Procurement 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 notes in italics included in the Invitation to Bid, Bid Data Sheet, General Conditions of Contract, Special Conditions of Contract, Schedule of Requirements, and Specifications 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 Procurement Project, Project Identification Number, and Procuring Entity, in addition to the date of issue.

- e. Modifications for specific Procurement Project details should be provided in the Special Conditions of Contract as amendments to the Conditions of Contract. For easy completion, whenever reference has to be made to specific clauses in the Bid Data Sheet or Special Conditions of Contract, these terms shall be printed in bold typeface on Sections I (Instructions to Bidders) and III (General Conditions of Contract), respectively.
  
- f. For guidelines on the use of 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

<b>Glossary of Acronyms, Terms, and Abbreviations .....</b>	<b>4</b>
<b>Section I. Invitation to Bid.....</b>	<b>7</b>
<b>Section II. Instructions to Bidders.....</b>	<b>21</b>
1. Scope of Bid .....	22
2. Funding Information.....	22
3. Bidding Requirements .....	22
4. Corrupt, Fraudulent, Collusive, and Coercive Practices.....	22
5. Eligible Bidders.....	22
6. Origin of Goods .....	23
7. Subcontracts .....	23
8. Pre-Bid Conference .....	23
9. Clarification and Amendment of Bidding Documents .....	24
10. Documents comprising the Bid: Eligibility and Technical Components .....	24
11. Documents comprising the Bid: Financial Component .....	24
12. Bid Prices .....	24
13. Bid and Payment Currencies .....	25
14. Bid Security .....	25
15. Sealing and Marking of Bids .....	25
16. Deadline for Submission of Bids .....	26
17. Opening and Preliminary Examination of Bids .....	26
18. Domestic Preference .....	26
19. Detailed Evaluation and Comparison of Bids .....	26
20. Post-Qualification .....	27
21. Signing of the Contract .....	27
<b>Section III. Bid Data Sheet .....</b>	<b>28</b>
<b>Section IV. General Conditions of Contract .....</b>	<b>31</b>
1. Scope of Contract .....	32
2. Advance Payment and Terms of Payment .....	32
3. Performance Security .....	32
4. Inspection and Tests .....	32
5. Warranty .....	33
6. Liability of the Supplier .....	33
<b>Section V. Special Conditions of Contract .....</b>	<b>35</b>
<b>Section VI. Schedule of Requirements .....</b>	<b>39</b>
<b>Section VII. Technical Specifications .....</b>	<b>40</b>
<b>Section VIII. Checklist of Technical and Financial Documents .....</b>	<b>45</b>

# *Glossary of Acronyms, Terms, and Abbreviations*

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

**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.

**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])

**CDA** - Cooperative Development Authority.

**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.

**CIF** – Cost Insurance and Freight.

**CIP** – Carriage and Insurance Paid.

**CPI** – Consumer Price Index.

**DDP** – Refers to the quoted price of the Goods, which means “delivered duty paid.”

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

**EXW** – Ex works.

**FCA** – “Free Carrier” shipping point.

**FOB** – “Free on Board” shipping point.

**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]).

**Framework Agreement** – Refers to a written agreement between a procuring entity and a supplier or service provider that identifies the terms and conditions, under which specific purchases, otherwise known as “Call-Offs,” are made for the duration of the agreement. It is in the nature of an option contract between the procuring entity and the bidder(s) granting the procuring entity the option to either place an order for any of the goods or services identified in the Framework Agreement List or not buy at all, within a minimum period of one (1) year to a maximum period of three (3) years. (GPPB Resolution No. 27-2019)

**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.

**INCOTERMS** – International Commercial Terms.

**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.

**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.

**Supplier** – refers to a citizen, or any corporate body or commercial company duly organized and registered under the laws where it is established, habitually established in business and engaged in the manufacture or sale of the merchandise or performance of the general services covered by his bid. (Item 3.8 of GPPB Resolution No. 13-2019, dated 23 May 2019). Supplier as used in these Bidding Documents may likewise refer to a distributor, manufacturer, contractor, or consultant.

**UN** – United Nations.

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



**INVITATION TO BID No. 2025-001**  
**PROVISION OF VARIOUS FOOD PROCESSING EQUIPMENT**  
**FOR THE SHARED SERVICE FACILITIES IN THE PROVINCE OF**  
**ISABELA AND CAGAYAN (REBIDDING)**

1. The *Department of Trade and Industry Region 2 (DTI Region 2)*, through the *General Appropriations Act for the FY 2024* intends to apply the sum of **One Million Five Hundred Eighty Thousand Pesos (Php 1,580,000.00)** being the ABC to payments under the contract for the following lots:

Lot No.	Description	ABC (in Philippine Peso)
1	<b>Provision of Additional SSF needed in the Dairy Processing Project of San Pablo Isabela Farmers Dairy Cooperative (SPIFDC) (Rebidding)</b>	<b>660,000.00</b>
	One (1) set Water Treatment Equipment	
	One (1) unit Automatic Ice Candy Packaging Machine	
2	<b>Provision of equipment for the establishment of Peanut Post-Harvest and Processing Facility of Local Government Unit (LGU) Enrile (Rebidding)</b>	<b>920,000.00</b>
	One (1) unit Peanut Peeling Machine	
	One (1) unit Bakery Oven	
	One (1) unit Multi-Purpose (Peanut) Roaster	
	One (1) unit Heavy-Duty Mill Grinder	
	One (1) unit Colloid Mill Grinder	
	One (1) unit Peanut Sheller	
	Two (2) units Aerated Peanut Bulk Storage	
	One (1) unit Peanut Stripper with Pod Sorter	
<b>TOTAL</b>		<b>1,580,000.00</b>

Bids received in excess of the ABC shall be automatically rejected at bid opening.

2. The *DTI Region 2* now invites bids for the above Procurement Project. Delivery of the Goods is required as **presented in Section VI. Schedule of Requirements**. Bidders should have completed, within *five (5) years* from the date of submission and receipt of bids, a contract similar to the Project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II (Instructions to Bidders).
3. Bidding will be conducted through open competitive bidding procedures using a non-discretionary “*pass/fail*” criterion as specified in the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.

Bidding is restricted to Filipino citizens/sole proprietorships, partnerships, or organizations with at least sixty percent (60%) interest or outstanding capital stock belonging to citizens of the Philippines, and to citizens or organizations of a country the laws or regulations of which grant similar rights or privileges to Filipino citizens, pursuant to RA No. 5183.

4. Prospective Bidders may obtain further information from **DTI Region 2** and inspect the Bidding Documents at the address given below during **08:00 AM – 05:00 PM**.
5. A complete set of Bidding Documents may be acquired by interested Bidders on **January 02 – January 23, 2025**, from the given address and website(s) below and upon payment of the applicable fee for the Bidding Documents, pursuant to the latest Guidelines issued by the GPPB, in the following amounts:

*Lot No. 1 – One Thousand Pesos (Php 1,000.00)*

*Lot No. 2 – One Thousand Pesos (Php 1,000.00)*

**NOTE:** For lot procurement, the maximum fee for the Bidding Documents for each lot shall be based on its ABC, in accordance with the Guidelines issued by the GPPB; provided that the total fees for the Bidding Documents of all lots shall not exceed the maximum fee prescribed in the Guidelines for the sum of the ABC of all lots or in the amount of **Two Thousand Pesos (Php 2,000.00)**

6. The **DTI Region 2** will hold a Pre-Bid Conference on **10 January 2025, 09:00 AM** at **DTI Region 2 Negosyo Center Conference Hall, Carig Sur, Tuguegarao City, Cagayan** and/or through video conferencing or webcasting *via Zoom*, which shall be open to prospective bidders.

Interested bidders must register through Office Forms at least three (3) calendar days before the date of the pre-bid conference at <https://forms.office.com/r/U6syM5jqQh>. Once registration is complete and filled in, the Secretariat will send an acknowledgement receipt on the e-mail address provided. **The registration is required for the Secretariat to monitor the persons allowed to enter in the video conference and for records purposes.** See Bidder's Guide for the house rules to be observed and the step-to-step process during the online bidding.

7. The **DTI Region 2** adopts the electronic submission of bids in accordance with GPPB Resolution No. 09-2020 through **BAC Resolution No. 03-004** dated 04 March 2021 (Adoption of Guidelines for the Electronic Submission of Bids in Accordance with GPPB Resolution No. 09-2020).
8. Bids must be duly received by the BAC Secretariat through (i) manual submission at the office address indicated below, or (ii) online or electronic submission as indicated in paragraph 7, on or before **23 January 2025, 09:00 AM**. Late bids shall not be accepted.
9. All Bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in **ITB** Clause 14.

10. Bid opening shall be on **23 January 2025 at 10:00 AM** at **DTI Region 2 Negosyo Center Conference Hall, Carig Sur, Tuguegarao City, Cagayan** and/or via **Zoom**. Bids will be opened in the presence of the bidders' representatives who choose to attend the activity.
11. The **DTI Region 2** reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Sections 35.6 and 41 of the 2016 revised IRR of RA No. 9184, without thereby incurring any liability to the affected bidder or bidders.
12. For further information, please refer to:  
  
**JAKE D. SORIANO**  
**BAC Secretariat**  
DTI Region 2  
#11 Dalan a Pappabalo, Regional Government Center,  
Carig Sur, Tuguegarao City, Cagayan, 3500  
[dtir2\\_BAC@dti.gov.ph](mailto:dtir2_BAC@dti.gov.ph)  
0992-703-2497  
(078) 396-9865
13. You may visit [www.dti.gov.ph](http://www.dti.gov.ph) to download the Bidding Documents.

**Issued date: 02 January 2025**

**(SGD. CHEEZA LEIA C. TAGARINO)**  
*Chairperson, Bids and Awards Committee*

**GUIDELINES FOR THE ELECTRONIC SUBMISSION OF BIDS IN ACCORDANCE WITH GPPB RESOLUTION 09 - 2020 (MEASURES FOR THE EFFICIENT CONDUCT OF PROCUREMENT ACTIVITIES DURING A STATE OF CALAMITY, OR IMPLEMENTATION OF COMMUNITY QUARANTINE OR SIMILAR RESTRICTIONS)**

**I. ADVERTISEMENT/POSTING OF INVITATION TO BID**

Pre-registration of bidders and/or its representative/s via Google Forms who are interested to join the Department of Trade and Industry Region 2 (DTI R2) procurement activities such as pre-bid conference, and the submission and opening of bids shall be required.

The Secretariat shall post the Invitation to Bid on the following, to wit: (1) PhilGEPS Website, (2) Procuring Entity's Website, and (3) conspicuous places.

**II. NOTICES**

For BAC members/Observers/End-users:

The Secretariat will send notices to the BAC Members and End-user representative via the official e-mail of the BAC Secretariat at [dtir2\\_BAC@dti.gov.ph](mailto:dtir2_BAC@dti.gov.ph). The Secretariat will send Notice to Observers via the official e-mail of the Secretariat at least five (5) calendar days before the date of the procurement stage/activity and ensure receipt thereof. The absence of the observers will not nullify the BAC proceedings: Provided, that they have been duly invited in writing.<sup>1</sup>

**III. PROCEDURE IN THE PRE-REGISTRATION OF INTERESTED BIDDERS**

1. Interested bidders must register through Google Forms at least three (3) calendar days before the date of the pre-bid conference by disclosing the following information:
  - a. Bid Identification Number
  - b. Title of the Procurement Project
  - c. Name of Owner/Representative<sup>2</sup>
  - d. Authority to represent the company (Special Power of Attorney (SPA) or Secretary's Certificate)
  - e. Name of the Company (must be PhilGEPS Registered)
  - f. Company address
  - g. E-mail Address
  - h. Contact Number
2. Once registration is complete and filled in, the Secretariat will send an acknowledgment receipt on the email address provided by the prospective bidder indicating the date and time of the pre-bid conference. The pre-registration is required for the Secretariat to monitor the persons allowed to enter in the video teleconference and for records purposes. Only those suppliers duly registered shall be allowed to attend the

---

<sup>1</sup> Section 13.3, Rule V of the 2016 Revised Implementing Rules and Regulation (RIRR) of R.A. No. 9184

<sup>2</sup> The company representative/s must submit a scanned copy of Special Power of Attorney (SPA) or Secretary's Certificate

procurement activities via Zoom. In case there will be more than one (1) representative for each prospective bidder, each representative shall fill out the pre-registration form.

3. The Secretariat shall also provide the **Bidder's Guide** to the prospective bidders to inform them of the house rules to be observed and the step-to-step process during the online bidding.

### **III. PRE-BID CONFERENCE PROPER**

1. The BAC, with the assistance of the Secretariat, shall conduct the pre-bid conference as specified in **IB paragraph 6**.
2. The Secretariat will be the sole administrator of the Zoom and only the appointed person from the Secretariat can allow the entry of the participants in the pre-bid conference and in the subsequent bidding activities. The video conference via Zoom will be recorded and minutes of the meeting will also be prepared.
3. Decisions of the BAC amending any provision of the Bidding Documents shall be issued in writing through a Supplemental/Bid Bulletin posted at least seven (7) calendar days before the deadline for the submission and receipt of bids and emailed to all suppliers who registered for the pre-bid conference.<sup>3</sup>

### **IV. PROCEDURE FOR THE DEADLINE FOR SUBMISSION OF BIDS, OPENING AND EVALUATION OF BIDS**

Per **GPPB Resolution 09-2020**, the GPPB-TSO, for the efficient conduct of all procurement activities, regardless of procurement modality, during a nationally or locally declared State of Calamity:

**“ENJOIN PEs to maximize the use of existing rules under RA No. 9184, its IRR and related issuances on the conduct of procurement activities, particularly those meant to streamline, simplify and expedite the conduct of procurement and address the challenges and disruptions brought by calamities and crisis such as the COVID-19 pandemic, such as use of videoconferencing, webcasting and similar technology in the conduct of any of the meetings and determination of quorum by the BAC<sup>15</sup> and use of digital signatures in procurement related documents;<sup>16</sup>**

In order to complement these, **ALLOW** the (i) submission of procurement related documents, except for the submission and receipt of bids, **through electronic mail or facsimile subject to the submission of the printed copies as soon as practicable, as determined by the Bids and Awards Committee (BAC); and (ii) use of other forms of digital or electronic signature in all procurement related documents.** For this purpose, PEs shall establish their respective internal rules to ensure the security, integrity and authenticity of the documents electronically submitted and the use of digital or electronic signature.”

---

<sup>3</sup> Section 22.4 of the 2016 RIRR of R.A. 9184

In light of the unavailability of the online bidding facility under the modernized Philippine Government Electronic Procurement System (PhilGEPS), **AUTHORIZED** the online or electronic submission and receipt of bids for procurement modalities where **a two-envelope procedure or sealed price quotation is required**. The BAC shall decide whether to allow the online or electronic submission and receipt of bids based on the PE's procurement needs and capabilities.

Bid submission shall be done through any electronic means available to the PEs, provided that the same:

- a. uses a **two-factor security procedure consisting of an archive format compression and password protection to ensure the security, integrity and confidentiality of the bids submitted;**
- b. allows access to a **password-protected Bidding Documents on opening date and time**. The passwords for accessing the file will be disclosed by the Bidders only during the actual bid opening which may be done in person or face-to-face through videoconferencing, webcasting or similar technology; and
- c. capable of **generating an audit trail of transactions** to ensure the security, integrity and authenticity of bid submissions.

For this purpose, the highest official managing the Information Technology - EDP shall issue a Certification describing the electronic system or procedure to be used by the PE for the electronic submission and receipt of bids and a statement that the same is compliant with the foregoing requirements.”

As such:

- All prospective bidders are enjoined to submit the financial and eligibility requirements in password protected PDF files via the Secretariat's official email address. The bidder will send in a single email containing the two compressed folders (in .ZIP file format) which shall both be password protected.

1.1 The first zip folder shall contain the scanned original copy of the **Legal and Technical Requirements** in a password protected PDF file. Both ZIP folder and PDF file shall be assigned the file name, **“DTIR2\_ Invitation to Bid No. \_\_\_\_ \_(Name of Bidder)\_ Legal and Technical Documents”**

**Ex. DTIR2\_IB No. 2024-001\_ABC Company\_Legal and Technical Documents**

1.2 The second zip folder shall contain the scanned original copy of the **Financial Requirements** in password protected PDF. Both ZIP folder and PDF file shall be assigned the file name, **“DTIR2\_ Invitation to Bid No. \_\_\_\_ \_(Name of Bidder)\_ Financial Documents”**.

**Ex. DTIR2\_IB No. 2024-001\_ABC Company\_Financial Documents**

The four (4) passwords shall be unique for each folders and files, respectively.

- Upon receipt before the deadline of the email containing the two (2) compressed folders, the BAC Secretariat shall send an email of acknowledgement receipt and shall generate a Bid receipt page/document which can be saved or printed by the bidder, as proof of the official time of receipt of bids; Late Bids shall not be accepted and shall no longer be included in the opening of bids.
- The Secretariat shall download the files in a DTIR2 issued computer/laptop device so that the audit trail shall be preserved. The Secretariat Head shall designate the official representative of the Secretariat (as administrator) and an alternate who are the only personnel allowed to access the said password protected files for safekeeping and record purposes.
- Should a prospective bidder choose to modify the submitted bid, the following rules shall apply: “Bidders shall send another Bid equally secured, properly identified, and labelled as a **“modification”** of the one previously submitted. The time indicated in the latest Bid receipt page generated shall be the official time of submission. Bids submitted after the deadline shall not be accepted.” (GPPB Resolution 09-2020)

**Section 26, R.A 9184 (Revised):**

“For online or electronic bid submission, where a bidder modifies its Bid, it shall not be allowed to retrieve its original Bid, but shall only be allowed to send another Bid equally secured and properly identified. (GPPB Resolution 09-2020)

In the case of electronic submission, to be labelled as a **“modification”** of the one previously submitted. The time indicated in **the latest Bid receipt page generated shall be the official time of submission. Bids submitted after the deadline shall not be accepted.”**

- In case of modification of bids, the bidder shall use the following file names for the folders and files:
  - A. **“DTIR2\_IB No.\_\_\_\_(Name of Bidder)\_Legal and Technical Documents\_Modification”**
  - B. **“DTIR2\_IB No.\_\_\_\_(Name of Bidder)\_Financial Documents\_Modification”**

The Secretariat shall record the last document submitted by the prospective bidder as the official document for the opening of bids, provided it is submitted on or before the deadline.

**V. BID OPENING PROCESS**

The BAC shall open the bids immediately after the deadline for the submission and receipt of bids. The time, date, and place of the opening of bids shall be specified in the Bidding Documents.

**GPPB Resolution No. 09-2020:**

For electronic bid submission, **the passwords for accessing the Bidding Documents will be disclosed by the Bidders only during the actual bid opening which may be done in person or face-to-face videoconferencing, webcasting or similar technology.**

The BAC, with the assistance of the Secretariat and Technical Working Group (“TWG”), shall conduct the bid opening via Zoom. Bidders are encouraged to attend the bid opening online. The passwords for the folders and the files shall be disclosed by the bidders only during the bid opening.

For bidders who are present, the Secretariat will ask the bidder in the chat box of the Zoom video conferencing room for the corresponding password during the bid opening itself. The official representative of the bidder shall respond promptly in the same chat box with the passwords when prompted.

If a bidder is unable to attend the bid opening and his bid is about to be opened, the Secretariat will ask for the passwords via text message to the official representative of the bidder who shall respond promptly with the password. **Bidders are given a maximum of five (5) minutes to respond with the password. If the bidder does not respond with the password within five (5) minutes from prompting, the BAC shall move on to the next bid, if any. If there are no other bids to be considered, the Secretariat shall ask again via text message for the password and the BAC shall give the bidder at least another five (5) minutes to respond. If the bidder does not respond within the allotted time, his bid will no longer be considered.**

The bidder shall first disclose the password for the first password-protected compressed folder containing the eligibility documents and the Secretariat shall extract the eligibility documents therein. The Secretariat shall upload the said extracted file to Google Drive and share by email an online link to such file to all BAC, Secretariat and TWG Members. After sharing such link, the Secretariat will ask the bidder for the password to the eligibility documents in the same procedure described above.

If the bidder is considered **passed** on the eligibility requirements, together with any other bidders who are considered passed on their eligibility requirements, the second password-protected compressed folder containing the financial documents and the files contained therein shall be opened and shared in the same manner as the passwords of the eligibility documents as described above. **In no case will a bidder disclose the passwords for his financial folder and files prior to being declared eligible based on the evaluation of the eligibility documents.**

**The bidders are given only three attempts to disclose their password per compressed folder and PDF file to open the documents. Should the bidder fail to provide the correct password after the third attempt, their bid will no longer be considered.** The Secretariat shall take and print a screenshot of such inquiries and responses to form part of the records and all incidents should be recorded in the minutes.



## VII. BID EVALUATION

1. Only eligible bids shall be evaluated.
2. In consideration of the limited access to financial institutions, regulatory and other offices, as well as the implementation of government restrictions on transport and travel, the following alternate documentary requirements shall be acceptable for procurement activities:

2.1 **Unnotarized Bid Securing Declaration;**

2.2 **Expired Business or Mayor's permit with Official Receipt of renewal application,** subject to submission of Business or Mayor's permit after award of contract **but before payment;**

*GPPB Resolution No. 09-2020, dated 7 May 2020 page 5 of 17*

2.3 **Unnotarized Omnibus Sworn Statement** subject to compliance therewith after award of contract **but before payment;** and

2.4 **Performance Securing Declaration (PSD)** in lieu of a performance security to guarantee the winning bidder's faithful performance of obligations under the contract, subject to the following:

2.4.1 Similar to the PSD used in Framework Agreement, such declaration shall state, among others, that the winning bidder shall be blacklisted from being qualified to participate in any government procurement activity for one (1) year, in case of first offense or two (2) years, if with prior similar offense, in the event it violates any of the conditions stated in the contract. A copy of the PSD form is attached hereto as Annex "A";

2.4.2. An **unnotarized PSD may be accepted,** subject to submission of a notarized PSD before payment, unless the same is replaced with a performance security in the prescribed form, as stated below; and

2.4.3. The end-user may require the winning bidder to **replace 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 upon lifting of the State of Calamity, or community quarantine or similar restrictions, as the case may be.

2.4.4. The BAC shall determine or validate the existence of the State of Calamity, or implementation of community quarantine or similar restrictions and may require the submission of documentary proof for this purpose."

3. The BAC Secretariat shall record the proceedings and prepare the minutes of the meeting in the conduct of the opening and evaluation of bids.

## VIII. POST-QUALIFICATION

The BAC, and BAC Secretariat shall conduct post-qualification to **verify, validate, and ascertain all statements made and documents submitted by the bidder with the Lowest Calculated Bid/Highest Rated Bid, using non-discretionary criteria, as stated in the Bidding Documents.**<sup>4</sup>

### **Rule X, Section 34 of 2016 RIRR of R.A. 9184**

1. The Lowest Calculated Bid/Highest Rated Bid shall undergo post-qualification in order to determine whether the bidder concerned complies with and is responsive to all the requirements and conditions as specified in the Bidding Documents.
2. Within five (5) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the LCB/HRB, the bidder shall submit to the BAC its latest income and business tax returns, and other appropriate licenses and permits required by law and stated in the Bidding Documents.

Failure to submit any of the post-qualification requirements on time, or a finding against the veracity thereof, shall disqualify the bidder for award: Provided, that in the event that a finding against veracity of any of the documents submitted is made, it shall cause for forfeiture of the Bid Security in accordance with Section 69 of this IRR.

The BAC, as it may deem necessary, require the manual submission of the documents submitted by the bidders for proper identification and evaluation.

### **Bidder's Guide for Department of Trade and Industry Region 2 Procurement Activities in Adopting Electronic Submission of Bids (GPPB Resolution No. 09-2020)**

#### **I. PRE-BID CONFERENCE**

**Step 1:** Register by completing the information required in the Office Forms using the link <https://forms.office.com/r/U6syM5jqQh>.

Once completed, click Submit and wait for an acknowledgement receipt.

Only those suppliers duly registered shall be allowed to attend. In case there will be more than one (1) representative for each prospective bidder, each representative shall fill out the pre-registration form.

**Step 2:** Join the scheduled Pre-Bid Conference by clicking "Join" in Zoom. Enter the Meeting ID and Password or click the link provided by the Secretariat through e-mail. Please make sure that you allow access to the microphone and the camera.

**Step 3:** Kindly wait for the Secretariat to confirm your entry in the Zoom to participate in the pre-bid conference.

---

<sup>4</sup> Section 34.3 of 2016 RIRR or R.A. 9184

## II. SUBMISSION OF BIDS

**Step 1.** Scan the original copy of Legal and Technical Requirements and save as PDF assigned with the file name “DTIR2\_Invitation to Bid No.\_\_\_\_\_(Name of Bidder)\_Legal and Technical Documents”.

**Ex. DTIR2\_IB No. 1234\_ABC Company\_Legal and Technical Documents**

Set a password on the PDF file. Save the password-protected PDF file to a ZIP file. Set another password on the ZIP file.

**Step 2.** Scan the original copy of Financial Requirements and save as PDF assigned with the file name “DTIR2\_Invitation to Bid No.\_\_\_\_\_(Name of Bidder)\_Financial Documents”.

**Ex. DTIR2\_IB No. 1234\_ABC Company\_Financial Documents**

Set a password on the PDF file. Save the password-protected PDF file to a ZIP file. Set another password on the ZIP file.

**Important:** The four (4) passwords shall be unique for each folders and files, respectively. Same passwords for all files are not allowed.

**Step 3:** Submit your bids to [dtir2\\_BAC@dti.gov.ph](mailto:dtir2_BAC@dti.gov.ph) on or before the deadline for bid submission.

**Step 4:** After submission, wait for the acknowledgement by the BAC Secretariat of the (a) receipt of the compressed file (ZIP file) containing the bids (b) proof of the date and time of receipt of the bid to ensure submission prior to the deadline and c) the invitation with the access link to the video conference of the bid opening with date and time thereof.

**Important:** In case of modification of bids, the original bid submitted shall not be retrieved but a modified bid shall be submitted to the Secretariat using the following file names for the folders and files:

- A. “DTIR2\_IB No.\_\_\_\_\_(Name of Bidder)\_Legal and Technical Documents\_Modification”
- B. “DTIR2\_IB No.\_\_\_\_\_(Name of Bidder)\_Financial Documents\_Modification”

The modification shall be equally secured by passwords, properly identified and submitted on or before the deadline. Late bids shall not be considered in the bid opening.

## III. OPENING OF BIDS

**Step 1:** Open e-mail and access the link to enter the Zoom or Open Zoom Application, enter the Meeting ID and Password provided by the Secretariat. Make sure that you allow access to

the microphone and the camera. Wait for confirmation from the Secretariat to enter the meeting room.

**Step 2:** When prompted, disclose in the chat box the password to the first password protected ZIP folder. Wait for the Secretariat to upload the extracted file to Google drive. Afterwards, the Secretariat will prompt you to disclose the password for the PDF document containing the Legal and Technical Documents. If you are present, the Secretariat will ask in the chat box of the Zoom video conferencing for the corresponding passwords during the bid opening itself.

If you were unable to attend the bid opening or in the online meeting via Zoom, the Secretariat will ask for the passwords via text message to the official representative of the bidder who shall respond promptly with the password. You are given a minimum of five (5) minutes to respond with the password. Should you fail to respond within the allotted time for three (3) attempts, your submitted bid will no longer be considered.

**IN NO CIRCUMSTANCES SHOULD YOU DISCLOSE SUCH PASSWORDS BEFORE THE SCHEDULED BID OPENING.**

**Step 3:** Should you be considered **passed** on your eligibility requirements, your second password-protected compressed folder containing the financial documents and the files contained therein shall be opened and shared in the same manner as the passwords of the eligibility documents as described above.

You are given only three attempts to disclose your password per compressed folder and PDF file to open the documents. Should you fail to provide the correct password after the third attempt, your bid will no longer be considered.

**IN NO CASE WILL A BIDDER DISCLOSE THE PASSWORDS FOR HIS FINANCIAL FOLDER AND FILES PRIOR TO BEING DECLARED ELIGIBLE BASED ON THE EVALUATION OF HIS ELIGIBILITY DOCUMENTS.**

#### **BASIC HOUSE RULES TO BE OBSERVED DURING BAC MEETINGS**

1. Kindly place your microphone on mute when not speaking.
2. Please raise your hand, and wait to be recognized before you speak (remember to toggle off mute).
3. Turn on video for confirmation of your identity.
4. Meetings will start on time. You are advised to enter the meeting room 30 minutes to resolve technical issues, if any.

For inquiries and other concerns, you may reach the BAC Secretariat through this email address: [dtir2\\_BAC@dti.gov.ph](mailto:dtir2_BAC@dti.gov.ph) or mobile number at: 0992 703 2497.

**BAC SECRETARIAT**  
Department of Trade and Industry  
Region 2



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

## 1. Scope of Bid

The Procuring Entity, *DTI Region 2* wishes to receive Bids for the *Provision of Various Food Processing Equipment for the Shared Service Facilities in the Province of Isabela and Cagayan* with identification number *IB No. 2025-001*.

The Procurement Project (referred to herein as “Project”) is composed of *two (2) lots*, the details of which are described in Section VII (Technical Specifications).

## 2. Funding Information

2.1. The GOP through the source of funding as indicated below for *Fiscal Year 2024* in the amount of *One Million Five Hundred Eighty Thousand Pesos (Php 1,580,000.00)*.

2.2. The source of funding is:

- a. NGA, the General Appropriations Act or Special Appropriations.

## 3. Bidding Requirements

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

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

The Bidder, by the act of submitting its Bid, shall be deemed to have verified and accepted the general requirements of this Project, including other factors that may affect the cost, duration and execution or implementation of the contract, project, or work and examine all instructions, forms, terms, and project requirements in the Bidding Documents.

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

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

## 5. Eligible Bidders

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

- 5.2. Foreign ownership exceeding those allowed under the rules may participate pursuant to:
- i. When a Treaty or International or Executive Agreement as provided in Section 4 of the RA No. 9184 and its 2016 revised IRR allow foreign bidders to participate;
  - ii. Citizens, corporations, or associations of a country, included in the list issued by the GPPB, the laws or regulations of which grant reciprocal rights or privileges to citizens, corporations, or associations of the Philippines;
  - iii. When the Goods sought to be procured are not available from local suppliers; or
  - iv. When there is a need to prevent situations that defeat competition or restrain trade.
- 5.3. Pursuant to Section 23.4.1.3 of the 2016 revised IRR of RA No.9184, the Bidder shall have an SLCC that is at least one (1) contract similar to the Project the value of which, adjusted to current prices using the PSA's CPI, must be at least equivalent to:
- a. For the procurement of Non-expendable Supplies and Services: The Bidder must have completed a single contract that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC.
- 5.4. The Bidders shall comply with the eligibility criteria under Section 23.4.1 of the 2016 IRR of RA No. 9184.

## **6. Origin of Goods**

There is no restriction on the origin of goods other than those prohibited by a decision of the UN Security Council taken under Chapter VII of the Charter of the UN, subject to Domestic Preference requirements under **ITB** Clause 18.

## **7. Subcontracts**

- 7.1. 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 twenty percent (20%) of the Project.

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 via Zoom 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 VIII (Checklist of Technical and Financial Documents)**.
- 10.2. The Bidder's SLCC as indicated in **ITB** Clause 5.3 should have been completed within *Five (5) years* prior to the deadline for the submission and receipt of bids.
- 10.3. If the eligibility requirements or statements, the bids, and all other documents for submission to the BAC are in foreign language other than English, it must be accompanied by a translation in English, which shall be authenticated by the appropriate Philippine foreign service establishment, post, or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines. Similar to the required authentication above, for Contracting Parties to the Apostille Convention, only the translated documents shall be authenticated through an apostille pursuant to GPPB Resolution No. 13-2019 dated 23 May 2019. The English translation shall govern, for purposes of interpretation of the bid.

## 11. Documents comprising the Bid: Financial Component

- 11.1. The second bid envelope shall contain the financial documents for the Bid as specified in **Section VIII (Checklist of Technical and Financial Documents)**.
- 11.2. If the Bidder claims preference as a Domestic Bidder or Domestic Entity, a certification issued by DTI shall be provided by the Bidder in accordance with Section 43.1.3 of the 2016 revised IRR of RA No. 9184.
- 11.3. Any bid exceeding the ABC indicated in paragraph 1 of the **IB** shall not be accepted.

## 12. Bid Prices

- 12.1. Prices indicated on the Price Schedule shall be entered separately in the following manner:
  - a. For Goods offered from within the Procuring Entity's country:
    - i. The price of the Goods quoted EXW (ex-works, ex-factory, ex-warehouse, ex-showroom, or off-the-shelf, as applicable);

- ii. The cost of all customs duties and sales and other taxes already paid or payable;
  - iii. The cost of transportation, insurance, and other costs incidental to delivery of the Goods to their final destination; and
  - iv. The price of other (incidental) services, if any, listed in the **BDS**.
- b. For Goods offered from abroad:
- i. Unless otherwise stated in the **BDS**, the price of the Goods shall be quoted delivered duty paid (DDP) with the place of destination in the Philippines as specified in the **BDS**. In quoting the price, the Bidder shall be free to use transportation through carriers registered in any eligible country. Similarly, the Bidder may obtain insurance services from any eligible source country.
  - ii. The price of other (incidental) services, if any, as listed in the **BDS**.

### **13. Bid and Payment Currencies**

- 13.1. For Goods that the Bidder will supply from outside the Philippines, the bid prices may be quoted in the local currency or tradeable currency accepted by the BSP at the discretion of the Bidder. However, for purposes of bid evaluation, Bids denominated in foreign currencies, shall be converted to Philippine currency based on the exchange rate as published in the BSP reference rate bulletin on the day of the bid opening.
- 13.2. Payment of the contract price shall be made in:
- a. Philippine Pesos.

### **14. Bid Security**

- 14.1. 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**.
- 14.2. The Bid and bid security shall be valid until *one hundred twenty (120) calendar days from the bid opening*. Any Bid not accompanied by an acceptable bid security shall be rejected by the Procuring Entity as non-responsive.

### **15. Sealing and Marking of Bids**

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

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

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

## **16. Deadline for Submission of Bids**

- 16.1. 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**.

## **17. Opening and Preliminary Examination of Bids**

- 17.1. 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.

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

## **18. Domestic Preference**

- 18.1. The Procuring Entity will grant a margin of preference for the purpose of comparison of Bids in accordance with Section 43.1.2 of the 2016 revised IRR of RA No. 9184.

## **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 the 2016 revised IRR of RA No. 9184.

- 19.2. If the Project allows partial bids, bidders may submit a proposal on any of the lots or items, and evaluation will be undertaken on a per lot or item basis, as the case maybe. In this case, the Bid Security as required by **ITB** Clause 14 shall be submitted for each lot or item separately.

- 19.3. The descriptions of the lots or items shall be indicated in **Section VII (Technical Specifications)**, although the ABCs of these lots or items are indicated in the **BDS** for purposes of the NFCC computation pursuant to Section 23.4.2.6 of the 2016 revised IRR of RA No. 9184. The NFCC must be sufficient for the total of the ABCs for all the lots or items participated in by the prospective Bidder.

- 19.4. The Project shall be awarded as follows:

Option 2 – One Project having several items grouped into several lots, which shall be awarded as separate contracts per lot.

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

## **20. Post-Qualification**

- 20.1. 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**

- 21.1. 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	
5.3	<p>For this purpose, contracts similar to the Project shall be:</p> <ol style="list-style-type: none"> <li>a. <i>Provision of various food and agricultural processing equipment in the government or private sector; and</i></li> <li>b. completed within five (5) years prior to the deadline for the submission and receipt of bids.</li> </ol>
12	The price of the Goods shall be quoted DDP <i>Isabela and Cagayan Province</i> or the applicable International Commercial Terms (INCOTERMS) for this Project.
14.1	<p>The bid security shall be in the form of a Bid Securing Declaration, or any of the following forms and amounts:</p> <ol style="list-style-type: none"> <li>a. The amount of not less than <i>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; or</li> <li>b. The amount of not less than <i>five percent (5%) of ABC</i> if bid security is in Surety Bond.</li> </ol>
15	<p><b>For manual submission: Each bidder shall submit the following:</b></p> <ol style="list-style-type: none"> <li>1. One (1) Original Copy of the first and second component of its bid; and</li> <li>2. One (1) Copy of the first and second components of its bids.</li> </ol> <p><b>Marking of Bids – Technical Component of Bids</b>  DTIR2 INVITATION TO BID NO. _____  PROJECT TITLE  LEGAL AND TECHNICAL DOCUMENTS – ORIGINAL COPY or COPY 1  LOT NO/S.  COMPANY NAME  COMPANY ADDRESS AND CONTACT DETAILS</p> <p><b>Marking of Bids – Financial Component of Bids</b>  DTIR2 INVITATION TO BID NO. _____  PROJECT TITLE  FINANCIAL DOCUMENTS – ORIGINAL COPY or COPY 1  LOT NO/S.  COMPANY NAME  COMPANY ADDRESS AND CONTACT DETAILS</p> <p><b>Marking of Bids – Main envelope where the technical and financial components of the bids are enclosed.</b>  DTIR2 INVITATION TO BID NO. _____  PROJECT TITLE  TECHNICAL AND FINANCIAL DOCUMENTS  LOT NO/S.  COMPANY NAME</p>

COMPANY ADDRESS AND CONTACT DETAILS		
19.3	<i>Project will be awarded by lot, the list of grouping of lots are as follows:</i>	
	<i>Lot No.</i>	<i>Description</i>
		<i>ABC (in Philippine Peso)</i>
	2	<i>Provision of Additional SSF needed in the Dairy Processing Project of San Pablo Isabela Farmers Dairy Cooperative (SPIFDC) (Rebidding)</i>
	5	<i>Provision of equipment for the establishment of Peanut Post-Harvest and Processing Facility of Local Government Unit (LGU) Enrile (Rebidding)</i>
21.2	<i>Other than the Contract Agreement, Purchase Order/s shall be prepared and shall form part of the former.</i>	

## ***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.

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

## 2. Advance Payment and Terms of Payment

2.1. Advance payment of the contract amount is provided under Annex “D” of the revised 2016 IRR of RA No. 9184.

2.2. The Procuring Entity is allowed to determine the terms of payment on the partial or staggered delivery of the Goods procured, provided such partial payment shall correspond to the value of the goods delivered and accepted in accordance with prevailing accounting and auditing rules and regulations. The terms of payment are indicated in the **SCC**.

## 3. Performance Security

Within ten (10) calendar days from receipt of the Notice of Award by the Bidder from the Procuring Entity but in no case later than the signing of the Contract by both parties, the successful Bidder shall furnish the performance security in any of the forms prescribed in Section 39 of the 2016 revised IRR of RA No. 9184.

## 4. Inspection and Tests

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

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

## **5. Warranty**

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

## **6. Liability of the Supplier**

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

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

## *Section V. Special Conditions of Contract*

## Special Conditions of Contract

GCC Clause	
1	<p><b>Delivery and Documents –</b></p> <p>For purposes of the Contract, “EXW,” “FOB,” “FCA,” “CIF,” “CIP,” “DDP” and other trade terms used to describe the obligations of the parties shall have the meanings assigned to them by the current edition of INCOTERMS published by the International Chamber of Commerce, Paris. The Delivery terms of this Contract shall be as follows:</p> <p>For Goods supplied from abroad, the delivery terms applicable to the Contract are DDP delivered <b>Isabela and Cagayan Province</b>. In accordance with INCOTERMS.</p> <p>For Goods supplied from within the Philippines, the delivery terms applicable to this Contract are delivered <b>Isabela and Cagayan Province</b>. Risk and title will pass from the Supplier to the Procuring Entity upon receipt and final acceptance of the Goods at their final destination.</p> <p>Delivery of the Goods shall be made by the Supplier in accordance with the terms specified in Section VI (Schedule of Requirements).</p> <p>For purposes of this Clause the Procuring Entity’s Representative at the Project Site are the following:</p> <p><b>Ms. Josabeth Montereal-Salvador</b> <i>DTI Isabela Provincial Office</i></p> <p><b>Mr. Renmark Marcelo</b> <i>DTI Cagayan Provincial Office</i></p> <p><b>Incidental Services –</b></p> <p>The Supplier is required to provide all of the following services, including additional services, if any, specified in Section VI. Schedule of Requirements:</p> <ol style="list-style-type: none"> <li>a. performance or supervision of on-site assembly and/or start-up of the supplied Goods;</li> <li>b. furnishing of tools required for assembly and/or maintenance of the supplied Goods;</li> <li>c. furnishing of a detailed operations and maintenance manual for each appropriate unit of the supplied Goods;</li> <li>d. performance or supervision or maintenance and/or repair of the supplied Goods, for a period of time agreed by the parties, provided that this service shall not relieve the Supplier of any warranty obligations under this Contract; and</li> </ol>

	<p>e. training of the Procuring Entity’s personnel, at the Supplier’s plant and/or on-site, in assembly, start-up, operation, maintenance, and/or repair of the supplied Goods.</p> <p>The Contract price for the Goods shall include the prices charged by the Supplier for incidental services and shall not exceed the prevailing rates charged to other parties by the Supplier for similar services.</p> <p><b>Spare Parts –</b></p> <p>The Supplier is required to provide all of the following materials, notifications, and information pertaining to spare parts manufactured or distributed by the Supplier:</p> <ol style="list-style-type: none"> <li>1. such spare parts as the Procuring Entity may elect to purchase from the Supplier, provided that this election shall not relieve the Supplier of any warranty obligations under this Contract; and</li> <li>2. in the event of termination of production of the spare parts: <ol style="list-style-type: none"> <li>i. advance notification to the Procuring Entity of the pending termination, in sufficient time to permit the Procuring Entity to procure needed requirements; and</li> <li>ii. following such termination, furnishing at no cost to the Procuring Entity, the blueprints, drawings, and specifications of the spare parts, if requested.</li> </ol> </li> </ol> <p>The spare parts and other components required are listed in <b>Section VI (Schedule of Requirements)</b> and the costs thereof are included in the contract price.</p> <p>The Supplier shall carry sufficient inventories to assure ex-stock supply of consumable spare parts or components for the Goods for a period of <i>at least three times the warranty period</i></p> <p>Spare parts or components shall be supplied as promptly as possible, but in any case, within one (1) month of placing the order.</p>
	<p><b>Packaging –</b></p> <p>The Supplier shall provide such packaging of the Goods as is required to prevent their damage or deterioration during transit to their final destination, as indicated in this Contract. The packaging shall be sufficient to withstand, without limitation, rough handling during transit and exposure to extreme temperatures, salt and precipitation during transit, and open storage. Packaging case size and weights shall take into consideration, where appropriate, the remoteness of the Goods’ final destination and the absence of heavy handling facilities at all points in transit.</p>

	<p>The packaging, marking, and documentation within and outside the packages shall comply strictly with such special requirements as shall be expressly provided for in the Contract, including additional requirements, if any, specified below, and in any subsequent instructions ordered by the Procuring Entity.</p> <p>The outer packaging must be clearly marked on at least four (4) sides as follows:</p> <p>Name of the Procuring Entity  Name of the Supplier  Contract Description  Final Destination  Gross weight  Any special lifting instructions  Any special handling instructions  Any relevant HAZCHEM classifications</p>
	<p>A packaging list identifying the contents and quantities of the package is to be placed on an accessible point of the outer packaging if practical. If not practical the packaging list is to be placed inside the outer packaging but outside the secondary packaging.</p> <p><b>Transportation –</b></p> <p>Where the Supplier is required under Contract to deliver the Goods CIF, CIP, or DDP, transport of the Goods to the port of destination or such other named place of destination in the Philippines, as shall be specified in this Contract, shall be arranged and paid for by the Supplier, and the cost thereof shall be included in the Contract Price.</p> <p>Where the Supplier is required under this Contract to transport the Goods to a specified place of destination within the Philippines, defined as the Project Site, transport to such place of destination in the Philippines, including insurance and storage, as shall be specified in this Contract, shall be arranged by the Supplier, and related costs shall be included in the contract price.</p>
	<p>Where the Supplier is required under Contract to deliver the Goods CIF, CIP or DDP, Goods are to be transported on carriers of Philippine registry. In the event that no carrier of Philippine registry is available, Goods may be shipped by a carrier which is not of Philippine registry provided that the Supplier obtains and presents to the Procuring Entity certification to this effect from the nearest Philippine consulate to the port of dispatch. In the event that carriers of Philippine registry are available but their schedule delays the Supplier in its performance of this Contract the period from when the Goods were first ready for shipment and the actual date of shipment the period of delay will be considered force majeure.</p> <p>The Procuring Entity accepts no liability for the damage of Goods during transit other than those prescribed by INCOTERMS for DDP deliveries. In the case of Goods supplied from within the Philippines or supplied by domestic</p>

	<p>Suppliers risk and title will not be deemed to have passed to the Procuring Entity until their receipt and final acceptance at the final destination.</p> <p><b>Intellectual Property Rights –</b></p> <p>The Supplier shall indemnify the Procuring Entity against all third-party claims of infringement of patent, trademark, or industrial design rights arising from use of the Goods or any part thereof.</p>
2.2	<p>The terms of payment shall be as follows:</p> <ul style="list-style-type: none"> <li>- 70% upon delivery, installation and commissioning (conformity with the specifications and demonstration/test run).</li> <li>- 30% upon completion of training of personnel on machine operation, maintenance, and troubleshooting.</li> </ul>
4	<p>The inspections and tests that will be conducted are: to check conformity with the project specifications and functionality (demonstration/test run) of the equipment.</p>

## *Section VI. Schedule of Requirements*

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

<b>Lot No.</b>	<b>Description</b>	<b>Quantity</b>	<b>Total</b>	<b>Delivered, Weeks/Months</b>
2	<b>Provision of Additional SSF needed in the Dairy Processing Project of San Pablo Isabela Farmers Dairy Cooperative (SPIFDC) (Rebidding)</b>			Within forty-five (45) calendar days upon receipt of the Notice to Proceed in San Pablo, Isabela
	2.1 One (1) set Water Treatment Equipment	1	1	
	2.2 One (1) unit Automatic Ice Candy Packaging Machine	1	1	
5	<b>Provision of equipment for the establishment of Peanut Post-Harvest and Processing Facility of Local Government Unit (LGU) Enrile (Rebidding)</b>			Within forty-five (45) calendar days upon receipt of the Notice to Proceed in Enrile, Cagayan
	5.1 One (1) unit Peanut Peeling Machine	1	1	
	5.2 One (1) unit Bakery Oven	1	1	
	5.3 One (1) unit Multi-Purpose (Peanut) Roaster	1	1	
	5.4 One (1) unit Heavy-Duty Mill Grinder	1	1	
	5.5 One (1) unit Colloid Mill Grinder	1	1	
	5.6 One (1) unit Peanut Sheller	1	1	
	5.7 Two (2) units Aerated Peanut Bulk Storage	2	2	
	5.8 One (1) unit Peanut Stripper with Pod Sorter	1	1	



## ***Section VII. Technical Specifications***

# Technical Specifications

Bidders must state here either “Comply” or “Not Comply” against each of the individual parameters of each Specification stating the corresponding performance parameter of the equipment offered. Statements of “Comply” or “Not Comply” must be supported by evidence in a Bidders Bid and cross-referenced to that evidence. Evidence shall be in the form of manufacturer’s un-amended sales literature, unconditional statements of specification and compliance issued by the manufacturer, samples, independent test data etc., as appropriate. A statement that is not supported by evidence or is subsequently found to be contradicted by the evidence presented will render the Bid under evaluation liable for rejection. A statement either in the Bidder's statement of compliance or the supporting evidence that is found to be false either during Bid evaluation, post-qualification or the execution of the Contract may be regarded as fraudulent and render the Bidder or supplier liable for prosecution subject to the applicable laws and issuances.

Lot No.	Description	Statement of Compliance
1	<b>Provision of Additional SSF needed in the Dairy Processing Project of San Pablo Isabela Farmers Dairy Cooperative (SPIFDC) (Rebidding)</b>	
	<p>2.1 One (1) set Water Treatment Equipment</p> <ul style="list-style-type: none"> <li>- Two (2) units, 1,000 L storage tank, 304 Stainless Steel Materials</li> <li>- One (1) unit 304 Stainless Steel Skid</li> <li>- One (1) unit Panel Board with magnetic contactor</li> <li>- Two (2) 1.5 hp R.O Pump Motor, 737W</li> <li>- One (1) pc 1 hp booster pump with automatic pressure control</li> <li>- One (1) 10" x 54" (Diameter x Height) multimedia FRP</li> <li>- One (1) 10" x 54" (Diameter x Height) carbon FRP</li> <li>- One (1) 10" x 54" (Diameter x Height) water softener FRP</li> <li>- Two (2) reverse osmosis membrane with high grade stainless vessel</li> <li>- One (1) solenoid with low pressure switch</li> <li>- One (1) Brine Tank, 82 liters</li> <li>- Three (3) sets of stainless gooseneck faucet</li> <li>- Six (6) pcs sediments housing, 20 FL</li> <li>- One (1) pre filter sediments housing, 20 FL</li> <li>- One (1) 8 gpm sets of ultra violet radiation</li> <li>- Two (2) alkaline Gray pipe fittings</li> </ul> <p>• Inclusions:</p> <p>a. <u>One (1) pc heat gun, 220V, 60Hz</u></p> <ul style="list-style-type: none"> <li>- Input Power: 2000W</li> <li>- Temperature: 350° C/550° C</li> </ul>	

	<ul style="list-style-type: none"> <li>- Airflow: 300/500 L/min</li> </ul> <p>b. <u>One hundred (100) pcs slim containers</u></p> <ul style="list-style-type: none"> <li>- Food-grade plastics</li> <li>- With faucet and carry on handle</li> <li>- Capacity: 5 gallon</li> <li>- Color: Blue</li> </ul> <p>c. <u>Two thousand (2,000) pcs clear plastic bottles, 250 ml, food-grade plastics</u></p>	
	<p>2.2 One (1) unit Automatic Ice Candy Packaging Machine</p> <ul style="list-style-type: none"> <li>• Voltage: 220V / 60 Hz</li> <li>• Size (LxWxH): 650 mm x 900 mm x 1650 mm or manufacturer's standard</li> <li>• Stick Size: Length at least 140mm Width: at least 160mm</li> <li>• Measurement: 150 ml – 200 ml</li> <li>• Packaging Speed: 45 – 60 bags/ min</li> <li>• Power: 20 kilowatts</li> <li>• Application: Applicable for Liquid Milk, Cooking Oil</li> </ul>	
2	<p><b>Provision of equipment for the establishment of Peanut Post-Harvest and Processing Facility of Local Government Unit (LGU) Enrile (Rebidding)</b></p>	
	<p>5.1 One (1) unit Peanut Peeling Machine</p> <ul style="list-style-type: none"> <li>• Capacity: up to 115 kg/hour</li> <li>• Material: Food grade stainless steel body #304</li> <li>• Power Requirement: 220V, 60Hz; .75 KW, single phase</li> <li>• Dimensions: 640mm x 660mm x 1,370 mm (LWH)</li> <li>• Performance Criteria: <ul style="list-style-type: none"> <li>* Peeling Rate: Min. 96%</li> <li>* Damage Rate: Max. 6%</li> </ul> </li> </ul>	
	<p>5.2 One (1) unit Bakery Oven</p> <ul style="list-style-type: none"> <li>• Material: Food grade stainless steel body #304</li> <li>• Dimension: 57" x 44" x 30" (LxWxH)</li> <li>• 12 flat trays, size: 18" x 13" (LxW)</li> <li>• Power Requirement: 220V, 60Hz; 3 KW, single phase</li> <li>• No. of Shelves: 2 shelves</li> </ul>	
	<p>5.3 One (1) unit Multi-Purpose (Peanut) Roaster</p> <ul style="list-style-type: none"> <li>• Type and Material: Rotary type, all Stainless Steel #304 assembly</li> </ul>	

	<ul style="list-style-type: none"> <li>• Capacity: 15-20kg/load</li> <li>• Power Requirements: 1.5kW/220v/60Hz</li> <li>• Blade: Steel Blade</li> <li>• Fuel Source: Dual (electric and LPG)</li> <li>• Dimension: 1,200 mm x 470 mm x 950 mm (LxWxH) or Manufacturer's standard</li> </ul>	
	<p>5.4 One (1) unit Heavy-Duty Mill Grinder</p> <ul style="list-style-type: none"> <li>• Capacity: 20-60 kg/hr</li> <li>• Power Requirements: 3KW/220v/60Hz</li> <li>• Material: 304 Stainless Steel</li> <li>• Blade: Steel Blade</li> <li>• Dimension: 630 mm x 290 mm x 460 mm (LxWxH) or Manufacturer's standard</li> </ul>	
	<p>5.5 One (1) unit Colloid Mill Grinder</p> <ul style="list-style-type: none"> <li>• Capacity: 20-30 kg per hour</li> <li>• Material: Food grade stainless steel body #304</li> <li>• Power Requirement: 220V, 60Hz; 3KW, single phase</li> </ul>	
	<p>5.6 One (1) unit Peanut Sheller</p> <ul style="list-style-type: none"> <li>• Hopper Volume Capacity: 50-60 kg</li> <li>• Dimension: 1.39 m x 0.77 m x 1.34 m (LxWxH)</li> <li>• Prime Mover Requirement: 2.5HP Electric Motor</li> <li>• Performance Criteria <ul style="list-style-type: none"> <li>* Output capacity: Minimum of 200kg/hr</li> <li>* Shelling efficiency: Min. 95%</li> <li>* Shelling recovery: Min. 93%</li> <li>* Mechanically damaged kernel: Max 3.5%</li> </ul> </li> </ul>	
	<p>5.7 Two (2) units Aerated Peanut Bulk Storage</p> <ul style="list-style-type: none"> <li>• Storage Capacity: up to 2,000 kg or 80 sacks</li> <li>• Storage Duration: 5-6 months</li> <li>• Dimension: 2.00 m (diameter); 3.60 m (H)</li> <li>• With built in sensor to monitor humidity and temperature to maintain the following performance criteria: <ul style="list-style-type: none"> <li>- Moisture: less than or equal to 10% (based on PNS, 2012)</li> <li>- Aflatoxin: less than or equal to 15 pbb (based on PNS, 2015)</li> </ul> </li> </ul>	
	<p>5.8 One (1) unit Peanut Stripper with Pod Sorter</p> <ul style="list-style-type: none"> <li>• Dimension: 1.86 m x 1.48 m x 1.5 m (LxWxH)</li> <li>• Prime Mover Requirement: 2.0HP electric motor</li> </ul>	

	<ul style="list-style-type: none"> <li>• Performance Criteria <ul style="list-style-type: none"> <li>- Stripping Efficiency: 80-90 %</li> <li>- Sorting mode: Small, Medium, Large</li> </ul> </li> </ul>	
	<b>TERMS AND CONDITIONS:</b>	
<b>1</b>	Supply, delivery, installation, and commissioning of the equipment must be completed within the period specified in Section VI. Schedule of Requirements.	
<b>2</b>	Conducts demonstration/test run upon delivery, and training of personnel on machine operation, maintenance, and troubleshooting.	
<b>3</b>	Provision of warranty minimum of 3 months for expendable and 12 months for non-expendable.	
<b>4</b>	Provides a sufficient supply of appropriate parts and local technician/s for the whole duration of the contract or warranty period in case of machine/equipment breakdown as specified in Section V. Special Conditions of the Contract.	
<b>5</b>	The schedule of payment is specified in Section V. Special Conditions of the Contract under Clause 2.2 of the General Condition of the Contract.	
<b>6</b>	Ensure availability of after-sales services and prompt response of not more than 5 working days from the date of notice of need.	
<b>7</b>	Provide detailed manuals, hand-outs and other information materials (in English Language) for each equipment and machinery, as applicable.	

***Section VIII. 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; **and**
- (c) Statement of the bidder’s Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided for in Sections 23.4.1.3 and 23.4.2.4 of the 2016 revised IRR of RA No. 9184, within the relevant period as provided in the Bidding Documents; **and**
- (d) 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; **and**
- (e) Conformity with the Technical Specifications, which may include production/delivery schedule, manpower requirements, and/or after-sales/parts, if applicable; **and**
- (f) Original duly signed Omnibus Sworn Statement (OSS) **and** if applicable, Original Notarized Secretary’s Certificate in case of a corporation, partnership, or cooperative; or Original Special Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder.

#### Financial Documents

- (g) The prospective bidder’s computation of Net Financial Contracting Capacity (NFCC) **or** A committed Line of Credit from a Universal or Commercial Bank in lieu of its NFCC computation.

### *Class “B” Documents*

- (h) If applicable, a duly signed joint venture agreement (JVA) in case the joint venture is already in existence **or** duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful.

## II. FINANCIAL COMPONENT ENVELOPE

- (i) Original of duly signed and accomplished Financial Bid Form; **and**
- (j) Original of duly signed and accomplished Price Schedule(s).

Other documentary requirements under RA No. 9184 (as applicable)

- (k) *[For foreign bidders claiming by reason of their country's extension of reciprocal rights to Filipinos]* Certification from the relevant government office of their country stating that Filipinos are allowed to participate in government procurement activities for the same item or product.
- (l) Certification from the DTI if the Bidder claims preference as a Domestic Bidder or Domestic Entity.



