



## RESOLUTION NO. 25-2012

### APPROVING AMENDMENTS TO THE PHILIPPINE BIDDING DOCUMENTS FOR THE PROCUREMENT OF GOODS, INFRASTRUCTURE PROJECTS AND CONSULTING SERVICES

**WHEREAS**, Republic Act (RA) No. 9184, entitled “An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and For Other Purposes,” took effect on 26 January 2003, while its Implementing Rules and Regulations (IRR) Part A took effect on 8 October 2009;

**WHEREAS**, the Government Procurement Policy Board (GPPB), under Section 63 of RA 9184 and its IRR, is mandated to formulate and amend public procurement policies, rules and regulations, and amend the IRR, whenever necessary;

**WHEREAS**, the GPPB issued the Fourth Edition of the Philippine Bidding Documents (PBDs) for Goods, Infrastructure Projects, and Consulting Services in December 2010 through GPPB Resolution No. 06-2010;

**WHEREAS**, since the issuance of the PBDs Fourth Edition in December 2010, the GPPB has adopted procurement policies affecting provisions and references in said edition of the PBDs;

**WHEREAS**, in the course of the review conducted by the GPPB-Technical Support Office (GPPB-TSO), the following subject matters under the PBDs were identified to require amendment or revision in order to be harmonized with the latest procurement policies adopted by the GPPB:

1. Invitation to Bid;
2. Notice of Eligibility and Shortlisting;
3. Bid Security;
4. Opening and Preliminary Examination of Bids;
5. Eligible Bidders;
6. Advance Payment and Terms of Payment;
7. Tax Clearance; and
8. Performance Security.

**WHEREAS**, in its 10<sup>th</sup> meeting held on 9 November 2012, the Inter-Agency Technical Working Group (IATWG) deliberated and resolved to recommend to the GPPB the corrections necessary to harmonize the PBDs with the latest procurement policies;

**WHEREAS**, in its 10<sup>th</sup> meeting held on 23 November 2012, the GPPB, after carefully reviewing and deliberating on the recommendations of the IATWG, resolved to adopt the recommendations of the IATWG to amend the identified affected provisions of the PBDs;

**NOW, THEREFORE**, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law, hereby **RESOLVE** to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and

approve the amendments to the PBDs as shown in **Annex “A”** attached hereto and made an integral part hereof.

This resolution shall take effect immediately.

**APPROVED** this 23<sup>rd</sup> day of November 2012 at Pasig City, Philippines

(Sgd.)

\_\_\_\_\_  
**DEPARTMENT OF BUDGET AND  
MANAGEMENT**

By:

\_\_\_\_\_  
**NATIONAL ECONOMIC AND  
DEVELOPMENT AUTHORITY**

By:

(Sgd.)

\_\_\_\_\_  
**DEPARTMENT OF EDUCATION**

By:

\_\_\_\_\_  
**DEPARTMENT OF ENERGY**

By:

(Sgd.)

\_\_\_\_\_  
**DEPARTMENT OF FINANCE**

By:

(Sgd.)

\_\_\_\_\_  
**DEPARTMENT OF HEALTH**

By:

(Sgd.)

\_\_\_\_\_  
**DEPARTMENT OF THE INTERIOR AND  
LOCAL GOVERNMENT**

By:

(Sgd.)

\_\_\_\_\_  
**DEPARTMENT OF NATIONAL  
DEFENSE**

By:

(Sgd.)

\_\_\_\_\_  
**DEPARTMENT OF PUBLIC WORKS AND  
HIGHWAYS**

By:

\_\_\_\_\_  
**DEPARTMENT OF SCIENCE AND  
TECHNOLOGY**

By:

\_\_\_\_\_  
**DEPARTMENT OF TRADE AND  
INDUSTRY**

By:

(Sgd.)

\_\_\_\_\_  
**DEPARTMENT OF TRANSPORTATION  
AND COMMUNICATIONS**

By:

(Sgd.)

\_\_\_\_\_  
**PRIVATE SECTOR REPRESENTATIVE**

By:

Attested by:

(Sgd.)

\_\_\_\_\_  
**DENNIS S. SANTIAGO**

## I. Philippine Bidding Documents for the Procurement of Goods

ORIGINAL PROVISIONS	AMENDED PROVISIONS												
<b>GPPB Resolution No. 04-2012: Approving and Adopting the Guidelines on the Sale of Bidding Documents</b>													
<p><u>Invitation to Bid</u></p> <p>A complete set of Bidding Documents may be purchased by interested Bidders on <i>[insert date of availability of Bidding Documents]</i> from the address below and upon payment of a nonrefundable fee for the Bidding Documents in the amount of <i>[insert amount in Pesos]</i>.</p>	<p><u>Invitation to Bid</u></p> <p>A complete set of Bidding Documents may be <b>acquired</b> by interested Bidders on <i>[insert date of availability of Bidding Documents]</i> from the address below <b>{Insert if necessary: and upon payment of a nonrefundable fee for the Bidding Documents, pursuant to the latest Guidelines issued by the GPPB, in the amount of [insert amount in Pesos]}</b>.</p>												
<b>GPPB Resolution No. 03-2012: Approving and Adopting Bid Securing Declaration as an Additional Form of Bid Security</b>													
<p><u>Clause 18. Bid Security of Section II. Instructions to Bidders</u></p> <p>18.1 The bid security in the amount stated in the <b>BDS</b> shall be equal to the percentage of the ABC in accordance with the following schedule:</p> <table border="1" data-bbox="124 1397 804 2069"> <thead> <tr> <th>Form of Bid Security</th> <th>Amount of Bid Security (Equal to Percentage of the ABC)</th> </tr> </thead> <tbody> <tr> <td>(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.</td> <td rowspan="2">Two percent (2%)</td> </tr> <tr> <td>(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.</td> </tr> <tr> <td>(c) Surety bond</td> <td>Five percent (5%)</td> </tr> </tbody> </table>	Form of Bid Security	Amount of Bid Security (Equal to Percentage of the ABC)	(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	Two percent (2%)	(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	(c) Surety bond	Five percent (5%)	<p><u>Clause 18. Bid Security of Section II. Instructions to Bidders</u></p> <p>18.1 The bid security in the amount stated in the <b>BDS</b> shall be equal to the percentage of the ABC in accordance with the following schedule:</p> <table border="1" data-bbox="836 1397 1465 2069"> <thead> <tr> <th>Form of Bid Security</th> <th>Amount of Bid Security (Equal to Percentage of the ABC)</th> </tr> </thead> <tbody> <tr> <td>(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.</td> <td rowspan="2">Two percent (2%)</td> </tr> <tr> <td>(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.</td> </tr> </tbody> </table>	Form of Bid Security	Amount of Bid Security (Equal to Percentage of the ABC)	(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	Two percent (2%)	(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.
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<p>callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.</p>		<p>(c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.</p>	<p>Five percent (5%)</p>
<p>(d) Any combination of the foregoing.</p>	<p>Proportionate to share of form with respect to total amount of security</p>	<p>(d) Any combination of <b>items (a) to (c) above.</b></p>	<p>Proportionate to share of form with respect to total amount of security</p>
		<p>(e) <b>Bid Securing Declaration</b></p>	<p><b>No percentage required.</b></p>
<p>For biddings conducted by LGUs, the Bidder may also submit bid securities in the form of cashier's/manager's check, bank draft/guarantee, or irrevocable letter of credit from other banks certified by the BSP as authorized to issue such financial statement.</p>		<p>For biddings conducted by LGUs, the Bidder may also submit bid securities in the form of cashier's/manager's check, bank draft/guarantee, or irrevocable letter of credit from other banks certified by the BSP as authorized to issue such financial statement.</p> <p><b>The Bid Securing Declaration mentioned above is an undertaking which states, among others, that the bidder shall enter into contract with the procuring entity and furnish the performance security required under ITB Clause 33.2, from receipt of the Notice of Award, and committing to pay the corresponding fine, and be suspended for a period of time from being qualified to participate in any government procurement activity in the event it violates any of the conditions stated therein as provided in the guidelines issued by the GPPB.</b></p>	
<p><b>GPPB Resolution No. 05-2012: Amending Sections 55.3 and 55.4 of the Revised Implementing Rules and Regulations of Republic Act No. 9184 on the Amount of the Non-Refundable Protest Fee and for Other Purposes</b></p>			
<p>24.7 A Bidder determined as "failed" has three (3) calendar days upon written notice or, if present at the time of bid opening, upon verbal notification, within which to file a request or motion for reconsideration with the BAC: Provided, however, that the motion for reconsideration shall not be granted if it is established that the finding of failure is due to the fault of the Bidder concerned: Provided, further, that the BAC shall decide on the request for reconsideration within seven (7) calendar days from receipt thereof. If a failed Bidder signifies his intent to file a motion for reconsideration, the BAC shall keep the bid envelopes of the said failed Bidder unopened and/or duly sealed until such time that the</p>	<p>[Delete Clause 24.7 of Section II. Instruction to Bidders and Insert New provision, Clause 35]</p> <p><b>35 Protest Mechanism</b></p> <p>Decision of the procuring entity at any stage of the procurement process may be questioned in accordance with Section 55 of the revised Implementing Rules and Regulations of Republic Act 9184.</p>		

motion for reconsideration or protest has been resolved.

**Memorandum Order No. 15 - Amending No. 4.5 of Annex “D”, Contract Implementation Guidelines for the Procurement of Goods, Supplies and Materials, of the Implementing Rules and Regulations of Republic Act No. 9184, Authorizing Advance Payment upon Submission of an Irrevocable Letter of Credit or Bank Guarantee**

Clause 11. Advance Payment of Section IV. General Conditions of the Contract

11.2 For Goods supplied from abroad, the terms of payment shall be as follows:

- (a) On Contract Signature: Ten percent (10%) of the Contract Price shall be paid within sixty (60) days from signing of the Contract and upon submission of a claim and a bank guarantee for the equivalent amount valid until the Goods are delivered and in the form provided in Section VIII. Bidding Forms.
- (b) On Delivery: Seventypercent (70%) of the Contract Price shall be paid to the Supplier within sixty (60) days after the date of receipt of the Goods and upon submission of the documents (i) through (vi) specified in the **SCC** provision on Delivery and Documents.
- (c) On Acceptance: The remaining twenty percent (20%) of the Contract Price shall be paid to the Supplier within sixty (60) days after the date of submission of the acceptance and inspection certificate for the respective delivery issued by the Procuring Entity’s authorized representative. In the event that no inspection or acceptance certificate is issued by the Procuring Entity’s authorized representative within forty five (45) days of the date shown on the delivery receipt the Supplier shall have the right to claim payment of the remaining twenty percent (20%) subject to the Procuring Entity’s own verification of the reason(s) for the failure to issue documents (vii) and (viii) as described in the **SCC** provision on Delivery and Documents.

Clause 11. Advance Payment of Section IV. General Conditions of the Contract

11.2 For Goods supplied from abroad, the terms of payment shall be as follows:

- (a) On Contract Signature: **Fifteen percent (15%)** of the Contract Price shall be paid within sixty (60) days from signing of the Contract and upon submission of a claim and a bank guarantee for the equivalent amount valid until the Goods are delivered and in the form provided in Section VIII. Bidding Forms.
- (b) On Delivery: **Sixty-five percent (65%)** of the Contract Price shall be paid to the Supplier within sixty (60) days after the date of receipt of the Goods and upon submission of the documents (i) through (vi) specified in the **SCC** provision on Delivery and Documents.
- (c) On Acceptance: The remaining twenty percent (20%) of the Contract Price shall be paid to the Supplier within sixty (60) days after the date of submission of the acceptance and inspection certificate for the respective delivery issued by the Procuring Entity’s authorized representative. In the event that no inspection or acceptance certificate is issued by the Procuring Entity’s authorized representative within forty five (45) days of the date shown on the delivery receipt the Supplier shall have the right to claim payment of the remaining twenty percent (20%) subject to the Procuring Entity’s own verification of the reason(s) for the failure to issue documents (vii) and (viii) as described in the **SCC** provision on Delivery and Documents.

## II. Philippine Bidding Documents for the Procurement of Infrastructure Projects

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<b>GPPB Resolution No. 04-2012: Approving and Adopting the Guidelines on the Sale of Bidding Documents</b>															
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<p>24.7 A Bidder determined as “failed” has three (3) calendar days upon written notice or, if present at the time of bid opening, upon verbal notification, within which to file a request or motion for reconsideration with the BAC: Provided, however, that the motion for reconsideration shall not be granted if it is established that the finding of failure is due to the fault of the Bidder concerned: Provided, further, that the BAC shall decide on the request for reconsideration within seven (7) calendar days from receipt thereof. If a failed Bidder signifies his intent to file a motion for reconsideration, the BAC shall keep the bid envelopes of the said failed Bidder unopened and/or duly sealed until such time that the motion for reconsideration or protest has been resolved.</p>	<p>[Delete Clause 24.7 of Section II. Instruction to Bidders and Insert New provision, Clause 34]</p> <p><b>34 Protest Mechanism</b></p> <p>Decision of the procuring entity at any stage of the procurement process may be questioned in accordance with Section 55 of the revised Implementing Rules and Regulations of Republic Act 9184.</p>		
<p><b>GPPB Resolution No. 11-2012: Resolution Amending Sections 23.5.2.4 and 23.5.2.5 of the Implementing Rules and Regulations of Republic Act No. 9184</b></p>			

<p><u>Clause 12.1(a) of Section II. Instructions to Bidders</u></p> <p>(iii.13) the statement shall be supported by the Constructors Performance Evaluation System (CPES) rating sheets, and/or certificates of completion and owner’s acceptance, if applicable;</p>	<p><u>Clause 12.1(a) of Section II. Instructions to Bidders</u></p> <p>(iii.13) the statement shall be supported by the Owner’s Certificate of Final Acceptance <b>or the Certificate of Completion and, whenever applicable,</b> the Constructors Performance Evaluation Summary (CPES) Final Rating, which must be satisfactory;</p>
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<p><u>Clause 5.4 of Section II. Instructions to Bidders</u></p> <p>(a) Unless otherwise provided in the <b>BDS</b>, the Bidder must have completed, within ten (10) years from the submission of bids, a single contract that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC adjusted to current prices using the National Statistics Office consumer price index.</p>	<p><u>Clause 5.4 of Section II. Instructions to Bidders</u></p> <p>(a) Unless otherwise provided in the <b>BDS</b>, the Bidder must have <b>an experience of having completed at least one (1) contract</b> that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC adjusted to current prices using the National Statistic Office consumer price index. However, contractors under Small A and Small B categories without similar experience on the contract to be bid may be allowed to bid if the cost of such contract is not more than fifty percent (50%) of the Allowable Range of Contract Cost (ARCC) of their registration based on the guidelines as prescribed by the PCAB.</p>
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**Oversight Errors:**

<p><u>Clause 32.2 of Section II. Instructions to Bidders</u></p> <table border="1" data-bbox="124 1491 804 1921"> <thead> <tr> <th data-bbox="124 1491 464 1585">Form of Bid Security</th> <th data-bbox="464 1491 804 1585">Amount of Bid Security (Equal to Percentage of the ABC)</th> </tr> </thead> <tbody> <tr> <td data-bbox="124 1585 464 1921">(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.</td> <td data-bbox="464 1585 804 1921" style="text-align: center;">Five percent (5%)</td> </tr> </tbody> </table>	Form of Bid Security	Amount of Bid Security (Equal to Percentage of the ABC)	(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	Five percent (5%)	<p><u>Clause 32.2 of Section II. Instructions to Bidders</u></p> <table border="1" data-bbox="836 1491 1474 1921"> <thead> <tr> <th data-bbox="836 1491 1176 1585">Form of Bid Security</th> <th data-bbox="1176 1491 1474 1585">Amount of Bid Security (Equal to Percentage of the ABC)</th> </tr> </thead> <tbody> <tr> <td data-bbox="836 1585 1176 1921">(c) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.</td> <td data-bbox="1176 1585 1474 1921" style="text-align: center;"><b>Ten percent (10%)</b></td> </tr> </tbody> </table>	Form of Bid Security	Amount of Bid Security (Equal to Percentage of the ABC)	(c) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	<b>Ten percent (10%)</b>
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<p><u>ITB Clause 32.2 of the Bid Data Sheet</u></p> <p>1. The amount of _____ [Insert 5% of</p>	<p><u>ITB Clause 32.2 of the Bid Data Sheet</u></p> <p>1. The amount of _____ [Insert 10%</p>
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<p><i>ABC</i>], if performance security is in cash, cashier's/manager's check, bank draft/guarantee or irrevocable letter of credit;</p> <p>2. The amount of _____ [<i>Insert 30% of ABC</i>] if performance security is in Surety Bond;</p>	<p><i>of the Total Contract Price</i>], if performance security is in cash, cashier's/manager's check, bank draft/guarantee or irrevocable letter of credit;</p> <p>2. The amount of _____ [<i>Insert 30% of the Total Contract Price</i>] if performance security is in Surety Bond;</p>
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### III. Philippine Bidding Documents for the Procurement of Consulting Services

ORIGINAL PROVISIONS	AMENDED PROVISIONS														
<b>GPPB Resolution No. 04-2012: Approving and Adopting the Guidelines on the Sale of Bidding Documents</b>															
<p><u>Section I. Notice of Eligibility and Shortlisting</u></p> <p>The Bidding Documents shall be available at [indicate address] during [insert office hours, e.g., 8:00 a.m. to 5:00 p.m.].</p>	<p><u>Section I. Notice of Eligibility and Shortlisting</u></p> <p>The Bidding Documents <b>may be acquired</b> at [indicate address] during [insert office hours, e.g., 8:00 a.m. to 5:00 p.m.] <b>{Insert if necessary: upon payment of a nonrefundable fee for the Bidding Documents, pursuant to the latest Guidelines issued by the GPPB, in the amount of [insert amount in Pesos]}.</b></p>														
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<p><u>Clause 15. Bid Security of Section II. Instructions to Bidders</u></p> <p>15.1 The bid security in the amount stated in the <b>BDS</b> shall be equal to the percentage of the ABC in accordance with the following schedule:</p> <table border="1" data-bbox="124 1189 805 2074"> <thead> <tr> <th>Form of Bid Security</th> <th>Amount of Bid Security (Equal to Percentage of the ABC)</th> </tr> </thead> <tbody> <tr> <td>(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.</td> <td rowspan="2">Two percent (2%)</td> </tr> <tr> <td>(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.</td> </tr> <tr> <td>(c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as</td> <td>Five percent (5%)</td> </tr> </tbody> </table>	Form of Bid Security	Amount of Bid Security (Equal to Percentage of the ABC)	(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	Two percent (2%)	(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	(c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as	Five percent (5%)	<p><u>Clause 15. Bid Security of Section II. Instructions to Bidders</u></p> <p>15.1 The bid security in the amount stated in the <b>BDS</b> shall be equal to the percentage of the ABC in accordance with the following schedule:</p> <table border="1" data-bbox="837 1189 1461 2074"> <thead> <tr> <th>Form of Bid Security</th> <th>Amount of Bid Security (Equal to Percentage of the ABC)</th> </tr> </thead> <tbody> <tr> <td>(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.</td> <td rowspan="2">Two percent (2%)</td> </tr> <tr> <td>(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.</td> </tr> <tr> <td>(c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as</td> <td>Five percent (5%)</td> </tr> </tbody> </table>	Form of Bid Security	Amount of Bid Security (Equal to Percentage of the ABC)	(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	Two percent (2%)	(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	(c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as	Five percent (5%)
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(d) Any combination of the foregoing.	Proportionate to share of form with respect to total amount of security	(d) Any combination of <b>items (a) to (c) above.</b>	Proportionate to share of form with respect to total amount of security		
<p>For biddings conducted by LGUs, the Bidder may also submit bid securities in the form of cashier's/manager's check, bank draft/guarantee, or irrevocable letter of credit from other banks certified by the BSP as authorized to issue such financial statement.</p>		<table border="1"> <tr> <td data-bbox="850 338 1137 398">(e) <b>Bid Securing Declaration</b></td> <td data-bbox="1145 338 1465 398"><b>No percentage required.</b></td> </tr> </table> <p>For biddings conducted by LGUs, the Bidder may also submit bid securities in the form of cashier's/manager's check, bank draft/guarantee, or irrevocable letter of credit from other banks certified by the BSP as authorized to issue such financial statement.</p> <p><b>The Bid Securing Declaration mentioned above is an undertaking which states, among others, that the bidder shall enter into contract with the procuring entity and furnish the performance security required under ITB Clause 31.2, from receipt of the Notice of Award, and committing to pay the corresponding fine, and be suspended for a period of time from being qualified to participate in any government procurement activity in the event it violates any of the conditions stated therein as provided in the guidelines issued by the GPPB.</b></p>		(e) <b>Bid Securing Declaration</b>	<b>No percentage required.</b>
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<p><b>GPPB Resolution No. 05-2012: Amending Sections 55.3 and 55.4 of the Revised Implementing Rules and Regulations of Republic Act No. 9184 on the Amount of the Non-Refundable Protest Fee and for Other Purposes</b></p>					
<p>8.3 A prospective bidder determined as “ineligible” has seven (7) calendar days upon written notice or, if present at the time of the opening of eligibility documents, upon verbal notification, within which to file a request for reconsideration with the BAC: Provided, however, that the request for reconsideration shall not be granted if it is established that the finding of failure is due to the fault of the prospective bidder concerned: Provided, further, that the BAC shall decide on the request for reconsideration within seven (7) calendar days from receipt thereof. If a failed prospective bidder signifies his intent to file a request for reconsideration, in the case of a prospective bidder who is declared ineligible, the BAC shall hold the eligibility documents until such time that the request for reconsideration or protest has been resolved</p>	<p>[Delete Clause 8.3 of Section II. Eligibility Documents and Insert New provision, Clause 10]</p> <p><b>10 Protest Mechanism</b></p> <p>Decision of the procuring entity at any stage of the procurement process may be questioned in accordance with Section 55 of the revised Implementing Rules and Regulations of Republic Act 9184.</p>				