



ANNEX "A"

Unit 2504 Raffles Corporate Center
F. Ortigas Jr. Road, Ortigas Center
Pasig City, Philippines 1605

CIRCULAR 04-2020
16 September 2020

TO : All Procuring Entities

SUBJECT : Guidelines in the Preparation of the Simplified Philippine Bidding Documents for Goods and Infrastructure Projects and the Submission of the Required Forms to be included in the Procurement of Goods, Infrastructure Projects, and Consulting Services

1.0 OBJECTIVE

This Circular is issued to guide all Procuring Entities (PEs) in the preparation of the Simplified Philippine Bidding Documents (PBDs) for Goods and Infrastructure Projects and the submission of the Required Forms for the procurement of Goods, Infrastructure Projects, and Consulting Services.

2.0 SCOPE AND APPLICATION

This Circular shall apply to all PEs or to any branch, Constitutional Commission, agency, department, bureau, office, or instrumentality of the Government of the Philippines, National Government Agencies, including Government-Owned and/or -Controlled Corporations, Government Financial Institutions, State Universities and Colleges, and Local Government Units.

3.0 USE OF THE SIMPLIFIED PBDS AND THE SUBMISSION OF THE REQUIRED FORMS

- 3.1. All the provisions of Republic Act (RA) No. 9184 and its 2016 revised Implementing Rules and Regulations (IRR), including its Generic Procurement Manuals (GPMs) and associated policies, rules and regulations shall be the primary source for the bidding and contract implementation requirements of Procurement Projects and shall therefore apply in the use and implementation of the Simplified PBDs.⁵
- 3.2. Pursuant to Section 6 of RA No. 9184 and its 2016 revised IRR, the PEs are mandated to use the latest approved PBDs⁶ and the standard forms to be submitted by the Bidders under Sections 17 and 23 of the 2016 revised IRR of RA No. 9184. The said standard forms shall be referred to herein as the Required Forms.

⁵6th Edition PBDs for the Procurement of Goods and Infrastructure Projects, as approved by the GPPB through Resolution No. 15-2020 dated 28 July 2020.

⁶GPPB Resolution No. 15-2020 dated 28 July 2020.

- 3.3. The PE may be allowed to customize the PBDs in the following instances:
- a. Pursuant to Section 6.2 of the 2016 revised IRR of RA No. 9184, modifications may be made to the PBDs, particularly for specialized procurement, whenever necessary to suit the PE's specific needs, **subject to the approval of the GPPB**; or
 - b. Under Section 17.2 of the 2016 revised IRR of RA No. 9184 on mixed procurements, the PE shall specify in the PBDs the requirements, criteria, and other conditions of the bidding procedures and of the ensuing contract as applicable to each component of the Procurement Project.
- 3.4. Unless a Treaty or International or Executive Agreement expressly states the use of another set of bidding documents, the PEs shall likewise utilize the PBDs and the Required Forms for their foreign-assisted projects in accordance with Section 4.3 of the 2016 revised IRR of RA No. 9184.

4.0 PREPARATION OF THE PBDs

- 4.1. Preparation of the PBDs may be done by the PE in two ways:
- a. the existing manual method by downloading a copy of the latest approved PBDs from the GPPB website link: <https://www.gppb.gov.ph/downloadables.php> by clicking the tab for PBDs then updating the contents based on its current Procurement Project; or
 - b. the new electronic method through the PBD Builder in the GPPB Online Portal, once operational, through this link: <https://gppbgovph.com/PBDListings.php>.
- 4.2. The Project Identification Number shall be based on the PE's internal rules. The said identification number shall be maintained or used until the successful award or cancellation of the Procurement Project. This is without prejudice to any subsequent issuance setting up a standard format in the identification of Procurement Projects.
- 4.3. The prescribed documents and/or information in Sections 17 and 23 of the 2016 revised IRR of RA No. 9184 on the form and contents of the PBDs and the eligibility requirements, respectively shall not be revised or amended by the PEs. The PEs are also proscribed from requiring the bidders to submit additional eligibility documents other than what are required under the said rules.
- 4.4. The PEs shall indicate in the PBDs the following:
- a. Approved Budget for Contract (ABC);
 - b. Information in the Invitation to Bid/Request for Expressions of Interest, as required in Section 21 of the 2016 revised IRR of RA No.9184;
 - c. Information required in the Bid Data Sheet that supplement, amend, or identify the requirements included in the Instruction to Bidders, which are specific to the Procurement Project, such as scope of bid, documents comprising the bid, criteria for eligibility, bid evaluation methodology/criteria and post-qualification, as well as the date, time and

place of the pre-bid conference, submission of bids and opening of bids;

- d. Scope of Work or Terms of Reference;
- e. Technical Specifications; and
- f. Delivery Date or Completion Schedule.

5.0 REQUIRED FORMS TO BE SUBMITTED BY BIDDERS

5.1. The Required Forms shall include:

a. For all Procurement Projects:

- i. Form of Contract or Contract Agreement Form as provided in Sections 17.1 (l) and 37.2 of the 2016 revised IRR, including contract price under Section 61 of the same IRR;
- ii. Bid Security as identified in Section 17(j) of the 2016 revised IRR, which may either be (i) a Bid Securing Declaration as provided in Sections 27.2 and 27.5 of the 2016 revised IRR, as well as GPPB Resolution No. 03-2012⁷ as amended by GPPB Resolution No. 15-2014;⁸ or (ii) any other forms of bid security such as bank draft or guarantee, irrevocable letter of credit, or surety bond, as provided in Section 27.2 of the 2016 revised IRR;
- iii. Performance Security as indicated in Sections 17.1 (k) and 39 of the 2016 revised IRR of RA No. 9184, which includes the Performance Securing Declaration (PSD) as an alternate performance security during a state of calamity or imposition of community quarantine pursuant to GPPB Resolution No.09-2020;⁹ and
- iv. Omnibus Sworn Statement in accordance with Section 25.3 of the 2016 revised IRR of RA No. 9184.

b. Additional for Goods

- i. Bid Form for the Procurement of Goods pursuant to Sections 17.1(h) and 25.8 of the 2016 revised IRR, including bid prices indicated in Sections 32.2.2 and 32.2.3 of the same IRR;
- ii. Price Form or Price Schedule for the Procurement of Goods as stated in Section 17.1(h) of the 2016 revised IRR;
- iii. Statement of the Bidder of all its ongoing government and private contracts, including contracts awarded but not yet started pursuant to Sections 23.1(a)(iv) of the 2016 revised IRR of RA No.9184; and
- iv. Statement of the Bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid pursuant to Sections 23.1(a) (v) and 23.4.1.3 of the 2016 revised IRR of RA No.9184;

⁷Dated 12 January 2012..

⁸Dated 20 June 2014..

⁹Dated 07 May 2020.

- v. Bidder's computation of Net Financial Contracting Capacity (NFCC) or committed Line of Credit for Goods pursuant to Section 23.1(a) (viii) of the 2016 revised IRR of RA No.9184;
 - vi. Warranty Security as indicated in Sections 17.1 (k) and 62 of the 2016 revised IRR of RA No. 9184;
 - vii. Joint Venture Agreement or duly notarized statements from all the potential joint venture partners as stated in Sections 23.1(b) of the 2016 revised IRR of RA No.9184.
 - viii. Certification as to the reciprocity for foreign bidders for the procurement of Goods, based on the Guidelines in the Determination of Eligibility of Foreign Suppliers, Contractors, and Consultants to Participate in Government Procurement Projects.
- c. Additional For Infrastructure Projects
- i. Bid Form for the Procurement of Infrastructure Projects pursuant to Sections 17.1(h) and 25.8 of the 2016 revised IRR, including bid prices indicated in Sections 32.2.2 and 32.2.3 of the same IRR;
 - ii. Statement of the Bidder of all its ongoing government and private contracts, including contracts awarded but not yet started pursuant to Sections 23.1(a)(iv) of the 2016 revised IRR of RA No.9184; and
 - iii. Statement of the Bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid pursuant to Sections 23.1(a) (v), 23.4.1.3, and 23.4.2.4 of the 2016 revised IRR of RA No.9184;
 - iv. Owner's Certificate of Acceptance or Constructors Performance Evaluation System (CPES) Rating for the procurement of Infrastructure Projects pursuant to Section 23.4.2.5 of the 2016 revised IRR of RA No.9184;
 - v. Bidder's computation of Net Financial Contracting Capacity (NFCC) pursuant to Section 23.1(a) (viii) of the 2016 revised IRR of RA No. 9184;
 - vi. Joint Venture Agreement as stated in Section 23.1(b) of the 2016 revised IRR of RA No.9184.
 - vii. Warranty Security as indicated in Sections 17.1 (k) and 62 of the 2016 revised IRR of RA No. 9184.
- d. Additional for Consulting Services
- i. All Technical Proposal Forms to be submitted with the Bid:
 - 1. Statement of the bidder of all its ongoing and completed government and private contracts, including contracts awarded but not yet started, with the relevant period provided in the PBDs based on Section 24.1(a) (iv) of the 2016 revised IRR of RA No. 9184;

2. Statement of the consultant specifying its nationality and confirming that those who will actually perform the service are registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions, including their respective curriculum vitae, as stated in Section 24.1(a) (v) of the 2016 revised IRR of RA No. 9184;
 3. Organizational Chart as required under Section. 25.2 (c) ii of the 2016 revised IRR of RA No. 9184;
 4. Approach, work plan, and schedule as stated in Section 25 (c) (iv) of the 2016 revised IRR of RA No. 9184; and
 5. List of key personnel to be assigned to the contract to be bid, with their completed qualification and experience data, pursuant to Section. 25.2 (c) ii of the 2016 revised IRR of RA No. 9184.
- ii. All Financial Proposal Forms to be submitted with the Bid provided in the GPM pursuant to Annex “F” of the 2016 revised IRR of RA No. 9184 on the Contract Implementation Guidelines for the Procurement of Consulting Services:
 1. Financial Proposal Submission containing the total amount of the financial proposal in words and figures;
 2. Summary of Costs;
 3. Breakdown of Price per Activity;
 4. Breakdown of Remuneration per Activity;
 5. Reimbursables per Activity; and
 6. Other items as may be required in the bidding documents.
 - iii. Joint Venture Agreement or duly notarized statements from all the potential joint venture partners as stated in Section 24.1(b) of the 2016 revised IRR of RA No.9184.
- 5.2. The following templates are provided for easy reference, attached hereto as Appendix 1, which may also be accessed through this link: <https://www.gppb.gov.ph/downloadables.php>:
- 5.2.1. Bid Form for the Procurement of Goods
 - 5.2.2. Bid Form for the Procurement of Infrastructure Projects
 - 5.2.3. Price Schedule for Goods Offered from Abroad
 - 5.2.4. Price Schedule for Goods Offered from Within the Philippines
 - 5.2.5. Bid Securing Declaration
 - 5.2.6. Contract Agreement Form for the Procurement of Goods
 - 5.2.7. Contract Agreement Form for the Procurement of Infrastructure Projects;
 - 5.2.8. Omnibus Sworn Statement; and
 - 5.2.9. Performance Securing Declaration.
- 5.3. Bidders are highly encouraged to use the templates provided to minimize errors or omissions in the forms submitted. However, failure to use said templates is not a ground for disqualification, provided that the form submitted includes all the mandatory provisions required in the 2016 revised IRR of RA No. 9184 and its associated issuances and as identified in Item 6 of this Circular.

- 5.4. The Bid Securing Declaration, Performance Securing Declaration, Joint Venture Agreement or duly notarized statements from all the potential joint venture partners, Contract Agreement Form, and Omnibus Sworn Statement shall be notarized in accordance with the latest Rules on Notarial Practice.¹⁰

6.0 MANDATORY PROVISIONS OF REQUIRED FORMS

- 6.1. The Required Forms to be submitted by Bidders shall contain the following:

Required Forms	Mandatory Provisions
a. Bid Form	<ul style="list-style-type: none"> i. Bid prices in figures and in words; and ii. The Bid price shall include the cost of all taxes, such as, but not limited to, value added tax, income tax, local taxes, and other fiscal levies and duties which shall be itemized in the bid form and reflected in the price schedule or detailed estimates.
b. Price Schedule	<p>Prices indicated in the Price Schedule shall be entered separately in the following manner:</p> <ul style="list-style-type: none"> i. For Goods offered from within the PE's country: <ul style="list-style-type: none"> 1. The price of the Goods quoted EXW (ex works, ex factory, ex warehouse, ex showroom, or off-the-shelf, as applicable); 2. The cost of all sales and other taxes already paid or payable; 3. The cost of transportation, insurance, and other costs incidental to delivery of the Goods to their final destination; and 4. The price of other (incidental) services, if any. ii. For Goods offered from abroad: <ul style="list-style-type: none"> 1. The price of the Goods shall be quoted Delivered Duty Paid with the place of destination in the Philippines; 2. The price of other (incidental) services, if any; and 3. For Services, based on the form which may be prescribed by the PE, in accordance with existing laws,

¹⁰ currently based on Administrative Matter (AM) No. 02-8-13-SC, Supreme Court of the Philippines, promulgated on 6 July 2004, as amended by AM No. 20-07-04-SC on the 2020 Interim Rules on Remote Notarization of Paper Documents, dated 14 July 2020.

	rules and regulations.
c. Bid Securing Declaration	<p>i. Bidder shall enter into contract with the PE and furnish the required performance security within ten (10) calendar days, from receipt of the Notice of Award; and</p> <p>ii. Bidder accepts that:</p> <ol style="list-style-type: none"> 1. It shall be automatically disqualified from bidding for any procurement contract with any PE for a period of two (2) years upon receipt of the Blacklisting Order; and 2. It will pay the applicable fine provided under the Guidelines on the Use of Bid Securing Declaration, within fifteen (15) days from receipt of the written demand by the PE for the commission of acts resulting to the enforcement of the Bid Securing Declaration under the pertinent provisions of the IRR of RA No. 9184, and its associated issuances.
d. Contract Agreement Form	<p>i. The following documents form part of the Contract:</p> <ol style="list-style-type: none"> 1. PBDs; 2. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted; 3. Performance Security; 4. Notice of Award of Contract; and 5. Other contract documents that may be required by existing laws and/or the PE concerned in the PBDs. <u>Winning bidder agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for execution or submission after the contract execution, such as the Notice to Proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract. [NEW]</u>

	<p>ii. Total contract price, which shall be denominated and payable in Philippine peso, except when the PE agrees that obligations shall be settled in any other foreign currency, which shall be accepted or tradeable by the <i>Bangko Sentral ng Pilipinas</i>, subject to conditions provided for under the Guidelines on Procurements Involving Foreign-Denominated Bids, Contract Prices, and Payment Using Letters of Credit.</p>
<p>e. Omnibus Sworn Statement</p>	<p>i. The signatory is the duly authorized representative of the Bidder, and granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract accompanied by relevant notarized document;</p> <p>ii. Bidder is not “blacklisted” or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or local government units, including foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the GPPB, <u>by itself or by relation, membership, association, affiliation, or controlling interest with another blacklisted person or entity as defined and provided for in the Uniform Guidelines on Blacklisting. [NEW]</u></p> <p>iii. Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;</p> <p>iv. Bidder authorizes the HoPE or his/her duly authorized representative/s to verify all the documents submitted;</p> <p>v. Bidder complies with the disclosure provision under Section 47 of RA No. 9184 and its 2016 revised IRR, in relation to other provisions of RA No. 3019;</p> <p>vi. Bidder complies with existing labor laws and standards;</p>

	<ul style="list-style-type: none"> vii. Bidder complies with the responsibilities of a prospective or eligible bidder provided in the PBDs; viii. Bidder did not give or pay, directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any Procurement Project or activity; and ix. <u>In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code. [NEW]</u>
<ul style="list-style-type: none"> f. Other Required Forms on the Bid Security aside from the Bid Securing Declaration g. Performance Security h. Warranty Security 	<ul style="list-style-type: none"> i. Security is posted in favor of the PE; ii. Amount of the Security, which is denominated in Philippine pesos, which should not be less than the required percentage, as follows: <ul style="list-style-type: none"> 1. For Bid Security, based on the ABC to be bid; 2. For Performance Security, based on the Total Contract Price; and 3. For Warranty Security, based on the required percentage of the Progress Payment or Total Contract Price; iii. Validity period, which should be corresponding to the timeframe provided in the 2016 revised IRR of RA No. 9184 and its associated issuances; iv. Respective obligation or undertaking that is guaranteed relative to the faithful performance of the responsibilities stated in the relevant provisions of the 2016 revised IRR; and

	<p>v. For surety bonds, it shall be callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.</p>
<p>Performance Securing Declaration (PSD), if used as alternative Performance Security</p>	<p>i. Winning bidder shall submit a PSD within a maximum period of ten (10) calendar days from the receipt of the Notice of Award prior to the signing of the Contract; and</p> <p>ii. <u>Winning bidder accepts that it will be automatically disqualified from bidding for any procurement contract with any PE for a period of one (1) year for the first offense, or two (2) years for the second offense, upon receipt of Blacklisting Order if it has violated its obligations under the Contract [REVISED];</u> and</p> <p>iii. Winning bidder understands that the PSD shall cease to be valid upon:</p> <ol style="list-style-type: none"> 1. issuance by the PE of the Certificate of Final Acceptance, subject to the following conditions: <ol style="list-style-type: none"> a. PE has no claims filed against the contract awardee; b. PE has no claims for labor and materials filed against the contractor; and c. Other terms of the contract; or 2. replacement by the winning bidder of the submitted PSD with a performance security in any of the prescribed forms under Section 39.2 of the 2016 revised IRR of RA No. 9184 as required by the end-user.
<p>j. Statement of the Bidder of all its ongoing government and private contracts, including contracts awarded but not yet started</p>	<p>i. Names of outstanding contracts with other contracting party, <i>i.e.</i>, PE or private company allowed by the rules, contract date, period and amount or value; and</p> <p>ii. For Goods, kinds of Goods and dates of delivery.</p>
<p>k. Statement of the Bidder's SLCC similar to</p>	<p>i. Name of the completed contract with contract date, period and amount, which</p>

<p>the contract to be bid</p>	<p>should correspond to the required percentage of the ABC to be bid. The value is adjusted to the current prices using the Philippine Statistics Authority consumer price indices, when necessary;</p> <p>ii. For Goods, the relevant period or delivery date when the said SLCC was completed; end user's acceptance or official receipt(s) or sales invoice issued for the contract, if completed; and</p> <p>iii. Definition or description of the similar project or major categories of work.</p>
<p>I. Owner's Certificate of Acceptance or CPES rating accompanying the Statement of the Bidder's SLCC</p>	<p>i. For Owner's Certificate of Acceptance:</p> <ol style="list-style-type: none"> 1. Name of project owner that issued the certificate; 2. Name of Contractor/Constructor; 3. Name of Contract; and 4. Contract Duration. <p>ii. For CPES rating, a final rating of at least Satisfactory.</p> <p>For contracts with the private sector, an equivalent document shall be submitted.</p>
<p>m. Bidder's Computation of NFCC or committed Line of Credit (CLC) for Goods</p>	<p>i. For NFCC Computation:</p> <ol style="list-style-type: none"> 1. ABC to be bid; 2. Amount or value of bidder's current assets based on Audited Financial Statements (AFS); 3. Amount or value of bidder's current liabilities based on AFS; and 4. Amount or value of all outstanding or uncompleted portions of the projects under ongoing contracts, including awarded contracts yet to be started, coinciding with the contract to be bid. <p>ii. For CLC:</p> <ol style="list-style-type: none"> 1. ABC to be bid; 2. Amount, which should be at least equal to ten percent (10%) of the ABC; and 3. Name of issuing foreign Universal or Commercial Bank, as confirmed or authenticated by a local Universal or Commercial Bank.

<p>n. Joint Venture Agreement (JVA) or Notarized Statements as to forming JV for Goods</p>	<p>i. If a JVA is already in existence, the contents shall include the responsibility of each of the JV partners or its contributions to the JV; and</p> <p>ii. The contents of the Notarized Statements from all potential JV partners shall include that:</p> <p>a. they will enter into and abide by the provisions of the JVA in the event that the bid is successful; and</p> <p>b. failure to enter into JVA in the event of a contract award shall be a ground for bid disqualification and subsequent forfeiture of the bid security.</p>
<p>o. Certification as to reciprocity to foreign bidders for Goods</p>	<p>Foreign bidder claiming eligibility based on its country's extension of reciprocal rights to Filipinos shall submit a certification from the relevant government office of their country stating that Filipinos are allowed to participate in their government procurement activities for the same item/product.</p>

- 6.2. For the Bid Form, Price Schedules, Bid Securing Declaration, Omnibus Sworn Statement, JVA or Notarized Statements as to forming JV for Goods, Performance Securing Declaration, if used, and Contract Agreement Form, the Bidder or its authorized representative shall be required to provide its name, legal capacity, and signature thereon.
- 6.3. For the Required Forms for Consulting Services enumerated in Sub-item 5.1(d) of this Circular, the PEs shall ensure that all the information required and other conditions provided in the 2016 revised IRR of RA No. 9184 and the GPM are included in the forms submitted.
- 6.4. The PEs shall check compliance of the submitted forms with the mandatory provisions stated above. Non-submission of the Required Forms or non-inclusion of the mandatory provisions in any of the Required forms shall be a ground for disqualification.
- 6.5. For forms required to be notarized, absence thereof or a finding against the veracity of the said notarization is likewise a ground for disqualification unless allowed to be submitted on a later date as in the case of Negotiated Procurement (Emergency Cases) pursuant to GPPB Resolution No. 05-2020 and state of calamity citing GPPB Resolution No. 09-2020 and any other subsequent issuances.
- 6.6. If the PE allows online or electronic bid submission, the scanned Required Forms shall be considered as compliant with the requirements of bid submission, subject to the submission of the original copies of the Bid Security or Bid Securing Declaration, as the case may be, and the Omnibus Sworn Statement during the post-qualification stage. However, the non-submission of these forms shall be a ground for post-disqualification, pursuant to Section 30.1

of the 2016 revised IRR of RA No. 9184.

7.0 USE OF THE PBDs FOR FOREIGN-ASSISTED PROJECTS (FAPS)

- 7.1. These guidelines shall govern the preparation of the PBDs by the PEs for their FAPs that are specifically funded through grants, loans, or credit agreements with any of the Development Partners, such as the Asian Development Bank, the Japan International Cooperation Agency, or the World Bank.
- 7.2. PEs shall utilize the approved PBDs for their FAPs in the following instances:
- a. The Development Partner has not indicated in the loan agreement that its specific rules and the PBDs shall be used for its project pursuant to Section 4.3 of the 2016 revised IRR of RA No. 9184; or
 - b. Both the Development Partner and the Government of the Philippines have acceded through the grant agreement that RA No. 9184 and its 2016 revised IRR, including the PBDs would be used for the project pursuant to Section 4.4 (a) of the 2016 revised IRR of RA No. 9184.
- 7.3. A careful study on the FAP-specific requirements of the Development Partners must be undertaken by the PEs in order to determine the appropriate documents or clauses that must be modified to align with the specific procurement guidelines of the said foreign government/foreign or international financial institutions.

8.0 EFFECTIVITY

The Simplified PBDs shall be used for Competitive Bidding of Procurement Projects that will be posted upon its effectivity¹¹ on 06 October 2020.

This Circular shall take effect immediately.

Sgd.
WENDEL E. AVISADO
Chairperson
Government Procurement Policy Board

¹¹Published on 21 September 2020 in the Official Gazette.

Bid Form for the Procurement of Goods
[shall be submitted with the Bid]

BID FORM

Date : _____
 Project Identification No. : _____

To: *[name and address of Procuring Entity]*

Having examined the Philippine Bidding Documents (PBDs) including the Supplemental or Bid Bulletin Numbers *[insert numbers]*, the receipt of which is hereby duly acknowledged, we, the undersigned, offer to *[supply/deliver/perform] [description of the Goods]* in conformity with the said PBDs for the sum of *[total Bid amount in words and figures]* or the total calculated bid price, as evaluated and corrected for computational errors, and other bid modifications in accordance with the Price Schedules attached herewith and made part of this Bid. The total bid price includes the cost of all taxes, such as, but not limited to: *[specify the applicable taxes, e.g. (i) value added tax (VAT), (ii) income tax, (iii) local taxes, and (iv) other fiscal levies and duties]*, which are itemized herein or in the Price Schedules,

If our Bid is accepted, we undertake:

- a. to deliver the goods in accordance with the delivery schedule specified in the Schedule of Requirements of the Philippine Bidding Documents (PBDs);
- b. to provide a performance security in the form, amounts, and within the times prescribed in the PBDs;
- c. to abide by the Bid Validity Period specified in the PBDs and it shall remain binding upon us at any time before the expiration of that period.

[Insert this paragraph if Foreign-Assisted Project with the Development Partner:

Commissions or gratuities, if any, paid or to be paid by us to agents relating to this Bid, and to contract execution if we are awarded the contract, are listed below:

Name and address of agent	Amount	Purpose of Commission or gratuity
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(if none, state “None”)]

Until a formal Contract is prepared and executed, this Bid, together with your written acceptance thereof and your Notice of Award, shall be binding upon us.

We understand that you are not bound to accept the Lowest Calculated Bid or any Bid you may receive.

We certify/confirm that we comply with the eligibility requirements pursuant to the PBDs.

The undersigned is authorized to submit the bid on behalf of *[name of the bidder]* as evidenced by the attached *[state the written authority]*.

We acknowledge that failure to sign each and every page of this Bid Form, including the attached Schedule of Prices, shall be a ground for the rejection of our bid.

Name: _____

Legal capacity: _____

Signature: _____

Duly authorized to sign the Bid for and behalf of: _____

Date: _____

Bid Form for the Procurement of Infrastructure Projects

[shall be submitted with the Bid]

BID FORM

Date : _____
Project Identification No. : _____

To: *[name and address of Procuring Entity]*

Having examined the Philippine Bidding Documents (PBDs) including the Supplemental or Bid Bulletin Numbers *[insert numbers]*, the receipt of which is hereby duly acknowledged, we, the undersigned, declare that:

- a. We have no reservation to the PBDs, including the Supplemental or Bid Bulletins, for the Procurement Project: *[insert name of contract]*;
- b. We offer to execute the Works for this Contract in accordance with the PBDs;
- c. The total price of our Bid in words and figures, excluding any discounts offered below is: *[insert information]*;
- d. The discounts offered and the methodology for their application are: *[insert information]*;
- e. The total bid price includes the cost of all taxes, such as, but not limited to: *[specify the applicable taxes, e.g. (i) value added tax (VAT), (ii) income tax, (iii) local taxes, and (iv) other fiscal levies and duties]*, which are itemized herein and reflected in the detailed estimates,
- f. Our Bid shall be valid within the a period stated in the PBDs, and it shall remain binding upon us at any time before the expiration of that period;
- g. If our Bid is accepted, we commit to obtain a Performance Security in the amount of *[insert percentage amount]* percent of the Contract Price for the due performance of the Contract, or a Performance Securing Declaration in lieu of the the allowable forms of Performance Security, subject to the terms and conditions of issued GPPB guidelines¹² for this purpose;
- h. We are not participating, as Bidders, in more than one Bid in this bidding process, other than alternative offers in accordance with the Bidding Documents;
- i. We understand that this Bid, together with your written acceptance thereof included in your notification of award, shall constitute a binding contract between us, until a formal Contract is prepared and executed; and
- j. We understand that you are not bound to accept the Lowest Calculated Bid or any other Bid that you may receive.
- k. We likewise certify/confirm that the undersigned, is the duly authorized representative of the bidder, and granted full power and authority to do, execute

¹² currently based on GPPB Resolution No. 09-2020

and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for the [Name of Project] of the [Name of the Procuring Entity].

- I. We acknowledge that failure to sign each and every page of this Bid Form, including the Bill of Quantities, shall be a ground for the rejection of our bid.

Name: _____

Legal Capacity: _____

Signature: _____

Duly authorized to sign the Bid for and behalf of: _____

Date: _____

Price Schedule for Goods Offered from Abroad
[shall be submitted with the Bid if bidder is offering goods from Abroad]

For Goods Offered from Abroad

Name of Bidder _____ Project ID No. _____ Page ___ of ___

1	2	3	4	5	6	7	8	9
Item	Description	Country of origin	Quantity	Unit price CIF port of entry (specify port) or CIP named place (specify border point or place of destination)	Total CIF or CIP price per item (col. 4 x 5)	Unit Price Delivered Duty Unpaid (DDU)	Unit price Delivered Duty Paid (DDP)	Total Price delivered DDP (col 4 x 8)

Name: _____

Legal Capacity: _____

Signature: _____

Duly authorized to sign the Bid for and behalf of: _____

Price Schedule for Goods Offered from Within the Philippines
[shall be submitted with the Bid if bidder is offering goods from within the Philippines]

For Goods Offered from Within the Philippines

Name of Bidder _____ Project ID No. _____ Page ____ of ____

1	2	3	4	5	6	7	8	9	10
Item	Description	Country of origin	Quantity	Unit price EXW per item	Transportation and all other costs incidental to delivery, per item	Sales and other taxes payable if Contract is awarded, per item	Cost of Incidental Services, if applicable, per item	Total Price, per unit (col 5+6+7+8)	Total Price delivered Final Destination (col 9) x (col 4)

Name: _____

Legal Capacity: _____

Signature: _____

Duly authorized to sign the Bid for and behalf of: _____

Bid Securing Declaration Form

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

REPUBLIC OF THE PHILIPPINES)
CITY OF _____) S.S.

BID SECURING DECLARATION **Project Identification No.: *[Insert number]***

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

I/We, the undersigned, declare that:

1. I/We understand that, according to your conditions, bids must be supported by a Bid Security, which may be in the form of a Bid Securing Declaration.
2. I/We accept that: (a) I/we will be automatically disqualified from bidding for any procurement contract with any procuring entity for a period of two (2) years upon receipt of your Blacklisting Order; and, (b) I/we will pay the applicable fine provided under Section 6 of the Guidelines on the Use of Bid Securing Declaration, within fifteen (15) days from receipt of the written demand by the procuring entity for the commission of acts resulting to the enforcement of the bid securing declaration under Sections 23.1(b), 34.2, 40.1 and 69.1, except 69.1(f), of the IRR of RA No. 9184; without prejudice to other legal action the government may undertake.
3. I/We understand that this Bid Securing Declaration shall cease to be valid on the following circumstances:
 - a. Upon expiration of the bid validity period, or any extension thereof pursuant to your request;
 - b. I am/we are declared ineligible or post-disqualified upon receipt of your notice to such effect, and (i) I/we failed to timely file a request for reconsideration or (ii) I/we filed a waiver to avail of said right; and
 - c. I am/we are declared the bidder with the Lowest Calculated Responsive Bid, and I/we have furnished the performance security and signed the Contract.

IN WITNESS WHEREOF, I/We have hereunto set my/our hand/s this ____ day of *[month]* *[year]* at *[place of execution]*.

*[Insert NAME OF BIDDER OR ITS AUTHORIZED
REPRESENTATIVE]
[Insert signatory's legal capacity]
Affiant*

[Jurat]

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

Contract Agreement Form for the Procurement of Goods (Revised)

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

CONTRACT AGREEMENT

THIS AGREEMENT made the ____ day of _____ 20____ between [name of PROCURING ENTITY] of the Philippines (hereinafter called “the Entity”) of the one part and [name of Supplier] of [city and country of Supplier] (hereinafter called “the Supplier”) of the other part;

WHEREAS, the Entity invited Bids for certain goods and ancillary services, particularly [brief description of goods and services] and has accepted a Bid by the Supplier for the supply of those goods and services in the sum of *[contract price in words and figures in specified currency]* (hereinafter called “the Contract Price”).

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

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

Bid form, including all the documents/statements contained in the Bidder’s bidding envelopes, as annexes, and all other documents submitted (e.g., Bidder’s response to request for clarifications on the bid), including corrections to the bid, if any, resulting from the Procuring Entity’s bid evaluation;
 - iii. Performance Security;
 - iv. Notice of Award of Contract; and the Bidder’s conforme thereto; and
 - v. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the PBDs. **Winning bidder agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for submission after the contract execution, such as the Notice to Proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract.**
3. In consideration for the sum of *[total contract price in words and figures]* or such other sums as may be ascertained, *[Named of the bidder]* agrees to *[state the object of the contract]* in accordance with his/her/its Bid.

4. The *[Name of the procuring entity]* agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

IN WITNESS whereof the parties hereto have caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines on the day and year first above written.

[Insert Name and Signature]

[Insert Name and Signature]

[Insert Signatory's Legal Capacity]

[Insert Signatory's Legal Capacity]

for:

for:

[Insert Procuring Entity]

[Insert Name of Supplier]

Acknowledgment

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

Contract Agreement Form for the Procurement of Infrastructure Projects (Revised)

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

CONTRACT AGREEMENT

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

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

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereinafter referred to.
2. The following documents as required by the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184 shall be deemed to form and be read and construed as part of this Agreement, viz.:

- a. Philippine Bidding Documents (PBDs);
 - i. Drawings/Plans;
 - ii. Specifications;
 - iii. Bill of Quantities;
 - iv. General and Special Conditions of Contract;
 - v. Supplemental or Bid Bulletins, if any;
- b. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

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

- c. Performance Security;
 - d. Notice of Award of Contract and the Bidder's conforme thereto; and
 - e. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the PBDs. **Winning bidder agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for submission after the contract execution, such as the Notice to Proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract.**
3. In consideration for the sum of *[total contract price in words and figures]* or such other sums as may be ascertained, *[Named of the bidder]* agrees to *[state the object of the contract]* in accordance with his/her/its Bid.

4. The *[Name of the procuring entity]* agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

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

[Insert Name and Signature]

[Insert Name and Signature]

[Insert Signatory's Legal Capacity]

[Insert Signatory's Legal Capacity]

for:

for:

[Insert Procuring Entity]

[Insert Name of Supplier]

Acknowledgment

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

Omnibus Sworn Statement (Revised)
[shall be submitted with the Bid]

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

AFFIDAVIT

I, [Name of Affiant], of legal age, [Civil Status], [Nationality], and residing at [Address of Affiant], after having been duly sworn in accordance with law, do hereby depose and state that:

1. *[Select one, delete the other:]*

[If a sole proprietorship:] I am the sole proprietor or authorized representative of [Name of Bidder] with office address at [address of Bidder];

[If a partnership, corporation, cooperative, or joint venture:] I am the duly authorized and designated representative of [Name of Bidder] with office address at [address of Bidder];

2. *[Select one, delete the other:]*

[If a sole proprietorship:] As the owner and sole proprietor, or authorized representative of [Name of Bidder], I have full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for [Name of the Project] of the [Name of the Procuring Entity], as shown in the attached duly notarized Special Power of Attorney;

[If a partnership, corporation, cooperative, or joint venture:] I am granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for [Name of the Project] of the [Name of the Procuring Entity], as shown in the attached [state title of attached document showing proof of authorization (e.g., duly notarized Secretary's Certificate, Board/Partnership Resolution, or Special Power of Attorney, whichever is applicable)];

3. [Name of Bidder] is not "blacklisted" or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board, **by itself or by relation, membership, association, affiliation, or controlling interest with another blacklisted person or entity as defined and provided for in the Uniform Guidelines on Blacklisting;**

4. Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;

5. [Name of Bidder] is authorizing the Head of the Procuring Entity or its duly authorized representative(s) to verify all the documents submitted;

6. *[Select one, delete the rest:]*

[If a sole proprietorship:] The owner or sole proprietor is not related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical

Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

[If a partnership or cooperative:] None of the officers and members of *[Name of Bidder]* is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

[If a corporation or joint venture:] None of the officers, directors, and controlling stockholders of *[Name of Bidder]* is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

7. *[Name of Bidder]* complies with existing labor laws and standards; and
8. *[Name of Bidder]* is aware of and has undertaken the responsibilities as a Bidder in compliance with the Philippine Bidding Documents, which includes:
 - a. Carefully examining all of the Bidding Documents;
 - b. Acknowledging all conditions, local or otherwise, affecting the implementation of the Contract;
 - c. Making an estimate of the facilities available and needed for the contract to be bid, if any; and
 - d. Inquiring or securing Supplemental/Bid Bulletin(s) issued for the *[Name of the Project]*.
9. *[Name of Bidder]* did not give or pay directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.
10. **In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code.**

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of ___, 20___ at _____, Philippines.

[Insert NAME OF BIDDER OR ITS AUTHORIZED REPRESENTATIVE]

[Insert signatory's legal capacity]

Affiant

[Jurat]

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

Performance Securing Declaration (Revised)

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

REPUBLIC OF THE PHILIPPINES)
CITY OF _____) S.S.

PERFORMANCE SECURING DECLARATION

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

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

I/We, the undersigned, declare that:

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

IN WITNESS WHEREOF, I/We have hereunto set my/our hand/s this ____ day of [month] [year] at [place of execution].

*[Insert NAME OF BIDDER OR ITS
AUTHORIZED REPRESENTATIVE]*

[Insert signatory's legal capacity]

Affiant

[Jurat]

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