**APPENDIX “1”**

**<PROCURING ENTITY’S LETTERHEAD>**

**Blacklisting Order No. \_\_\_, series of 2020**

Pursuant to [state legal basis] and upon the findings and recommendation/s of [name of committee or body which made the recommendation] in its [insert name of document], the undersigned, under [Department/Office Order / Board Resolution] dated [Date], hereby issues this Blacklisting Order to the entity/ies hereafter stated:

1. [Complete Registered Business Name of Blacklisted Entity] with [License number \_\_\_\_\_, if applicable] and PhilGEPS Registration No. *\_\_\_\_* having [business/principal] address at [business or principal address of the Blacklisted Person/Entity] {Include if necessary: together with [Name of Blacklisted Person/Entity]}, is/are hereby **SUSPENDED/DISQUALIFIED** from participating in all government procurement –

*[Select one]:*

for [Choose: 1 year or 2 years starting from [indicate start date] until [indicate end date]

permanently/in perpetuity

1. Specific ground/offense committed:

(Please choose the applicable offense committed by the bidder/contractor)

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| *During the Procurement Stage:* | |
|  | Submission of eligibility requirements containing false information or falsified documents. |
|  | Submission of Bids that contain false information or falsified documents, or the concealment of such information in the Bids in order to influence the outcome of eligibility screening or any other stage of the public bidding. |
|  | Allowing the use of one’s name, or using the name of another for purpose of public bidding. |
|  | Withdrawal of a bid, or refusal to accept an award or enter into contract with the government without justifiable cause, after he had been adjudged as having submitted the Lowest Calculated Responsive Bid or Highest Rated Responsive Bid. |
|  | Refusal or failure to post the required performance security within the prescribed time. |
|  | Refusal to clarify or validate in writing its Bid during post qualification within a period of seven (7) calendar days from receipt of the request for clarification. |
|  | Any documented unsolicited attempt by a bidder to unduly influence the outcome of the bidding in his favor. |
|  | Refusal to enter into, or withdrawal from, a joint venture in the event of a contract award without justifiable reason. |
|  | Refusal to submit post-qualification requirements on time without justifiable reason or a finding against the veracity of such post-qualification requirements. |
|  | All other acts that tend to defeat the purpose of the competitive bidding, such as habitually withdrawing from bidding or submitting late bids or patently insufficient bids, for at least three (3) times within a year, except for valid reasons. |
|  | Withdrawal, without justifiable reason, of bid during the period of bid validity required in the bidding documents. |
|  | Failure or refusal, without justifiable reason, to accept the award and enter into contract or perform any and all acts necessary to the execution of the contract, in accordance with the bidding documents, after having been duly notified of the acceptance. |
| *During Contract Implementation* | |
|  | Failure of the contractor, due solely to his fault or negligence, to mobilize and start work or performance within the specified period in the Notice to Proceed (“NTP”). |
|  | Failure by the contractor to fully and faithfully comply with its contractual obligations without valid cause, or failure by the contractor to comply with any written lawful instruction of the procuring entity or its representative(s) pursuant to the implementation of the contract. |
|  | Assignment and subcontracting of the contract or any part thereof or substitution of key personnel named in the proposal without prior written approval by the procuring entity. |
|  | Unsatisfactory progress in the delivery of the goods by the manufacturer, supplier or distributor arising from his fault or negligence and/or unsatisfactory or inferior quality of goods, as may be provided in the contract. |
|  | Poor performance by the consultant of his services arising from his fault or negligence - Defective design resulting in substantial corrective works in design and/or construction. |
|  | Poor performance by the consultant of his services arising from his fault or negligence - Failure to deliver critical outputs due to consultant’s fault or negligence. |
|  | Poor performance by the consultant of his services arising from his fault or negligence - Specifying materials which are inappropriate, substandard, or way above acceptable standards. |
|  | Poor performance by the consultant of his services arising from his fault or negligence - Allowing defective workmanship or works by the contractor being supervised by the consultant. |
|  | Poor performance by the contractor or unsatisfactory quality and/or progress of work arising from his fault or negligence as reflected in the CPES rating sheet - Negative slippage of 15%. |
|  | Poor performance by the contractor or unsatisfactory quality and/or progress of work arising from his fault or negligence as reflected in the CPES rating sheet - Quality of materials and workmanship not complying with the approved specifications. |
|  | Willful or deliberate abandonment or non-performance of the project or contract by the contractor resulting to substantial breach thereof without lawful and/or just cause. |
|  | The contractor has engaged, before or during implementation of the contract, in unlawful deeds and behaviors relative to contract acquisition and implementation as enumerated in Section III.D. of the Guidelines on Termination of Contracts. |
| *During Warranty Period* | |
|  | Failure of contractor to repair works, at his own expense, of any defect or damage to the infrastructure projects on account of the use of materials of inferior quality within ninety (90) days from the time the HoPE has issued an order to undertake repair. |
| *Other Violations* | |
|  | Violation of Sec. 65(a) of R.A. No. 9184 - Opening of sealed bid prior to scheduled time of bid opening. |
|  | Violation of Sec. 65(a) of R.A. No. 9184 - Delaying, without justifiable cause, the screening for eligibility, opening of bids, evaluation and post evaluation of bids, and awarding of contracts beyond the prescribed periods of action. |
|  | Violation of Sec. 65(a) of R.A. No. 9184 - Unduly influencing or exerting undue pressure on any member of the BAC or any officer or employee of the procuring entity to take a particular action which favors, or tends to favor a particular bidder. |
|  | Violation of Sec. 65(a) of R.A. No. 9184 - Splitting of Contracts. |
|  | Violation of Sec. 65(a) in relation to Sec. 47 of R.A. No. 9184 - Abuse of Reservation Clause with manifest preference to relatives. |
|  | Violation of Sec. 65(b) of R.A. No. 9184 - Collusion among bidder. |
|  | Violation of Sec. 65(b) of R.A. No. 9184 - Maliciously submitting different bids through two or more persons, corporations, partnerships or any other business entity in which he has interest to create the appearance of competition. |
|  | Violation of Sec. 65(b) of R.A. No. 9184 - Agreeing to refrain from submitting, or withdrawal of bids. |
|  | Violation of Sec. 65(b) of R.A. No. 9184 - Employment of schemes to suppress competition. |
|  | Other violation: (Specify)  State the violation and the legal basis |

1. The penalty is being imposed in connection with the following procurement details:
2. [Name of the Project/Contract]
3. [Location of Project]
4. [ABC for offenses committed during procurement stage or Contract Amount for offenses committed during implementation stage]
5. In addition to the foregoing, the following sanctions are also imposed:

*[Please check other applicable sanctions]*

Forfeiture of Bid Security in the amount of PhP [amount of Bid Security].

Forfeiture of Performance Security in the amount of PhP [Bid Security amount].

Suspension of account in the PhilGEPS website.

Cancellation of account in the PhilGEPS website.

Denial of registration with PhilGEPS.

1. Additional information, if any: [Please specify]

The name/s of the foregoing persons and/or entities shall be posted within three (3) calendar days from the date of effectivity of this Blacklisting Order in the Consolidated Blacklisting Report (CBR) through the Online Blacklisting Portal pursuant to Section 10 of the “Uniform Guidelines for Blacklisting of Manufacturers, Suppliers, Distributors, Contractors and Consultants”*, as amended by GPPB Resolution No. 14-2020 dated 25 June 2020.* The names of the Blacklisted Persons/Entity/ies shall be removed upon the lapse of the period of penalty.

Issued this [date of issuance], in [place of issuance].

SO ORDERED.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Name of HoPE/Appellate Authority**

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| Received by: (Name of Blacklisted Entity’s Representative) |
| Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Date Received: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

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| ***In case of concerns/clarifications, you may contact the agency through:*** |
| Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Contact Person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Telephone No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| E-mail Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| ***Posted on:*** |
| Date & time: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Position.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
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