



### **PAO BIDS AND AWARDS COMMITTEE (PBAC)**

EXCERPTS FROM THE MINUTES OF THE MEETING OF THE PAO BIDS AND AWARDS COMMITTEE (PBAC) DATED 26 OCTOBER 2023 **RE: RESULT OF EVALUATION OF SUBMITTED BIDS FOR THE PROCUREMENT OF SUPPLY AND DELIVERY OF DRINKING WATER FOR FY 2024 FOR THE PAO CENTRAL OFFICE UNDER PURCHASE REQUEST NO. 681-08-2023**, HELD AT THE PAO-LIBRARY, PAO CENTRAL OFFICE AND VIA ZOOM VIDEO CALL

### **RESOLUTION**

**DECLARING THE SUBMITTED BID OF NEWARK SPRING WATER CORP. (NEWARK), AS THE SINGLE CALCULATED BID, SUBJECT TO POST-QUALIFICATION, IN THE PROCUREMENT OF SUPPLY AND DELIVERY OF DRINKING WATER FOR THE PAO-CENTRAL OFFICE FOR F.Y. 2024 UNDER PURCHASE NO. 681-08-2023, SUBJECT TO POST-QUALIFICATION**

**WHEREAS**, the Public Attorney's Office (PAO) is committed to adhere to the State's Policy of securing and maintaining the trust and confidence of every Filipino, by upholding transparency, good governance and anti-corruption measures;

**WHEREAS**, after the conduct of several pre-procurement conferences, PAO posted on 27 September 2023 an invitation to bid for the subject procurement in the PhilGEPS under Reference No. 10167105 and likewise posted in the PAO website and PAO lobby;

**WHEREAS**, PAO held a pre-bid conference for the subject procurement attended by suppliers/bidders last 13 October 2023;

**WHEREAS**, there is an approved budget for the contract of the subject procurement amounting to Three Hundred Fifty-One Thousand Pesos (P351,000.00);

**WHEREAS**, only one (1) bidder namely: Newark Spring Water Corp. (NEWARK), submitted its bid before the scheduled deadline of submission;

**WHEREAS**, after due notice given to the Commission on Audit, independent observers and to the bidders, this committee opened the sealed bids on the scheduled day of its opening and thoroughly evaluated its contents, in the presence of all the bidders via Zoom video conference call;

**WHEREAS**, after evaluating the submitted bids<sup>1</sup>, it appears that, NEWARK submitted the single bid with a bid price in the amount of Two Hundred Ninety-Six Thousand Three Hundred Thirty-One Pesos and Seventy-Five Centavos (P296,331.75);

<sup>1</sup> Abstract of Bid Quotations for the Procurement of Drinking Water Supply under P.R. No. 681-08-2023



**WHEREAS**, after the evaluation of the submitted bids, BAC Member Atty. Alem Abeya moved to declare the bid of NEWARK as the Single Calculated Bid subject to post-qualification, duly seconded by BAC Member Atty. Rigel Salvador;

**NOW THEREFORE, WE**, the Members of the PAO Bids and Awards Committee (PBAC), by virtue of the powers vested on Us by Law, after duly considering the recommendations of the Technical Working Group (TWG), and all members here present, **hereby resolve to DECLARE THE SUBMITTED BID OF NEWARK SPRING WATER CORP. (NEWARK), AS THE SINGLE CALCULATED BID IN THE PROCUREMENT OF SUPPLY AND DELIVERY OF DRINKING WATER FOR THE PAO-CENTRAL OFFICE FOR F.Y. 2024 UNDER PURCHASE NO. 681-08-2023, SUBJECT TO POST-QUALIFICATION. FURTHERMORE, THE PBAC TECHNICAL WORKING GROUP (TWG) IS DIRECTED TO VERIFY THE COMPLIANCE, AUTHENTICITY AND VALIDITY OF THE DOCUMENTS SUBMITTED BY NEWARK FOR PURPOSES OF POST-QUALIFICATION AND TO SUBMIT ITS POST-QUALIFICATION REPORT FOR THE CONSIDERATION OF THE PAO-BAC.**

**APPROVED** this 26th day of October 2023 at the Public Attorney's Office (PAO) Central Office, 5<sup>th</sup> Floor DOJ Agencies Building, NIA Road corner East Avenue, Diliman, (1104) Quezon City, Philippines thru Zoom Video Conference.

**ATTY. JAN STEVEN S. DUNUAN**  
Chairperson, PBAC  
Public Attorney V  
Regional Public Attorney  
PAO-Region III

**ATTY. ALEM-EMAN CHISUM L. ABEYA**  
Public Attorney III  
Member, PBAC  
Executive Support Staff

**ATTY. RONALD R. MACOROL**  
Public Attorney IV  
Member, PBAC  
Officer-In-Charge  
Special Appealed Cases Unit

**ATTY. RIGEL A. SALVADOR**  
Public Attorney IV  
Member, PBAC  
Officer-In-Charge  
Field Operations and Statistics Service

**ATTY. RONALD JEROME P. NIEVES**  
Vice-Chairperson, PBAC  
Public Attorney IV  
Officer-In-Charge  
Legal Research Service

**Approved:  
For and by the authority  
Of the Chief Public Attorney**

(On Official Business)  
**DIR. MARILYN S. BOONGALING**  
Director II  
PAO-Administrative Service

**ANA LISA M. SORIANO**  
Deputy Chief Public Attorney

**Acceded By: (The TWG)**

**MS. ALMA B. DUMAGO-LATOSA**  
Head, Technical Working Group (TWG)  
Director II  
Financial Planning and Management Service

**MR. THOR ARTHUR B. AVILLA**  
Member, Technical Working Group (TWG)  
Administrative Officer V  
Human Resource Management Service  
Administrative Service

**MR. MICHAEL M. MENDOZA**  
Member, Technical Working Group (TWG)  
Administrative Assistant III  
Cash Section  
Administrative Service

***Prepared By: (The Secretariat)***

(On Leave)  
**ATTY. MIGUEL NARCISO A. ILAGAN**  
Head, PBAC Secretariat  
Public Attorney III  
Executive Support Staff

**ENGR. ANGELA M. MARAMAG-PRADO**  
Member, PBAC Secretariat  
Computer Programmer I  
General Services Division  
Administrative Service

**MS. FILIPINA Y. ESPIRITU**  
Member, PBAC Secretariat  
Librarian III  
Legal Research Service

(On Official Business)  
**MR. JULIUS DONIVAN F. BARSANA**  
Member, PBAC Secretariat  
Planning Officer I  
Field Operations and Statistics Service

**MR. ANDRIAN H. MARASIGAN**  
Member, PBAC Secretariat  
Administrative Officer II  
Supply Section, Administrative Service



**PAO BIDS AND AWARDS COMMITTEE (PBAC)**  
**ABSTRACT OF BID QUOTATION**  
**Procurement of SUPPLY AND DELIVERY OF DRINKING WATER FOR THE PUBLIC ATTORNEY'S OFFICE FOR C.Y. 2024**  
**Under Purchase No. 681-08-2023**

Date of Opening of Quotation: **26 October 2023; 10:30 am**

Item No.	DESCRIPTION	Min.  QTY.	ABC TOTAL PRICE	SUPPLIER/CONTRACTOR			
				NEWARK SPRING WATER CORP. (NEWARK)		GOLDEN TIGER WATER REFILLING STATION (GOLDEN TIGER)	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
<b>1</b>	SUPPLY AND DELIVERY OF DRINKING WATER FOR CY 2024 (please refer to TOR)	8775 gal		33.77	296,331.75	FAILED TO SUBMIT BID	
<b>Grand Total</b>			<b>351,000.00</b>		<b>296,331.75</b>		

ACTION OF THE PBAC: Declare the submitted quotation of **NEWARK SPRING WATER CORP. (NEWARK)** as the Single Calculated Bidder for the subject procurement, subject to post-qualification.



Approved by:

**ATTY. RIGEL A. SALVADOR**

Member, PBAC  
Public Attorney IV  
Officer-In-Charge  
Field Operations and Statistics Service

**ATTY. ALEM-EMAN CHISUM L. ABEYA**

Member, PBAC  
Public Attorney III  
Executive Support Staff

**ATTY. RONALD C. MACOROL**

Member, PBAC  
Public Attorney IV  
Officer-In-Charge  
Special and Appealed Cases Service

(On Official Business)

**MS. MARILYN S. BOONGALING**

Member, PBAC  
Director II  
Administrative Service

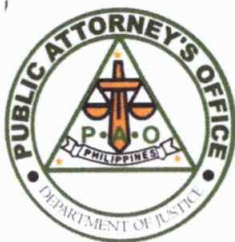
Noted by:

**ATTY. JAN STEVEN S. DUNUAN**

Chairperson, PBAC  
Public Attorney V  
Regional Public Attorney  
PAO-Region III

**ATTY. RONALD JEROME P. NIEVES**

Vice-Chairperson, PBAC  
Public Attorney IV  
Officer-In-Charge  
Legal Research Service



Republic of the Philippines  
**PUBLIC ATTORNEY'S OFFICE**  
**Tanggapan ng Manananggol Pambayan**  
DOJ Agencies Building, NIA Road corner East Avenue, 1104 Quezon City  
Telephone Nos. 929-90-10 / 929-94-36 ; Fax Nos. 927-68-10 / 926-28-78

**INVITATION TO BID FOR THE**  
**PROCUREMENT OF SUPPLY AND DELIVERY OF**  
**DRINKING WATER**  
**THE PUBLIC ATTORNEY'S OFFICE FOR FY 2024**  
**Purchase Request No. 681-08-2023**

(Through Public Bidding Pursuant to 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184)

1. The **PUBLIC ATTORNEY'S OFFICE**, through the *National Expenditure Program for fiscal year 2024* intends to apply the total amount of **THREE HUNDRED FIFTY ONE THOUSAND PESOS (Php 351,000.00)** being the ABC to payments under the contract for the subject procurement for the Public Attorney's Office, as described as follows:

No.	Scope of work / Schedule of Requirements	Delivery Schedule
1 Lot	<p>1. <b>Supply and delivery of Eight Thousand Seven hundred seventy-five bottles of Five-gallon round containers of purified drinking water (8,775) @ P40.00 per bottle for year 2024</b>, and to be delivered by the winning bidder at the PAO Central Office.</p> <p>The bid price rental submitted by the winning bidder shall not be increased during the duration of the contract.</p> <p><b>FREE USE OF HOT AND COLD DISPENSERS</b></p> <p><b>Twenty-Five (25) hot and cold dispensers</b> which are brand new, shall</p>	1st working day of January 2024

	<p>be provided to PAO with no additional costs.</p> <p>Brand new hot and cold dispensers with 220 volts.</p> <p>Supplier shall render monthly maintenance and repair of the water dispensers provided to PAO, including the replacement of its units and parts, should there be any defect in the water dispenser which renders it unusable, all costs of which shall be on the account of the supplier.</p> <p>Supplier shall ensure the delivery of at least One hundred fifty (150) bottles of five-gallons of drinking water every week.</p> <p>Supplier shall submit microbiological test results from duly-licensed Environmental Health Laboratory Service and shall have a sanitary permit / certificate of potability.</p> <p>Payment shall be made to the supplier on a monthly billing basis. (Based on actual number of delivered bottles) Monthly maintenance report of water dispenser must be attached in the monthly billing.</p> <p>Contract term: 12 months (January to December)</p> <p>Supplier shall provide a certificate that the units are brand new and unused.</p> <p>Warranty: One year free replacement of spare parts and services.</p> <p>Machines that cannot be repaired within forty eight (48) hours shall be replaced with a new unit.</p> <p>Replacement of defective parts, provided the machine is still functional, shall be made within forty eight (48)</p>	
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	hours from response, except justifiable cause	
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2. The *Public Attorney’s Office* now invites bids for the above Procurement Project. Delivery of the Goods is required to be accomplished within the schedule specified above within the period indicated above, upon receipt of notice to proceed/deliver. Bidders should have completed, within three (3) 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 the PAO-Bids and Awards Committee and inspect the Bidding Documents at the address given below during **8:00am to 5:00pm**.
  
5. A complete set of Bidding Documents may be acquired by interested Bidders on **27 September 2023 Wednesday** from the given address and website below *and upon payment of the applicable fee for the Bidding Documents, pursuant to the latest Guidelines issued by the GPPB, in the amount of Five Hundred Pesos (Php 500.00)*, in accordance with the Guidelines on the Sale of Bidding Documents under Appendix 8 of the Revised IRR for RA 9184. The Procuring Entity shall allow the bidder to present its proof of payment for the fees in person.
  
6. The *PUBLIC ATTORNEY’S OFFICE* will hold a Pre-Bid Conference on **13 October 2023 Friday Time: 10:30a.m.** at the PAO Central Office Library at PAO- Central Office, 5<sup>th</sup> Floor DOJ Agencies Bldg., NIA Road corner East Avenue, Diliman Quezon City and/or through video conferencing or webcasting **via Zoom<sup>1</sup>**, which shall be open to prospective bidders. Zoom Link Meeting ID: 515 038 7823 with Passcode: PBAC2023.
  
7. Bids must be duly received by the BAC Secretariat through manual submission at the office address indicated below, on or before **26 October 2023 Thursday 9:30a.m.** Late bids shall not be accepted.
  
8. All Bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in **ITB** Clause 14.
  
9. Bid opening shall be on **26 October 2023 Thursday 10:30a.m.** at the given address below and accessible via **Zoom<sup>2</sup>**. Bids will be opened in the presence of the bidders’

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<sup>1</sup> Meeting ID: 515 038 7823 Passcode: PBAC2023  
<sup>2</sup> Meeting ID: 515 038 7823 Passcode: PBAC2023



representatives who choose to attend the activity. Zoom Link Meeting ID: 515 038 7823 with Passcode: PBAC2023.

10. The *PUBLIC ATTORNEYS OFFICE* 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.

11. For further information, please refer to:

ATTY. MIGUEL NARCISO A. ILAGAN  
PBAC, Head Secretariat

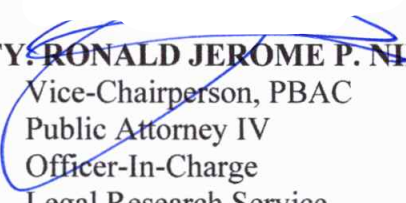
ENGR. ANGELA MARAMAG-PRADO  
PBAC, Secretariat Member

Public Attorney's Office  
DOJ Agencies Building, NIA Road  
corner East Avenue, Diliman, Quezon City  
Telephone number 929-94-36 locals 121, 122, & 131

12. You may visit the following websites:

For downloading of Bidding Documents: *PAO Website: pao.gov.ph*

26 September 2023

  
**ATTY. RONALD JEROME P. NIEVES**  
Vice-Chairperson, PBAC  
Public Attorney IV  
Officer-In-Charge  
Legal Research Service

# *Section II. Instructions to Bidders*

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

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

## 1. Scope of Bid

The Procuring Entity, *PUBLIC ATTORNEYS OFFICE* wishes to receive Bids for the **Procurement of Supply and Delivery of Drinking Water with identification number *PR No. 681-08-2023***.

The Procurement Project (referred to herein as “Project”) is composed of **one (1) lot**, the details of which are described in Section VII (Technical Specifications).

## 2. Funding Information

13. The GOP through the source of funding as indicated below for *Fiscal year 2023* in the total amount of **THREE HUNDRED FIFTY ONE THOUSAND PESOS (Php 351,000.00)**

14. 2.1. The source of funding is:

- a. GOP through the National Expenditure Program for FY 2024

## 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. a. Foreign ownership limited to those allowed under the rules may participate in this Project.

- 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:

For the procurement of **Expendable Goods and Services**: The Bidder must have completed a single contract that is similar to this Project, equivalent to **at least Twenty Five Percent (25%) 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

The Procuring Entity has prescribed that:

- a. 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 at **PAO Central Office Library at PAO- Central Office, 5<sup>th</sup> Floor DOJ Agencies Bldg., NIA Road corner East Avenue, Diliman Quezon City and/or through videoconferencing/webcasting** as indicated in paragraph 6 of the **IB**.

## 9. Clarification and Amendment of Bidding Documents

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

## 10. Documents comprising the Bid: Eligibility and Technical Components

- 10.1. The first envelope shall contain the eligibility and technical documents of the Bid as specified in **Section 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 *three (3) 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.
- 11.4. For Foreign-funded Procurement, a ceiling may be applied to bid prices provided the conditions are met under Section 31.2 of the 2016 revised IRR of RA No. 9184.

## **12. 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 e.

- 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 **Section VII (Technical Specifications)**.

### 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<sup>3</sup> 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 twenty (120) days from the submission of bids**. 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 **THREE (3) copies** of the first and second components of its Bid. Contents of the first and second components **must be clearly labeled and identifiable**.

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.

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<sup>3</sup> In the case of Framework Agreement, the undertaking shall refer to entering into contract with the Procuring Entity and furnishing of the performance security or the performance securing declaration within ten (10) calendar days from receipt of Notice to Execute Framework Agreement.



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 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 15 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:

One Project having **one (1) lot**, which shall be awarded as a **one (1) contract**.

- 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**

- 20.2. 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*

## **Notes on the Bid Data Sheet**

The Bid Data Sheet (BDS) consists of provisions that supplement, amend, or specify in detail, information, or requirements included in the ITB found in Section II, which are specific to each procurement.

This Section is intended to assist the Procuring Entity in providing the specific information in relation to corresponding clauses in the ITB and has to be prepared for each specific procurement.

The Procuring Entity should specify in the BDS information and requirements specific to the circumstances of the Procuring Entity, the processing of the procurement, and the bid evaluation criteria that will apply to the Bids. In preparing the BDS, the following aspects should be checked:

- a. Information that specifies and complements provisions of the ITB must be incorporated.
- b. Amendments and/or supplements, if any, to provisions of the ITB as necessitated by the circumstances of the specific procurement, must also be incorporated.



# Bid Data Sheet

ITB Clause	
5.3	<p>For this purpose, contracts similar to the Project shall be:</p> <p>a. <i>Procurement or sale of <b>Supply and Delivery of Drinking Water</b></i></p> <p>b. completed within three (3) years prior to the deadline for the submission and receipt of bids.</p>
7.1	
12	The price of the Goods shall be quoted DDP Quezon City 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> <p>a. The amount equivalent to not less than 2% of ABC per lot if bid security is in cash, cashier’s manager’s check, bank draft/guarantee or irrevocable letter of credit; or</p> <p>b. The amount equivalent to not less than 5% of ABC per lot if bid security is in Surety Bond.</p>
19.3	<i>See attached Terms of Reference: Technical Specification and Delivery Schedule</i>
20.2	<ol style="list-style-type: none"> <li>1. Company profile;</li> <li>2. List of existing and previous clients;</li> <li>3. Certification issued by Head of the company or authorized representative, whether the prospective bidder is a manufacturer, supplier or distributor of the above items;</li> <li>4. Security and Exchange Commission registration or Department of Trade and Industry business permit;</li> <li>5. Valid and current Mayor’s permit or business permit;</li> <li>6. VAT registration;</li> <li>7. Latest Income Tax Return;</li> <li>8. Audited Financial Statements for Year 2022 (stamped “received” by the BIR);</li> </ol>

	<p>9. Statement of the prospective bidder that he/she is not “blacklisted” or barred from bidding by the government or any of its agencies/offices (Included in Omnibus Sworn Statement);</p> <p>10. Sworn Affidavit that the bidder or any officer of their corporation is not related to the Head of the Procuring Entity by consanguinity or affinity up to the third civil degree (Included in Omnibus Sworn Statement);</p> <p>11. Sworn Statement by the Head of the Company or authorized representative that each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original and all information provided therein are true and correct (Included in Omnibus Sworn Statement);</p> <p>12. Certificate of Registration from <i>PHILGEPS</i>;</p> <p>13. Bid Price;</p> <p>14. Bid Security in accordance with RA 9184 and its implementing rules and regulations.</p>
21.2	