



REPUBLIC OF THE PHILIPPINES
 DEPARTMENT OF JUSTICE
OFFICE OF THE GOVERNMENT CORPORATE COUNSEL
 3rd Floor MWSS Administration Building, Katipunan Avenue
 Balara, Quezon City
 Tel. Nos. 927-0030 / 920-7477 • Fax No. 436-4405
 www.ogcc.gov.ph

INVITATION FOR NEGOTIATED PROCUREMENT

Negotiated Procurement - Two Failed Biddings

Reference No: OGCC-IFNP-2019-11-002

Dear Sir/Madam:

In view of the two (2) failed public biddings conducted for the project entitled: **“Supply and Delivery of ICT Equipment and MS Office Application Software”**, the Office of the Government Corporate Counsel (OGCC), through the Bids and Awards Committee (OGCC - BAC), intends to apply the sum of **Three Million Three Hundred Eighty Nine Thousand Seventy One Pesos and Nine Centavos (PhP3,389,071.09)** being the Approved Budget for the Contract (ABC) for the project, broken down as follows:

ITEMS	Quantity	Total (PHP)
A. Desktop Computer	30	3,389,071.09
B. Laptop Computer	19	
C. MS Office Application Software		
1. MS Office 2019 Home & Business	49	
2. MS Office 365 Home	20	

The procurement of the project will be conducted through **Negotiated Procurement - Two Failed Biddings**, an Alternative Method of Procurement, in accordance with Section 53.1 of the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184.

In view thereof, the OGCC invites your good office to participate on the bidding activities as scheduled below:

Activities	Schedule/Place
1) Issuance and availability of Negotiation Documents	15 November 2019 to 20 November 2019 (9:00am to 5:00pm) at the Office of the Government Corporate Counsel, 3 rd Floor, MWSS Building, Katipunan Avenue, Quezon City
2) Negotiation with Prospective Bidders	20 November 2019 (10:00AM) at the Office of the Government Corporate Counsel, Library Section, 3 rd Floor, MWSS Building, Katipunan Avenue, Quezon City

*..... committed to uphold justice
under the rule of law*



3) Deadline for the submission of the best and final offer, and Opening of Negotiation Documents	22 November 2019 (1:00PM) at the Office of the Government Corporate Counsel, Library Section, 3 rd Floor, MWSS Building, Katipunan Avenue, Quezon City
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Please submit the copies of the following eligibility, technical and financial documents along with your quotation/proposal:

I. ELIGIBILITY DOCUMENTS

1) **PhilGEPS Certificate of Registration and Membership (Platinum Registration)**

NOTE: Pursuant to *GPPB Resolution No. 26-2017 dated 31 July 2017* and *GPPB Circular 07-2017 of even date*, bidders, in lieu of the PhilGEPS Certificate of Registration and Membership (Platinum Registration) pursuant to Section 8.5.2, may submit their valid and current Class "A" Eligibility Documents, or a combination thereof:

i) Registration certificate from SEC, DTI for sole proprietorship, or CDA for cooperatives;

ii) Mayor's/ Business permit issued by the city of municipality where the principal place of business of the prospective bidder is located, or the equivalent documents for Exclusive Economic Zones or Areas.

NOTE: In case of recently expired Mayor's/ Business permits, it shall be accepted together with the official receipt as proof that the bidder has applied for renewal within the period prescribe by the concerned local government unit, provided that the renewed permit shall be submitted as a post-qualification requirement in accordance with Section 34.1 of the 2016 Revised IRR of RA 9184.

iii. Tax clearance per EO 398, s. 2005, as finally reviewed and approved by the BIR.

II. TECHNICAL DOCUMENTS

1) **Submission of Bid Securing Declaration or any form of Bid Security** which must be issued in favor of the Office of the Government Corporate Counsel in any of the allowable forms:

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Form of Bid Security	Amount of Bid Security (Not Less than the Percentage of the ABC)
(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	
(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.	Two percent (2%)
(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.	Five percent (5%)

Bid Securing Declaration form is appended as **Annex "A"** hereof.

- 2) **Compliance with Omnibus Sworn Statement** in accordance with Section 25.3 of the 2016 Revised IRR of RA 9184. See **Annex "B"**.
- 3) **Conformity with the Technical Specifications and Schedule of Requirements** as enumerated and specified in the Terms of Reference. See **Annexes "C"** and **"D"**.

III. FINANCIAL DOCUMENTS

- 1) Duly accomplished Financial Proposal Form. See **Annex "E"**
- 2) Duly accomplished detailed Financial Breakdown. See **Annex "F"**
- 3) **Audited Financial Statements for the past two (2) years** (in comparative form and separate reports):
 - a) Independent Auditor's Report;
 - b) Balance Sheet (Statement of Financial Position); and
 - c) Income Statement (Statement of Comprehensive Income).

Each of the above statements must have stamped "received" by the Bureau of Internal Revenue (BIR) or its duly accredited and authorized institutions.

In case the bidder opted to submit their Class "A" Documents, the Certificate of PhilGEPS Registration (Platinum Membership) shall remain as a post-qualification requirement to be submitted in accordance with Section 34.2 of the 2016 IRR of RA No. 9184.

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For your concerns or clarifications, please contact **Atty. Diane Camilla Borja**, BAC Secretariat at Telephone nos. 4-436-3779 or 4-434-0598 or email address at **borjacamilla@gmail.com**.

Respectfully yours,

A handwritten signature in black ink, appearing to read "D. Isidoro, Jr.", written over the printed name.

DOMINADOR R. ISIDORO, JR.
*Assistant Government Corporate Counsel
Chairman, Bids and Awards Committee*

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under the rule of law

Annex "A"

BID SECURING DECLARATION FORM

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

x-----x

BID SECURING DECLARATION
Invitation to Bid: *[Insert Reference number]*

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

I/We¹, 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 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 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;
 - (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'S AUTHORIZED

¹ Select one and delete the other. Adopt the same instruction for similar terms throughout the document.

REPRESENTATIVE]
[Insert Signatory's Legal Capacity]
Affiant

SUBSCRIBED AND SWORN to before me this ____ day of [month] [year] at [place of execution], Philippines. Affiant/s is/are personally known to me and was/were identified by me through competent evidence of identity as defined in the 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC). Affiant/s exhibited to me his/her [insert type of government identification card used], with his/her photograph and signature appearing thereon, with no. _____ and his/her Community Tax Certificate No. _____ issued on ____ at _____.

Witness my hand and seal this ____ day of [month] [year].

NAME OF NOTARY PUBLIC

Serial No. of Commission _____

Notary Public for _____ until _____

Roll of Attorneys No. _____

PTR No. _____ [date issued], [place issued]

IBP No. _____ [date issued], [place issued]

Doc. No. _____

Page No. _____

Book No. _____

Series of _____

Annex "B"

Omnibus Sworn Statement

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;
- 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 following responsibilities as a Bidder:

a) Carefully examine all of the Bidding Documents;

b) Acknowledge all conditions, local or otherwise, affecting the implementation of the Contract;

c) Made an estimate of the facilities available and needed for the contract to be bid, if any; and

d) Inquire or secure 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.

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

Bidder's Representative/ Authorized Signatory

SUBSCRIBED AND SWORN to before me this ___ day of [month] [year] at [place of execution], Philippines. Affiant/s is/are personally known to me and was/were identified by me through competent evidence of identity as defined in the 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC). Affiant/s exhibited to me his/her [insert type of government identification card used], with his/her photograph and signature appearing thereon, with no. _____ and his/her Community Tax Certificate No. _____ issued on ___ at _____.

Witness my hand and seal this ___ day of [month] [year].

NAME OF NOTARY PUBLIC

Serial No. of Commission _____

Notary Public for _____ until _____

Roll of Attorneys No. _____

PTR No. _____ [date issued], [place issued]

IBP No. _____ [date issued], [place issued]

Doc. No. _____

Page No. _____

Book No. _____

Series of _____

Annex "C"

Supply and Delivery of ICT Equipment and MS Office Application Software

TECHNICAL SPECIFICATIONS

INSTRUCTIONS:			
<ol style="list-style-type: none"> 1. Please indicate "COMPLY" per line under the Statement of Compliance if supplier can meet the technical specifications and project requirements. 2. Please do not leave any blank. A "Yes" or "No" entry will not be accepted. 3. Do not alter the contents of this form in any way. 4. The technical specifications indicated herein are considered "minimum". 			
MINIMUM SPECIFICATIONS	STATEMENT OF COMPLIANCE		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 5px;">1) DESKTOP COMPUTER</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"> <p>Branded</p> <p>Processor: Intel Core i5, 8th or latest generation processor (minimum)</p> <p>Memory: Minimum of 8GB upgradable to 32G</p> <p>Storage / Hard Disk: Minimum of 1TB SATA Hard Disk Drive upgradable to 2TB</p> <p>Optical Drive: DVDWriter SATA</p> <p>Graphics / Video Processor: Integrated/Built-in graphics</p> <p>Network Interface: 10/100/1000 Ethernet</p> <p>Wireless Connectivity: IEEE 802.11ac/a/b/g/n 2.4 & 5 GHz Gigabit wireless LAN</p> <p>Standard I/O Ports: Manufacturer's standard with at least basic I/O ports:</p> <p>Front I/O Connectors: Audio jack USB 2.0 port(s): 1 USB 3.0 port(s): 1</p> <p>Rear I/O Connectors: Display port: 1 Ethernet (LAN) port: 1 USB 2.0 port(s): 1 USB 3.0 port(s): 1</p> <p>Display Screen: LED Monitor 21.5" Full HD</p> <p>Pointing Device: USB Optical Mouse with Pad</p> </td> </tr> </tbody> </table>	1) DESKTOP COMPUTER	<p>Branded</p> <p>Processor: Intel Core i5, 8th or latest generation processor (minimum)</p> <p>Memory: Minimum of 8GB upgradable to 32G</p> <p>Storage / Hard Disk: Minimum of 1TB SATA Hard Disk Drive upgradable to 2TB</p> <p>Optical Drive: DVDWriter SATA</p> <p>Graphics / Video Processor: Integrated/Built-in graphics</p> <p>Network Interface: 10/100/1000 Ethernet</p> <p>Wireless Connectivity: IEEE 802.11ac/a/b/g/n 2.4 & 5 GHz Gigabit wireless LAN</p> <p>Standard I/O Ports: Manufacturer's standard with at least basic I/O ports:</p> <p>Front I/O Connectors: Audio jack USB 2.0 port(s): 1 USB 3.0 port(s): 1</p> <p>Rear I/O Connectors: Display port: 1 Ethernet (LAN) port: 1 USB 2.0 port(s): 1 USB 3.0 port(s): 1</p> <p>Display Screen: LED Monitor 21.5" Full HD</p> <p>Pointing Device: USB Optical Mouse with Pad</p>	
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<p>Input Device: Standard full-sized USB Keyboard with numeric keypad</p> <p>Pre-loaded Operating System: Windows 10 Professional 64 bit (Licensed)</p> <p>UPS: 650VA, 230V, AVR, Universal Sockets</p> <p>Warranty: One (1) year on parts and labor with on-site service repair</p> <p>Others: With product manual</p>			
MINIMUM SPECIFICATIONS	STATEMENT OF COMPLIANCE		
<table border="1" style="width: 100%;"> <tr> <td data-bbox="201 921 1127 2207"> <p style="text-align: center;">2) LAPTOP COMPUTER</p> <p>Branded</p> <p>Processor: Intel Core i5, 8th or latest generation processor (minimum)</p> <p>Memory: Minimum of 8GB DDR4 2400 SDRAM Upgradable up to 32GB</p> <p>Storage / Hard Disk: Minimum of 1TB SATA Hard Disk Drive</p> <p>Display Screen: 14" diagonal HD (1366 x 768 Pixels minimum)</p> <p>Keyboard: Manufacturer's standard</p> <p>Graphics / Video Processor: Integrated/Built-in Graphics</p> <p>Video Camera: Built-in Webcam</p> <p>Weight: Manufacturer's standard</p> <p>Audio: (2) Integrated audio speakers, Integrated dual array microphone</p> <p>Network Interface: Gigabit Ethernet 802.11 a/b/g/n/ac (1x1) Wifi and Bluetooth® 4.2 Combo (minimum)</p> <p>Standard I/O Ports: Manufacturer's standard with at least basic ports: USB 3.1: 1 USB 2.0 (powered ports): 1 Ethernet port: 1 Display port: 1 Headphone/microphone combo jack: 1</p> <p>Pointing Device: Click pad with Multi-touch gesture</p> <p>Battery Life: Manufacturer's standard</p> </td> <td data-bbox="1149 884 1424 2237"></td> </tr> </table>	<p style="text-align: center;">2) LAPTOP COMPUTER</p> <p>Branded</p> <p>Processor: Intel Core i5, 8th or latest generation processor (minimum)</p> <p>Memory: Minimum of 8GB DDR4 2400 SDRAM Upgradable up to 32GB</p> <p>Storage / Hard Disk: Minimum of 1TB SATA Hard Disk Drive</p> <p>Display Screen: 14" diagonal HD (1366 x 768 Pixels minimum)</p> <p>Keyboard: Manufacturer's standard</p> <p>Graphics / Video Processor: Integrated/Built-in Graphics</p> <p>Video Camera: Built-in Webcam</p> <p>Weight: Manufacturer's standard</p> <p>Audio: (2) Integrated audio speakers, Integrated dual array microphone</p> <p>Network Interface: Gigabit Ethernet 802.11 a/b/g/n/ac (1x1) Wifi and Bluetooth® 4.2 Combo (minimum)</p> <p>Standard I/O Ports: Manufacturer's standard with at least basic ports: USB 3.1: 1 USB 2.0 (powered ports): 1 Ethernet port: 1 Display port: 1 Headphone/microphone combo jack: 1</p> <p>Pointing Device: Click pad with Multi-touch gesture</p> <p>Battery Life: Manufacturer's standard</p>		
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<p>Pre-loaded Operating System: Windows 10 Professional 64bit (Licensed) Card reader: Supports multi-format media cards Power Supply: Power Adaptor (Manufacturer's Standard) Battery: 3-Cell 48 WHr Li-ion Battery Dimension: Manufacturer's standard Warranty: -One(1) year warranty on both parts and labor form authorized service centers with global repair coverage -With on-site service repair -Supplier shall respond within 24 hours for any technical assistance/ support either telephone call, email or site visit (for NCR) upon verbal/ written notification by the End User Agency Others: With Free USB (wired) Optical Mouse, Laptop Bag, Product Manual</p>	
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MINIMUM SPECIFICATIONS			STATEMENT OF COMPLIANCE
3. MS OFFICE APPLICATION SOFTWARE			
	MS Office 2019 Home & Business	MS Office 365 Home	
Applications	Word, Excel, PowerPoint, Outlook	Word, Excel, PowerPoint, Outlook, Publisher, Access	
Subscription	One-time purchase	Yearly	
No. of Device	1 (1 key code for 1 computer)	5 (1 key code for 5 computers)	
Quantity	49	20	
To be used for:	For brand new computers (to be procured for 2019) with Windows 10 Operating System: • 30 Desktops • 19 Laptops	For existing and working computers with Windows 10, 8, 8.1, 7 and lower version of Operating System in the office	
Compatibility	Compatible with Windows 10 operating system	Compatible with Windows 10, 8, 8.1, 7 and lower version of Windows operating systems	

 Name of Company

 Signature Over Printed Name of Authorized Representative

 Date

Annex "D"

Supply and Delivery of ICT Equipment and MS Office Application Software

SCHEDULE OF REQUIREMENTS

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

Description	QTY	Delivered, Weeks/Months	Delivery Place
Supply and Delivery of ICT Equipment and MS Office Application Software	1 lot	Within 3 days upon receipt of the Notice to Proceed	Office of the Government Corporate Counsel 3 rd Floor, MWSS Building, Balara, Katipunan Ave., Quezon City

I hereby commit to comply and delivery all the above requirements in accordance with the above-stated schedule.

Name of Company

Signature over printed name
Of Authorized Representative

Date

Annex "E"

Supply and Delivery of ICT Equipment and MS Office Application Software

FINANCIAL PROPOSAL FORM

After having carefully read and accepted the Terms and Conditions and Technical Specifications, I/We submit our quotations for the item/s as follows:

APPROVED BUDGET FOR THE CONTRACT:

Three Million Three Hundred Eighty Nine Seventy One Pesos and Nine Centavos (Php 3,389,071.09)

(All price offered shall be inclusive of VAT and Delivered Duties Paid)

Instruction: Please do not leave any blanks. Indicate "O" if the item being offered for free.

Description	Quantity	ABC (PHP)	Financial Bid (PHP)
		Total Price	Total Price
Supply and Delivery of ICT Equipment and MS Office Application Software	1 lot		

TOTAL BID PRICE (AMOUNT IN WORDS):

NOTE:

1. The Financial bid is inclusive of all taxes, duties, transportation costs, delivery charges and all costs relative to the project requirements including installation, testing, and training.

BIDDER'S UNDERTAKING

1. I/We, the undersigned bidder, having examined the technical specifications, as applicable hereby OFFER to (Supply/deliver/perform) the above described terms.
2. I/We undertake, if our bid is accepted, to deliver the items in accordance with the terms and conditions contained in the technical documents, including the posting of the required performance security within ten (10) calendar days from receipt of the Notice of Award.
3. Until a formal contract is prepared and signed, this Bid is binding on us.

Name of Company

Signature Over Printed Name
Of Authorized Representative

Date

Annex "F"

Supply and Delivery of ICT Equipment and MS Office Application Software

DETAILED FINANCIAL BREAKDOWN

After having carefully read and accepted the Terms and Conditions and Technical Specifications, I/We submit our quotations for the item/s as follows:

APPROVED BUDGET FOR THE CONTRACT:

Three Million Three Hundred Eighty Nine Seventy One Pesos and Nine Centavos (Php 3,389,071.09)

(All price offered shall be inclusive of VAT and Delivered Duties Paid)

Instruction: Please do not leave any blanks. Indicate "O" if the item being offered for free.

Items	Quantity	Unit Cost	Total Cost
1) Desktop Computers	30		
2) Laptop Computers	25		
3) MS Office 365 Home	69		

TOTAL BID PRICE (AMOUNT IN WORDS):

NOTES:

1. A proposal with a financial component exceeding the ABC shall not be accepted.
2. Please quote your best offer for the items above. The information stated above shall be the basis for the evaluation and calculation of your total quotation.

BIDDER'S UNDERTAKING:

1. I/We, the undersigned bidder, having examined the technical specifications, as applicable hereby OFFER to (Supply/deliver/perform) the above described items.
2. I/We undertake, if our bid is accepted, to deliver the items in accordance with the terms and conditions contained in the technical documents, including the posting of the required performance security within ten (10) calendar days from receipt of the Notice of Award.
3. Until a formal contract is prepared and signed, this Bid is binding on us.

Name of Company

Signature Over Printed Name
Of Authorized Representative

Date