



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. (02) 3436 3779 • Fax No.3436-4405
www.ogcc.gov.ph

INVITATION FOR NEGOTIATED PROCUREMENT DUE TO TWO-FAILED BIDDINGS

PROCUREMENT OF TWO MOTOR VEHICLES (AUV) FOR THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL AND DEPUTY GOVERNMENT CORPORATE COUNSEL OF THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL

1. The **Office of the Government Corporate Counsel (OGCC)** intends to procure two (2) Motor Vehicles (AUV) with the Approved Budget for the Contract (ABC) of **Three Million Pesos (P3,000,000.00)**.
2. The OGCC, through its Bids and Awards Committee (BAC), now invites technically, legally, and financially capable suppliers for the said motor vehicles.
3. The procurement procedure for this requirement is Negotiated Procurement pursuant to Section 53.1 of the Revised Implementing Rules and Regulations (RIRR) of Republic Act (RA) No. 9184, otherwise known as the “Government Procurement Reform Act”, including Annex H thereof.

The BAC will engage in negotiations with a sufficient number of suppliers to ensure effective competition. **The selection of the successful offer shall be based on the best and final offer that will be submitted on the specified date indicated below, and which would meet the minimum technical specifications required.**

4. Interested bidders may obtain further information from the BAC Secretariat Atty. Diane Camilla R. Borja at telephone nos. (02) 7978-2044 or 3436-3779 at the given schedule below, from 4 March 2020 to 10 March 2020 at 10:00 am to 5:00pm.
5. The schedule of bidding activities is herein stated below:

Activities	Schedule	Venue
1. <i>Issuance and availability of Negotiation Documents</i>	4 March 2020 to 10 March 2020 at 10:00 am to 5:00pm	OGCC Library Office of the Government Corporate Counsel 3 rd Floor MWSS Administration
2. <i>Date of Negotiation</i>	11 March 2020, 1:00 p.m.	
3. <i>Deadline for the Submission</i>	12 March 2020, 1:00 p.m.	

<i>of Negotiation Documents (Proposal)</i>		Building, Katipunan Ave., Balara, QC Tel. Nos. (02) 7978-2044 or 3436-3779
4. <i>Opening of Negotiation Documents (Proposal)</i>	12 March 2020, 2:00 p.m.	

6. Interested bidders shall submit the following documents in sealed envelopes, labeled as **“Negotiated Documents”**, with the title of the procurement project, name of the bidder, address of the Bidder, and contact details of the bidder, addressed to the undersigned:

ELIGIBILITY DOCUMENTS

1. PhilGEPS Certificate of Registration under Platinum category;
2. Statement of all Ongoing Private and Government Contracts, including Contracts Awarded but not yet started, if any, within the last two (2) years (**Annex I**);
3. Statement of Single Largest Completed Contract, which is similar in nature, within two (2) years from the date of submission and receipt of bids (**Annex II**). Any of the following documents must be submitted corresponding to listed contracts per submitted Annex II:
 - Copy of End User’s Acceptance;
 - Official Receipts; or
 - Sales Invoice
4. Bid Securing Declaration in any of the following forms:
 - Cash or Cashier’s/Manager’s Check, bank draft/guarantee or irrevocable letter of credit, issued by a Universal or Commercial Bank (2% of the ABC); or
 - Surety Bond (5% of the ABC) with a Certificate from the Insurance Commission or
 - Bid Securing Declaration (**Annex III**);
5. Authority of the Signator
6. Duly signed Net Financial Contracting Capacity Computation (NFCC) (**Annex IV**);

NFCC = [{Current Assets minus Current Liabilities} (15)] minus the 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.

$$\text{NFCC} = (\text{CA}-\text{CL}) (15) - C$$

Notes:

- a. The values of the bidder’s current assets and current liabilities shall be based on the data submitted to BIR through its Electronic Filing and Payment System.
- b. Value of all outstanding or uncompleted contracts refers those listed in Annex-I.

- c. The detailed computation using the required formula must be shown as provided above.
7. Audited Financial Statements, showing, among others, the prospective bidder's total and current assets and liabilities stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of submission of the Best and Final Offer.
8. The Authority of the Signatory.

TECHNICAL DOCUMENTS

1. Proof of Authority of the Bidder's authorized representative/s:
 - a. FOR SOLE PROPRIETORSHIP (IF OWNER OPTS TO APPOINT A REPRESENTATIVE): Duly notarized Special Power of Attorney.
 - b. FOR CORPORATIONS, COOPERATIVE OR THE MEMBERS OF THE JOINT VENTURE: Duly notarized Secretary's Certificate evidencing the authority of the designated representative/s.
2. Compliance with Schedule of Requirements (**Annex V**);
3. Compliance with Technical Specifications. Kindly indicate the brand/unit of the vehicle offered (**Annex VI**);
4. Compliance with Technical Bid Form (**Annex VII**);
5. Omnibus Sworn Statement using the prescribed form (**Annex VIII**);
6. List of Authorized Service Centers in the Philippines.

FINANCIAL DOCUMENTS

1. Completed and signed Financial Proposal Form (**Annex IX**)
7. The OGCC reserves the right to accept or reject any proposal and to terminate the procurement process at any time prior to awarding of contract, without thereby incurring any liability to the affected suppliers.

(SGD)
AGCC DOMINADOR R. ISIDORO, JR.
Chairperson, Bids and Awards Committee

STATEMENT OF ALL ONGOING CONTRACTS

(Including contracts awarded but not yet started, if any)

Name of Client	Name of the Contract	Date and Status of the Contract	Kinds of Goods	Amount of Contract	Value of Outstanding Contracts	Date of Delivery

Name & Signature of Authorized Representative

Position

Date

Instructions:

1. State all on-going contracts including those awarded but not yet started (Government and Private Contracts which may be similar or not similar to the project called for bidding as of the **day before the deadline** of submission of bids.
2. If there is **NO** on-going contract including awarded but not yet started as of the abovementioned period, state none or equivalent term.
3. The total amount of the ongoing but not yet started contracts should be consistent with those used in the Financial Contracting Capacity (NFCC).

**STATEMENT OF SINGLE LARGEST COMPLETED CONTRACT OF
SIMILAR NATURE**

(within two (2) years from the date of submission and receipt of bids)

Name of Client	Name of Contract	Date of the Contract	Kinds of Goods	Value of the Contracts	Date of Completion	Official Receipt No. & Date of OR and End User's Acceptance Date

CERTIFIED CORRECT:

Name & Signature of Authorized Representative

Position

Date

Instructions:

1. Cut Off Date as of: (i) Up to the day before the deadline of submission of bids.
2. In the column under "Dates", indicate the dates of Delivery/End-User's Acceptance and Official Receipt No.
3. Name of Contract column, indicates the Nature/Scope of the Contract for the DICT to determine the relevance of the entry with the Procurement at hand.
4. Any of the following documents must be submitted corresponding to listed contracts per submitted Annex I-A:

- Copy of End User's Acceptance;
- Official Receipts;
- Sales Invoice

BID-SECURING DECLARATION FORM

(Country) _____)
(City) _____) S.S.
x-----x

BID-SECURING DECLARATION
Invitation to Bid No.:[Insert reference number]

To: **AGCC DOMINADOR ISIDORO, JR.**
OGCC-BAC Chairperson

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 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 Section 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 as the bidder with the Lowest Calculated and 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 REPRESENTATIVE]
[Insert signatory's legal capacity]
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____
at _____, Philippines. Affiant exhibited to me his/her competent Evidence of Identity (as
defined by the 2004 Rules of Notarial Practice _____ issued _____ at
_____, Philippines.

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 ____

CERTIFICATE OF NET FINANCIAL CONTRACTING CAPACITY

(please show figures at how you arrived at the NFCC)

This is to certify that our **Net Financial Contracting Capacity (NFCC)** is **Philippine Pesos** _____ **(PhP _____)** which is at least equal to the Approved Budget for the Contract (ABC). The amount is computed as follows:

- A. Summary of the Applicant Supplier's/Distributor's/Manufacturer's assets and liabilities on the basis of the attached income tax return and audited financial statement, stamped "RECEIVED" by the Bureau of Internal Revenue or BIR authorized collecting agent, for the immediately preceding year and a certified copy of Schedule of Fixed Assets particularly the list of construction equipment.

		Year 20
1	Total Assets	
2	Current Assets	
3	Total Liabilities	
4	Current Liabilities	
5	Net Worth(1-3)	
6	Net Working Capital(2-4)	

- B. The Net Financial Contracting Capacity (NFCC) based on the above data is computed as follows:

NFCC= [(Current assets minus current liabilities) (15)] minus the 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.

The values of the domestic bidder's current assets and current liabilities shall be based on the latest Audited Financial Statements (AFS) submitted to the BIR.

The Bidder shall attach the AFS to the NFCC Computation for Eligibility Check Form.

CERTIFIED CORRECT:

Name & Signature of Authorized Representative

Position

Date

Notes:

1. The values of the bidder's current assets and current liabilities shall be based on the data submitted to BIR through its Electronic Filing and Payment System.
2. Value of all outstanding or uncompleted contracts refers those listed in Annex-I.
3. The detailed computation using the required formula must be shown as provided above.
4. The NFCC computation must at least be equal to the total ABC of the project.

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	Quantity	Delivery Schedule
PROCUREMENT OF TWO MOTOR VEHICLES (AUV) FOR THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL AND DEPUTY GOVERNMENT CORPORATE COUNSEL OF THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL	Two (2) Units	Within ninety (90) working days upon receipt of the Notice to Proceed

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

Name of Company

Name & Signature of Authorized Representative

Position

Date

TECHNICAL SPECIFICATIONS

INSTRUCTIONS:

1. Indicate **“COMPLY”** per line number under the Statement of Compliance if supplier can meet the technical specifications and project requirements.
2. 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 financial bid of the bidders shall be inclusive of the 12% Value Added Tax. The VAT and other applicable taxes should be clearly and separately indicated and/or itemized in the bidder’s financial proposal.

Asian Utility Vehicle		
MINIMUM SPECIFICATIONS		Statement of Compliance
Quantity	2	
Model	Latest year model	
No of Doors	5	
Color	Silver and White	
Engine Displacement	Not exceeding 2000cc	
Fuel Type	Gasoline	
Engine Type	4 Cylinder, In-Line 16 valve, Double Overhead Camshaft	
Transmission	Automatic Transmission	
Engine Technology	Variable Valve-Timing or its equivalent	
Fuel System	Electronic Fuel Injection	
Powertrain	Rear Wheel Drive (RWD)	
Exhaust Emission Standard	Euro 4 Compliant	
Passenger Capacity	8 -Seater	
Power steering	Manufacturer’s standard	
Tires/ Wheels	Manufacturer’s standard	
Front / Rear brakes	Manufacturer’s standard	
Front/Rear suspension	Manufacturer’s standard	
Audio System	At least 2 speakers with AM/FM radio, CD/MP3/Auxiliary input	
Window Control	Power windows	
Aircon System	Manufacturer’s standard	
Headlights	Halogen	
Fuel Capacity	Manufacturer’s standard	
Minimum Safety and Security Features		
SRS Airbags	Equipped	
Anti-lock Braking System with Electronic Brake Distribution	Equipped	
Electronic Door Locks	Equipped	

Other requirements:		
Free labor on preventive maintenance service (PMS) within the first 5,000 km check-up as the minimum		
With spare tire, and complete essential tools (such as jack, tire wrench and screw driver) and early warning device (EWD)	Equipped	
With product manual	Written in English language	
Official list of its service centers in Metro Manila.	Car dealers must provide an Official List or equivalent document for this purpose	
Certification or any official document that the bidder is engage as authorized car dealer of brand new vehicles in the Philippines for at least 10 years	Car dealers must provide and submit a certificate or equivalent document for this purpose	
LTO Registration:	3-year LTO registration, Red plate under the name of the Office of the Government Corporate Counsel	
Insurance:	1 year GSIS TPL insurance and 1 year GSIS Comprehensive Insurance with coverage on Acts of God	
Warranty:	3 years or 100,000kms on parts and service, whichever comes first Original Warranty/Guarantee Certificates shall be issued in the name of the Office of the Government Corporate Counsel	

Name of Company

Name & Signature of Authorized Representative

Position

Date

TECHNICAL BID FORM

I/We, the undersigned bidder, having examined the Bidding Documents including Bid Bulletins, as applicable hereby OFFER to (supply/deliver/perform) the above described items.

I/We undertake, if our bid is accepted, to deliver the items in accordance with the terms and conditions contained in the bid documents, including the posting of the required performance security **within ninety (90) calendar days** from receipt of the Notice of Proceed.

Until a formal contract/order confirmation is prepared and signed, this Bid is binding on us.

PROJECT REQUIREMENT/S	BRAND	MODEL
PROCUREMENT OF TWO MOTOR VEHICLES (AUV) FOR THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL AND DEPUTY GOVERNMENT CORPORATE COUNSEL OF THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL		

Name of Company

Name & Signature of Authorized Representative

Position

Date

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 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 of *[Name of Bidder]*, I have full power and authority to do, execute and perform any and all acts necessary to represent it in the bidding for *[Name of the Project]* of the *[Name of the Procuring Entity]*;

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 and/or to represent the *[Name of Bidder]* in the bidding as shown in the attached *[state title of attached document showing proof of authorization (e.g., duly notarized Secretary's Certificate issued by the corporation or the members of the joint venture)]*;

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: I am 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].

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

Bidder's Representative/Authorized Signatory

[JURAT]

SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____ at _____, Philippines. Affiant exhibited to me his/her competent Evidence of Identity (as defined by the 2004 Rules of Notarial Practice _____ issued _____ at _____, Philippines.

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 ____

FINANCIAL PROPOSAL FORM

After having carefully read and accepted the Terms and Conditions and Technical Specifications (Annex VI), I/we submit our quotation/s for the item/s as follows:

APPROVED BUDGET FOR THE CONTRACT (ABC): ₱3,000,000.00
(All price offered shall be inclusive of VAT and Delivered Duties Paid)

Instructions:

- Do not leave any blanks. Indicate “0” if the item is being offered for free.

Description	Quantity	Unit Cost	Total Cost

TOTAL BID PRICE (Amount in Words):

Notes:

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, commissioning and training.
2. The bidder shall assume all risks until the goods have been delivered at the site and accepted by OGCC.

BIDDER'S UNDERTAKING

I/We, the undersigned bidder, having examined the technical specifications, as applicable hereby OFFER to (supply/deliver/perform) the above described items.

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 ninety (90) calendar days** from receipt of the Notice to Proceed.

Until a formal contract/order confirmation is prepared and signed, this Bid is binding on us.

Name of Company

Name & Signature of Authorized Representative

Position

Date

TERMS AND CONDITIONS:

1. The official Request for Quotation or Proposal must be duly signed by the bidder or by the authorized representative. All entries must be typewritten or must be eligible, if handwritten.
2. The attached Technical Specifications shall be an integral part of the terms and conditions of the contract.
3. Bidders shall provide correct and accurate information required in this form including the Technical Data Sheet or Brochure.
4. Price quotation/s must be valid for a period of One Hundred Twenty (120) calendar days from the date of submission.
5. Price quotation/s, to be denominated in Philippine peso shall include all taxes, duties and/or levies payable.
6. Quotations exceeding the Approved Budget for the Contract shall be rejected.
7. Award of contract shall be made to the quotation which complies with the minimum technical specifications and other terms and conditions stated herein.
8. Offer may be accepted immediately or after some negotiations by OGCC Bids and Awards Committee.
9. Any alterations, erasures or overwriting shall be valid only if they are signed or initiated by you or any of your duly authorized representative/s.
10. The OGCC shall have the right to inspect and/or to test the goods and services to confirm their conformity to the technical specifications.
11. Liquidated damages equivalent to one tenth (1/10) of one percent (1%) of the value of the goods and services not delivered within the prescribed delivery period shall be imposed per day of delay. The OGCC BAC may rescind the contract once the cumulative amount of liquidated damages reaches ten percent (10%) of the amount of the contract, without prejudice to other courses of action and remedies open to it.

Terms of Payment

12. The OGCC shall pay the Supplier within 60 working days upon receipt of the original signed Statement of Account, or billing statement, supported by an Inspection and Acceptance Report (IAR), Certificate of Completion and/or Certificate of Satisfactory Service Rendered to be issued by the end-user, and upon completion of all the deliverables/documentary requirements.
13. Advance payment is not allowed.

Warranties

14. The Supplier warrants that the vehicle to be delivered is brand new.
15. The warranty period shall be three 3 years or 100,000kms on parts and services, whichever comes first, from the date of acceptance of the vehicle.

16. The warranty shall include repair, replacement of parts, and free service during official business hours from the supplier within Metro Manila or any of its authorized repair centers.

After Sales Support

17. Within the Warranty Period.

18. After the Warranty Period, there must be at-least authorized service centers within Metro Manila.