

**REBIDDING OF MANPOWER SERVICES FOR GENERAL SUPPORT AND JANITORIAL SERVICES
FOR THE BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA)
UNDER A TWO (2) – YEAR SERVICE AGREEMENT**

BID BULLETIN NO. BAC-G MS 2021-001

This Bid Bulletin clarifies the queries that were raised during the Pre-Bid Conference, with online coverage, held on 11 March 2021 at 10:00 AM at the BCDA Corporate Center and queries sent through e-mail by prospective bidders, as well as, other matters relative to the **Rebidding of Manpower Services for General Support and Janitorial Services for the Bases Conversion and Development Authority (BCDA) Under a Two (2) – Year Service Agreement.**

1. General Queries

Queries	Clarification/s
<p>1. Please clarify 5.4 of the Special Conditions of Contract in the Bidding Documents where 5.4 states that the Single Largest Completed Contract (SLCC) must be a contract similar to Janitorial and/or General Support Services . Is it and or?</p>	<p>The SLCC must be one (1) contract similar to Janitorial AND General Support Services. Please understand that Administrative or Technical Services are not similar projects. FYI, BCDA has just bid out Administrative and Technical Services.</p> <p>Just to reiterate, 5.4 of the Bidding Documents, and its correction, as of 11 March 2021:</p> <p>The Bidder must have completed, within the last three (3) years from the date of submission and receipt of bids:</p> <ul style="list-style-type: none"> - a single contract that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC <p>For this purpose, similar contracts shall refer to contracts involving supply of</p>



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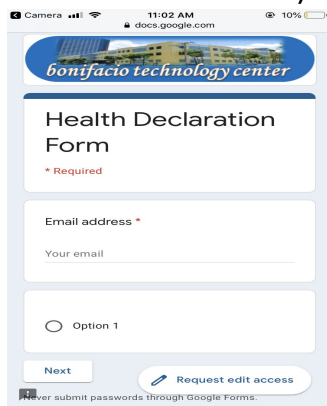
	manpower services <u>for janitorial and general support services.</u>
2. Is the SLCC for this project defined as one (1) single contract equivalent to at least 50% of the ABC or aggregate of two (2) similar contracts equivalent to at least 50% of the ABC?	Per the 5.4 Bidding Documents, the SLCC for this project is defined as one (1) single contract that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC.
3. Are we following the Manpower existing rates of the staff and personnel <u>for janitorial and general support services.</u>	Yes. We will use the FY 2021 existing Manpower rates of the staff and personnel <u>for janitorial and general support services.</u>
4. Please clarify 8.13 of the Terms of Reference. to quote “In case of outbreak of a disease, epidemic or pandemic, the Contractor shall shoulder the cost of prevention and control measures, such as but not limited to the following: testing, disinfection facilities, hand sanitizers, personal protective equipment, signages, proper orientation and training of workers. No cost related or incidental to the prevention and control measures shall be charged directly or indirectly to its personnel or workers.” This provision in the TOR is not aligned with Section 2 of Department of Labor and Employment (DOLE) Labor Advisory No. 18, dated 18 May 2020, where it states that “in the case of contracts for construction projects, security, janitorial, and	DOLE Resolution No. 18, dated 18 May 2020 only covers workers in the private sector. Section 1 of the DOLE Labor Advisory No. 18 states that “this Advisory shall apply to all employers, including contractors and sub-contractors in the <u>private sector.</u> ” BCDA is a government instrumentality. Its policy and operational guidance are under and aligned with the Civil Service Commission (CSC). As of the date of the issuance of this Bid Bulletin, CSC has not issued any advisory or guidance similar to the DOLE Advisory No. 18, series of 2020. Further, BCDA is known to be considerate with its employees, staff, and Contract of Service. If it deems reasonable to cover the cost of Covid19 prevention and control

<p>other services, the cost of Covid19 prevention and control measures shall be borne by the principals or clients of the construction/service contractor.. no cost related or incidental to Covid19 prevention and control measures shall be charged directly or indirectly to the workers.”</p>	<p>measures in some occasions, BCDA allots budget to protect them.</p>
<p>5. Are we supposed to submit supporting documents with our bidding documents?</p>	<p>BAC-G simplifies the required documents during the submission of eligibility requirements, technical, and financial proposals, as indicated in the Bidding Documents. Only mandatory requirements and documents are needed for the submission of bid proposals. The other supporting documents are still required but they are to be prepared and presented during the post qualification, but NOT during the Opening of eligibility, technical documents, and financial proposals.</p>
<p>6. Will you provide a Form as a guide for the bidders to help us in the computation of our Financial proposal?</p>	<p>Yes, BAC-G shall provide a Form as a guide for the bidders to easily compute its financial proposal. However, Bidders may or may not use this Form in their submission of Financial Bid.</p> <p>BAC-G expects that the Bidders shall conduct their due diligence before submitting their financial bids using this Form. Furthermore, BAC-G shall not be responsible for any miscomputation that this Form may cause the Bidders’ disqualification for this project.</p>

Other Queries/Clarifications	
<p>1. Can bidders purchase the bid documents, pay the bid and performance securities, etc. online?</p>	<p>Bidders may purchase the bidding documents, pay the bid security, and performance security online using a bank-to-bank fund transfer method. Interested bidders shall inform BAC-G via email that it chooses to transact the aforementioned online. BAC-G will coordinate with the bidder and provide the necessary steps and procedures to be followed in paying online. Once online payment is verified, BCDA shall issue an Official Receipt (OR) and email a scanned copy of the OR to the bidder, which it shall acknowledge upon receipt of the scanned OR. The Bidder can claim the original copy of the OR from the BCDA cashier during regular business hours afterwards.</p> <p>The bidder must include a copy of the (scanned) OR in the submission of its bid documents.</p>
<p>2. How safe are the bid documents from viruses once they are opened during the bid opening?</p>	<p>BCDA is following a strict health protocol and has put in place a disinfection procedure/area to disinfect all external documents. Thus, BCDA assures the bidders that the Bid Documents are safe during the Bid Opening.</p>
<p>3. Can the bidders be provided with the QR Code for easy access to the building premises of BCDA?</p>	<p>Yes. Kindly scan the prescribed QR Code below:</p>




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	 <p>Upon scanning, please fill-up the Health Declaration Form: (a sample form is shown below)</p> 
<p>4. How will BAC-G conduct the post-qualification during the GCQ?</p>	<p>The BAC-TWG and representatives shall conduct the post-qualification activities provided under the Revised IRR of RA 9184 and GPPB Resolutions with utmost care and mindful of all the precautionary measures and health safety protocols that the government enjoins to be observed. The TWG will conduct validation of documents in the bidder's place of business or conduct interviews with the key officers of the bidder via video conferencing. For this purpose, the bidder shall submit the email addresses of its concerned officers</p>

	<p>and managers to be interviewed prior to the post qualification.</p> <p>Also, the bidder must ensure that the original copies of the bid documents submitted to BCDA shall be disinfected prior to its inspection by the BAC-G. The bidder shall prepare and reserve a well- ventilated and spacious room, making social and physical distancing possible, where the inspection of the said original documents will be held.</p> <p>Finally, BAC-G TWG/representatives and bidder's representatives are enjoined to wear a facial mask, in good health condition, and maintain physical distance during the post qualification process.</p>
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2. Clarifications

- a. The approved budget for Contract (ABC) for this Project is P27,490,652.04, inclusive of government taxes, charges, and fees, **for the first year only**. Bids received in excess of the Approved Budget for the Contract (ABC) shall be automatically rejected at bid opening.
- b. The duration of the Contract is from **02 May 2021 to 01 May 2023**.
- c. A complete set of Bidding Documents may be acquired by interested Bidders at the BCDA Corporate Center located at 2nd Floor Bonifacio Technology Center, 31st St. cor. nd Avenue, Bonifacio Global City, Taguig City starting **03 March 2021 up to 25 March 2021 from 8:00 AM to 3:00 PM** except Saturdays, Sundays and Holidays, and **until 09:00 AM on 26 March 2021**, upon payment of the following non-refundable fee of Php 25,000.00 as the cost of the bidding documents.
- d. The bidders must be registered with PhilGEPS under Platinum Membership, otherwise the bidders will be rated failed which shall result in declaring them as "ineligible".

- e. The bid documents can be accessed from the PhilGEPS and BCDA websites.
- f. (FORM SF-GOOD-13a) Statement of ALL Ongoing Government and Private Contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid.

The Statement of All Ongoing Contracts shall indicate, for each contract, the following:

1. name of the contract;
2. date of the contract;
3. contract duration
4. owner's name and address;
5. kinds of Goods;
6. amount of contract and value of outstanding contracts; and
7. date of delivery.

The requirement for the "Statement of all Ongoing Contracts" is merely a "statement" of all ongoing contracts. It refers to a "statement" to be made by the bidder relative to all of its ongoing government and private contracts, and not the actual submission of the physical NOA, NTP or Contracts.

- h. (FORM SF-GOOD-13a) Statement of at least one (1) COMPLETED government and/or private contracts which is similar in nature supported with any of the following documents: (in accordance with Clause 5.4 of the BDS):

1. End User's Acceptance; **Or**
2. Sales Invoice; **Or**
3. Official Receipt of the last payment received.

One (1) completed contract* of similar nature whose contract amount is at least 50% of the ABC, is acceptable.

- i. The bidders must follow and be guided by the checklist of requirements as discussed during the pre-bid conference. The bidders must also use the revised forms of the 1) Ongoing and Completed Contracts and 2) Statement of Single Largest Completed Contract.* These are all attached herewith as **Annex B**.

- j. A bid bulletin would be posted in PhilGEPS and BCDA website on **18 March 2021**. However, only those who purchased the bidding documents are entitled to directly receive a copy of the Bid Bulletin by email.
- k. Only those bidders who purchased the bid documents are allowed to submit their bids.
- l. The computation of the Bid Security shall be based on the Approved Budget for the Contract (ABC).
- m. The bidders may submit a notarized Bid Securing Declaration in lieu of other forms of Bid Security, up to the post qualification. It is important to note, however, that although the Bid Securing Declaration does not require cash, its enforcement shall include automatic blacklisting and payment of certain fines in the event that the bidder violates any of the conditions set forth in the bidding documents.
- n. NFCC Computation shall be based on the audited Financial Statements for the year 2019, using the computation provided in the Instruction to Bidders, and should be at least equivalent to the ABC.
- o. The bidders are requested to use tabs in compiling their bid documents for quick and easy identification and verification.
- p. Please be guided by the schedule of bidding activities, as shown in the table below:

Activity	Date / Time*
1. Pre-bid Conference	11 March 2021
2. Last day of issuance of Supplemental Bid Bulletin	18 March 2021
3. Deadline of the Submission of Bids	09:00AM, 26 March 2021
4. Opening of Bids	10:00 AM, 26 March 2021
5. Detailed Bid Evaluation of Proposals	29-30 March 2021
6. Presentation of Detailed Evaluation of Bid Proposals	30 March 2021

7. Sending of Letter to the Bidder with LCD advising them on the conduct of Post Qualification	07 April 2021
8. Post Qualification	08-12 April 2021
9. Deliberation of Results of the Post Qualification	14 April 2021
10. Issuance of BAC-G Recommendation (based on Results of Post Qualification)	On or before 20 April 2021*
11.. Issuance of Notice of Award	On or before 25 April 2021*
12. Issuance of Notice to Proceed	On or before 29 April 2021*

**subject to change*

3. Reminders

- a. To avoid disqualification, please comply with the eligibility requirements, technical proposal, and financial bid requirements, as indicated in the Bidding Documents and Bid Bulletin/s issued for this project. The causes for disqualification have been presented during the Pre-bid Conference for the interested bidders to become aware of the guidelines for the **Rebidding of the Manpower Services for General Support and Janitorial Services for the Bases Conversion and Development Authority (BCDA) Under a Two (2) – Year Service Agreement**
- b. BCDA adheres to the “No-Contact Rule”. All clarifications shall be made in writing and addressed to the BAC-G Secretariat.
- c. Visiting or calling the members of the BAC-G, the TWG, the Secretariat or anyone working for BCDA is not allowed and will not be entertained.
- d. Dates, in the absence of any qualifications, are meant to be calendar days. Calendar days include Saturdays, Sundays and Holidays.
- e. The deadline for the submission of bids is **on 26 March 2021 at 09:00 AM** at the BCDA Central Receiving and Releasing Area (CRRA) located at the 2nd Floor Bonifacio Technology Center, 31st St. cor. 2nd Avenue, Bonifacio Global City, Taguig City. The computer system clock, set at Philippine Standard Time (PhST), shall be used as a reference in determining the time for the submission of bids. Hence, participating bidders are advised to synchronize their timepieces with the said computer system clock. **Late bids or those submitted after 09:00 AM on 26 March 2021 shall not be accepted.**

Bidders may submit their eligibility documents days ahead of the deadline for submission in order to avoid late submission.

- f. **Bid opening shall be at 10:00 AM on 26 March 2021** at the **BCDA Corporate Center, 2nd Floor Bonifacio Technology Center, 31st St. cor. 2nd Avenue, Bonifacio Global City, Taguig City** and via Video Conferencing through Google Meet. Bids will be opened in the presence of the Bidders. Although the bidders' attendance during the Opening of Bids is not compulsory, it is advised that bidders send their representative to assist the BAC-G and answer clarifications, if any.
- g. Each and every page of the Bid Form must be appropriately signed by the bidder or the bidder's authorized representative. The authorization should also be attached. Failure to do so shall be a ground for the rejection of the Bid.
- h. All licenses, permits and other required clearances should be valid at the time of the submission of bids, Post-Qualification Evaluation, and signing of the contract
- i. The BAC-G expects the bidders to exercise due diligence in going through the bidding documents so that they can prepare their bids intelligently.
- j. The following documents are required to be NOTARIZED, which should be duly sworn to and include complete information on the PTR No., MCLE No., Authority or Commission Number, etc. of the Notary Public:
1. Omnibus Sworn Statement (Revised) (**Annex C**)
 2. Bidder's Representative Authorization (as provided in Paragraph 2 of the Omnibus Sworn Statement)
 3. Bid Securing Declaration
 4. Performance Securing Declaration (Revised) (**Annex D**)
- k. BCDA reserves the right to waive minor defects in forms and requirements as long as they do not affect the genuineness and authenticity of the documents submitted.
- l. BCDA reserves the right to accept or reject any bid, to annul the bidding process, and to reject all bids at any time prior to contract award, without thereby incurring any liability to the affected bidder or bidders.

Please be reminded that all queries after the release of this Bid Bulletin will not be entertained.

All provisions, conditions and statements in the bidding documents inconsistent with this Bid Bulletin are either modified or rendered ineffective, as the case may be.

Issued on 18 March 2021.

BIDS AND AWARDS COMMITTEE FOR GOODS



ARREY A. PEREZ
Chairperson

ANNEX A

CHECKLIST OF REQUIREMENTS

Each and every page of the Bid Form, including the Schedule of prices, under Section VIII hereof, shall be signed (full signature) by the duly authorized representative/s of the Bidder. Failure to do so shall be a ground for the rejection of the bid. They must be PROPERLY TABBED, as follows:

ELIGIBILITY AND TECHNICAL COMPONENT	
TAB A	<p><u>PhilGEPS Certificate of Registration under Platinum Membership</u> (with Annex A); or <u>Class “A” Eligibility Documents: or,</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> <u>Registration Certificate</u> from Securities and Exchange Commission (SEC) for corporations, Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives <input type="checkbox"/> <u>Current & Valid Mayor’s/Business Permit</u>, if expired a copy of the expired Mayor’s Permit and the Official Receipt as proof that the bidder has applied for renewal of the permit issued by the city or municipality where the principal place of business of the prospective bidder is located <input type="checkbox"/> <u>Valid Tax Clearance</u> per Executive Order 398, Series of 2005, as finally reviewed and approved by the BIR <input type="checkbox"/> <u>Latest Audited Financial Statements</u> stamped received by the BIR or its duly accredited and authorized institutions, for the preceding calendar year. <p><u>Combination</u> (PhilGEPS Certificate of Registration under Platinum Membership & Class “A” Eligibility Documents)</p>

<p>Note: 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 Revised IRR of RA 9184</p>

TAB
B

(SF-G&S-19A) Statement of ALL its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; and

(SF-G&S-19B) Statement of Single Largest Completed Contract (SLCC) similar in nature to the contract to be bid equivalent to at least fifty percent (50%) of the ABC or two (2) similar contracts with an aggregate amount equivalent to at least fifty percent (50%) of the ABC completed within at least for the past *three (3) years* prior to the deadline for the submission and receipt of bids.

The two (2) statements required shall indicate for each contract the following:

- name of the contract;
- date of the contract;
- contract duration;
- owner's name and address;
- kinds of Goods;
- For Statement of Ongoing Contracts - amount of contract and value of outstanding contracts;
- For Statement of SLCC - amount of completed contracts, adjusted by the Bidder to current prices using PSA's consumer price index, if necessary for the purpose of meeting the SLCC requirement;
- date of delivery; and
- end user's acceptance or official receipt(s) or sales invoice issued for the contract, if completed, which shall be attached to the statements.

Note:

- Statement of all ongoing contracts requirement is merely a "statement" of all ongoing contracts. It refers to a "statement" to be made by the bidder relative to all its ongoing government and

	<p>private contracts, and not the actual submission of the physical NOA, NTP or Contracts.</p> <p><input type="checkbox"/> The Statement of SLCC to be submitted by the bidder shall attach <u>ANY</u> of the following proof:</p> <ul style="list-style-type: none"> ❖ end user’s acceptance; or ❖ official receipt of the last payment received; or ❖ sales invoice
TAB C	<p><u>Computation of Net Financial Contracting Capacity (NFCC)</u> in accordance with ITB Clause 5 (Section IX, Bidding Forms) <i>OR</i> <u>Committed Line of Credit</u> from a Universal or Commercial Bank at least equal to ten percent (10%) of the ABC to be bid.</p> <p>FORMULA: 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.</p>
TAB D	<p><u>Joint Venture Agreement (JVA)</u> in case the joint venture is already in existence, or</p> <p>Duly Notarized Statements from all the potential joint venture partners in accordance with Section 23.1(b) of the 2016 Revised IRR of RA 9184, if applicable.</p> <p>Each partner of the joint venture shall submit their respective PhilGEPS Certificates of Registration in accordance with Section 8.5.2 of this IRR. The submission of technical and financial eligibility documents by any of the joint venture partners constitutes compliance: Provided, That the partner responsible to submit the NFCC shall likewise submit the Statement of all of its ongoing contracts and Audited Financial Statements.</p>

<p>TAB E</p>	<p><u>Bid Security</u> in ANY of the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Cash or Cashier's/Manager's Check issued by a Universal or Commercial Bank (2% of the ABC) or; <input type="checkbox"/> 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 (2% of the ABC) or; <input type="checkbox"/> Surety Bond with a Certificate from the Insurance Commission (5% of the ABC); or <input type="checkbox"/> Notarized Bid Securing Declaration <p>Note: The bid security shall be valid for one hundred twenty (120) calendar days from date of bid opening. Bid Data Sheet ITB Clause 18.2</p>
<p>TAB F</p>	<p><u>Conformity with Technical Specifications</u>, Section VII</p>
<p>TAB G</p>	<p><u>Conformity with Schedule of Requirements</u>, Section VI</p>
<p>TAB H</p>	<p><u>Notarized Omnibus Sworn Statement</u> in accordance with Section 25.3 of the 2016 Revised IRR of RA 9184, and using the form prescribed in Section VIII. Bidding Forms</p> <p>Note: The Omnibus Sworn Statement shall be accompanied by the duly notarized Special Power of Attorney, Board/Partnership Resolution, or Secretary's Certificate, whichever is applicable</p>

FINANCIAL COMPONENT

TAB I	<p><u>Financial Bid</u> (use Section IX Bidding Forms) (make one for each lot)</p> <p>Financial Bid Forms shall be duly signed on each and every page by the principal bidder or the bidder's authorized representative.</p> <p>ABC: P _____</p> <p><i>(Inclusive of VAT and all applicable taxes and fees)</i></p>
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ANNEX B

Sample Forms: Goods and Services for Ongoing and Completed Contracts
*Statement of All Ongoing Government and Private Contracts
Including Contracts Awarded but not yet Started*

SF-G&S-19A

**Statement of All Ongoing Government and Private Contracts
Including Contracts Awarded but not yet Started**

Business Name : _____
Business Address : _____

Name of the Contract	Date of the Contract	Contract Duration	Owner's Name and Address	Kinds of Goods	Amount of Contract	Value of Outstanding Contracts	Date of Delivery
Government Contracts:							
1.							
2.							
Private Contracts:							
1.							
2.							
Total Amount:							

*Continue in a separate sheet if necessary..

Submitted by : _____
Signature over Printed Name of Authorized Representative

Date : _____

Note:

- If there is no ongoing contract including those awarded but not yet started, state none or equivalent term.
- The total amount of the ongoing and awarded but not yet started contracts should be consistent with those used in the Net Financial Contracting Capacity (NFCC).

ANNEX C

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]

ANNEX D

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]