

**BASES CONVERSION AND
DEVELOPMENT AUTHORITY**

**BIDDING FOR THE
PROCUREMENT OF ONE
(1) SET OF PANORAMIC
X-RAY MACHINE**

Uncontrolled when printed or emailed

682

26

TABLE OF CONTENTS

SECTION I. INVITATION TO BID.....	3
SECTION II. INSTRUCTIONS TO BIDDERS.....	6
SECTION III. BID DATA SHEET.....	37
SECTION IV. GENERAL CONDITIONS OF CONTRACT.....	43
SECTION V. SPECIAL CONDITIONS OF CONTRACT	59
SECTION VI. SCHEDULE OF REQUIREMENTS	62
SECTION VII. TECHNICAL SPECIFICATIONS	64
- TERMS OF REFERENCE	
- Technical Specifications Compliance Form	
SECTION VIII. CHECKLIST OF REQUIREMENTS	68
SECTION IX. BIDDING FORMS	71
SECTION X. SCHEDULE OF BIDDING ACTIVITIES	83

Uncontrolled when printed or emailed

92

91

Section I. Invitation to Bid

Uncontrolled when printed or emailed



INVITATION TO BID
BIDDING FOR THE PROCUREMENT OF ONE (1) SET OF
PANORAMIC X-RAY MACHINE

1. The **BASES CONVERSION AND DEVELOPMENT AUTHORITY** (hereinafter referred to as **BCDA**), through its **Bids and Awards Committee for Goods (BAC-G)**, invites Eligible Bidders to bid for the **Procurement of One (1) Set of Panoramic X-Ray Machine** with an Approved Budget for the Contract (ABC) in the amount of **Two Million Five Hundred Thousand Pesos (P2,500,000.00)**, inclusive of all applicable taxes, charges, duties and fees. Bids received in excess of the ABC shall be automatically rejected at bid opening.
2. The BCDA now invites bids for the **Procurement of One (1) Set of Panoramic X-Ray Machine**. Bidders should have completed, within two (2) years prior to the date of submission and receipt of bids, a contract similar to the Project equivalent to at least 50% of the ABC. The description of an eligible bidder is contained in the Instruction to Bidders (ITB) of the Bid Documents.
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) 9184, otherwise known as the “Government Procurement Reform Act”.

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 5183.

4. Interested bidders may obtain further information from the BCDA Bids and Awards Committee (BAC) for Goods Secretariat and inspect the Bidding Documents at the BCDA Office at the BCDA Corporate Center 2/F Bonifacio Technology Center 31st St. cor. 2nd Ave. Bonifacio Global City, Taguig City from Monday to Friday, from 8:00 a.m. to 5:00 p.m.
5. A complete set of Bidding Documents may be acquired by interested Bidders from **20 July 2018 to 08 August 2018, from 8:00 AM to 5:00 PM, except Saturdays, Sundays and Holidays and 09 August 2018 from 8:00 AM to 10:00 AM** at a non-refundable fee of **Pesos: Five Thousand and 00/100 (PhP5,000.00)** at the **BCDA Corporate Center, 2nd Floor, Bonifacio Technology Center, 31st Street corner 2nd Avenue, Bonifacio Global City, Taguig City.**

Bidders may also be downloaded free of charge from the website of the Philippine Government Electronic Procurement System (PhilGEPS) (www.philgeps.gov.ph) and the website of BCDA (www.bcda.gov.ph), provided that Bidders shall pay the applicable fee for the Bidding Documents not later than the submission of their bids.

6. A Pre-Bid Conference for the purpose will be held on **26 July 2018 (Thur)** at **1:00 PM**, at the **BCDA Corporate Center, 2nd Floor, Bonifacio Technology Center, 31st St. corner 2nd Ave, Bonifacio Global City, Taguig City.**
7. The deadline for the submission of bids is on **09 August 2018 (Thur)** at **10:00 AM** at the **BCDA Central Receiving and Releasing Area (CRRA)** located at the **BCDA Corporate Center, 2nd Floor, Bonifacio Technology Center, 31st St. corner 2nd Ave, Bonifacio Global City, Taguig City.** All Bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in **ITB Clause 18.**
8. Bid opening shall be on **09 August 2018 (Thur)** at **11:00 AM** on the same address given above. Bids will be opened in the presence of the Bidders' representatives who choose to attend. Late bids shall not be accepted.
9. BCDA reserves the right to accept or reject any bid, to annul or cancel the bidding process, to declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Section 41 of RA 9184 and its IRR, without thereby incurring any liability to the affected bidder or bidders.
10. For further information, please refer to:

Atty. Leah Anne R. Maligaya
Head Secretariat, BAC-G
(02) 575-1778
bacgsecretariat@bcda.gov.ph

BIDS AND AWARDS COMMITTEE FOR GOODS

By:

BGEN CARLOS F QUITA (RET)
Chairperson



Section II. Instructions to Bidders

Uncontrolled when printed or emailed





TABLE OF CONTENTS

A. GENERAL	9
1. Scope of Bid	9
2. Source of Funds	9
3. Corrupt, Fraudulent, Collusive, and Coercive Practices	9
4. Conflict of Interest	10
5. Eligible Bidders	12
6. Bidder's Responsibilities	13
7. Origin of Goods	15
8. Subcontracts	15
B. CONTENTS OF BIDDING DOCUMENTS	16
9. Pre-Bid Conference	16
10. Clarification and Amendment of Bidding Documents	16
C. PREPARATION OF BIDS	17
11. Language of Bid.....	17
12. Documents Comprising the Bid: Eligibility and Technical Components	17
13. Documents Comprising the Bid: Financial Component.....	19
14. Alternative Bids	20
15. Bid Prices	20
16. Bid Currencies	22
17. Bid Validity	22
18. Bid Security	22
19. Format and Signing of Bids.....	25
20. Sealing and Marking of Bids.....	25
D. SUBMISSION AND OPENING OF BIDS	26
21. Deadline for Submission of Bids	26
22. Late Bids	26
23. Modification and Withdrawal of Bids.....	26
24. Opening and Preliminary Examination of Bids	27
E. EVALUATION AND COMPARISON OF BIDS	29
25. Process to be Confidential	29
26. Clarification of Bids	29
27. Domestic Preference.....	29

28. Detailed Evaluation and Comparison of Bids	30
29. Post-Qualification.....	31
30. Reservation Clause.....	32
F. AWARD OF CONTRACT	33
31. Contract Award.....	33
32. Signing of the Contract.....	34
33. Performance Security	34
34. Notice to Proceed.....	36
35. Protest Mechanism.....	36

Uncontrolled when printed or emailed

A. General

1. Scope of Bid

- 1.1. The Procuring Entity named in the **BDS** invites bids for the supply and delivery of the Goods as described in Section VII. Technical Specifications.
- 1.2. The name, identification, and number of lots specific to this bidding are provided in the **BDS**. The contracting strategy and basis of evaluation of lots is described in **ITB** Clause 28.

2. Source of Funds

The Procuring Entity has a budget or has received funds from the Funding Source named in the **BDS**, and in the amount indicated in the **BDS**. It intends to apply part of the funds received for the Project, as defined in the **BDS**, to cover eligible payments under the contract.

3. Corrupt, Fraudulent, Collusive, and Coercive Practices

- 3.1. Unless otherwise specified in the **BDS**, 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. In pursuance of this policy, the Procuring Entity:
 - (a) defines, for purposes of this provision, the terms set forth below as follows:
 - (i) “corrupt practice” means behavior on the part of officials in the public or private sectors by which they improperly and unlawfully enrich themselves, others, or induce others to do so, by misusing the position in which they are placed, and includes the offering, giving, receiving, or soliciting of anything of value to influence the action of any such official in the procurement process or in contract execution; entering, on behalf of the government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby, and similar acts as provided in RA 3019.
 - (ii) “fraudulent practice” means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the Procuring Entity, and includes collusive practices among Bidders (prior to or after bid submission) designed to establish bid prices at artificial, non-competitive levels and to deprive the Procuring Entity of the benefits of free and open competition.
 - (iii) “collusive practices” means a scheme or arrangement between two or more Bidders, with or without the knowledge of the

Procuring Entity, designed to establish bid prices at artificial, non-competitive levels.

(iv) “coercive practices” means harming or threatening to harm, directly or indirectly, persons, or their property to influence their participation in a procurement process, or affect the execution of a contract;

(v) “obstructive practice” is

(aa) deliberately destroying, falsifying, altering or concealing of evidence material to an administrative proceedings or investigation or making false statements to investigators in order to materially impede an administrative proceedings or investigation of the Procuring Entity or any foreign government/foreign or international financing institution into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the administrative proceedings or investigation or from pursuing such proceedings or investigation; or

(bb) acts intended to materially impede the exercise of the inspection and audit rights of the Procuring Entity or any foreign government/foreign or international financing institution herein.

(b) will reject a proposal for award if it determines that the Bidder recommended for award has engaged in any of the practices mentioned in this Clause for purposes of competing for the contract.

3.2. Further, the Procuring Entity will seek to impose the maximum civil, administrative, and/or criminal penalties available under applicable laws on individuals and organizations deemed to be involved in any of the practices mentioned in **ITB** Clause 3.1(a).

3.3. Furthermore, the Funding Source and the Procuring Entity reserve the right to inspect and audit records and accounts of a bidder or supplier in the bidding for and performance of a contract themselves or through independent auditors as reflected in the **GCC** Clause 3.

4. Conflict of Interest

4.1. All Bidders found to have conflicting interests shall be disqualified to participate in the procurement at hand, without prejudice to the imposition of appropriate administrative, civil, and criminal sanctions. A Bidder may be considered to have conflicting interests with another Bidder in any of the events described in paragraphs (a) through (c) below and a general conflict of interest in any of the circumstances set out in paragraphs (d) through (g) below:

- (a) A Bidder has controlling shareholders in common with another Bidder;
- (b) A Bidder receives or has received any direct or indirect subsidy from any other Bidder;
- (c) A Bidder has the same legal representative as that of another Bidder for purposes of this bid;
- (d) A Bidder has a relationship, directly or through third parties, that puts them in a position to have access to information about or influence on the bid of another Bidder or influence the decisions of the Procuring Entity regarding this bidding process;
- (e) A Bidder submits more than one bid in this bidding process. However, this does not limit the participation of subcontractors in more than one bid;
- (f) A Bidder who participated as a consultant in the preparation of the design or technical specifications of the Goods and related services that are the subject of the bid; or
- (g) A Bidder who lends, or temporarily seconds, its personnel to firms or organizations which are engaged in consulting services for the preparation related to procurement for or implementation of the project, if the personnel would be involved in any capacity on the same project.

4.2. In accordance with Section 47 of the IRR of RA 9184, all Bidding Documents shall be accompanied by a sworn affidavit of the Bidder that it is not related to the Head of the Procuring Entity (HoPE), members of the Bids and Awards Committee (BAC), members of the Technical Working Group (TWG), members of the BAC Secretariat, the head of the Project Management Office (PMO) or the end-user unit, and the project consultants, by consanguinity or affinity up to the third civil degree. On the part of the Bidder, this Clause shall apply to the following persons:

- (a) If the Bidder is an individual or a sole proprietorship, to the Bidder himself;
- (b) If the Bidder is a partnership, to all its officers and members;
- (c) If the Bidder is a corporation, to all its officers, directors, and controlling stockholders;
- (d) If the Bidder is a cooperative, to all its officers, directors, and controlling shareholders or members; and
- (e) If the Bidder is a joint venture (JV), the provisions of items (a), (b), (c), or (d) of this Clause shall correspondingly apply to each of the members of the said JV, as may be appropriate.

Relationship of the nature described above or failure to comply with this Clause will result in the automatic disqualification of a Bidder.

5. Eligible Bidders

- 5.1. Unless otherwise provided in the **BDS**, the following persons shall be eligible to participate in this bidding:
- (a) Duly licensed Filipino citizens/sole proprietorships;
 - (b) Partnerships duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the interest belongs to citizens of the Philippines;
 - (c) Corporations duly organized under the laws of the Philippines, and of which at least sixty percent (60%) of the outstanding capital stock belongs to citizens of the Philippines;
 - (d) Cooperatives duly organized under the laws of the Philippines; and
 - (e) Persons/entities forming themselves into a Joint Venture (JV), *i.e.*, a group of two (2) or more persons/entities that intend to be jointly and severally responsible or liable for a particular contract: Provided, however, that Filipino ownership or interest of the JV concerned shall be at least sixty percent (60%).
- 5.2. Foreign bidders may be eligible to participate when any of the following circumstances exist, as specified in the **BDS**:
- (a) When a Treaty or International or Executive Agreement as provided in Section 4 of RA 9184 and its IRR allow foreign bidders to participate;
 - (b) Citizens, corporations, or associations of a country, the laws or regulations of which grant reciprocal rights or privileges to citizens, corporations, or associations of the Philippines;
 - (c) When the Goods sought to be procured are not available from local suppliers; or
 - (d) When there is a need to prevent situations that defeat competition or restrain trade.
- 5.3. Government owned or –controlled corporations (GOCCs) may be eligible to participate only if they can establish that they (a) are legally and financially autonomous, (b) operate under commercial law, and (c) are not attached agencies of the Procuring Entity.
- 5.4. Unless otherwise provided in the **BDS**, the Bidder must have completed a Single Largest Completed Contract (SLCC) similar to the Project and the value of which, adjusted, if necessary, by the Bidder to current prices using the Philippine Statistics Authority (PSA) consumer price index, must be at least equivalent to a percentage of the ABC stated in the **BDS**.

For this purpose, contracts similar to the Project shall be those described in the **BDS**, and completed within the relevant period stated in the Invitation to Bid and **ITB** Clause 12.1(a)(ii).

- 5.5. The Bidder must submit a computation of its Net Financial Contracting Capacity (NFCC), which must be at least equal to the ABC to be bid, calculated 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 submitted to the BIR.

For purposes of computing the foreign bidders' NFCC, the value of the current assets and current liabilities shall be based on their audited financial statements prepared in accordance with international financial reporting standards.

If the prospective bidder opts to submit a committed Line of Credit, it must be at least equal to ten percent (10%) of the ABC to be bid. If issued by a foreign universal or commercial bank, it shall be confirmed or authenticated by a local universal or commercial bank.

6. Bidder's Responsibilities

- 6.1. The Bidder or its duly authorized representative shall submit a sworn statement in the form prescribed in Section IX. Bidding Forms as required in **ITB** Clause 12.1(b)(iii).
- 6.2. The Bidder is responsible for the following:
- (a) Having taken steps to carefully examine all of the Bidding Documents;
 - (b) Having acknowledged all conditions, local or otherwise, affecting the implementation of the contract;
 - (c) Having made an estimate of the facilities available and needed for the contract to be bid, if any;
 - (d) Having complied with its responsibility to inquire or secure Supplemental/Bid Bulletin(s) as provided under **ITB** Clause 10.4.
 - (e) Ensuring that it is not "blacklisted" or barred from bidding by the GOP or any of its agencies, offices, corporations, or LGUs, including foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the GPPB;