

02 December 2021

SUBJECT : Invitation to Submit Proposal for the Procurement of DENR-EMB Registered Transporter for the Transport of Polychlorinated Biphenyl (PCB)-contaminated Oil and Equipment located at Navotas and Bagac to PCB Destruction Facility in Mariveles, Bataan (Project Reference No. 2021-SVP-RTPCB-075-01)

Dear _____:

The Power Sector Assets and Liabilities Management (PSALM) Corporation is procuring services for the Transport of: **(a)** Three (3) drums of used oil contaminated with Polychlorinated Biphenyl (PCB) from the Navotas Gas Turbine Power Plant (NGTPP); and **(b)** Eight (8) units of PCB-contaminated Transformers from the Nuclear Power Village (NPV), Bagac, Bataan to the PCB Destruction Facility located in Mariveles, Bataan. The Approved Budget for the Contract (ABC) is in the amount of **TWO HUNDRED FIFTY-THREE THOUSAND PESOS (PHP253,000.00)**, inclusive of VAT.

In this regard, may we invite your company to submit a proposal for this project based on the requirements set in the *Terms of Reference* (Annex A) and the *Detailed Bid Price Schedule* (Annex B).

Your proposal shall include copies of the following documents:

1	Certification of PhilGEPS Registration or PhilGEPS Registration Number ¹
2	Current and valid business permit issued by the city or municipality where the principal place of business of the prospective bidder is located, or equivalent document in case of foreign bidders and entities located inside economic zones.

¹ Note: Only PhilGEPS registration number (Red Membership) is required for this project and not necessarily Platinum membership. Nevertheless, in view of the State of Emergency and implementation of community quarantine, expired PhilGEPS Certificate of Registration and Membership (Platinum Membership) with application for renewal and official receipt shall be accepted, subject to submission of PhilGEPS Certificate after award of contract but before payment.

3	<p>Latest income tax returns filed and paid through the BIR Electronic Filing and Payment System (eFPS).</p> <p>Latest annual Income Tax Return (ITR) shall refer to the ITR for the year 2020 filed in 2021. For new establishments which have no annual ITR yet, it shall refer to the most recent quarter's ITR. Further, for areas where e-filing is yet to be implemented, a Certification to that effect from BIR main office is acceptable.</p>			
4	<p>Latest Business Tax Return, which refers to the Value Added Tax (VAT) and/or Percentage Tax Returns covering the previous six (6) months:</p> <table border="1" data-bbox="304 696 1383 1039"> <tr> <td data-bbox="304 696 799 1039"> <p>a) Value Added Tax (VAT) - BIR Form No. 2550 covering the following:</p> <p>i. latest quarters (2550Q) (i.e. 2nd and 3rd Quarters of 2021)</p> <p>ii. latest month (2550M) (i.e. October 2021)</p> </td> <td data-bbox="799 696 906 1039" style="text-align: center;"> <p>and/ or</p> </td> <td data-bbox="906 696 1383 1039"> <p>b. Percentage Tax Returns BIR Form No. 2551 covering the following:</p> <p>i. latest quarters (2551Q) (i.e. 2nd and 3rd Quarters of 2021)</p> <p>ii. latest month (2550M) (i.e. October 2021)</p> </td> </tr> </table> <p>Note: Bidders filing both VAT and Percentage Tax Returns must submit both returns, or the equivalent documents in case of foreign bidders.</p>	<p>a) Value Added Tax (VAT) - BIR Form No. 2550 covering the following:</p> <p>i. latest quarters (2550Q) (i.e. 2nd and 3rd Quarters of 2021)</p> <p>ii. latest month (2550M) (i.e. October 2021)</p>	<p>and/ or</p>	<p>b. Percentage Tax Returns BIR Form No. 2551 covering the following:</p> <p>i. latest quarters (2551Q) (i.e. 2nd and 3rd Quarters of 2021)</p> <p>ii. latest month (2550M) (i.e. October 2021)</p>
<p>a) Value Added Tax (VAT) - BIR Form No. 2550 covering the following:</p> <p>i. latest quarters (2550Q) (i.e. 2nd and 3rd Quarters of 2021)</p> <p>ii. latest month (2550M) (i.e. October 2021)</p>	<p>and/ or</p>	<p>b. Percentage Tax Returns BIR Form No. 2551 covering the following:</p> <p>i. latest quarters (2551Q) (i.e. 2nd and 3rd Quarters of 2021)</p> <p>ii. latest month (2550M) (i.e. October 2021)</p>		
5	Notarized Annex C [Conformity with Annex A (Terms of Reference)].			
6	<p>Notarized Omnibus Sworn Statement (Annex D).</p> <p>The Omnibus Sworn Statement must be accompanied by a duly notarized Secretary's Certificate, Board/Partnership Resolution, or Special Power of Attorney, whichever is applicable, stating that the signatory is the duly authorized representative of the prospective bidder, and 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.</p>			
7	Current and updated Transporter Registration Certificate issued by Environmental Management Bureau (EMB) - Department of Environment and Natural Resources (DENR).			
8	Detailed Bid Price Schedule (Annex B) / Total Bid Price in Figures (PHP)			

In addition, the Bidder shall submit the following documents during post-qualification:

1. Registration certificate from the Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives, charter for government entity, or any proof of such registration.

2. Latest Tax Clearance per E.O. No. 398, s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR). Provisionary Tax clearance is not acceptable under GPBB Resolution No. 1-2014.
3. Original Copy of the notarized Omnibus Sworn Statement (Annex D).
4. Original Copy of the Detailed Bid Price Schedule (Annex B).

The Invitation to Submit Proposal may be downloaded from the websites of the Philippine Government Electronic Procurement System (PhilGEPS) (<https://www.philgeps.gov.ph>) and PSALM (<https://www.psalm.gov.ph>), provided that the Bidder shall pay the applicable fee of **Five Hundred Pesos (PHP500.00)**, not later than the deadline for submission of proposals.

Payments can be deposited thru PSALM LBP account with details below:

Name of Bank:	Land Bank of the Philippines
Branch:	Paseo de Roxas Branch
Account Name:	Power Sector Assets and Liabilities Mgt. Corp. (PSALM)
Account Number:	1802-1019-68
LBP Swift Code:	TLBPPHMM

Thereafter, the Bidder must send the proof of payment and register its email address to the BAC Secretariat at BACSEC2021@psalm.gov.ph.

Kindly submit your sealed proposal in electronic form (PDF with complete attachments) or password-protected proposal in a compressed archive folder to the email address: bid.submission@psalm.gov.ph on or before **10:00 AM, 07 December 2021**. Thereafter, proposals will be opened at **10:15 AM, 07 December 2021** through videoconferencing/webcasting via Zoom Cloud Meetings application. The BAC Secretariat will provide and send the meeting ID to the bidder/s prior to the opening of proposals.

The passwords for accessing the file will be disclosed by the Bidders only during the actual bid opening. If the password fails to open the file, the Bidder shall be given only three tries until the BAC shall declare it to be disqualified. Bid envelopes not in compressed archive folders and are not password protected, shall be rejected. However, bid envelopes that are not properly sealed and marked or not properly compressed and password-protected, as required in the Request for Proposal, shall be accepted, provided that the bidder or its duly authorized representative shall acknowledge such condition of the bid as submitted. The detailed procedure for electronic/online bid opening is contained in the General Policies and Procedures for Electronic/Online Submission and Receipt of Bids (Annex E).

Invitation to Submit Proposal
Project Reference No. 2021-SVP-RTPCB-075-01

For further information, please refer to:

THE CHAIRPERSON

Bids and Awards Committee

Power Sector Assets and Liabilities Management Corporation
24th Floor Vertis North Corporate Center 1, Astra cor. Lux Drives
Vertis North, North Avenue, 1105 Quezon City

Telephone No.: (02) 7902-9000

Tel. Fax: (02) 8248-4879

e-mail: BAC2021@psalm.gov.ph

BACSec2021@psalm.gov.ph

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Glenn B. Santos', with a horizontal line extending to the right.

GLENN B. SANTOS
Chairperson
Bids and Awards Committee

ANNEX “A”

TERMS OF REFERENCE

Procurement of DENR-EMB Registered Transporter for the Transport of Polychlorinated Biphenyl (PCB)-contaminated Oil and Equipment located at Navotas and Bagac to PCB Destruction Facility in Mariveles, Bataan (Project Reference No. 2021-SVP-RTPCB-075-01)

1. General Scope of Works

- 1.1 This includes draining, packaging, handling, loading, transport, and unloading of hazardous wastes located in Navotas Gas Turbine Power Plant, Navotas City and Nuclear Power Village, Barangay Bagumbayan, Bagac, Bataan into the PCB Destruction Facility in Mariveles, Bataan as detailed below:

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ITEM NO.	Location	PARTICULAR	MODEL/SERIAL NO.	Manufacturer	ELECTRICAL RATING, KVA	Quantity	UNIT	PCB CONC'N, PPM	TOTAL APPROXIMATE WEIGHT, KG
1	NAVOTAS GAS TURBINE POWER PLANT - Navotas Fish Port, Navotas City (3 units)	USED OIL	-	-	-	1	DRUM	6.9	200
		USED OIL	-	-	-	1	DRUM	5	200
		USED OIL	-	-	-	1	DRUM	6.7	200
2	NUCLEAR POWER VILLAGE - Barangay Bagumbayan, Bagac, Bataan (8 units)	Transformer	No data	Westinghouse	100	1	UNIT	5.2	464.1
		Transformer	No data	Westinghouse	100	1	UNIT	4.0	464.1
		Transformer	7D0204-176	PHILEC	50	1	UNIT	237.0	310
		Transformer	7D0204-178	PHILEC	50	1	UNIT	304.0	310
		Transformer	76A081579	Westinghouse	100	1	UNIT	215.0	491
		Transformer	3403603	France Transformer	1200	1	UNIT	13.0	1227.27
		Transformer	91DS0827997	Westinghouse	100	1	UNIT	9.9	545
		Transformer	74AE3921	Westinghouse	50	1	UNIT	5.4	640
TOTAL						11	UNITS		5,051.92

2. Responsibilities of the Supplier

- 2.1 The Supplier’s scope of work shall be to perform draining, packaging, handling, loading, transport, and unloading of hazardous wastes located

in Navotas Gas Turbine Power Plant (NGTPP), Navotas City and Nuclear Power Village (NPV), Barangay Bagumbayan, Bagac, Bataan into the PCB Destruction Facility in Mariveles, Bataan.

- 2.2 The Supplier, in the draining and packaging works, shall establish site perimeter and install warning signs; provide personnel with the required personal protective equipment (PPEs); place the required spill containment measures such as basins, temporary bund walls and plastic sheets at the work area; drain as much oil as possible from the PCB equipment at NPV as well as in the three (3) drums at NGTPP into brand new UN-approved steel drums using a low-pressure motor pump. After draining, the Supplier shall seal and wipe valves and other possible sources of leaks. All PCB items (drums, transformers and parts) will be labeled appropriately with the DENR-prescribed "Hazardous Waste" sticker, as well as the prescribed "PCB" sticker.
- 2.3 The Supplier shall provide all necessary manpower and materials/supplies needed in draining, packaging, handling, loading, transport, and unloading of hazardous wastes located in Navotas Gas Turbine Power Plant, Navotas City and Nuclear Power Village, Barangay Bagumbayan, Bagac, Bataan into the PCB Destruction Facility in Mariveles, Bataan.
- 2.4 For preventive measure, the Supplier's personnel must use proper personal protective equipment (PPEs) such as safety shoes, gloves, goggles, and face mask during sampling for safety purposes.
- 2.5 The Supplier shall undertake clean-up and decontamination in case of oil spills during draining, packaging, handling, loading, transport, and unloading of hazardous wastes located in Navotas Gas Turbine Power Plant, Navotas City and Nuclear Power Village, Barangay Bagumbayan, Bagac, Bataan into the PCB Destruction Facility in Mariveles, Bataan.
- 2.6 Results of Completion Report shall be submitted/delivered to:

MS. ROWENA M. TOLENTINO
Department Manager
Asset Privatization Department 2
Power Sector Assets and Liabilities Management Corporation
24th Floor Vertis North Corporate Center 1
Astra corner Lux Drives, North Avenue
Quezon City 1105
- 2.7 The Supplier shall hold PSALM free and harmless from all suits, and from any third-party claims resulting from improper handling of the hazardous wastes, or violation of any national and/or local laws and/or regulations.

- 2.8 The Supplier shall be solely responsible and liable for all damages and/or accidents including, but not limited to, environmental damage, resulting from this Contract and shall hold PSALM free and harmless from suit.
- 2.9 The Supplier hereby binds itself to pay its employees in accordance with the provisions of the New Labor Code and other laws and/or decrees applicable hereto.
- 2.10 The Supplier shall solely be responsible for the payment of all indemnities to its employees or workers which may arise under existing laws and shall comply with the provisions of all other Philippine laws relative to its employees or workers. It is understood that there is no employer-employee relationship between PSALM and the Supplier or its employees. PSALM shall not be responsible and liable to the Supplier and/or personnel in case of accidents.
- 2.11 The Supplier must conduct site inspection of the area and location of the PCB wastes prior to draining, packaging, handling, loading, transport, and unloading of hazardous wastes located in Navotas Gas Turbine Power Plant, Navotas City and Nuclear Power Village, Barangay Bagumbayan, Bagac, Bataan into the PCB Destruction Facility in Mariveles, Bataan.
- 2.12 The Supplier, in addition to its responsibilities, shall submit a detailed program of work schedule prior to implementation, indicating the timeline of each required activities (i.e. draining, packaging, handling, loading, transport, and unloading of hazardous wastes) for all units.

3. Responsibilities of PSALM

PSALM, through its Pollution Control Officer (PCO), shall supervise the works of the Supplier to ensure that they strictly comply with the requirements of the Contract.

4. Contract Duration

The Contract duration is forty-five (45) calendar days from Contract effectivity as specified in the Notice to Proceed.

5. Work Safety and Working Hours

- 5.1 The Supplier shall strictly observe all safety and security rules and regulations of the Navotas Gas Turbine Power Plant in Navotas Fish Port, Navotas City and Nuclear Power Village in Bagac, Bataan.
- 5.2 Hauling activities at the Navotas Gas Turbine Power Plant and Nuclear Power Village shall be allowed only from 8:00 AM to 5:00 PM, Mondays to Fridays, with proper coordination with its management.

- 5.3 The Supplier hereby assumes full responsibility for any injury, including death, loss, or damage which may be caused to PSALM's employees or properties or third persons due to the fault or negligence of the Supplier or the Supplier's employees, and further binds itself to hold PSALM free and harmless from any such injury or damage. PSALM shall not be responsible for any injury, loss, or damage which the Supplier or any of its employees may sustain in the performance of the Supplier's obligations under this contract.

6. Payment Terms

The payment shall be made within thirty (30) to forty-five (45) calendar days upon submission of delivery and acceptance documents issued by the Treatment, Storage and Disposal (TSD) facility, and issuance of the billing statements by the Supplier and the corresponding certificate of final acceptance duly signed by PSALM.

7. Force Majeure

7.1 The Supplier shall not be liable for forfeiture of its performance security, liquidated damages, or termination for default if and to the extent that its delay in the performance or other failure to perform its obligations under the Contract is the result of a *force majeure*.

7.2 For purposes of this Contract the terms "*force majeure*" and "fortuitous event" may be used interchangeably. In this regard, a *force majeure* or fortuitous event shall be interpreted to mean an event which the Supplier could not have foreseen, or which though foreseen, was inevitable. It shall not include ordinary unfavorable weather conditions; and any other causes the effects of which could have been avoided with the exercise of reasonable diligence by the Supplier. Force majeure events may include, but not limited to, acts of God, accidents not attributable to the fault or negligence of the Supplier, earthquake, wars or revolutions, fires, floods, epidemics, quarantine restrictions due to pandemic, and freight embargoes.

If a *force majeure* situation arises, the Supplier shall promptly notify PSALM in writing of such condition and the cause thereof. Unless otherwise directed by PSALM in writing, the Supplier shall continue to perform its obligations under the Contract as far as is reasonably practical and shall seek all reasonable alternative means for performance not prevented by the *force majeure*.

8. Performance Security

To guarantee the faithful performance by the winning Supplier of its obligations under the Contract, it shall post a performance security within a maximum period of ten (10) calendar days from the receipt of the Notice of Award from PSALM and in no case later than the signing of the Contract.

The performance security shall be denominated in Philippine Pesos and posted in favor of PSALM in an amount not less than the percentage of the total contract price in accordance with the following schedule:

Form of Performance Security	Amount of Performance Security (Not less than the Percentage of the Total Contract Price)
(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank;	Five percent (5%)
(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;	
(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.	Thirty percent (30%)

Failure of the successful Supplier to comply with the abovementioned requirement shall constitute sufficient ground for the annulment of the award and forfeiture of the bid security, in which event PSALM shall have a fresh period to initiate negotiation and if successful, complete post-qualification of the second Lowest Calculated Bid. The procedure shall be repeated until the Lowest Responsive and Calculated Bid is identified and selected for recommendation of contract award. However, if no Supplier had a successful negotiation or passed post-qualification, the BAC shall declare the bidding a failure and conduct a re-bidding with re-advertisement, if necessary.

9. Liquidated Damages

Failure to comply with the terms and conditions of the Contract shall be subject to liquidated damages at least equal to one-tenth (1/10) of one percent (1%) of the cost of the unperformed portion for every day of delay. The maximum deduction shall be ten percent (10%) of the amount of the Contract. Once the maximum is reached, PSALM may rescind or terminate the Contract without prejudice to other courses of action and remedies open to it.

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ANNEX “B”

Detailed Bid Price Schedule

Date: _____

Project: Procurement of DENR-EMB Registered Transporter for the Transport of Polychlorinated Biphenyl (PCB)-contaminated Oil and Equipment located at Navotas and Bagac to PCB Destruction Facility in Mariveles, Bataan

Code: Project Reference No. 2021-SVP-RTPCB-075-01

(Bidder Name/Address/Tel. No.)

Date of Submission: _____

Time of Submission: _____

Item Description	Unit	Quantity
Procurement of DENR-EMB Registered Transporter for the Transport of Polychlorinated Biphenyl (PCB)-contaminated Oil and Equipment located at Navotas and Bagac to PCB Destruction Facility in Mariveles, Bataan	lot	1

TOTAL PRICE (PHP) = _____

PLUS: 12% VAT = _____

TOTAL BID PRICE (PHP) = _____

Total Amount of Bid Price in Words: _____

Note:

1. Total Bid Price shall not exceed the Approved Budget for the Contract.
2. Section 32.2.1(a) of the 2016 Revised IRR of RA 9184 states that “[u]nless the Instructions to Bidders specifically allow partial bids, bids not addressing or providing all of the required items in the Bidding Documents/Request for Proposal including, where applicable, bill of quantities, shall be considered non-responsive and, thus, automatically disqualified. In this regard, where a required item is provided, but no price is indicated, the same shall be considered as non-responsive, but specifying a zero (0) or a dash (-) for the said item would mean that it is being offered for free to the Government, except those required by law or regulations to be provided.”

Signature Over Printed Name of Supplier/
Authorized Representative

Position: _____

Date: _____

ANNEX “C”

CONFORMITY WITH ANNEX A (TERMS OF REFERENCE)

(Name of Bidder) hereby undertakes that it shall COMPLY with the general requirements stated in the Terms of Reference (Annex A).

Name and Signature of Authorized Official

Position

Date

REPUBLIC OF THE PHILIPPINES)
_____) S.S.

ACKNOWLEDGMENT

BEFORE ME, a Notary Public for and in _____, Philippines, this ___ day of _____, 2021, personally appeared:

Name	Government-Issued ID & No.	Issued on	Issued at
(SUPPLIER)			

known to me and to me known to be the same person who executed the foregoing instrument consisting of _____ (___) page/s, including the page whereon this Acknowledgment is written, all pages signed by both parties and their instrumental witnesses, and they acknowledged before me that the same is their free and voluntary act and deed and that of the Corporation they represent.

WITNESS MY HAND AND NOTARIAL SEAL, on the date and place first above written.

Notary Public

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2021.

ANNEX “D”

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, 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

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 2021.

ANNEX “E”

**GENERAL POLICIES AND PROCEDURES ON ELECTRONIC/
ONLINE SUBMISSION AND RECEIPT OF BIDS**

Legal Basis

The GPPB issued Resolution No. 09-2020 dated 07 May 2020 Approving Measures for The Efficient Conduct of Procurement Activities During A State of Calamity, or Implementation of Community Quarantine or Similar Restrictions. Among the measures introduced by the said Resolution are the following:

- a. All Procuring Entities (PE) are now encouraged to maximize the use of videoconferencing, webcasting and similar technology in the conduct of any of the BAC meetings and the determination of a quorum by the Bids and Awards Committee (BAC). The use of digital signatures in procurement related documents is also encouraged.
- b. Bids may now be submitted through on-line submission. The online or electronic submission and receipt of bids for procurement modalities where a two-envelope procedure or sealed price quotation and use a two-factor security procedure consisting of an archive format compression and password protection is required.
- c. The BAC shall decide whether to allow the online or electronic submission and receipt of bids based on the PE’s procurement needs and capabilities. It shall ensure the security, integrity and confidentiality of the bids submitted and generate an audit trail of transactions for the security, integrity and authenticity of the bid submissions.

User Registration and Payment of Bidding Document Fee

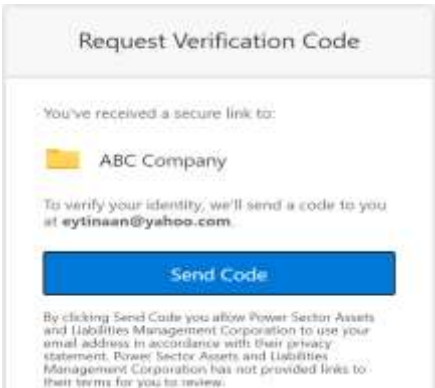
1. The Bidder must pay for the amount indicated in the Invitation to Bid before the Bidder can send their bids through the PSALM online bidding system.
2. After paying the bidding document fee, the Bidder must send an email to the BAC Secretariat at BACSec2021@psalm.gov.ph and must attach the following:
 - The picture or screenshot of the transaction or deposit slip
 - The valid email address that will be used in sending the bid
3. After receiving the above email, the BAC Secretariat will inform the PSALM ISTD to whitelist the provided email address and create and share the folder for the particular bidder.
4. The BAC Secretariat will email the Bidder to confirm the receipt of the above information together with the link of the shared folder created by the PSALM ISTD.
5. Only bidders who pay the Bid Document Fee shall be allowed to participate in the e-bidding activities and submit a bid.

Payments can be deposited thru PSALM LBP account with details below:

Name of Bank: Land Bank of the Philippines
 Branch: Paseo de Roxas Branch
 Account Name: Power Sector Assets and Liabilities Management Corporation (PSALM)
 Account Number: 1802-1019-68
 LBP Swift Code: TLBPPHMM

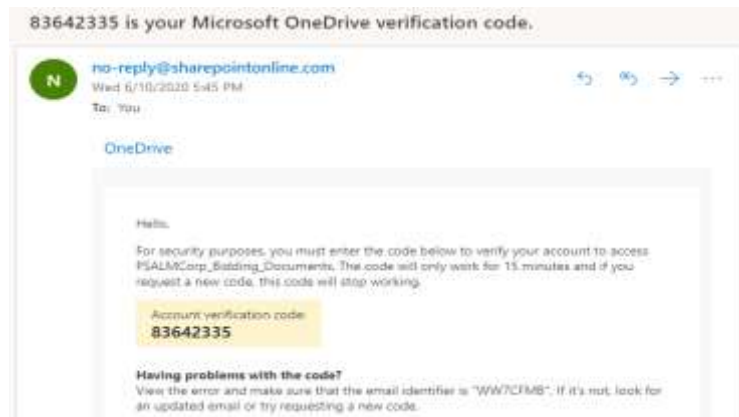
Submission of Bids

1. The Invitation to Bid, including the Bidding Documents shall clearly state whether the submission and receipt of bids through electronic means is available for the procurement opportunity.
2. The Bidder shall submit their Bids by uploading it to the provided shared folder at any time before the closing date and time specified in the Bidding Documents.
3. Below are the procedures on how to upload the bidding documents, its format, and the documents it must contain.

Procedures / Steps on How to Submit a Bidding Documents and Other Required Documents	
1.	The Bidder must follow the “User Registration and Payment of Bidding Document Fee” procedure before submitting the bidding documents.
2.	The BAC Secretariat will email the link of the shared folder to the registered email address of the bidder.
3.	The Bidder needs to check the email (including the SPAM/Junk folder) from the PSALM BAC Secretariat that contains the link of the shared folder that the Bidder may use in submitting the required Bidding Documents and other requirements.
4.	After receiving the email, the Bidder will need to click the link sent by the PSALM BAC Secretariat or copy and paste it to the address bar of any browser.
5.	The verification page will appear. The Bidder will need to click the “Send Code” button. <ul style="list-style-type: none"> • Verification Page
	
6.	After clicking the “Send Code” button, the verification code will be sent to the Bidder’s registered email address.

Procedures / Steps on How to Submit a Bidding Documents and Other Required Documents

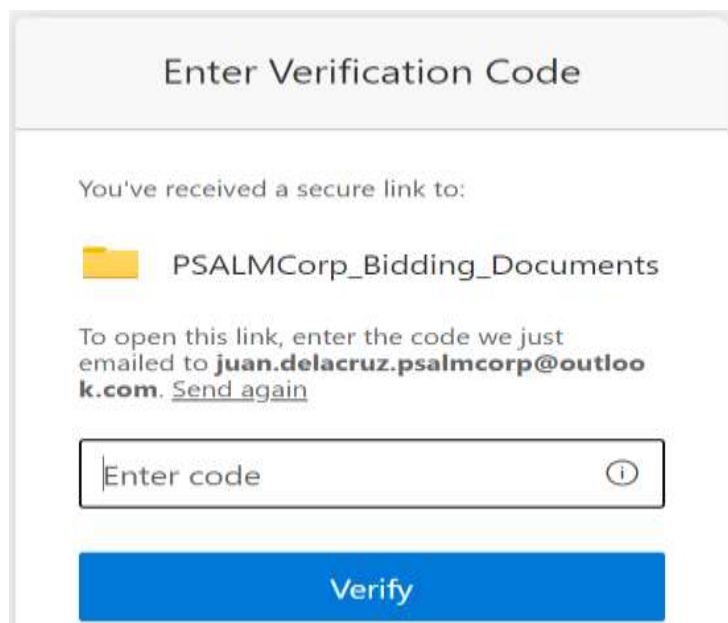
- Verification Code email message



7. Input the verification code to the Verification Page and click verify.

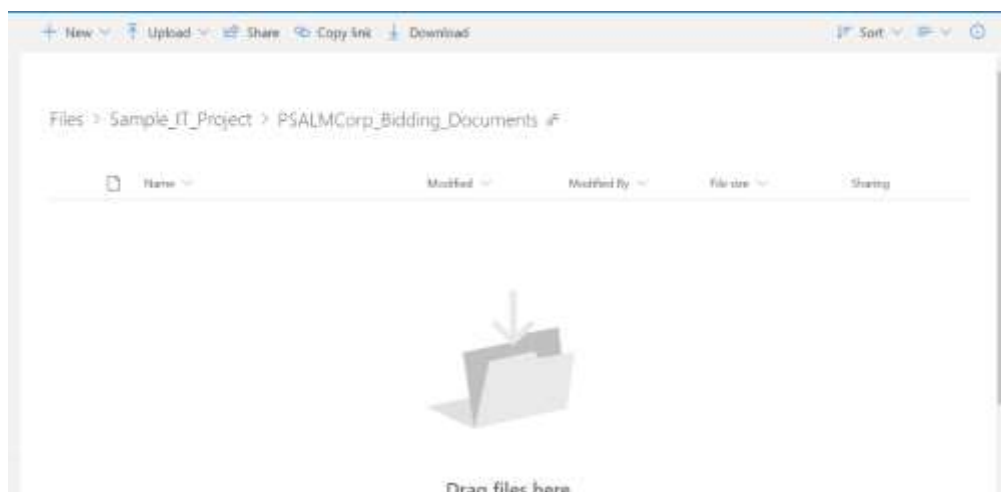
- Verification Page
- The Bidder should enter the code immediately since it has an expiration time. An error will occur once the code has expired.

“The existing code expired, we’ve sent an email with a new code to




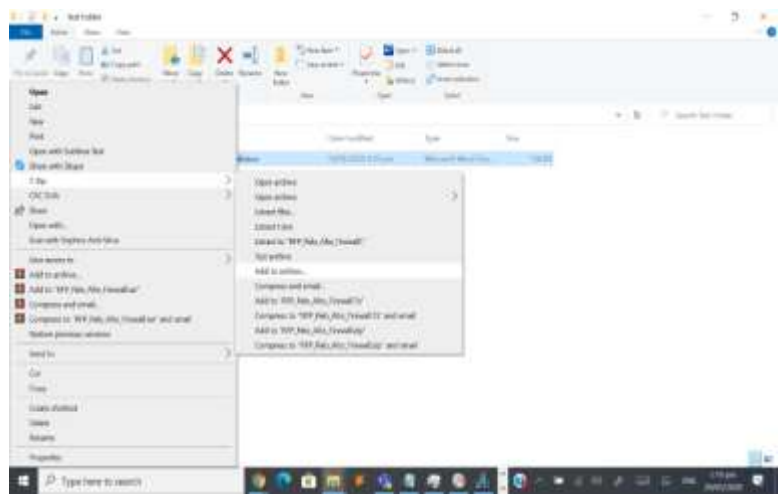
juan.delacruz.psalmcorp@outlook.com. Please use the latest email that has the email identifier ZYWS02C.”

8. After verifying the code, the Bidder will be redirected to the shared folder page.

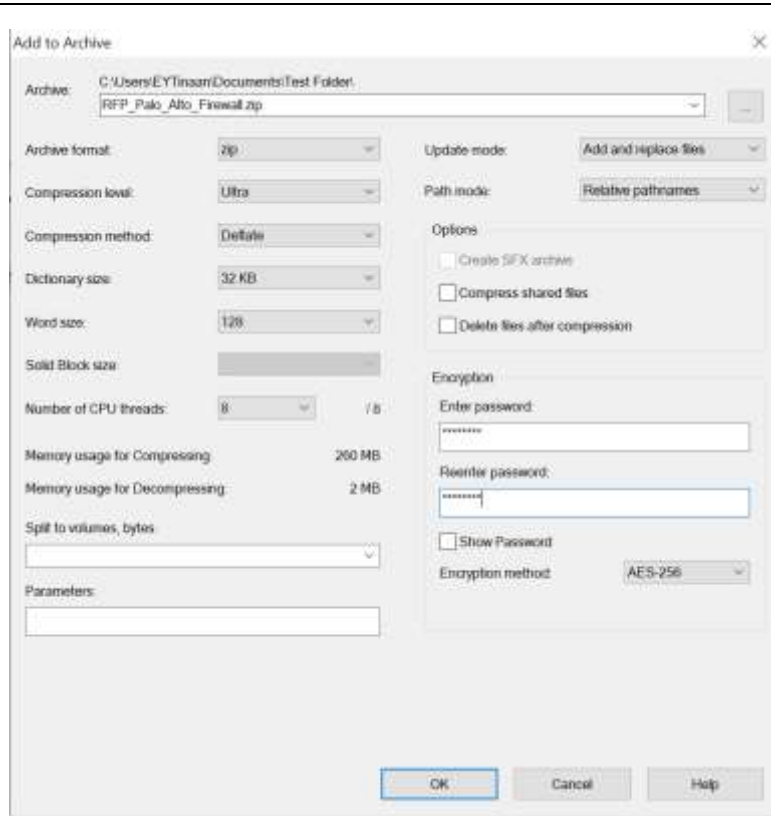


Procedures / Steps on How to Submit a Bidding Documents and Other Required Documents
<p>9. The Bidder can now start uploading the Bidding Documents and other requirements until the deadline of submission.</p> <ul style="list-style-type: none">• Bidder is advised to upload the bidding documents before or at least 30 minutes ahead of the deadline. This approach will prevent the Bidder from rushing the Bidding Documents uploads and will have time in reporting if any problem is encountered.
<p>10. An On-line Bidder may modify its bid at any time before the closing date and time for the submission and receipt of bids. The Bidder can delete and upload another Bid equally secured and properly identified. The time indicated in the latest uploaded Bid shall be the official time of submission. Bids submitted after the deadline shall not be accepted.</p>
<p>11. The Bidder must use a two-factor security procedure consisting of an archive format compression and password protection to ensure the security, integrity and confidentiality of the bids submitted. The bids shall be composed of the following:</p> <ol style="list-style-type: none">a. A password protected zipped file containing the two PDF files.b. The two PDF files must be named with the following format:<ol style="list-style-type: none">i. First Envelopeii. Second Envelopec. The first PDF file should be password protected and corresponds to each section of the documentary and legal requirements, i.e. PhilGEPs Registration, Business Permit, Tax Returns, Conformity with Annexes "A" and "B", Omnibus Sworn Statement, Forms and Annexes, etc.d. The second PDF file must be also password protected and should contain the financial bid. <ul style="list-style-type: none">• Note: The two PDF files should have different passwords. This is to avoid opening the two files at the same time, and when the documentary bid fails during its opening, the financial bid would remain intact and unopened.
<p>12. The Bidder must also upload a text file or notepad file with the following details:</p> <p>File Name: <i>Bidder's Company Name_ProjectName.txt</i> Contents of the File: Procurement Project Title: Project Reference No.: Company Name: Address: Name of the bidder's authorized representative: Contact Nos.: Email address:</p>
<p>13. After uploading all the requirements, the Bidder must send an email to the BAC Secretariat at BACSec2021@psalm.gov.ph and bid.submission@psalm.gov.ph to confirm the uploaded documents</p>

Procedures / Steps on How to Submit a Bidding Documents and Other Required Documents
<p>and requirements. The Bidder must attach the picture or screenshot of the uploaded documents and requirements.</p> 
<p>14. The BAC Secretariat shall send an email to the bidder acknowledging and confirming the bidder’s submission.</p>
<p>15. The BAC shall bar all incoming bids 30 minutes after the closing date and time. Upon reaching the deadline of the certain project, the BAC Secretariat will inform the PSALM ISTD to remove the sharing of the folder.</p>
<p>16. After removal of the sharing of the particular folder, the Bidder will not be able to submit any revised documents and requirements.</p>
<p>17. An On-line Bidder may withdraw its bid before the deadline for the submission and receipt of bids.</p>

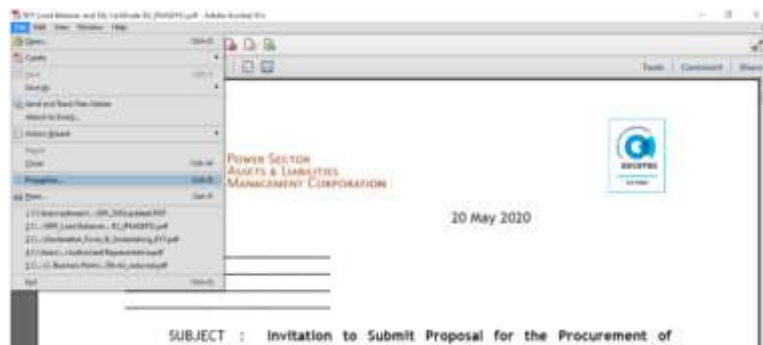
Procedures / Steps on How to ZIP a File with Password
<p>1. User can download a free file archiver software though this link https://www.7-zip.org/</p>
<p>2. Install the downloaded software</p>
<p>3. Right click the document that needs to be archived</p> <p>4. Select 7-zip > Add to archive...</p> 

5. Select the destination of the file
6. Make sure to choose the following:
 - a. Archive format - ZIP
 - b. Encryption method - AES-256
 - c. Compression level - ULTRA
 - d. Leave other options to their default value
7. Input the password to the two password fields
8. Make sure that the Show Password is unchecked
9. Click OK to continue

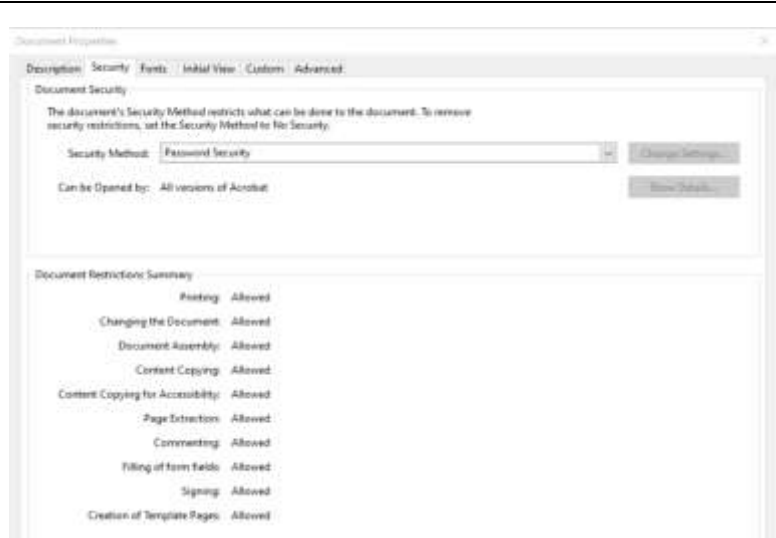


Procedures / Steps on How to Protect a PDF File

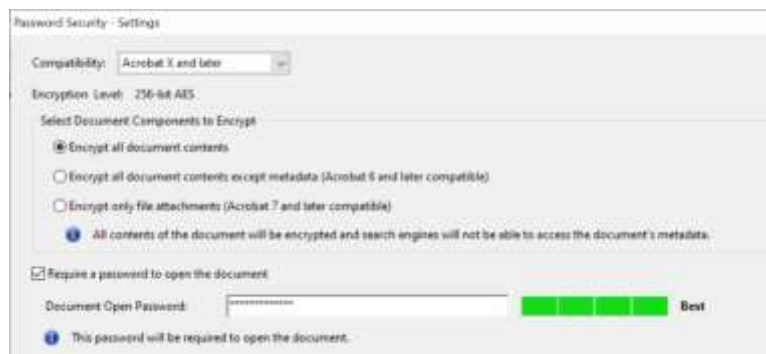
1. Before protecting or putting a password into a PDF file, the user must have an Adobe Acrobat paid version installed or any software that can protect a PDF file.
2. Open the PDF file that needs to be protected. Make sure to open the file to a software that can protect a PDF document. In this example, we used the Adobe Acrobat Pro (Paid Version).
3. Click File > Properties.



4. Select the Security Tab.
5. In Security Method field, select Password Security.



6. In Password Security settings, select the Acrobat X and Later for the Compatibility field.
7. Tick the checkbox of Require a password to open the document and input the desired password in the password field.
8. Leave all other options to their default values.

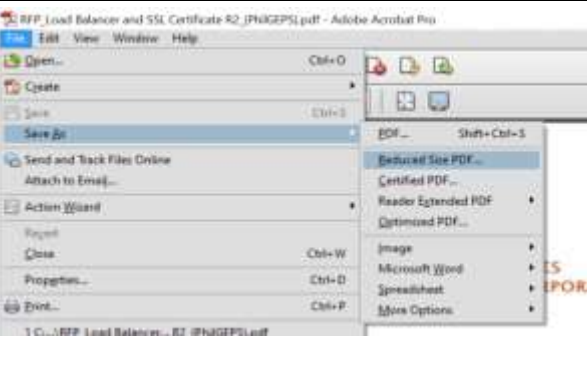
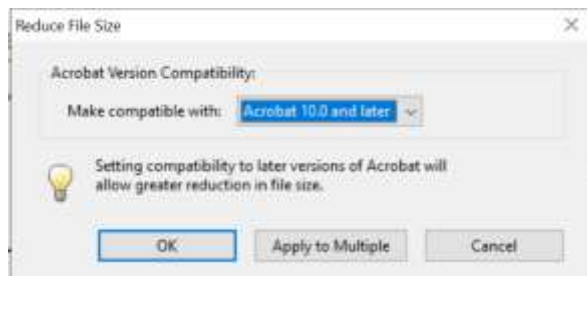
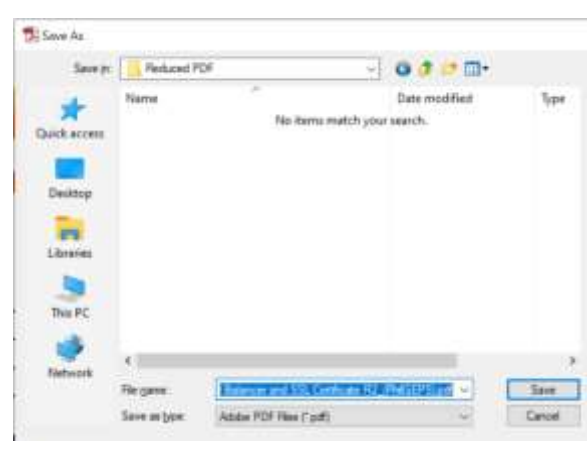


9. Confirm the password and click OK.
10. Save the changes made to the file.



Procedures / Steps on How to Reduce the Size of the PDF File

1. Before reducing the capacity/size of the PDF file, the user must have an Adobe Acrobat paid version installed or any software that can reduce the size of the PDF file.
2. Open the PDF file that needs to reduce the capacity/size. Make sure to open the file to a software that can reduce a PDF document. In this example, we used the Adobe Acrobat Pro (Paid Version).

<p>3. Click the File > Save As > Reduced Size PDF.</p>	
<p>4. In Make compatible with option, select Acrobat 10.0 and later. 5. Click OK to continue.</p>	
<p>6. The Save As window will occur. Select the folder/directory where you want to save the reduced file and enter the name of the file. 7. Compare the original file and the modified file by checking the property size. 8. If successful, the modified file capacity size should be smaller than the original.</p>	

Opening of Bids

1. The BAC shall open the bids immediately after the deadline for submission and receipt of bids, and on the bid opening date.
2. During the bid opening, the BAC will make use of appropriate teleconferencing software wherein all bidders are invited to participate including the observers.
3. Before the decryption of electronic bids, the Bidder shall confirm that what the BAC received and what the BAC is about to open is the same file that the Bidder uploaded.
4. The passwords for accessing the files will be disclosed by the Bidder only during the actual bid opening through videoconferencing, webcasting or similar technology. If the password fails to open the file, the Bidder should be given only three tries until the BAC could declare it to be disqualified.

5. The BAC shall open the first PDF file of the Bidder who submitted bids electronically to determine each Bidder's compliance with the documents required to be submitted for eligibility, that is, legal, technical and financial eligibility documents; and for the technical requirements. For this purpose, the BAC shall check the submitted documents of each Bidder against a checklist of required documents to ascertain if they are all present, using a non-discretionary "pass/fail" criterion. If a Bidder submits the required document, it shall be rated "passed" for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed". Otherwise, the BAC shall rate the Bidder "passed" in relation to the eligibility and technical documents in the first PDF file.
6. Immediately after determining compliance with the requirements in the first PDF file, the BAC shall open the electronically submitted second PDF file of each eligible Bidder whose first PDF file was rated "passed." The second PDF file of each complying Bidder shall be opened within the same day.
7. The BAC shall thereafter proceed to decrypt the electronic Second PDF file of each On-line Bidders whose electronic first PDF file was rated "passed" to determine each Bidder's compliance with the required financial documents.
8. In case one or more of the requirements in the second PDF file of a particular bid is missing, incomplete or patently insufficient, and/or if the submitted total bid price exceeds the ABC, the BAC shall rate the bid concerned as "failed".
9. Only bids that are determined to contain all the bid requirements for both components shall be rated "passed" and shall immediately be considered for evaluation and comparison.

The BAC shall then:

- a. Record all the financial bids but should not be visible to all participants.
- b. After all the financial bids were recorded, the BAC finally shows the financial bids of all bidders and declare who among the bidders is the lowest bidder.

ANNEX "F"

CONTRACT

Procurement of DENR-EMB Registered Transporter for the Transport of Polychlorinated Biphenyl (PCB)-contaminated Oil and Equipment located at Navotas and Bagac to PCB Destruction Facility in Mariveles, Bataan

(Project Reference No. 2021-SVP-RTPCB-075-01)

This CONTRACT is executed on the ___th day of ___ 2021 by and between:

The **POWER SECTOR ASSETS AND LIABILITIES MANAGEMENT CORPORATION (PSALM)**, with principal office address at the 24th Floor, Vertis North Corporate Center 1, Astra corner Lux Drives, North Avenue, Quezon City 1105, represented by its President and CEO, **IRENE JOY BESIDO-GARCIA**, duly authorized for this purpose by virtue of 2020-0226-07, dated 26 February 2020 as evidenced by the Secretary's Certificate dated 01 March 2021, a copy which is attached as Annex "A", hereinafter referred to as "PSALM";

-and-

The _____ (hereinafter referred to as "the SUPPLIER") with principal address at _____, Philippines, represented by its _____, _____, duly authorized for this purpose during a special meeting of the Board of Directors held on _____ as evidenced by its Secretary's Certificate dated _____, a copy of which is attached as Annex "B";

ANTECEDENTS:

PSALM invited Bids for the **Procurement of DENR-EMB Registered Transporter for the Transport of Polychlorinated Biphenyl (PCB)-contaminated Oil and Equipment located at Navotas and Bagac to PCB Destruction Facility in Mariveles, Bataan (Project Reference No. 2021-SVP-RTPCB-075-01)** with an Approved Budget for the Contract amounting to **TWO HUNDRED FIFTY-THREE THOUSAND PESOS (PHP253,000.00)**, inclusive of VAT.

Pursuant to such request, the BAC sent out Requests for Proposals (RFP) to at least three suppliers of known qualifications and at the same time, posted its RFP in the Philippine Government Electronic Procurement System (PhilGEPS) and PSALM's website and at conspicuous areas of its premises for three calendar days.

Based on the Abstract of Quotations/Ratings gathered from the quotations and proposals submitted, the BAC recommended "the SUPPLIER" as the one who submitted the Lowest Calculated and Responsive Quotation/Proposal in the sum of _____ (PHP _____) ("Contract Price"), which was approved by PSALM.

ACCORDINGLY, the PARTIES hereby agree as follows:

Signed in the Presence of:

ROWENA M. TOLENTINO.
Department Manager, APD 2
PSALM Corporation

SUPPLIER

PSALM Corporation

IRENE JOY BESIDO-GARCIA
President and CEO

1. The following documents shall be deemed to form and be read and construed as part of this Contract, viz:
 - (a) the Invitation to Submit Proposal;
 - (b) the Supplemental Bid Bulletins;
 - (c) all bidding forms and documents;
 - (d) the Supplier's Bid, including the Technical and Financial Proposals, and all other documents/statements submitted, including corrections to the bid resulting from PSALM's bid evaluation;
 - (e) the Terms of Reference;
 - (f) the BAC Resolution No. SBAC-2021-0__;
 - (g) the Notice of Award;
 - (h) the Performance Security
 - (i) the Notice to Proceed; and
 - (j) the Office of the Government Corporate Counsel (OGCC) Contract Review No. ___, series of 2021 dated _____;
2. All words and expressions shall have the same meaning as are respectively assigned to them in this CONTRACT and all documents deemed part of it, unless the context of the use of the words and expressions require otherwise.
3. In consideration of the payments to be made by PSALM to the Supplier as hereinafter mentioned, the Supplier hereby covenants with PSALM to provide the goods and services and to remedy defects therein in conformity in all respects with the provisions of the Contract.
4. PSALM hereby covenants to pay the Supplier in consideration of the provision of the goods and services and the remedying of defects therein, the Contract Price or such other sum as may become payable under the provisions of the contract at the time and in the manner prescribed by this contract.
5. This Contract shall be subject to the review and approval of the Office of the Government Corporate Counsel. Any of its ensuing comments, recommendations, or directives shall form part of this Contract.

The Parties have signed this Contract on _____ 2021 at Quezon City.

Signed, sealed, and delivered by Irene Joy Besido-Garcia, the President and CEO of PSALM.

IRENE JOY BESIDO-GARCIA

Signed, sealed, and delivered by _____, the Authorized Representative of _____.

(SUPPLIER)

Witnessed by

ROWENA M. TOLENTINO
Department Manager, APD 2
PSALM Corporation

Certification of Funds Availability:

SOFE A. SOTERAÑA
Department Manager, Controllership
PSALM Corporation

Republic of the Philippines)
_____) S.S

ACKNOWLEDGMENT

BEFORE ME, a Notary Public, for and in _____, Philippines, this ___ day of _____, personally appeared the following:

<u>Name</u>	<u>Competent Evidence of Identity</u>	<u>Date of Issue or Expiry Date</u>	<u>Place of Issue</u>
IRENE JOY BESIDO-GARCIA			

They are both known to me to be the same persons who signed the foregoing document and acknowledged to me that their signatures prove their free acts and the entity/ies they represent.

SIGNED and SEALED on _____ in _____

NOTARY PUBLIC

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2021.

Signed in the Presence of:

ROWENA M. TOLENTINO
Department Manager, APD 2
PSALM Corporation

SUPPLIER

IRENE JOY BESIDO-GARCIA
President and CEO

PSALM Corporation