

03 November 2020

SUBJECT : Invitation to Submit Proposal for the Procurement of the Services of Third-Party Real Estate Appraisers for PSALM Real Estate Assets for CY 2020 - Lot No. 2 (Project Reference No. 2020-SVP-TPA-REA-048-02B)

Dear _____:

The Power Sector Assets and Liabilities Management (PSALM) Corporation is procuring the services of Third-Party Appraiser for various PSALM Real Estate Assets for CY 2020 - Lot No. 2 with an Approved Budget for the Contract (ABC) in the amount of THREE HUNDRED SIXTY-FOUR THOUSAND PESOS (PHP364,000), inclusive of value added tax (VAT) and out-of-pocket expenses (OPE), for the following properties:

- a. Putsan Property
- b. Sucat Property
- c. Portion of San Roque Property
- d. Maibarara Property
- e. Portion of Agus 5 Property
- f. Bagac Property

In this regard, may we invite your company to submit a proposal for this project based on the requirements and conditions set forth 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.

¹ Note: Only PhilGEPS registration number (Red Membership) is required for this project and not necessarily Platinum membership

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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 2019 filed in 2020. 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 refers to the following, whichever is applicable:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> a) Value Added Tax (VAT) - BIR Form No. 2550 covering the: <ul style="list-style-type: none"> i. latest quarter (2550Q), e.g., 3Q 2020; AND ii. latest month (2550M) prior to the bid opening, e.g., August 2020. </td> <td style="width: 10%; text-align: center; vertical-align: middle;">and/or</td> <td style="width: 40%; padding: 5px;"> b) Quarterly Percentage Tax Returns BIR Form No. 2551, e.g., 3Q 2020 </td> </tr> </table> <p>Bidders filing both VAT and Percentage Tax Returns must submit both returns.</p>	a) Value Added Tax (VAT) - BIR Form No. 2550 covering the: <ul style="list-style-type: none"> i. latest quarter (2550Q), e.g., 3Q 2020; AND ii. latest month (2550M) prior to the bid opening, e.g., August 2020. 	and/or	b) Quarterly Percentage Tax Returns BIR Form No. 2551, e.g., 3Q 2020
a) Value Added Tax (VAT) - BIR Form No. 2550 covering the: <ul style="list-style-type: none"> i. latest quarter (2550Q), e.g., 3Q 2020; AND ii. latest month (2550M) prior to the bid opening, e.g., August 2020. 	and/or	b) Quarterly Percentage Tax Returns BIR Form No. 2551, e.g., 3Q 2020		
5	<p>Notarized Omnibus Sworn Statement (Annex C). 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>			
6	<p>Valid Real Estate Appraiser's Professional License and Curriculum Vitae of certifying personnel/officials</p>			
7	<p>Organizational Chart</p>			
8	<p>SEC Accreditation as Real Estate Appraiser</p>			
9	<p>Detailed Bid Price Schedule (Annex B) / Total Bid Price in Figures (PhP)</p>			

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

1. Certificate of Membership and Certificate of Good Standing from any locally registered association of real estate appraisers

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2. 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.
3. 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.
4. Original copy of the notarized Sworn Omnibus Statement.

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 the PSALM (<https://www.psalm.gov.ph>), provided that Bidder shall pay the applicable fee of **Five Hundred Pesos (PhP500.00)**, not later than the deadline for submission of proposals.

Payment may be made online by depositing the applicable fee to PSALM Land Bank of the Philippines (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 BACSEC2020Group@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, 10 November 2020**. Thereafter, proposals will be opened at **10:15 AM, 10 November 2020** through videoconferencing/webcasting via Zoom Cloud Meetings application. The BAC Secretariat will 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 should be given only three tries until the BAC could declare it to be disqualified. 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).

As a rule, please be informed that PSALM reserves the right to accept or reject proposal, annul this procurement and/or withdraw some property/ies subject of appraisal at any time prior to contract award, without incurring liability. Further,

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PSALM will not be responsible for any costs or expenses encountered by your company in the preparation of your proposal.

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

North Avenue, 1105 Quezon City

Telephone No.: (02) 7902-9000

Tel. Fax: (02) 8248-4879

e-mail: BAC2020@psalm.gov.ph

BACSec2020Group@psalm.gov.ph

Very truly yours,



MARIA ILYN G. ALBITO

Chairperson

BIDS AND AWARDS COMMITTEE

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ANNEX “A”

TERMS OF REFERENCE (TOR)

**PROCUREMENT OF SERVICES OF THIRD-PARTY REAL ESTATE APPRAISER TO
CONDUCT APPRAISAL OF PSALM REAL ESTATE ASSETS FOR CY 2020 - Lot No. 2**

I. GENERAL CONDITIONS

A. Scope of the Bid:

PSALM invites bids for the provision of third-party real estate appraisal services for the following properties:

Item No.	Property Name	Location	No. Of Lots	Aggregate Land Area (sq. m.)	Scope of Appraisal
1	Putsan Property	Tiwi, Albay	3	110,022.00	Land only
2	Sucat Property	Sucat, Muntinlupa	3	198,466.00	Land only
3	Portion of San Roque Property	San Manuel, Pangasinan	8	8,860.00	Land only
4	Maibarara Property	Calamba, Laguna	1	520.00	Land only
5	Portion of Agus 5	Ditucalan, Iligan City	1	454.00	Land only
6	Bagac Property	Bagac, Bataan	16	439,727.00	Land and housing structures and other improvement

The Bidder who was declared as the Lowest Calculate and Responsive Bid (LCRB) for PSALM’s previous Procurement of Third-Party Real Estate Appraiser 1 (Project Reference No. 2020-SVP-TPA-REA-048-01A) is no longer qualified to submit a Bid for this project.

II. SPECIAL CONDITIONS

1.0 BACKGROUND INFORMATION

1.1. In line with the disposal of real estate assets transferred to the Power Sector Assets and Liabilities Management (PSALM) Corporation from the National Power Corporation (NPC) pursuant to Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act (EPIRA), and its Implementing Rules and Regulations (IRR), it is incumbent upon PSALM to secure an opinion of Market Value (MV) and Market Rental Value (MRV) of the subject real estate assets from

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reliable, competent and professionally regulated third-party real estate appraiser (the “**Appraiser**”) to serve as reference in its proper disposition.

1.2. In arriving at the MV and MRV, the Appraiser must use valuation procedures in accordance with the International Valuation Standards (IVS) and the Philippine Valuation Standards (PVS). These standards represent accepted or best practices in the valuation profession. Likewise, in arriving at an opinion of value, the Appraiser shall consider the following factors:

- the current market condition especially during the COVID-19 pandemic;
- extent, character and utility of the property;
- physical condition and characteristics (i.e. topography, terrain, elevation) of the property;
- conditions in the locality/community in which the property is located (i.e. off-site improvements, utilities, community facilities, etc.), preferably within a 1-kilometer radius from the property’s location
- comparable properties which have been sold recently and/or current asking prices of similarly used property in the market. The comparable properties should be verifiable and should contain the complete address and location;
- zoning and current land use in the locality and zonal value of the property being appraised as certified by the relevant BIR RDO;
- Highest And Best Use (HABU) of the property being appraised;
- for improvements, the cost of reproduction, new (RCN) of the replaceable property in accordance with current market prices;

2.0 OBJECTIVES

The objective of this external appraisal is to establish an Opinion of Market Value and Market Rental Value of the subject properties described in Item No. 3 below using valuation procedures in accordance with IVS and PVS, also known as the Generally Accepted Valuation Procedures (GAVP).

3.0 SCOPE OF WORKS

The scope of work of the Appraiser shall cover the determination of MV and MRV of the following properties located in various areas in the Philippines, particularly described as follows:

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Item No.	Property Name	Location	No. Of Lots	Aggregate Land Area (sq. m.)	Scope of Appraisal
1	Putsan Property	Tiwi, Albay	3	110,022.00	Land only
2	Sucat Property	Sucat, Muntinlupa	3	198,466.00	Land only
3	Portion of San Roque Property	San Manuel, Pangasinan	8	8,860.00	Land only
4	Maibarara Property	Calamba, Laguna	1	520.00	Land only
5	Portion of Agus 5	Ditucalan, Iligan City	1	454.00	Land only
6	Bagac Property	Bagac, Bataan	16	439,727.00	Land and housing structures and other improvement

The appraisal shall be on an “as-is, where-is” basis, i.e. the appraisal shall contemplate the actual condition/situation of the properties as of Effective Date of appraisal that will materially affect the value of the properties, such as but not limited to the following:

- a. The effect/impact of the COVID-19 pandemic on the value of property;
- b. Possessory rights to the property;
- c. Presence of informal settlers and its possible relocation cost, disturbance fees, etc.;
- d. Encroachments or structures;
- e. Existence of encumbrance;
- f. Right-of-way and easements or absence thereof and any obstructions that would affect access to and from the property; and
- g. Other conditions that may have material effect on the value of property, i.e. for Sucat Property, the presence of non-operational underground fuel pipe systems which eventually may be subject to decommissioning and disposal.

In the undertaking of appraisal, the Appraiser shall:

- 3.1 Conduct an ocular inspection and site investigation of the physical condition and characteristics of the properties subject of appraisal, to include/record the following:
 - 3.1.1 Property location and identification;
 - 3.1.2 Landmarks and distance from thoroughfare;
 - 3.1.3 Tenants, occupants or statement of no findings, if not present/applicable.
 - 3.1.4 actual pictures of the property, taken at different angles, specifying the date the picture is taken;

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- 3.1.5 Sources of data i.e. comparable properties which have been sold recently and/or currently for sale/listings. The comparable properties should be verifiable, and the Appraiser shall provide sources of information of the comparable property (i.e. location, name, address and contact information of seller) and pictures of the comparable properties.
- 3.1.6 Updated lot location plan and vicinity map. The location plan/vicinity map should show the subject property and the comparable properties and its relative distance from the subject property. Further, the location plan/vicinity map should also contain the location and distances of landmarks and public facilities and institutions such as but not limited to schools, churches, parks, transport terminals and others, and
- 3.1.7 Other references used in arriving at an opinion of market value.
- 3.2 Conduct an inspection of all improvements (if any), to determine the floor area, number of rooms, nature, make or type, materials used, remaining economic life, extent and condition of existing improvements.
- 3.3 Conduct a survey/investigation on the immediate neighborhood of the subject property to record:
 - 3.3.1 Compliance with the official zoning and land use;
 - 3.3.2 Land development;
 - 3.3.3 Availability of public transport and utilities, such as, water, power, gas, telecommunication, sanitation and transportation;
 - 3.3.4 Nature and condition of public thoroughfares; and
 - 3.3.5 Availability and accessibility to amenities, i.e., commercial centers, public markets, schools, churches, hospitals and parks and recreational facilities.
- 3.4 Conduct investigation of local market conditions such as neighborhood characteristics, sale offered or asking prices of comparable properties within the vicinity, inquiries from local sources, demand and supply and other relevant market data.
- 3.5 Discuss in brief the effect/impact of COVID-19 pandemic in the real estate industry and how it affects the value of the properties subject of appraisal.
- 3.6 Analyze and investigate the reasonable, probable and legal use of the property to come up with the Highest and Best Use (HABU) of the property;

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- 3.7 Fully document details of the appraisal procedures and the various assumptions and parameters used in the appraisal exercise, to include:
 - 3.7.1 The scope and extent of the work used to develop the appraisal;
 - 3.7.2 All assumptions and limiting conditions upon which the opinion of value is contingent; and
 - 3.7.3 A description of the information and data examined, the market analysis performed and the appraisal methodologies followed.
- 3.8 Submit a comprehensive appraisal report in two (2) copies and surrender all data base files and programs used in the appraisal. The final report, data base files and programs shall be treated as confidential and proprietary to PSALM. The Appraiser shall not disclose, publish or reveal any of the information to any third party unless PSALM gives its specific prior written consent. As a minimum requirement, the appraisal report shall contain the following:
 - 3.8.1 Transmittal letter which contain:
 - 3.8.1.1 Identification of the client;
 - 3.8.1.2 Purpose and intended use of the appraisal;
 - 3.8.1.3 Date as of which the value applies (the “Effective Date”);
 - 3.8.1.4 Date of the appraisal report; and
 - 3.8.1.5 Date/s of inspection.
 - 3.8.2 Executive Summary
 - 3.8.3 Legal description of the property
 - 3.8.4 Physical description of the property
 - 3.8.5 Location and neighborhood description
 - 3.8.6 Utilities and community facilities
 - 3.8.7 Zonal value of the property being appraised as certified by the relevant BIR RDO
 - 3.8.8 Highest And Best Use (HABU)
 - 3.8.9 Appraisal Computation
 - 3.8.10 For Market Data Approach, provide a narrative explanation of the adjustment matrix and brief narrative on the effect of COVID-19 pandemic on the value of Real Estate

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3.8.11 Final Opinion of Market Value

3.8.12 Effect/impact of COVID-19 pandemic in the real estate industry and how it affects the value of the property subject of appraisal.

3.8.13 Relevant attachment to the report (i.e. pictures of the properties, lot plan, location/vicinity plan, tax map, cadastral map, compound layout, plot plan, aerial view of the subject property, etc.)

3.8.14 The name, professional qualifications and signature of the certifying appraiser

3.8.15 The certifying appraiser's license number and official dry seal or stamp

3.9 Secure copies of corresponding updated tax declarations which are not yet part of PSALM's records from the concerned local government units.

4.0 QUALIFICATION OF CERTIFYING OFFICER FOR THE APPRAISAL REPORT

4.1 Must be a holder of a valid Real Estate Appraiser's License /Professional Identification Card duly issued by the Professional Regulatory Board of Real Estate Service of the Professional Regulations Commission (PRC) pursuant to Republic Act No. 9646.

4.2 Must have a minimum of three (3) years' experience as a Licensed Real Estate Appraiser.

4.3 Must be an officer or a member in good standing of any locally registered association of Real Estate Appraisers.

5.0 IMPLEMENTATION

5.1 Project Duration and Delivery of Appraisal Reports

The Appraiser's engagement shall commence upon receipt of the Notice to Proceed. The delivery period of the appraisal reports shall be as follows:

Initial report: within thirty (30) calendar days after the receipt of Notice to Proceed.

Final Report: within ten (10) calendar days after PSALM has provided its comments on the initial reports.

Upon posting of Performance Security and prior to the issuance of Notice to Proceed, PSALM will schedule a coordination meeting with

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the Appraiser to discuss the proposed methodology and work plan in accordance with the Terms of Reference (TOR). PSALM will provide, on a best effort basis, the relevant documents, data and information necessary for the performance of the project. Field inspection and visits shall be coordinated by PSALM and/or NPC. All related costs for the field inspections and site visits shall be for the account of the Appraiser.

5.2 Working Arrangement

The Appraiser shall report directly to PSALM. PSALM will ensure as long as practicable that the Appraiser has all the information, contacts and meetings necessary to perform the assignment.

6 TERMS OF PAYMENT

The Appraiser shall be paid based on the actual appraisal services rendered but not more than the contract price for the appraisal project and shall be on a billing scheme based on the deliverables indicated below:

Item No.	Particular	Proportionate Rate (%)
1	Submission of Initial Appraisal/Valuation Reports	70
2	Submission of Final Appraisal/Valuation Report	30
	TOTAL	100.00%

7 APPROVED BUDGET FOR THE CONTRACT (ABC)

The Approved Budget for the Contract (ABC) for the Project is THREE HUNDRED SIXTY-FOUR THOUSAND PESOS (PhP364,000), inclusive of value-added tax (VAT) and out-of-pocket expenses (OPE).

8 FORCE MAJEURE

8.1 The Appraiser 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*.

8.2 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 Appraiser 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

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the exercise of reasonable diligence by the Appraiser. Force majeure events may include, but not limited to, acts of the PSALM in its sovereign capacity, wars or revolutions, fires, floods, epidemics, quarantine restrictions, and freight embargoes.

8.3 If a *force majeure* situation arises, the Appraiser shall promptly notify the PSALM in writing of such condition and the cause thereof. Unless otherwise directed by the PSALM in writing, the Appraiser 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*.

9 PERFORMANCE SECURITY

To guarantee the faithful performance by the Appraiser 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 Appraiser 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 Highest Rated Bid. The procedure shall be repeated until the Highest Responsive Rated Bid is identified and selected for recommendation of contract award. However, if no Appraiser had a successful negotiation or passed post-

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qualification, the BAC shall declare the bidding a failure and conduct a re-bidding with re-advertisement, if necessary.

In addition, Per GPPB Resolution No. 09-2020, Performance Securing Declaration (PSD) [Annex "D"] shall be accepted in lieu of a performance security to guarantee the winning bidder's faithful performance of obligations under the contract.

Lastly, PSALM may require the Appraiser to replace the submitted PSD with a performance security in any of the prescribed form under Section 39.2 of the 2016 revised IRR of RA No. 9184 upon lifting of the State of Calamity, or community quarantine or similar restrictions, as the case may be.

10 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: **Lot 2: Procurement of Services of Third-Party Real Estate Appraiser 2**
 Code: **Project Reference No. 2020-SVP-TPA-REA-048-02B**
 Date of Submission: _____
 Time of Submission: _____

(Bidder Name/Address/Tel. No.)

After having carefully read and accepted the terms and conditions in the Terms of Reference for the **Lot 2: Procurement of the Services of Third Party Real Estate Appraiser 2**, I/we quote you on the item at prices noted below:

Project Reference No.	Particulars	Bid Price ² without VAT (in PhP)
2020-SVP-TPA-REA-048-02B	<i>Lot 2: Procurement of Services of Third-Party Real Estate Appraiser 1 for the following properties:</i>	
	1. Putsan Property	
	2. Sucat Property	
	3. Portion of San Roque Property	
	4. Maibarara Property	
	5. Portion of Agus 5 Property	
	6. Bagac Property	
Total Bid Price without VAT (in PhP)		

Total Bid Price (without VAT), in PhP _____
 Plus: 12% VAT _____
 Total Bid Price (with VAT), in PhP _____
 Total Bid Price in Words: _____

 Signature/Date
 Authorized Official/Position

² Bidder shall indicate Bid Price per item/property

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ANNEX “C”

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

Omnibus Sworn Statement

I, _____ 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. I am the duly authorized and designated representative of (*Name of bidder*) with office address at (*address of bidder*);
2. 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. 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;

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8. (*Name of bidder*) is aware of and has undertaken the following responsibilities as a bidder in compliance with the Philippine Bidding Documents, which includes:
- a) Carefully examine all of the bidding documents;
 - b) Acknowledge all conditions, local or otherwise, affecting the implementation of the Contract;
 - c) Made an estimate of the facilities available and needed for the contract to be bid, if any; and
 - d) Inquire or secure Supplemental/Bid Bulletin(s) issued for the [*Name of the Project*]; and
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 _____ 20__, Philippines.

Notary Public

Doc. No. _____
Page No. _____
Book No. _____
Series of 2020.

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ANNEX “D”

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

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PERFORMANCE SECURING DECLARATION

Request for Proposal:
[Project reference No. 2020-SVP-TPA-REA-048-02B]

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 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’S AUTHORIZED REPRESENTATIVE**]

[Insert signatory’s legal capacity]
Affiant

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SUBSCRIBED AND SWORN to before me this ___ day of [month] [year] at [place of execution], Philippines.

[Select one of the two following paragraphs and delete the other]

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 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 2020.

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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 BACSec2020Group@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.

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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 may be made online by depositing the applicable fee to PSALM Land Bank of the Philippines (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

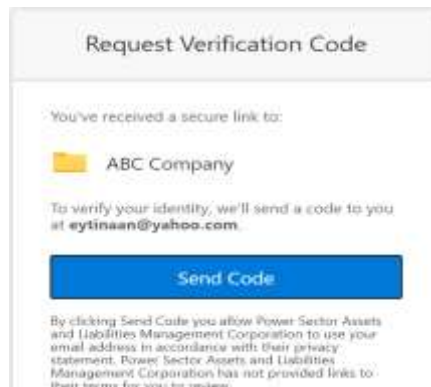
1. The Invitation to Bid, including the Bidding Documents shall clearly state whether the submission and receipt of bids through electronic means is available for the procurement opportunity.
2. The Bidder shall submit their Bids by uploading it to the provided shared folder at any time before the closing 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.

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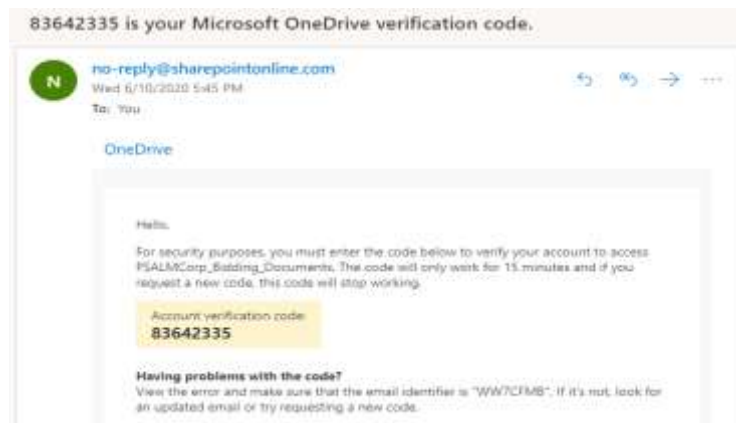
Procedures / Steps on How to Submit a Bidding Documents and Other Required Documents

- Verification Page



6. After clicking the “Send Code” button, the verification code will be sent to the Bidder’s registered email address.

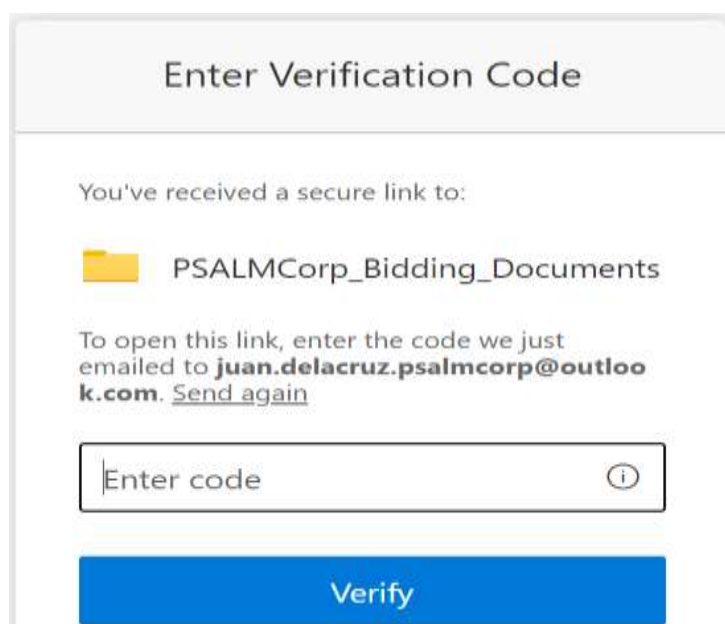
- Verification Code email message



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

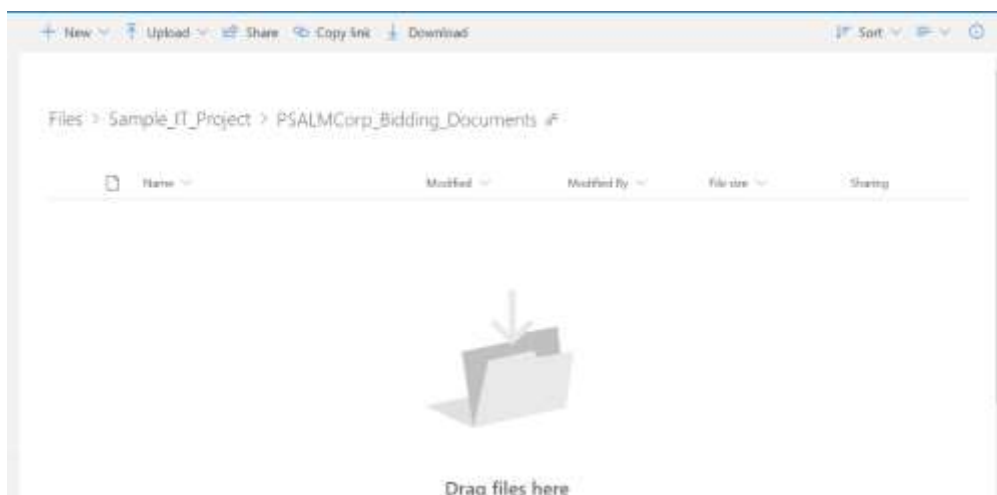


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Procedures / Steps on How to Submit a Bidding Documents and Other Required Documents

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.



9. The Bidder can now start uploading the Bidding Documents and other requirements until the deadline of submission.

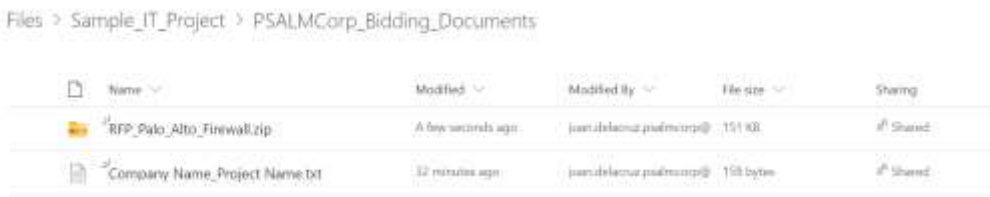
- Bidder is advised to upload the bidding documents before or at least 30 minutes ahead of the deadline. This approach will prevent the Bidder from rushing the Bidding Documents uploads and will have time in reporting if any problem is encountered.

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.

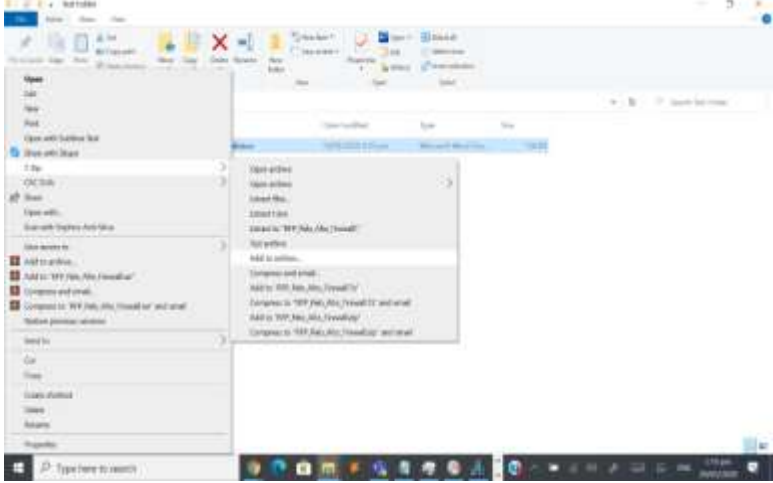
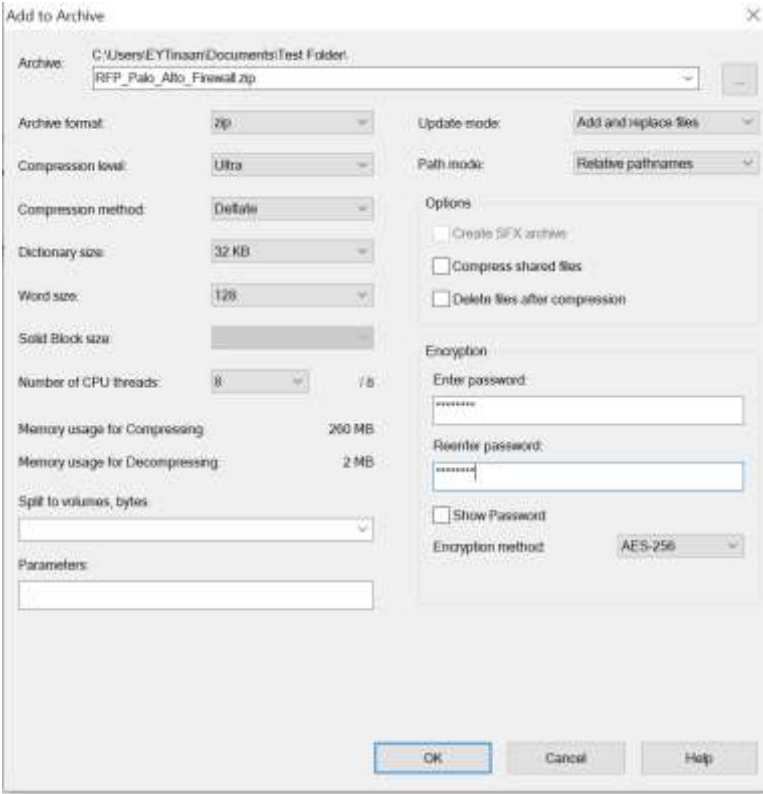
11. The Bidder must use a two-factor security procedure consisting of an archive format compression and password protection to ensure the security, integrity and confidentiality of the bids submitted. The bids shall be composed of the following:

- a. A password protected zipped file containing the two PDF files.
- b. The two PDF files must be named with the following format:
 - i. First Envelope
 - ii. Second Envelope
- c. The first PDF file should be password protected and corresponds to each section of the documentary and legal requirements, e.g., PhilGEPS Registration, Business Permit, Tax Certificates, Section VII - Technical Specification, Omnibus Sworn Statement, Forms and Annexes, etc.
- d. The second PDF file must be also password protected and should contain the financial bid.

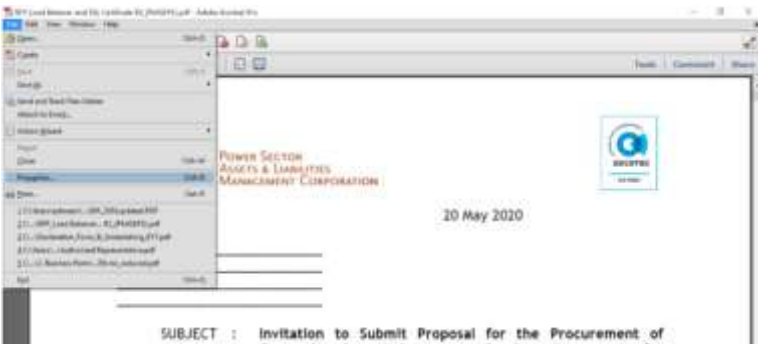
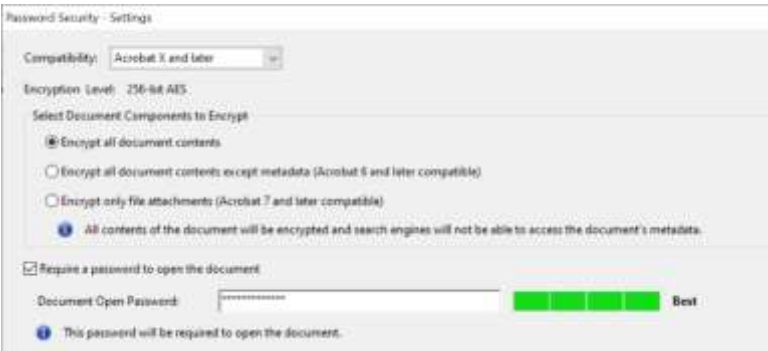
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Procedures / Steps on How to Submit a Bidding Documents and Other Required Documents
<ul style="list-style-type: none"> Note: The two PDF files should have different passwords. This is to avoid opening the two files at the same time, and when the documentary 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></p> <p>Contents of the File:</p> <p style="padding-left: 40px;">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 BACSec2020@psalm.gov.ph and bid.submission@psalm.gov.ph to confirm the uploaded documents and requirements. The Bidder must attach the picture or screenshot of the uploaded documents and requirements.</p>  <p>The screenshot shows a file explorer window with the path 'Files > Sample_IT_Project > PSALMCorp_Bidding_Documents'. It displays a table of files with columns for Name, Modified, Modified By, File size, and Sharing. The first file is 'RFP_Palo_Alto_Firewall.zip' (151 KB) modified 'A few seconds ago' by 'juan.delacruz.psalmscorp@'. The second file is 'Company Name_Project Name.txt' (158 bytes) modified '32 minutes ago' by the same user. Both files have a 'Shared' status.</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>


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

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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.	

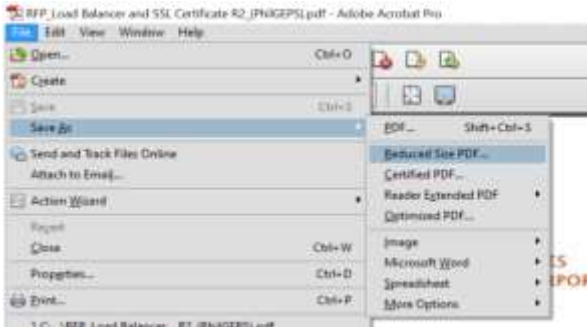
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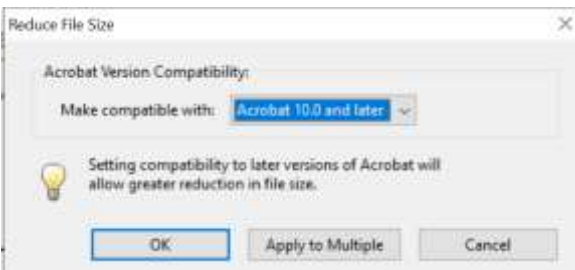
<p>9. Confirm the password and click OK.</p> <p>10. Save the changes made to the file.</p>	
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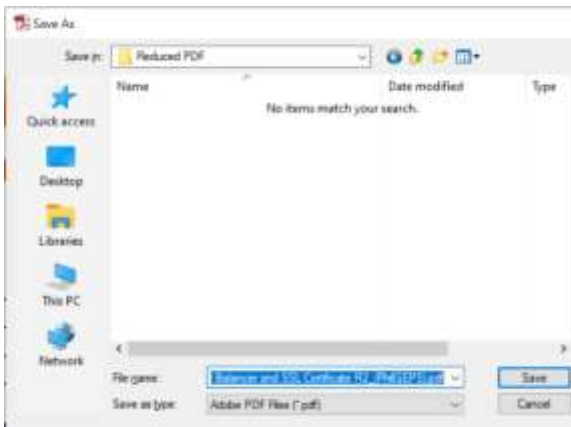
Procedures / Steps on How to Reduce the Size of the PDF File

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>	
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<p>4. In Make compatible with option, select Acrobat 10.0 and later.</p> <p>5. Click OK to continue.</p>	
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<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.</p> <p>7. Compare the original file and the modified file by checking the property size.</p> <p>8. If successful, the modified file capacity size should be smaller than the original.</p>	
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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.

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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 bidder is the lowest bidder.