

28 May 2020

<COMPANY>

SUBJECT: Invitation to Submit Proposal for the Procurement of Consulting Services for the Updating of Financial Valuation and Appraisal for the Malaya Thermal Power Plant (Project Reference No. 2020-SVP-CS-MTPP-031-02).

Dear _____:

The Power Sector Assets and Liabilities Management (PSALM) Corporation is in the process of procuring the **Consulting Services for the Updating of Financial Valuation and Appraisal for the Malaya Thermal Power Plant (Project Reference No. 2020-SVP-CS-MTPP-031-02)** for CY 2020 with an Approved Budget for the Contract (ABC) in the amount of **NINE HUNDRED NINETY FIVE THOUSAND PESOS (PHP995,000.00)**, 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).

Your proposal shall include certified true copies of the following eligibility documents:

1	<p>i. Certification of Philippine Government Electronic Procurement System (PhilGEPS) Registration or PhilGEPS Registration Number¹.</p> <p>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.</p>
	<p>ii. Registration Certificate from Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives.</p>

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

	<p>iii. Mayor's/Business Permit for 2020 issued by the City or Municipality where the principal place of business of the prospective bidder is located, or the equivalent document for Exclusive Economic Zones or Areas.</p> <p>Per GPPB Resolution No. 09-2020 dated 07 May 2020, the Procuring Entity, in consideration of the limited access to financial institutions, regulatory and other offices, as well as the implementation of government restrictions on transport and travel, will be allowed to accept alternate documentary requirements for procurement activities during a State of Calamity, or implementation of community quarantine or similar restrictions declared or being implemented either in the locality of the Procuring Entity or of the Bidder.</p> <p>Thus, expired Business or Mayor's permit with Official Receipt of renewal of application shall be accepted, subject to submission of Business or Mayor's permit after award of contract but before payment.</p> <p>For individual consultants not registered under a sole proprietorship, a BIR Certificate of Registration shall be submitted, in lieu of DTI registration and Mayor's/Business permit.</p>
	<p>iv. Valid Tax Clearance Certificate (TCC) per E.O. No. 398. s.2005, issued by the Bureau of Internal Revenue (BIR).</p> <p>Only a valid TCC, issued by BIR pursuant to the above related BIR issuances is acceptable. Provisional Tax Clearance Certificate or any other form is not accepted. For the avoidance of doubt, a TCC issued by the Revenue Regional Office and submitted by a Bidder should be issued on or before the date of effectivity of BIR Revenue Memorandum Order No. 46-2018.</p> <p>For further clarification on valid TCC, Tax Clearances for Bidding Purposes shall only be valid after the same have been posted in the BIR Website. In case the TCC is not yet posted in the BIR Website, the Bidder must submit a certified true copy of the TCC issued by the BIR, or its original, which will be returned to the Bidder after the bidding process.</p> <p>In view of the State of Emergency and implementation of community quarantine, expired TCC with application for renewal and official receipt shall be accepted, subject to submission of TCC after award of contract but before payment.</p>
	<p>v. 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. However, for establishments which have no available ITR for the year 2019 yet, it shall refer to the ITR for the year 2018. 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>
	<p>vi. Latest Business Tax Return refers to the following, whichever is applicable:</p>

	<p>a) Value Added Tax (VAT) - BIR Form No. 2550 covering the:</p> <ul style="list-style-type: none"> i. latest quarter (2550Q); AND ii. latest month (2550M) prior to the bid opening. 	<p>and/ or</p>	<p>b) Quarterly Percentage Tax Returns BIR Form No. 2551</p>	
<p>Bidders filing both VAT and Percentage Tax Returns must submit both returns, or the equivalent documents in case of foreign bidders.</p>				
	<p>vii. Audited Financial Statement (AFS) for Calendar Year 2019, stamped “received” by the Bureau of Internal Revenue (BIR) or its duly accredited and authorized institutions in 2020. However, for establishments which have no available AFS for the year 2019 yet, it shall refer to the AFS for the year 2018.</p> <p>For Foreign Bidders, the foregoing documents may be substituted by the appropriate equivalent documents** in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.</p> <p>These documents shall be accompanied by a Sworn Statement (Annex F) prescribed by the R.A. 9184 and its IRR stating that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct.</p> <p><i>**Foreign bidders are required to submit PhilGEPS Certificate of Registration and TCC.</i></p>			
<p>2.</p>	<p>Notarized Omnibus Sworn Statement (Annex F) stating that:</p> <ul style="list-style-type: none"> a) The signatory is the duly authorized representative of the prospective bidder, and granted full power and authority to do, execute and perform and an all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract accompanied by the duly notarized Special Power of Attorney, Board/Partnership Resolution, or Secretary’s Certificate, whichever is applicable (Annex G); b) It is not “blacklisted” or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, including foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board; c) 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; d) It is authorizing the Head of the Procuring Entity or his duly authorized representative/s to verify all the documents submitted; e) It complies with the disclosure provision under Section 47 of the Act and this IRR, in relation to other provisions of R.A. 3019; f) It complies with existing labor laws and standards; 			

	<p>g) It complies with the responsibilities of a prospective or eligible bidder; h) It 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; and It has no conflict of interest of any form with PSALM and has not been engaged to render any service to any bidders or prospective bidders of PSALM in relation to the Malaya TPP.</p> <p>Per GPPB Resolution No. 09-2020, unnotarized Omnibus Sworn Statement shall be accepted, subject to compliance therewith after award of contract but before payment.</p>
3	<p>Statement of all ongoing and completed government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid, within the relevant period within the past ten (10) years prior to submission of proposal.</p> <p>The statement shall include, for each contract, the following: (Annexes B and C)</p> <ol style="list-style-type: none"> a) the name and location of the contract; b) date of award of the contract; c) type and brief description of consulting services; d) consultant's role (whether main consultant, sub-consultant, or partner in a JV); e) amount of contract; f) contract duration; and g) certificate of satisfactory completion or equivalent document issued by the client, in the case of completed contract.
4	<p>Statement of the consultant specifying its nationality and confirming that those who will actually perform the service are registered professionals authorized by the appropriate regulatory body to practice those profession and allied professions, including their respective curriculum vitae. (Annex J)</p> <p>For the curriculum vitae of the key personnel, kindly indicate the following:</p> <ul style="list-style-type: none"> • Experience in financial valuation and feasibility study of a government or private owned generating power plant, plant machineries or IPP contracts in the Philippines or other foreign jurisdictions; • Experience in electricity tariff assessment and projection of government or private owned generating power plant, plant machineries and/or IPP contracts in the Philippines or other foreign jurisdictions; • Experience in electricity market pricing dispatch; • Experience in land appraisal; and • Experience in structures and machineries appraisal. <p>The Key Personnel must also specify the relevant projects performed/ services rendered including the corresponding duration/ length of experience and attach the same in their curriculum vitae (<i>Annex K</i>).</p>

	<p>For the Land Appraisal, the Procuring Entity requires that the land appraiser/s are real estate appraisers in the Philippines with licenses issued by the Professional Regulation Commission (PRC), or has the appropriate permits or license to practice their appraisal profession in the Philippines.</p> <p>Moreover, the Procuring Entity requires the submission of three (3) key professionals who will actually perform the consultancy service.</p>
5.	<p>Valid joint venture agreement (JVA), in case a joint venture is already in existence. In the absence of a JVA, duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful, shall be included in the bid. Failure to enter into a joint venture in the event of a contract award shall be ground for the forfeiture of the bid security. Each partner of the joint venture shall submit the PhilGEPS Certificate of Registration. The submission of technical and financial documents by any of the joint venture partners constitutes compliance. (Annex D).</p> <p>In view of the State of Emergency and implementation of community quarantine, unnotarized JVA shall be accepted, provided that the notarized JVA shall be submitted after award of contract but before payment.</p>
6.	<p>If the Consultant will engage a subconsultant for the portions of the Consulting Services allowed to be subcontracted, the Consultant shall: (a) indicate which portions of the Consulting Services will be subcontracted, (b) identify the subconsultant, and (c) include the eligibility documents of such subconsultant, specifically Items (1) and (2) of this Invitation to Submit Proposal.</p> <p>As part of its technical proposal, the Consultant shall also include technical documents from its subconsultant, specifically items (3), (4) and (9), among others.</p>
7.	<p>Approach, work plan, and schedule separately for land and structures of Malaya TPP</p>
8.	<p>Technical Proposal Submission Form (Annex E)</p> <p>In view of the State of Emergency and implementation of community quarantine, unnotarized Technical Proposal Submission Form shall be accepted, provided that the notarized Technical Proposal Submission Form shall be submitted after award of contract but before payment.</p>
9.	<p>Company Profile indicating the following:</p> <ol style="list-style-type: none"> a) Years of rendering Consultancy or Advisory Services. b) Experience in financial valuation and feasibility study of a government or private owned generating power plant, plant machineries or IPP contracts in the Philippines or other foreign jurisdictions; c) Experience in electricity tariff assessment and projection of a government or private owned generating power plant, plant machineries and/or IPP Contracts in the Philippines or other foreign jurisdictions; d) Experience in electricity market pricing dispatch; e) Experience in land appraisal; f) Experience in machineries and structures appraisal; and g) Engagement in similar and/or related contracts.

	The Company profile of the subconsultant is also required to be submitted if the principal consultant intends to acquire the services of such. Kindly refer to Item V of the TOR (Annex A) for the requirements of subconsultants.
FINANCIAL COMPONENT	
10.	Duly Signed and completed Detailed Bid Price Schedule (Annex H) / Total Bid Price in Figures (PHP)
11.	Duly Signed and completed Bid Form (Annex I) Bids and bid securities shall be valid for a period of one hundred twenty (120) calendar days from the date of the opening of bids.

All proposals shall be evaluated using the Quality-Based Evaluation Criteria as stated in TOR (Annex A). The minimum required technical score is seventy-five percent (75%). The consultant with the Highest Rated and Responsive Proposal shall be awarded with the contract.


The Invitation to Submit Proposal may be downloaded free of charge from the websites of 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 submission of proposals.

Kindly submit your proposal in electronic form (PDF with complete attachments) to the email address: BACSEC2020@psalm.gov.ph on or before 10:00 AM, 01 June 2020. Thereafter, proposals will be opened at 10:15 AM on the same date through video conferencing/webcasting via Zoom Cloud Meetings. The BAC Secretariat will send the meeting ID to the bidder/s prior to the opening of proposals.

As a rule, please be informed that PSALM reserves the right to accept or reject any proposal, to annul the bidding process, and to reject all proposals at any time prior to contract award, without thereby incurring any liability to the affected Bidder or Bidders. Further, PSALM will not be responsible for any costs or expenses incurred by your company in connection with the preparation of your proposal.

Thank you.

Very truly yours,


MARIA ILYN G. ALBITO
Chairperson
BIDS AND AWARD COMMITTEE

TERMS OF REFERENCE (TOR)

PROCUREMENT OF CONSULTING SERVICES FOR THE UPDATING OF FINANCIAL VALUATION AND APPRAISAL FOR THE MALAYA THERMAL POWER PLANT

I. Nature

The type of service that will be performed in this Project is Consulting Services for the Third (3rd) Round of Privatization of Malaya Thermal Power Plant including the appraisal of the land.

II. Proposal Evaluation

The BAC shall conduct a detailed evaluation of the proposals using the Quality-Based Evaluation Procedure.

A two-stage procedure shall be adopted whereby each consultant shall be required to submit his technical and financial proposals simultaneously in separate sealed envelopes.

After receipt of proposals, the technical proposals shall first be opened and evaluated, in accordance with Section 33.2.2 of the IRR of R.A.9184. The BAC shall rank the consultants in descending order based on the numerical ratings of their technical proposals and identify the Highest Rated Bid: Provided, however, that the Highest Rated Bid shall pass the minimum score indicated in the RFP.

The technical proposals of consultants shall be evaluated based on the following criteria and using the corresponding numerical weights indicated below:

RATING FACTOR	%
<p>I. Experience of the Consulting or Advisory Firm (“Firm”)</p> <p>Applicable experience of the Firm within the last ten (10) years immediately preceding the Bid of the consultancy project.</p> <p>Years in the Consultancy or Advisory Services of the Firm.</p>	40
<p>a. Experience in financial valuation and feasibility study of a government or private owned generating power plant, plant machineries or IPP contracts in the Philippines or other foreign jurisdictions.</p>	15.0
<p>b. Experience in electricity tariff assessment and projection of a government or private owned generating power plant, plant machineries and/or IPP Contracts in the Philippines or other foreign</p>	10.0

RATING FACTOR	%
jurisdictions.	
c. Experience in electricity market pricing dispatch	5.0
d. Experience in land appraisal	5.0
e. Experience in structures and machineries appraisal	5.0
II. Qualification of three (3) consultants, experts, officers, key organic staff who are assigned to do the project deliverables (“Personnel”)	
Applicable experience of the Personnel within the last ten (10) years immediately preceding the Bid of the consultancy project.	45
I. TEAM LEADER	
a. Experience in financial valuation and feasibility study of a government or private owned generating power plant, plant machineries or IPP contracts in the Philippines or other foreign jurisdictions.	7.5
b. Experience in electricity tariff assessment and projection of a government or private owned generating power plant, plant machineries and/or IPP Contracts in the Philippines or other foreign jurisdictions.	5.0
c. Experience in electricity market pricing dispatch	2.5
d. Experience in land appraisal	2.5
e. Experience in structures and machineries appraisal	2.5
II. KEY PERSONNEL 1	
a. Experience in financial valuation and feasibility study of a government or private owned generating power plant, plant machineries or IPP contracts in the Philippines or other foreign jurisdictions.	7.5
b. Experience in electricity tariff assessment and projection of a government or private owned generating power plant, plant machineries and/or IPP Contracts in the Philippines or other foreign	5.0

RATING FACTOR		%
jurisdictions.		
c. Experience in electricity market pricing dispatch		2.5
III. KEY PERSONNEL 2		10
a. Experience in land appraisal		5.0
b. Experience in structures and machineries appraisal		5.0
III. Plan of approach and methodology with emphasis on the clarity, feasibility, innovativeness and comprehensiveness of the plan approach, and the quality of interpretation of project problems, risks, and suggested solutions		15
TOTAL		100%

The numerical weight and the minimum required for each criterion are as follows:

1. FIRM'S APPLICABLE EXPERIENCE - (40%)

The following criteria will be used in the evaluation of interested firms for the proposed Consulting Services for the Updating of Financial Valuation and Appraisal for the Malaya Thermal Power Plant:

Firm experience that is similar/relevant to the project:

Firm Experience	Equivalent Weight %
Project Finance/ Feasibility Study of IPP/Genco	15.0
Electricity Tariff Assessment and Projection	10.0
Electricity Market Pricing Dispatch	5.0
Land Appraisal	5.0
Structures and Machineries Appraisal	5.0
Total	40%

Project*	Rating
Similar/ Relevant / Related in nature** (10)	100
Similar/ Relevant / Related in nature (7)	70
Similar/ Relevant / Related in nature (5)	50
Similar/ Relevant / Related in nature (4)	40

**Maximum of 10 projects*

***Similar/related/relevant projects in nature refer to the nature of the asset that was/is being valued or appraised by the firm. In the instant procurement, such are limited to government or private owned generating power plant, plant machineries or IPP contracts in the Philippines or other foreign jurisdictions.*

Total Score = Rating x Weight Percentage

2. QUALIFICATION OF KEY PERSONNEL ASSIGNED TO THE PROJECT - (45%)

Key Personnel's relevant level of experience shall constitute forty-five percent (45%) of the total percentage for this criterion.

Years of Experience (Man Months)	RATING %
Between 25 to 36 months	81-100
Between 13 to 24 months	40-80
Less than 12 months	0-39

Note: 36 months of experience or more shall merit a 100% rating

Level of Experience (45%)

Team Leader	RATING
Project Finance/ Feasibility Study of IPP/Genco	7.5
Electricity Tariff Assessment and Projection	5.0
Electricity Market Pricing Dispatch	2.5
Land Appraisal	2.5
<u>Structures and Machineries Appraisal</u>	<u>2.5</u>
Total	20%

Key Personnel 1	RATING
Project Finance/ Feasibility Study of IPP/Genco	7.5
Electricity Tariff Assessment and Projection	5.0
<u>Electricity Market Pricing Dispatch</u>	<u>2.5</u>
Total	15%

Key Personnel 2	RATING
Land Appraisal	5.0
<u>Structures and Machineries Appraisal</u>	<u>5.0</u>
Total	10%

Experience =
Numerical Rating (Years of Experience) x Total Level of Experience

3. PLAN OF APPROACH AND METHODOLOGY (15%)

Timeliness of Work Plan	10.0
Comprehensiveness of Work Plan	5.0
Total	15%

The minimum required technical score is seventy-five percent (75%). The consultant with the Highest Rated and Responsive Proposal shall be awarded with the contract.

III. Scope of Work and Services

Scope of Services shall cover, but is not limited to, the following activities:

1. Land and Structure Valuation of the Malaya TPP - 20%

- a) Reconfirmation and update the Land Appraisal Report from one (1) licensed appraisal company or individual real estate appraiser of the Land and Plant subject for privatization of Malaya TPP;
- b) Reconfirmation and update the Structure Appraisal Report from one (1) licensed appraisal company or individual real estate appraiser of the Land and Plant subject for privatization of Malaya TPP; and
- c) Presentation of the updated land and structure appraisal report to the PSALM Board of Directors.

2. Financial Valuation of the Malaya TPP - 80%

- a) Reconfirmation and update the financial models and various sensitivity analyses to optimize value of the sale of land and structures of Malaya TPP. The sensitivity analyses should cover, but must not be limited to the following scenarios: as a thermal operating plant, conversion of the Malaya TPP into LNG or any other fuel-type power plant, or its highest and best use other than a power plant;
- b) Provide updated assessment and advice on the appropriate and optimal method for valuing the sale of land and structures or business of Malaya TPP;
- c) Present to PSALM's Management, Board, Department of Finance and other Government institutions/instrumentalities, the valuation methodology and results for Malaya TPP; and
- d) Presentation of the financial valuation report/s to the PSALM Board of Directors.

IV. Deliverables

Prepare and submit to PSALM the following deliverables:

DELIVERABLES	Deadline
Draft of Updated Valuation Report including detailed Appraisal for the Land and Structures for the Sale of Malaya TPP	7 Calendar Days from receipt of NTP (Tentative Date: 23 June 2020)
Submission and Presentation of the Final Updated Valuation for the Sale of the Land and Structures of the Malaya TPP to PSALM's Board of Directors/ Reserve Price Setting	14 Calendar Days from receipt of NTP (Tentative Date: 30 June 2020)
Final Report on the Final Valuation including detailed Appraisal for the Land and Structures for the Sale of the Malaya TPP	21 Calendar Days from receipt of NTP (Tentative Date: 07 July 2020)

The updated models and valuation reports of the structure of the Malaya TPP and its underlying land shall include the comprehensive valuation report, modelling, and presentation on range of valuation including, but not limited to, the assessment and forecast of the following:

- i. Electricity Pool Price and Electricity Tariff Assumptions;
- ii. Dispatch Projections and capacity factor projections;
- iii. Expense Assumptions (i.e. Fixed Operating and Maintenance, Variable Operating Maintenance, Insurance, Capital Expenditures and Fuel Expenses);
- iv. Depreciation;
- v. Weighted Average Cost of Capital (WACC) Analysis;
- vi. Estimated Plant Life;
- vii. Working Capital Assumptions; and
- viii. Scenarios and their corresponding Sensitivity Analyses.

V. Subcontracts

- 1.1. Unless otherwise specified in the TOR, the Consultant may subcontract portions of the Consulting Services to an extent as may be approved by the Procuring Entity and stated in the TOR. However, subcontracting of any portion shall not relieve the Consultant from any liability or obligation that may arise from the contract for this Project.
- 1.2. Subcontracting of the portions of Services will be subject to the approval of the Procuring Entity and is limited to a total of twenty percent (20%) of the Contracted Services.
- 1.3. Subconsultant must comply with the eligibility criteria and the documentary requirements specified in the TOR. In the event that any subconsultant is found by the Procuring Entity to be ineligible, the subcontracting of such portion of the Consulting Services shall be disallowed.

- 1.4. The Consultant may identify the subconsultant to whom a portion of the Consulting Services will be subcontracted at any stage of the bidding process or during contract implementation. If the Consultant opts to disclose the name of the subconsultant during bid submission, the Consultant shall include the required documents as part of the technical component of its bid. A subconsultant that is identified by the Consultant during contract implementation must comply with the eligibility criteria and documentary requirements and secure approval of the Procuring Entity.

VI. Performance Security

To guarantee the faithful performance by the winning Consultant 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 the Procuring Entity 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 the Procuring Entity 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 Consultant 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 the Procuring Entity 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 Consultant 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.

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

An unnotarized PSD may be accepted, subject to submission of a notarized PSD before payment, unless the same is replaced with a performance security in the prescribed form as stated above.

Lastly, PSALM may require the winning bidder 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.

VII. Notice to Proceed

Within seven (7) calendar days from the date of approval of the contract by the appropriate government approving authority, the Procuring Entity shall issue the Notice to Proceed together with copies of the approved contract to the successful Consultant. All notices called for by the terms of the contract shall be effective only at the time of receipt thereof by the successful Consultant.

The contract effectivity date shall be the date of contract signing. The Consultant shall commence performance of its obligations only upon receipt of the Notice to Proceed.

VIII. Confidentiality and Non-disclosure

The winning consultant shall hold and maintain any proprietary and confidential information in strictest confidence for the sole and exclusive benefit of PSALM. Confidential information refers to any and all information or material that the winning consultant may encounter during the course of this engagement.

The winning consultant agrees to take reasonable steps to ensure that the confidential information obtained from PSALM will be kept in a secure manner at all times. The winning consultant ensures to protect PSALM's confidential information against any possible breach of this engagement or inadvertent disclosure to third parties.

The winning consultant shall advise its employees, consultants or sub-consultants whom confidential information is disclosed regarding their obligations to preserve the confidentiality of the information and non-use of such information. Any discussion regarding PSALM's confidential information should be limited to the winning consultant's personnel who are required to have access to such confidential information in order to facilitate the successful execution of this engagement

The winning consultant shall not be permitted to retain any copy of the report, study or any other material obtained or prepared by it in the course of this engagement and shall surrender all reports, studies, and materials obtained or prepared by it in the course of this engagement to PSALM upon the completion of this engagement, except for the winning consultant's compliance with any applicable legal/regulatory or tax obligations. All electronic documentation of the confidential information will be deleted from the file repository of the winning consultant once this engagement is completed.

Subconsultants are also bound by the same degree of confidentiality, undertakings and obligations that apply to the winning principal consultant.

IX. Prohibition

Relative to the privatization of the Malaya TPP, the winning consultant and any of its subconsultants, during the term of this engagement, shall be prohibited from providing consulting or advisory services in any manner which conflict with this Engagement.

Such prohibition includes but is not limited to: (1) having previously rendered; or (2) currently rendering consulting or advisory services to the bidders, potential bidders and/or any person or entities associated with such bidders or potential bidders relative to the Malaya TPP Privatization which PSALM is likewise conducting. Such prohibition will take place until such time that the Malaya TPP Privatization has been fully completed.

X. Terms of Payment

The payment shall be made only after the Final Report on the Final Valuation, including the detailed Appraisal Report of the Land and Structures for the Sale of the Malaya TPP, have been submitted by the Consultant and approved as satisfactory by the Procuring Entity. The Services shall be deemed completed and finally accepted by the Procuring Entity and the final report and statement shall be deemed approved by the Procuring Entity as satisfactory ninety (90) calendar days after receipt of the final report and statement by the Procuring Entity unless the Procuring Entity, within such ninety (90)-day period, gives written notice to the Consultant specifying in detail deficiencies in the Services, the final report and statement. The Consultant shall thereupon promptly make any necessary corrections within a maximum period of ninety (90) calendar days, and upon completion of such corrections, the foregoing process shall be repeated.

XI. Miscellaneous Provisions

If any one or more of the provisions of the RFP are held to be invalid, illegal or unenforceable, the validity, legality or enforceability of the remaining provisions will not be affected thereby.

The provisions of this RFP are subject to the provisions of R.A.9184 and its IRR.

Experience in electricity tariff assessment and projection of a government or private owned generating power plant, plant machineries and/or IPP Contracts in the Philippines or other foreign jurisdictions

<i>Name and Nature of Contract/ Project Cost</i>	a. Client's Name b. Address c. Telephone Nos.	Brief Description of Work	<i>Bidder's Role</i>		a. Date Awarded b. Date Started c. Date of Completion	% of Accomplishment		<i>Value of Outstanding Works / Undelivered Portion</i>
			<i>Description</i>	<i>%</i>		<i>Planned</i>	<i>Actual</i>	

Experience in electricity market pricing dispatch

<i>Name and Nature of Contract/ Project Cost</i>	a. Client's Name b. Address c. Telephone Nos.	Brief Description of Work	<i>Bidder's Role</i>		a. Date Awarded b. Date Started c. Date of Completion	% of Accomplishment		<i>Value of Outstanding Works / Undelivered Portion</i>
			<i>Description</i>	<i>%</i>		<i>Planned</i>	<i>Actual</i>	

Experience in land appraisal

<i>Name and Nature of Contract / Project Cost</i>	<i>a. Client's Name b. Address c. Telephone Nos.</i>	<i>Brief Description of Work</i>	<i>Bidder's Role</i>		<i>a. Date Awarded b. Date Started c. Date of Completion</i>	<i>% of Accomplishment</i>		<i>Value of Outstanding Works / Undelivered Portion</i>
			<i>Description</i>	<i>%</i>		<i>Planned</i>	<i>Actual</i>	

Experience in structures and machineries appraisal

Name and Nature of Contract/ Project Cost	a. Client's Name b. Address c. Telephone Nos.	Brief Description of Work	Bidder's Role		a. Date Awarded b. Date Started c. Date of Completion	% of Accomplishment		Value of Outstanding Works / Undelivered Portion
			Description	%		Planned	Actual	

Note: The following documents shall be submitted upon post-qualification:

1. Notice of Award and/or Contract
2. Notice to Proceed issued by the owner

Submitted by : _____
(Printed Name & Signature)

Designation : _____

Date : _____

ANNEX C

Statement of all Government & Private Contracts completed which are similar in nature and complexity to the Contract to be Bid

Business Name : _____

Business Address : _____

Experience in financial valuation and feasibility study of a government or private owned generating power plant, plant machineries or IPP contracts in the Philippines or other foreign jurisdictions.						
Name and Nature of the Contract	a. Client's Name b. Address c. Telephone Nos.	Brief Description of Work	Bidder's Role		a. Amount at Award b. Amount at Completion c. Duration	a. Date Awarded b. Contract Effectivity c. Date Completed
			Description	%		

Experience electricity tariff assessment and projection of a government or private owned generating power plant, plant machineries and/or IPP Contracts in the Philippines or other foreign jurisdictions.

<i>Name and Nature of the Contract</i>	<i>a. Client's Name b. Address c. Telephone Nos.</i>	<i>Brief Description of Work</i>	<i>Bidder's Role</i>		<i>a. Amount at Award b. Amount at Completion c. Duration</i>	<i>a. Date Awarded b. Contract Effectivity c. Date Completed</i>
			<i>Description</i>	<i>%</i>		

Experience in electricity market pricing dispatch

<i>Name and Nature of the Contract</i>	<i>a. Client's Name b. Address c. Telephone Nos.</i>	<i>Brief Description of Work</i>	<i>Bidder's Role</i>		<i>a. Amount at Award b. Amount at Completion c. Duration</i>	<i>a. Date Awarded b. Contract Effectivity c. Date Completed</i>
			<i>Description</i>	<i>%</i>		

Experience in land appraisal

<i>Name and Nature of the Contract</i>	<i>a. Client's Name b. Address c. Telephone Nos.</i>	<i>Brief Description of Work</i>	<i>Bidder's Role</i>		<i>a. Amount at Award b. Amount at Completion c. Duration</i>	<i>a. Date Awarded b. Contract Effectivity c. Date Completed</i>
			<i>Description</i>	<i>%</i>		

Experience in structures and machineries appraisal

<i>Name and Nature of the Contract</i>	<i>a. Client's Name b. Address c. Telephone Nos.</i>	<i>Brief Description of Work</i>	<i>Bidder's Role</i>		<i>a. Amount at Award b. Amount at Completion c. Duration</i>	<i>a. Date Awarded b. Contract Effectivity c. Date Completed</i>
			<i>Description</i>	<i>%</i>		

Note: The following documents shall be submitted upon post-qualification:

- 1. Contract*
- 2. Certificate of Satisfactory Completion*
- 3. Certificate of Acceptance*

Submitted by : _____

(Printed Name & Signature)

Designation : _____

Date : _____

Joint Venture Agreement

KNOW ALL MEN BY THESE PRESENTS:

That this JOINT VENTURE AGREEMENT is entered into By and Between _____, of legal age, (civil status), owner/proprietor of _____ and a resident of _____.

- and -

_____, of legal age, _____ (civil status), owner/proprietor of _____ a resident of _____.

That both parties agree to join together their manpower, equipment, and what is needed to facilitate the Joint Venture to participate in the Eligibility, Bidding and Undertaking of the here-under stated project to be conducted by the PSALM Corporation.

NAME OF PROJECT

CONTRACT AMOUNT

That both parties agree to be jointly and severally liable for the entire assignment.

That both parties agree that Mr./Ms. _____ and/or _____ shall be the Official Representative of the Joint Venture, and is granted full power and authority to do, execute and perform any and all acts necessary and/or to represent the Joint Venture in the bidding as fully and effectively and the Joint Venture may do and if personally present with full power of substitution and revocation.

That this Joint Venture Agreement shall remain in effect only for the above stated Project until terminated by both parties.

Name and Signature of Authorized Representative

Name and Signature of Authorized Representative

Official Designation

Official Designation

Name of Firm

Name of Firm

Witnesses

1. _____

2. _____

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
_____)S.S.

BEFORE ME, a Notary Public for and in _____, Philippines, this _____ day of _____, 2020, personally appeared:

Name	Identification Document	Issued on	Issued at

known to me and known to be the same persons who executed the foregoing instrument consisting of _____ () pages, including the page whereon the acknowledgment is written and acknowledged before me that the same is their free and voluntary act and deed and/or that of the corporation/entity they represent.

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

Notary Public

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

TECHNICAL PROPOSAL SUBMISSION FORM

[Date]

[Insert Name and address of the Procuring Entity]

Ladies/Gentlemen:

We, the undersigned, offer to provide the consulting services for *[Title of Project]* in accordance with your TOR dated *[insert date]* and our Bid. We are hereby submitting our Bid, which includes this Technical Proposal, and a Financial Proposal sealed under a separate envelope.

In accordance with the TOR, we confirm that the information contained in the eligibility documents submitted earlier remain correct as of the date of bid submission.

We acknowledge that our Bid is binding upon us and subject to the modifications resulting from contract negotiations.

In accordance with TOR, we acknowledge and accept the Procuring Entity's right to inspect and audit all records relating to our Bid irrespective of whether we enter into a contract with the Procuring Entity as a result of this Bid or not.

We understand you are not bound to accept any Bid received for the selection of a consultant for the Project.

We acknowledge that failure to sign this Technical Proposal Submission Form and the abovementioned Financial Proposal Submission Form shall be a ground for the rejection of our Bid.

Yours sincerely,

Authorized Signature:

Name and Title of Signatory:

Name of Firm:

Address:

REPUBLIC OF THE PHILIPPINES)
_____) S.S.

ACKNOWLEDGMENT

BEFORE ME, a Notary Public for and in _____, Philippines, this ___ day of _____, 2020, personally appeared:

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

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 2020.

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 Consultant]* with office address at *[address of Consultant]*;

If a partnership, corporation, cooperative, or joint venture: I am the duly authorized and designated representative of *[Name of Consultant]* with office address at *[address of Consultant]*;

2. *Select one, delete the other:*

If a sole proprietorship: As the owner and sole proprietor or authorized representative of *[Name of Consultant]*, 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]**[insert “as shown in the attached duly notarized Special Power of Attorney” for authorized representative]*;

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]*, accompanied by the duly notarized Special Power of Attorney, Board/Partnership Resolution, or Secretary’s Certificate, whichever is applicable;

3. *[Name of Consultant]* is not “blacklisted” or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board;

4. Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;

5. *[Name of Consultant]* 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 Consultant]* 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 Consultant]* complies with existing labor laws and standards;

8. *[Name of Consultant]* is aware of and has undertaken the following responsibilities as a Bidder:

a) Carefully examine all of the Bidding Documents;

b) Acknowledge all conditions, local or otherwise, affecting the implementation of the Contract;

c) Made an estimate of the facilities available and needed for the contract to be bid, if any; and

d) Inquire or secure Supplemental/Bid Bulletin(s) issued for the *[Name of the Project]*.

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; and

10. *[Name of Bidder]* has no conflict of interest of any form with PSALM and has not been engaged to render any service to any bidders or prospective bidders of PSALM in relation to the Malaya TPP.

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

[Bidder's Representative/Authorized Signatory]

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. _____.

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 _____.

AUTHORITY OF SIGNATORY

SECRETARY'S CERTIFICATE

I, _____, a duly elected and qualified Corporate Secretary of _____, a corporation duly organized and existing under and by virtue of the law of the _____, DO HEREBY CERTIFY, that:

I am familiar with the facts herein certified and duly authorized to certify the same;

At the regular meeting of the Board of Directors of the said Corporation duly convened and held on _____ at which meeting a quorum was present and acting throughout, the following resolutions were approved, and the same have not been annulled, revoked and amended in any way whatever and are in full force and effect on the date hereof:

RESOLVED, that _____ be, as it hereby is, authorized to participate in the bidding of Procurement of Consulting Services for the Updating of Financial Valuation and Appraisal for the Malaya Thermal Power Plant by the Power Sector Assets and Liabilities Management Corporation; and that if awarded the project shall enter into a contract with the Power Sector Assets and Liabilities Management Corporation; and in connection therewith hereby appoint _____, acting as duly authorized and designated representatives of _____, are granted full power and authority to do, execute and perform any and all acts necessary and/or to represent _____ in the bidding as fully and effectively as the _____ might do if personally present with full power of substitution and revocation and hereby satisfying and confirming all that my said representative shall lawfully do or cause to be done by virtue hereof;

RESOLVED FURTHER THAT, the _____ hereby authorizes _____ to:

- (1) execute a waiver of jurisdiction whereby the _____ hereby submits itself to the jurisdiction of the Philippine government and hereby waives its right to question the jurisdiction of the Philippine courts;
- (2) execute a waiver that the _____ shall not seek and obtain writ of injunctions or prohibition or restraining order against PSALM or any of its executives, personnel and staffs in connection with this project to prevent and restrain the bidding procedures related thereto, the negotiating of and award of a contract to a successful bidder, and the carrying out of the awarded contract.

WITNESS the signature of the undersigned as such officer of the said _____ this _____.

(Corporate Secretary)

REPUBLIC OF THE PHILIPPINES)
QUEZON CITY) s.s.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2020 affiant
exhibited to me his/her _____ issued on
_____ at _____, Philippines.

Notary Public

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

DETAILED BID PRICE SCHEDULE

Date: _____

Project : Procurement of Consulting Services for the Updating of Financial Valuation and Appraisal for the Malaya Thermal Power Plant (Project Reference No. 2020 SVP-CS-MTPP-031-02)

Name of Bidder: _____.

Item No.	Particular	RATE % (A)	VAT (B) ($B = A * 0.12$)	AMOUNT OF BID (PHP) (A + B)
1.	Final Report on the Final Valuation including the detailed Appraisal Report of the Land and Structures for the Sale of the Malaya TPP			
	Total Financial Bid			PHP

Total Financial Bid in Words:

Name and Signature of Authorized Official

Position

Date

Notes:

1. The Approved Budget for the Contract, including applicable tax, is NINE HUNDRED NINETY FIVE THOUSAND PESOS (PhP995,000.00).

2. Any bid exceeding the ABC or any of the financial components below, including applicable tax, shall not be accepted:

3. VAT should be derived from the gross amounts of the "Rate" components of Service and Operating Fees, in compliance with Title IV, Chapter I, Section 108 of the National Internal Revenue Code of 1997.

BID FORM

Date: _____

To: *[Insert Name and address of the Procuring Entity]*

Gentlemen and/or Ladies:

Having examined the TOR including Bid Bulletin Numbers *[insert numbers]*, the receipt of which is hereby duly acknowledged, we, the undersigned, offer to perform Consulting Services for the Updating of Financial Valuation and Appraisal for the Malaya Thermal Power Plant in conformity with the said TOR for the sum of *[total Bid amount in words and figures]* or such other sums as may be ascertained in accordance with the Schedule of Prices attached herewith and made part of this Bid.

We undertake, if our Bid is accepted, to perform the consultancy services in accordance with the TOR (Annex A).

If our Bid is accepted, we undertake to provide a performance security in the form, amounts, and within the times specified in the TOR.

We agree to abide by this Bid for the Bid Validity Period specified in the invitation to submit proposal and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

Until a formal Contract is prepared and executed, this Bid, together with your written acceptance thereof and your Notice of Award, shall be binding upon us.

We understand that you are not bound to accept the lowest or any Bid you may receive.

We certify/confirm that we complied with the eligibility requirements as per stated in the invitation to submit proposal.

We likewise certify/confirm that the undersigned, *[for sole proprietorships, insert: as the owner and sole proprietor or authorized representative of Name of Bidder, has the full power and authority to participate, submit the bid, and to sign and execute the ensuing contract, on the latter's behalf for the Name of Project of the Name of the Procuring Entity] [for partnerships, corporations, cooperatives, or joint ventures, insert: is granted full power and authority by the Name of Bidder, to participate, submit the bid, and to sign and execute the ensuing contract on the latter's behalf for Name of Project of the Name of the Procuring Entity].*

We acknowledge that failure to sign each and every page of this Bid Form, including the attached Schedule of Prices, shall be a ground for the rejection of our bid.

Dated this _____ day of _____ 20120.

[signature]

[in the capacity of]

Duly authorized to sign Bid for and on behalf of _____

Statement of Consultant Specifying its Nationality and Confirming that those who will Actually Perform the Services are Professionals

[Date]

THE BIDS AND AWARDS COMMITTEE

Power Sector Assets and Liabilities Management Corporation
 24/F Floor Vertis North Corporate Center 1
 Astra corner Lux Drives
 North Avenue Quezon City

Ladies/Gentlemen:

[name of bidding firm] is issuing this statement in compliance with the requirements of the Power Sector Assets and Liabilities Management Corporation (PSALM) Bids and Awards Committee, that the nationality of members of the Team are indicated below and that they can actually perform the service in accordance with the eligibility requirements.

The Proposed Team for the Consulting Services for the Updating of Financial Valuation and Appraisal for the Malaya Thermal Power Plant (the "Project") are as follows:

Name	Designation	Nationality

[name of bidding firm] issues this statement in accordance with Item 4 of the requirements stated in PSALM's Invitation to Submit Proposal for the Project.

Sincerely,

[Signature over printed name of Authorized Signatory]
 [Title]

Key Personnel's List of Relevant Projects Performed/ Services Rendered:

Experience in financial valuation and feasibility study of a government or private owned generating power plant, plant machineries or IPP contracts in the Philippines or other foreign jurisdictions.

Name and Nature of Project/ Services Rendered	a. <i>Client's Name</i> b. Address c. Telephone Nos.	Brief Description of Project/ Services Rendered	Key Personnel's Role	Specific Duration of Project/ Services (e.g. Jan to May 2018) - MAN MONTHS

Experience in electricity tariff assessment and projection of a government or private owned generating power plant, plant machineries and/or IPP Contracts in the Philippines or other foreign jurisdictions.

Name and Nature of Project/ Services Rendered	a. <i>Client's Name</i> b. Address c. Telephone Nos.	Brief Description of Project/ Services Rendered	Key Personnel's Role	Specific Duration of Project/ Services (e.g. Jan to May 2018) - MAN MONTHS

Experience in electricity market pricing dispatch

Name and Nature of Project/ Services Rendered	a. <i>Client's Name</i> b. Address c. Telephone Nos.	Brief Description of Project/ Services Rendered	Key Personnel's Role	Specific Duration of Project/ Services (e.g. Jan to May 2018) - MAN MONTHS

Experience in land appraisal

Name and Nature of Project/ Services Rendered	a. <i>Client's Name</i> b. Address c. Telephone Nos.	Brief Description of Project/ Services Rendered	Key Personnel's Role	Specific Duration of Project/ Services (e.g. Jan to May 2018) - MAN MONTHS

Experience in structures and machineries appraisal

Name and Nature of Project/ Services Rendered	a. <i>Client's Name</i> b. Address c. Telephone Nos.	Brief Description of Project/ Services Rendered	Key Personnel's Role	Specific Duration of Project/ Services (e.g. Jan to May 2018) - MAN MONTHS

Certification:

I, the undersigned, certify that to the best of my knowledge and belief, my curriculum vitae and the-above mentioned data correctly describe me, my qualifications, and my experience.

Commitment:

I also commit to work for the Project in accordance with the time schedule as indicated in the contract once the firm is awarded the Project.

[Name and Signature of Key Personnel]

Day/Month/Year

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. _____.

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 ____.

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

PERFORMANCE SECURING DECLARATION

Invitation to Bid: [Insert Reference Number indicated in the Bidding Documents]

To: [Insert name and address of the Procuring Entity]

I/We, the undersigned, declare that:

1. I/We understand that, according to your conditions, to guarantee the faithful performance by the supplier/distributor/manufacturer/contractor/consultant of its obligations under the Contract, I/we shall submit a Performance Securing Declaration within a maximum period of ten (10) calendar days from the receipt of the Notice of Award prior to the signing of the Contract.
2. I/We accept that: I/we will be automatically disqualified from bidding for any procurement contract with any procuring entity for a period of one (1) year if in case it is my first offense, or two (2) years if I have a prior similar 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

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. ____

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