

Date: 19 May 2020

SUPPLEMENTAL BID BULLETIN NO. 1

This Supplemental Bid Bulletin (SBB) No. 1 is issued to amend and clarify items in the 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-031-01)**.

FROM:

Your proposal shall include the certified true copies of the following documents:	
1	i. Certification of Philippine Government Electronic Procurement System (PhilGEPS) Registration or PhilGEPS Registration Number ¹ .
	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>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>In cases of recently expired Mayor's/Business permits, it shall be accepted together with the official receipt as proof that the bidder has applied for renewal within the period prescribed by the concerned local government unit: Provided, That the renewed permit shall be submitted as a post-qualification requirement in accordance with the IRR of R.A. 9184 Section 34.2.</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>

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

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	<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>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> <table border="1" data-bbox="373 1099 1398 1290"> <tr> <td data-bbox="373 1099 922 1290"> <p>a) Value Added Tax (VAT) - BIR Form No. 2550 covering the: i. latest quarter (2550Q); AND ii. latest month (2550M) prior to the bid opening.</p> </td> <td data-bbox="922 1099 1023 1290"> <p>and/ or</p> </td> <td data-bbox="1023 1099 1398 1290"> <p>b) Quarterly Percentage Tax Returns BIR Form No. 2551</p> </td> </tr> </table> <p>Bidders filing both VAT and Percentage Tax Returns must submit both returns, or the equivalent documents in case of foreign bidders.</p>	<p>a) Value Added Tax (VAT) - BIR Form No. 2550 covering the: i. latest quarter (2550Q); AND ii. latest month (2550M) prior to the bid opening.</p>	<p>and/ or</p>	<p>b) Quarterly Percentage Tax Returns BIR Form No. 2551</p>
<p>a) Value Added Tax (VAT) - BIR Form No. 2550 covering the: i. latest quarter (2550Q); AND ii. latest month (2550M) prior to the bid opening.</p>	<p>and/ or</p>	<p>b) Quarterly Percentage Tax Returns BIR Form No. 2551</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</p>			

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	<p>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 a PhilGEPS Certificate of Registration at any time during the bid submission until Post-Qualification. (Kindly refer to GPBB Resolution No. 26-2017). Foreign bidders are also required to secure a Tax Clearance issued by the BIR per Section 1 of E.O. 398 s.2005.</i></p>
<p>2.</p>	<p>Notarized Omnibus Sworn Statement (Annex F) stating that:</p> <ol 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; 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 <p>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>3.</p>	<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;

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	<p>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.</p>
<p>4.</p>	<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>
<p>5.</p>	<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>6.</p>	<p>If the Consultant will engage a subconsultant for the portions of the Consulting Services allowed to be subcontracted, the Consultant shall: (a)</p>

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	<p>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.	Approach, work plan, and schedule separately for land and structures of Malaya TPP
8.	Technical Proposal Submission Form (Annex E)
9.	<p>Company Profile indicating the following:</p> <ul 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. <p>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.</p>
FINANCIAL COMPONENT	
10.	Duly Signed and completed Detailed Bid Price Schedule (Annex H) / Total Bid Price in Figures (PHP)
11.	<p>Duly Signed and completed Bid Form (Annex I)</p> <p>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.</p>

TO:

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

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<p>1</p>	<p>i. Certification of Philippine Government Electronic Procurement System (PhilGEPS) Registration or PhilGEPS Registration Number².</p> <p><u>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.</u></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>
	<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><u>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.</u></p> <p><u>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.</u></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>

² Note: Only PhilGEPS registration number (Red Membership) is required for this project and not necessarily Platinum membership

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	<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><u>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.</u></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 filed in 2020. 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> <table border="1" data-bbox="375 1176 1396 1400"> <tr> <td data-bbox="375 1176 917 1400"> <p>c) Value Added Tax (VAT) - BIR Form No. 2550 covering the: iii. latest quarter (2550Q); AND iv. latest month (2550M) prior to the bid opening.</p> </td> <td data-bbox="917 1176 1021 1400"> <p>and/ or</p> </td> <td data-bbox="1021 1176 1396 1400"> <p>d) Quarterly Percentage Tax Returns BIR Form No. 2551</p> </td> </tr> </table> <p>Bidders filing both VAT and Percentage Tax Returns must submit both returns, or the equivalent documents in case of foreign bidders.</p>	<p>c) Value Added Tax (VAT) - BIR Form No. 2550 covering the: iii. latest quarter (2550Q); AND iv. latest month (2550M) prior to the bid opening.</p>	<p>and/ or</p>	<p>d) Quarterly Percentage Tax Returns BIR Form No. 2551</p>
<p>c) Value Added Tax (VAT) - BIR Form No. 2550 covering the: iii. latest quarter (2550Q); AND iv. latest month (2550M) prior to the bid opening.</p>	<p>and/ or</p>	<p>d) Quarterly Percentage Tax Returns BIR Form No. 2551</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>			

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	<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"> i) 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); j) 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; k) 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; l) It is authorizing the Head of the Procuring Entity or his duly authorized representative/s to verify all the documents submitted; m) It complies with the disclosure provision under Section 47 of the Act and this IRR, in relation to other provisions of R.A. 3019; n) It complies with existing labor laws and standards; o) It complies with the responsibilities of a prospective or eligible bidder; p) 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 <p>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><u>Per GPPB Resolution No. 09-2020, unnotarized Omnibus Sworn Statement shall be accepted, subject to compliance therewith after award of contract but before payment.</u></p>
<p>3.</p>	<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> <ul style="list-style-type: none"> h) the name and location of the contract;

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	<p>i) date of award of the contract; j) type and brief description of consulting services; k) consultant's role (whether main consultant, sub-consultant, or partner in a JV); l) amount of contract; m) contract duration; and certificate of satisfactory completion or equivalent document issued by the client, in the case of completed contract.</p>
<p>4.</p>	<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 (Annex K).</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>
<p>5.</p>	<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>

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	<u>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.</u>
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.	Approach, work plan, and schedule separately for land and structures of Malaya TPP
8.	<p>Technical Proposal Submission Form (Annex E)</p> <p><u>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.</u></p>
9.	<p>Company Profile indicating the following:</p> <ul style="list-style-type: none"> h) Years of rendering Consultancy or Advisory Services. i) 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; j) 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; k) Experience in electricity market pricing dispatch; l) Experience in land appraisal; m) Experience in machineries and structures appraisal; and n) Engagement in similar and/or related contracts. <p>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.</p>
FINANCIAL COMPONENT	
10.	Duly Signed and completed Detailed Bid Price Schedule (Annex H) / Total Bid Price in Figures (PHP)

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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.
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SUBMISSION OF PROPOSAL

FROM:

Kindly deliver your proposal to the undersigned at the PSALM Corporation, 24th Floor Vertis North Corporate Center 1, Astra corner Lux Drives, North Avenue, Quezon City 1105 on or before **10:00 AM, 25 May 2019**. Thereafter, proposals will be opened at **10:15 AM** on the same date and venue, in the presence of your authorized representative who will attend the same. In the event that the Enhanced Community Quarantine due to COVID-19 is extended in the National Capital Region or in Quezon City, the proposal shall be submitted in electronic form (PDF with complete attachment) to the email address: **BACSEC2020@psalm.gov.ph**.

TO:

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, 26 May 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.

PERFORMANCE SECURITY

FROM:

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%)

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(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.

TO:

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%)

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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) [see 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 quarantined or similar restrictions, as the case may be.

For the guidance and information of all concerned.



MARIA ILYN G. ALBITO
Chairperson
BIDS AND AWARDS COMMITTEE

Please acknowledge by signing on the space indicated below:

Received by:

Name of the Bidder/Company: _____
Name of Authorized Representative/s: _____
Signature/s: _____
Date: _____

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ANNEX "L"

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

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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

x-----x

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.