



UNIVERSITY OF THE PHILIPPINES MINDANAO

Shaping minds that shape the nation

INVITATION FOR NEGOTIATED PROCUREMENT DUE TO TWO FAILED BIDDINGS

Supply, Delivery and Installation of Equipment for the Bioactive Extracts Project – Dual Channel Flash Chromatograph

1. The University of the Philippines (UP) Mindanao, through the General Appropriations Act (GAA), intends to apply Three Million Eight Hundred Thousand Pesos (P3,800,000.00) being the Approved Budget for the Contract (ABC) for the Supply, Delivery and Installation of Equipment for the Bioactive Extracts Project – Dual Channel Flash Chromatograph.
2. UP Mindanao, through its Bids and Awards Committee (BAC), now invites technically, legally, and financially capable suppliers for the mentioned goods and services.
3. The mode of procurement for this procurement project is Negotiated Procurement due to two (2) failed biddings pursuant to Section 53.1 of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act 9184 (RA 9184), otherwise known as the “Government Procurement Reform Act” , including its Annex “H”.

Procurement is restricted to Filipino citizens/sole proprietorships, organizations with at least 60% interest or outstanding capital stock belonging to citizens of the Philippines, and to citizens or organizations of a country the laws or regulations of which grant similar rights and privileges to Filipino citizens, pursuant to Republic Act 5183 (RA 5183) and subject to Commonwealth Act 138 (CA 138).

The BAC will engage in negotiations with a sufficient number of suppliers to ensure effective competition. The selection of the successful offer shall be based on the best and final offer that will be submitted on the date specified below, which could sufficiently meet the technical specifications.

4. Interested parties may obtain further information from the BAC Secretariat by electronic mail to bac.upmindanao@up.edu.ph or through telephone. In view of the health emergency, face-to-face inquiries will not be entertained.
5. The schedule of bidding activities is listed below:
Issuance and Availability of Negotiation Documents: July 20-30, 2020
Pre-Bid Conference: July 22, 2020 at 9:30am via Zoom
Submission/Opening of Negotiation Documents (Proposal): July 31, 2020 at 9:30am via Zoom

The Negotiation Documents may be downloaded from the PhilGEPS website and also from the UP Mindanao website. You may contact the BAC Secretariat at telephone number (082) 293-0016 or by electronic mail to bac.upmindanao@up.edu.ph for more details.

Negotiation Documents (Proposal) shall be submitted online to bac.upmindanao@up.edu.ph, provided that the **documents shall be password-protected**. Bidders will furnish the BAC their passwords during the opening of Negotiation Documents (Proposal). The following information should be written upon submission of the Negotiation Documents: Title of the procurement project, Name of the Bidder, address of the Bidder and contact details.

ELIGIBILITY REQUIREMENTS

Class “A” Documents

- a) PhilGEPS Certificate of Registration with Annex A or Class “A” eligibility documents:
 - *Registration Certificate (DTI or SEC Certificate)
 - *Current and Valid Mayor’s/Business Permit
 - *Tax Clearance per Executive Order No. 398, series of 2005, as finally reviewed and approved
- b) Statement of all Ongoing Private and Government Contracts, including Contracts Awarded but not yet started, if any (**Annex I**)
- c) Statement of Single Largest Completed Contract, which is similar in nature, within five (5) years from the date of submission and receipt of bids (**Annex II**). Any of the following documents must be submitted corresponding to listed contracts per submitted Annex II:
 - *Copy of End User’s Acceptance;
 - *Official Receipts; or
 - *Sales Invoice
- d) Compliance with Schedule of Requirements (**Annex III**);
- e) Compliance with Technical Specifications (**Annex IV**);
- f) Omnibus Sworn Statement, using the prescribed format (**Annex V**);
- g) Bid Form (**Annex VI**);
- h) Bid Security in any of the following forms:
 - *Cash or Cash/Manager’s Cheque in favor of the University of the Philippines Mindanao (2% of ABC);
 - *Surety Bond (5% of ABC) with a Certificate from the Insurance Commission;
 - *Bid Securing Declaration (**Annex VII**);
- i) Net Financial Contracting Capacity (**Annex VIII**), duly signed, and
- j) Authority of the signatory.

Class “B” Documents

Copy of Joint Venture Agreement or Duly Notarized Statement in accordance with Section 23.1 (b) of the 2016 Revised IRR of RA 9184.

6. The University of the Philippines Mindanao reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract in accordance with Section 41 of the 2016 IRR of RA 9184, without thereby incurring any liability to the affected bidder or bidders.

(Signed) **PROF. VICENTE B. CALAG**
BAC Chair

STATEMENT OF ALL ONGOING CONTRACTS
(Including contracts awarded but not yet started, if any)

Name of Client	Name of Contract	Date and Status of Contract	Kinds of Goods	Amount of Contract	Value of Outstanding Contract	Delivery Date

Submitted by:

Name and signature of authorized representative: _____

Position Title: _____

Date: _____

Instructions:

1. State all on-going contracts including those awarded but not yet started which may be similar to the project.
2. If there is NO ongoing contract awarded but not yet started, state NONE or NOT APPLICABLE.
3. The total amount of the ongoing but not yet started contracts should be consistent with those used in the Net Financial Contracting Capacity (NFCC).

STATEMENT OF SINGLE LARGEST COMPLETED CONTRACT

(within five (5) years from the date of submission and receipt of bids)

Name of Client	Name of Contract	Date of the Contract	Kinds of Goods	Value of the Contract	Date of Completion	Official Receipt N0o. and Date of OR and End User's Acceptance Date

CERTIFIED CORRECT:

Name and signature of authorized representative: _____

Position Title: _____

Date: _____

INSTRUCTIONS:

Any of the following documents **MUST** be **SUBMITTED** corresponding to the contract listed:

- a. Copy of End User's Acceptance;
- b. Official Receipt, or
- c. Sales Invoice.

SCHEDULE OF REQUIREMENTS

The delivery schedule expressed as weeks/months stipulates hereafter a delivery date which is the date of delivery to the project site.

Description	Quantity	Delivery Schedule
Dual Channel Automated Flash Chromatograph with Integrated TLC Image Reader Warranty: 1 year on parts and 2 years on services Free preventive maintenance after Year 1 and Year 2 On-site training for the use and care of the unit Service maintenance readily available in Davao City	1 Unit	90 calendar days
Recirculating Chiller Warranty: 1 year on parts and 2 years on services Free preventive maintenance for Year 1 On-site training for the use and care of the unit Service maintenance readily available in Davao City Approved Budget for the Contract for Lot 1 = P3,800,000.00	1 Unit	90 calendar days

I hereby certify to comply and deliver all the above requirements.

Name of Company

Signature over Printed Name of Representative

Date

TECHNICAL SPECIFICATIONS

Technical Specifications	Bidder's Statement of Compliance
Note: Please see separate file for the details of the Technical Specifications.	

I hereby certify to comply with all the above Technical Specifications.

Name of Company

Signature over Printed Name of Representative

Date

OMNIBUS SWORN STATEMENT

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

AFFIDAVIT

I, *[Name of Affiant]*, of legal age, *[Civil Status]*, *[Nationality]*, and residing at *[Address of Affiant]*, after having been duly sworn in accordance with law, do hereby depose and state that:

1. *Select one, delete the other:*

If a sole proprietorship: I am the sole proprietor or authorized representative of *[Name of Bidder]* with office address at *[address of Bidder]*;

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

2. *Select one, delete the other:*

If a sole proprietorship: As the owner and sole proprietor, or authorized representative of *[Name of Bidder]*, I have full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for *[Name of the Project]* of the *[Name of the Procuring Entity]*, as shown in the attached duly notarized *Special Power of Attorney*;

If a partnership, corporation, cooperative, or joint venture: I am granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for *[Name of the Project]*

of the *[Name of the Procuring Entity]*, as shown in the attached *[state title of attached document showing proof of authorization (e.g., duly notarized Secretary's Certificate, Board/Partnership Resolution, or Special Power of Attorney, whichever is applicable;)]*;

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

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

5. *[Name of Bidder]* is authorizing the Head of the Procuring Entity or its duly authorized representative(s) to verify all the documents submitted;

6. *elect one, delete the rest:*

If a sole proprietorship: The owner or sole proprietor is not related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

If a partnership or cooperative: None of the officers and members of *[Name of Bidder]* is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

If a corporation or joint venture: None of the officers, directors, and controlling stockholders of *[Name of Bidder]* is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

7. *[Name of Bidder]* complies with existing labor laws and standards; and
8. *[Name of Bidder]* is aware of and has undertaken the 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.

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.

_____ and his/her Community Tax Certificate No. _____ issued on ___ at _____.

Witness my hand and seal this ___ day of *[month]* *[year]*.

NAME OF NOTARY PUBLIC

Serial No. of Commission _____

Notary Public for _____ until _____

Roll of Attorneys No. _____

PTR No. _____ *[date issued], [place issued]*

IBP No. _____ *[date issued], [place issued]*

Doc. No. _____

Page No. _____

Book No. _____

Series of _____

* This form will not apply for WB funded projects.

Annex VI

Bid Form

Date: _____
Invitation to Bid N^o: _____

To: *[name and address of Procuring Entity]*

Gentlemen and/or Ladies:

Having examined the Bidding Documents including Bid Bulletin Numbers *[insert numbers]*, the receipt of which is hereby duly acknowledged, we, the undersigned, offer to *[supply/deliver/perform]* *[description of the Goods]* in conformity with the said Bidding Documents 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 deliver the goods in accordance with the delivery schedule specified in the Schedule of Requirements.

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

We agree to abide by this Bid for the Bid Validity Period specified in **BDS** provision for **ITB** Clause 0 and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

Commissions or gratuities, if any, paid or to be paid by us to agents relating to this Bid, and to contract execution if we are awarded the contract, are listed below:

Name and address of agent	Amount and Currency	Purpose of Commission or gratuity
_____	_____	_____
_____	_____	_____
_____	_____	_____

(if none, state "None")

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 Calculated Bid or any Bid you may receive.

We certify/confirm that we comply with the eligibility requirements as per **ITB** Clause 0 of the Bidding Documents.

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 _____ 20_____.

[signature]

[in the capacity of]

Duly authorized to sign Bid for and on behalf of

BID SECURING DECLARATION FORM

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

X-----X

BID SECURING DECLARATION

Invitation to Bid: *[Insert Reference number]*

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

I/We, the undersigned, declare that:

1. I/We understand that, according to your conditions, bids must be supported by a Bid Security, which may be in the form of a Bid-Securing Declaration.
2. I/We accept that: (a) I/we will be automatically disqualified from bidding for any contract with any procuring entity for a period of two (2) years upon receipt of your Blacklisting order; and, (b) I/we will pay the applicable fine provided under Section 6 of the Guidelines on the Use of Bid Securing Declaration, within fifteen (15) days from receipt of the written demand by the procuring entity for the commission of acts resulting to the enforcement of the bid securing declaration under Sections 23.1(b), 34.2, 40.1 and 69.1, except 69.1(f), of the IRR of RA 9184; without prejudice to other legal action the government may undertake.
3. I/We understand that this Bid Securing Declaration shall cease to be valid on the following circumstances:
 - (a) Upon expiration of the bid validity period, or any extension thereof pursuant to your request;
 - (b) I am/we are declared ineligible or post-disqualified upon receipt of your notice to such effect, and (i) I/we failed to timely file a request for reconsideration or (ii) I/we filed a waiver to avail of said right;

(c) I am/we are declared the bidder with the Lowest Calculated Responsive Bid, and I/we have furnished the performance security and signed the Contract.

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. Affiant/s is/are personally known to me and was/were identified by me through competent evidence of identity as defined in the 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC). Affiant/s exhibited to me his/her *[insert type of government identification card used]*, with his/her photograph and signature appearing thereon, with no.

_____ and his/her Community Tax Certificate No. _____ issued on ____ at _____.

Witness my hand and seal this ____ day of *[month] [year]*.

NAME OF NOTARY PUBLIC

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