



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Manila

097.7 DPWH
10.05.2020

September 29, 2020

DEPARTMENT MEMORANDUM)
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CIRCULAR NO. 85
Series of 2020 10/5/2020

FOR / TO : **Senior Undersecretary**
Undersecretaries
Assistant Secretaries
Bureau Directors
Service Directors
Regional Directors
Heads of UPMOs
District Engineers
BAC Chairpersons and Members
This Department

For information and guidance, attached is a copy of **GPPB Resolution No. 16-2020 entitled "Approving the Circular on the Guidelines in the Preparation of the Simplified Philippine Bidding Documents for Goods and Infrastructure Projects and Submission of the required forms for the Procurement of Goods, Infrastructure Projects and Consulting Services with Related Amendments to the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184"**.

A copy of said Resolution may also be downloaded from the **DPWH website: <http://dpwhweb>**. If an office cannot access the DPWH website, a hard copy may be obtained from the Records Management Division, HRAS, upon request.


MARICHU A. PALAFOX, CESO III
Assistant Secretary for Support Services

Incl: GPPB Resolution No. 16-2020 dated September 16, 2020

Cc: Office of the Secretary

12.1.1 EYAP/RAG/MVSG

APPROVING THE CIRCULAR ON THE GUIDELINES IN THE PREPARATION OF THE SIMPLIFIED PHILIPPINE BIDDING DOCUMENTS FOR GOODS AND INFRASTRUCTURE PROJECTS AND SUBMISSION OF THE REQUIRED FORMS FOR THE PROCUREMENT OF GOODS, INFRASTRUCTURE PROJECTS, AND CONSULTING SERVICES WITH RELATED AMENDMENTS TO THE 2016 REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184

WHEREAS, Republic Act (RA) No. 9184, otherwise known as the "Government Procurement Reform Act," took effect on 26 January 2003, while its 2016 revised Implementing Rules and Regulations (IRR) took effect on 28 October 2016;

WHEREAS, Section 63 of RA No. 9184 and its 2016 revised IRR authorizes the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend its IRR and corresponding standard forms for procurement, whenever necessary;

WHEREAS, Section 3 (c) of RA No. 9184 mandates that all procurement of the national government, its departments, bureaus, offices and agencies, including state universities and colleges, government-owned and/or -controlled corporations, government financial institutions, and local government units, shall be governed by the principle, among others, on a "[s]treamlined procurement process that will uniformly apply to all government procurement. The procurement process shall be simple and made adaptable to advances in modern technology in order to ensure an effective and efficient method;"

WHEREAS, Section 6 of RA No. 9184 provides for the following requirement on the standardization of the procurement process and forms:

To systematize the procurement process, avoid confusion and ensure transparency, the procurement process, including the forms to be used, shall be standardized insofar as practicable. For this purpose, the GPPB shall pursue the development of generic procurement manuals and standard bidding forms, the use of which once issued shall be mandatory upon all Procuring Entities;

WHEREAS, Sections 6.1 and 6.2 of the 2016 revised IRR of RA No. 9184 further require the use the Philippine Bidding Documents by the procuring entities (PEs) as follows:

To systematize the procurement process, avoid confusion and ensure transparency the GPPB shall pursue the development and approval of generic procurement manuals, standard Bidding Documents, and forms, including those to be used for major procurement like drugs and textbooks; and

Procuring Entities are mandated to use the Generic Procurement Manuals (GPMs), Philippine Bidding Documents (PBDs), and other standard forms of the GPPB. However, whenever necessary to suit the particular needs of the Procuring Entity, modifications may be made, particularly for major and specialized procurement, subject to the approval of the GPPB;

WHEREAS, Section 4.3 of the 2016 revised IRR of RA No. 9184 also recognizes the use of the PBDs and the standard bidding forms for foreign-assisted projects (FAPs) unless a Treaty or International or Executive Agreement expressly states the use of a different set of bidding documents;

WHEREAS, GPPB Resolution No. 09-2020¹ provides for the further development of the GPPB Online Portal,² which shall also serve as an online bid submission platform until the establishment of the modernized Philippine Government Electronic Procurement System (PhilGEPS);

WHEREAS, GPPB Resolution No. 15-2020³ approved the 6th Edition PBDs for Goods and Infrastructure Projects, which shall also be utilized for the online preparation of the PBDs, a functionality being featured under the said GPPB Online Portal in connection with the online submission and receipt of bids;

WHEREAS, the same Resolution approved the simplification of the said PBDs by applying strategies, among others, to separate the sections on the FAPs and bidding forms from the PBDs, and instead, a Circular shall be issued for the preparation of the PBDs and the bidding forms;

WHEREAS, during the 11th GPPB Meeting⁴ on 16 September 2020, the GPPB-Technical Support Office (TSO) presented the following proposals:

1. The Circular on the guidelines for the following:
 - a. Preparation of the PBDs for Procurement Projects, including the use of a new electronic method of preparing these PBDs;
 - b. Submission of the Required Forms by the Bidder; and
 - c. Use of the PBDs for FAPs.
2. Amendments to the Required Forms, as follows:
 - a. In Sections 23(a)(iv), 23(a)(vii), 23(a)(viii), and 24(a)(iv) of the 2016 revised IRR of RA No. 9184 wherein "prospective" is deleted in the forms for consistency;
 - b. In Section 25.3 of the 2016 revised IRR of RA No. 9184 on the Omnibus Sworn Statement, which shall include:
 - i. Paragraph (b) clarifying that the Bidder is not "blacklisted" by itself or by its relation, membership, association, affiliation, or controlling interest with another blacklisted person or entity as defined and provided for in the Uniform Guidelines on Blacklisting; and
 - ii. Paragraph (i) stating that "in case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the Government of the Philippines pursuant to Article 315 of Act no. 3815 s. 1930, as amended, or the Revised Penal Code."

¹ Dated 07 May 2020.

² Established in May 2020 through GPPB Circular No. 1-2020.

³ Dated 28 July 2020.

⁴ conducted via Zoom.

3. Amendments to Sections 30.1 and 30.2 of the 2016 revised IRR of RA No. 9184 with respect to Required Forms for online or electronic bid submissions, specifically:
 - a. The scanned copies of the Bid Securing Declaration or other forms of bid security excluding cash, and the Omnibus Sworn Statement submitted in the first bid envelope are considered compliant with the requirements for bid submission under the rules, subject to submission of the original copies thereof during the post-qualification stage; and
 - b. The scanned copies of the Bid Form, Price Schedules, or other forms in the second bid envelope are considered compliant with the requirements for bid submission under the rules.
4. Amendment to the Required Form for the Performance Securing Declaration to reflect that winning bidder accepts that it will be automatically disqualified from bidding for any procurement contract with any PE for two (2) years for the second offense based on the rules, instead of indicating "prior similar offense;" and
5. Harmonize the provisions of the 2016 revised IRR and its associated issuances specifying automatic disqualification, instead of suspension or automatic blacklisting, for offenses imposed for undertakings such as the Bid Securing Declaration and Performance Securing Declaration since this stricter penalty should be meted for violations of the terms and conditions of the undertakings, considering that these are mere commitments without any considerations.

WHEREAS, the GPPB, after careful review and due deliberation of the final comments and suggestions of the members, agreed to approve the recommendations of the GPPB-TSO on all matters on (i) the Circular on the guidelines in the preparation of PBDs, which includes the use of PBD Builder, and submission of Required Forms; (ii) the related amendments to Sections 23(a)(iv), 23(a)(vii), 23(a)(viii), 24(a)(iv), 25.3, 30.1, 30.2, and 37.2.3(f) of the 2016 revised IRR of RA No. 9184 on Required Forms, (iii) the amendment to the Performance Securing Declaration relative to the second offense; (iv) harmonizing the provisions of the 2016 revised IRR and its associated issuances on the undertakings such as the Bid Securing Declaration and Performance Securing Declaration, with respect to automatic disqualification as stricter penalty; and (v) the authority of the GPPB-TSO to issue and update procedures in the use of the said PBD Builder

NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US**, by law and other executive issuances, hereby **RESOLVE**, to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve the following:

1. **ISSUE** the Circular providing for the guidelines in the preparation of the PBDs and submission of the Required Forms, a copy of which is attached as Annex "A" with Appendix 1 containing the templates of these forms;
2. **AMEND** Sections 23 (a)(iv), 23(a)(vii), 23(a)(viii), 24.1(a)(iv), 25.3, 27.5, 30.1, and 30.2, of the 2016 revised IRR of RA No. 9184, a copy of which is attached as Annex "B;"
3. **REVISE** the Required Form for the PSD to clarify on the automatic disqualification of a supplier from bidding for any procurement contract with

any PE upon receipt of its Blacklisting Order depending on whether it is a first or second offense of violating its obligations under the Contract;

4. **HARMONIZE** the provisions of the 2016 revised IRR and its associated issuances for undertakings such as Bid Securing Declaration and Performance Securing Declaration, by indicating automatic disqualification, instead of suspension or automatic blacklisting, as the penalty for offenses of violating the terms and conditions thereof;
5. **APPROVE** the use of the PBD Builder in the GPPB Online Portal for the online preparation of PBDs for Goods and Infrastructure Projects; and
6. **AUTHORIZE** the GPPB-TSO to issue and update the procedures in the use of the said PBD Builder, as may be deemed necessary.

This Resolution shall take effect immediately following the publication in the Official Gazette or any newspaper of general nationwide circulation.

APPROVED this 16th day of September 2020 at Manila, Philippines.

Sgd.

WENDEL E. AVISADO
GPPB, Chairperson
**DEPARTMENT OF BUDGET AND
MANAGEMENT**

Sgd.

LAURA B. PASCUA
Alternate to the Chairperson
**DEPARTMENT OF BUDGET AND
MANAGEMENT**

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

DEPARTMENT OF EDUCATION

Sgd.

DEPARTMENT OF ENERGY

Sgd.

DEPARTMENT OF FINANCE

Sgd.

DEPARTMENT OF HEALTH

Sgd.

**DEPARTMENT OF THE INTERIOR AND
LOCAL GOVERNMENT**

Sgd.

**DEPARTMENT OF NATIONAL
DEFENSE**

**DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS**

Sgd.

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

DEPARTMENT OF TRADE AND INDUSTRY

Sgd.

DEPARTMENT OF TRANSPORTATION

**DEPARTMENT OF INFORMATION AND
COMMUNICATIONS TECHNOLOGY**

PRIVATE SECTOR REPRESENTATIVE



ANNEX "A"

Unit 2504 Raffles Corporate Center
F. Ortigas Jr. Road, Ortigas Center
Pasig City, Philippines 1605

CIRCULAR 04-2020
16 September 2020

TO : All Procuring Entities

SUBJECT : Guidelines in the Preparation of the Simplified Philippine Bidding Documents for Goods and Infrastructure Projects and the Submission of the Required Forms to be included in the Procurement of Goods, Infrastructure Projects, and Consulting Services

1.0 OBJECTIVE

This Circular is issued to guide all Procuring Entities (PEs) in the preparation of the Simplified Philippine Bidding Documents (PBDs) for Goods and Infrastructure Projects and the submission of the Required Forms for the procurement of Goods, Infrastructure Projects, and Consulting Services.

2.0 SCOPE AND APPLICATION

This Circular shall apply to all PEs or to any branch, Constitutional Commission, agency, department, bureau, office, or instrumentality of the Government of the Philippines, National Government Agencies, including Government-Owned and/or -Controlled Corporations, Government Financial Institutions, State Universities and Colleges, and Local Government Units.

3.0 USE OF THE SIMPLIFIED PBDs AND THE SUBMISSION OF THE REQUIRED FORMS

- 3.1. All the provisions of Republic Act (RA) No. 9184 and its 2016 revised Implementing Rules and Regulations (IRR), including its Generic Procurement Manuals (GPMs) and associated policies, rules and regulations shall be the primary source for the bidding and contract implementation requirements of Procurement Projects and shall therefore apply in the use and implementation of the Simplified PBDs.⁵
- 3.2. Pursuant to Section 6 of RA No. 9184 and its 2016 revised IRR, the PEs are mandated to use the latest approved PBDs⁶ and the standard forms to be submitted by the Bidders under Sections 17 and 23 of the 2016 revised IRR of RA No. 9184. The said standard forms shall be referred to herein as the Required Forms.

⁵6th Edition PBDs for the Procurement of Goods and Infrastructure Projects, as approved by the GPPB through Resolution No. 15-2020 dated 28 July 2020.

⁶GPPB Resolution No. 15-2020 dated 28 July 2020.

- 3.3. The PE may be allowed to customize the PBDs in the following instances:
- a. Pursuant to Section 6.2 of the 2016 revised IRR of RA No. 9184, modifications may be made to the PBDs, particularly for specialized procurement, whenever necessary to suit the PE's specific needs, **subject to the approval of the GPPB**; or
 - b. Under Section 17.2 of the 2016 revised IRR of RA No. 9184 on mixed procurements, the PE shall specify in the PBDs the requirements, criteria, and other conditions of the bidding procedures and of the ensuing contract as applicable to each component of the Procurement Project.
- 3.4. Unless a Treaty or International or Executive Agreement expressly states the use of another set of bidding documents, the PEs shall likewise utilize the PBDs and the Required Forms for their foreign-assisted projects in accordance with Section 4.3 of the 2016 revised IRR of RA No. 9184.

4.0 PREPARATION OF THE PBDs

- 4.1. Preparation of the PBDs may be done by the PE in two ways:
- a. the existing manual method by downloading a copy of the latest approved PBDs from the GPPB website link: <https://www.gppb.gov.ph/downloadables.php> by clicking the tab for PBDs then updating the contents based on its current Procurement Project; or
 - b. the new electronic method through the PBD Builder in the GPPB Online Portal, once operational, through this link: <https://gppbgovph.com/PBDListings.php>.
- 4.2. The Project Identification Number shall be based on the PE's internal rules. The said identification number shall be maintained or used until the successful award or cancellation of the Procurement Project. This is without prejudice to any subsequent issuance setting up a standard format in the identification of Procurement Projects.
- 4.3. The prescribed documents and/or information in Sections 17 and 23 of the 2016 revised IRR of RA No. 9184 on the form and contents of the PBDs and the eligibility requirements, respectively shall not be revised or amended by the PEs. The PEs are also proscribed from requiring the bidders to submit additional eligibility documents other than what are required under the said rules.
- 4.4. The PEs shall indicate in the PBDs the following:
- a. Approved Budget for Contract (ABC);
 - b. Information in the Invitation to Bid/Request for Expressions of Interest, as required in Section 21 of the 2016 revised IRR of RA No.9184;
 - c. Information required in the Bid Data Sheet that supplement, amend, or identify the requirements included in the Instruction to Bidders, which are specific to the Procurement Project, such as scope of bid, documents comprising the bid, criteria for eligibility, bid evaluation methodology/criteria and post-qualification, as well as the date, time and

- place of the pre-bid conference, submission of bids and opening of bids;
- d. Scope of Work or Terms of Reference;
- e. Technical Specifications; and
- f. Delivery Date or Completion Schedule.

5.0 REQUIRED FORMS TO BE SUBMITTED BY BIDDERS

5.1. The Required Forms shall include:

a. For all Procurement Projects:

- i. Form of Contract or Contract Agreement Form as provided in Sections 17.1 (l) and 37.2 of the 2016 revised IRR, including contract price under Section 61 of the same IRR;
- ii. Bid Security as identified in Section 17(j) of the 2016 revised IRR, which may either be (i) a Bid Securing Declaration as provided in Sections 27.2 and 27.5 of the 2016 revised IRR, as well as GPPB Resolution No. 03-2012⁷ as amended by GPPB Resolution No. 15-2014;⁸ or (ii) any other forms of bid security such as bank draft or guarantee, irrevocable letter of credit, or surety bond, as provided in Section 27.2 of the 2016 revised IRR;
- iii. Performance Security as indicated in Sections 17.1 (k) and 39 of the 2016 revised IRR of RA No. 9184, which includes the Performance Securing Declaration (PSD) as an alternate performance security during a state of calamity or imposition of community quarantine pursuant to GPPB Resolution No.09-2020;⁹ and
- iv. Omnibus Sworn Statement in accordance with Section 25.3 of the 2016 revised IRR of RA No. 9184.

b. Additional for Goods

- i. Bid Form for the Procurement of Goods pursuant to Sections 17.1(h) and 25.8 of the 2016 revised IRR, including bid prices indicated in Sections 32.2.2 and 32.2.3 of the same IRR;
- ii. Price Form or Price Schedule for the Procurement of Goods as stated in Section 17.1(h) of the 2016 revised IRR;
- iii. Statement of the Bidder of all its ongoing government and private contracts, including contracts awarded but not yet started pursuant to Sections 23.1(a)(iv) of the 2016 revised IRR of RA No.9184; and
- iv. Statement of the Bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid pursuant to Sections 23.1(a) (v) and 23.4.1.3 of the 2016 revised IRR of RA No.9184;

⁷Dated 12 January 2012..

⁸Dated 20 June 2014..

⁹Dated 07 May 2020.

- v. Bidder's computation of Net Financial Contracting Capacity (NFCC) or committed Line of Credit for Goods pursuant to Section 23.1(a) (viii) of the 2016 revised IRR of RA No.9184;
 - vi. Warranty Security as indicated in Sections 17.1 (k) and 62 of the 2016 revised IRR of RA No. 9184;
 - vii. Joint Venture Agreement or duly notarized statements from all the potential joint venture partners as stated in Sections 23.1(b) of the 2016 revised IRR of RA No.9184.
 - viii. Certification as to the reciprocity for foreign bidders for the procurement of Goods, based on the Guidelines in the Determination of Eligibility of Foreign Suppliers, Contractors, and Consultants to Participate in Government Procurement Projects.
- c. Additional For Infrastructure Projects
- i. Bid Form for the Procurement of Infrastructure Projects pursuant to Sections 17.1(h) and 25.8 of the 2016 revised IRR, including bid prices indicated in Sections 32.2.2 and 32.2.3 of the same IRR;
 - ii. Statement of the Bidder of all its ongoing government and private contracts, including contracts awarded but not yet started pursuant to Sections 23.1(a)(iv) of the 2016 revised IRR of RA No.9184; and
 - iii. Statement of the Bidder's Single Largest Completed Contract (SLCC) similar to the contract to be bid pursuant to Sections 23.1(a) (v), 23.4.1.3, and 23.4.2.4 of the 2016 revised IRR of RA No.9184;
 - iv. Owner's Certificate of Acceptance or Constructors Performance Evaluation System (CPES) Rating for the procurement of Infrastructure Projects pursuant to Section 23.4.2.5 of the 2016 revised IRR of RA No.9184;
 - v. Bidder's computation of Net Financial Contracting Capacity (NFCC) pursuant to Section 23.1(a) (viii) of the 2016 revised IRR of RA No. 9184;
 - vi. Joint Venture Agreement as stated in Section 23.1(b) of the 2016 revised IRR of RA No.9184.
 - vii. Warranty Security as indicated in Sections 17.1 (k) and 62 of the 2016 revised IRR of RA No. 9184.
- d. Additional for Consulting Services
- i. All Technical Proposal Forms to be submitted with the Bid:
 - 1. Statement of the bidder of all its ongoing and completed government and private contracts, including contracts awarded but not yet started, with the relevant period provided in the PBDs based on Section 24.1(a) (iv) of the 2016 revised IRR of RA No. 9184;

2. 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 professions and allied professions, including their respective curriculum vitae, as stated in Section 24.1(a) (v) of the 2016 revised IRR of RA No. 9184;
 3. Organizational Chart as required under Section. 25.2 (c) ii of the 2016 revised IRR of RA No. 9184;
 4. Approach, work plan, and schedule as stated in Section 25 (c) (iv) of the 2016 revised IRR of RA No. 9184; and
 5. List of key personnel to be assigned to the contract to be bid, with their completed qualification and experience data, pursuant to Section. 25.2 (c) ii of the 2016 revised IRR of RA No. 9184.
- ii. All Financial Proposal Forms to be submitted with the Bid provided in the GPM pursuant to Annex "F" of the 2016 revised IRR of RA No. 9184 on the Contract Implementation Guidelines for the Procurement of Consulting Services:
 1. Financial Proposal Submission containing the total amount of the financial proposal in words and figures;
 2. Summary of Costs;
 3. Breakdown of Price per Activity;
 4. Breakdown of Remuneration per Activity;
 5. Reimbursables per Activity; and
 6. Other items as may be required in the bidding documents.
 - iii. Joint Venture Agreement or duly notarized statements from all the potential joint venture partners as stated in Section 24.1(b) of the 2016 revised IRR of RA No.9184.
- 5.2. The following templates are provided for easy reference, attached hereto as Appendix 1, which may also be accessed through this link: <https://www.gppb.gov.ph/downloadables.php>:
- 5.2.1. Bid Form for the Procurement of Goods
 - 5.2.2. Bid Form for the Procurement of Infrastructure Projects
 - 5.2.3. Price Schedule for Goods Offered from Abroad
 - 5.2.4. Price Schedule for Goods Offered from Within the Philippines
 - 5.2.5. Bid Securing Declaration
 - 5.2.6. Contract Agreement Form for the Procurement of Goods
 - 5.2.7. Contract Agreement Form for the Procurement of Infrastructure Projects;
 - 5.2.8. Omnibus Sworn Statement; and
 - 5.2.9. Performance Securing Declaration.
- 5.3. Bidders are highly encouraged to use the templates provided to minimize errors or omissions in the forms submitted. However, failure to use said templates is not a ground for disqualification, provided that the form submitted includes all the mandatory provisions required in the 2016 revised IRR of RA No. 9184 and its associated issuances and as identified in Item 6 of this Circular.

- 5.4. The Bid Securing Declaration, Performance Securing Declaration, Joint Venture Agreement or duly notarized statements from all the potential joint venture partners, Contract Agreement Form, and Omnibus Sworn Statement shall be notarized in accordance with the latest Rules on Notarial Practice.¹⁰

6.0 MANDATORY PROVISIONS OF REQUIRED FORMS

- 6.1. The Required Forms to be submitted by Bidders shall contain the following:

Required Forms	Mandatory Provisions
a. Bid Form	<ul style="list-style-type: none"> i. Bid prices in figures and in words; and ii. The Bid price shall include the cost of all taxes, such as, but not limited to, value added tax, income tax, local taxes, and other fiscal levies and duties which shall be itemized in the bid form and reflected in the price schedule or detailed estimates.
b. Price Schedule	<p>Prices indicated in the Price Schedule shall be entered separately in the following manner:</p> <ul style="list-style-type: none"> i. For Goods offered from within the PE's country: <ul style="list-style-type: none"> 1. The price of the Goods quoted EXW (ex works, ex factory, ex warehouse, ex showroom, or off-the-shelf, as applicable); 2. The cost of all sales and other taxes already paid or payable; 3. The cost of transportation, insurance, and other costs incidental to delivery of the Goods to their final destination; and 4. The price of other (incidental) services, if any. ii. For Goods offered from abroad: <ul style="list-style-type: none"> 1. The price of the Goods shall be quoted Delivered Duty Paid with the place of destination in the Philippines; 2. The price of other (incidental) services, if any; and 3. For Services, based on the form which may be prescribed by the PE, in accordance with existing laws,

¹⁰ currently based on Administrative Matter (AM) No. 02-8-13-SC, Supreme Court of the Philippines, promulgated on 6 July 2004, as amended by AM No. 20-07-04-SC on the 2020 Interim Rules on Remote Notarization of Paper Documents, dated 14 July 2020.

	rules and regulations.
c. Bid Securing Declaration	<p>i. Bidder shall enter into contract with the PE and furnish the required performance security within ten (10) calendar days, from receipt of the Notice of Award; and</p> <p>ii. Bidder accepts that:</p> <ol style="list-style-type: none"> 1. It shall be automatically disqualified from bidding for any procurement contract with any PE for a period of two (2) years upon receipt of the Blacklisting Order; and 2. It will pay the applicable fine provided under the Guidelines on the Use of Bid Securing Declaration, within fifteen (15) days from receipt of the written demand by the PE for the commission of acts resulting to the enforcement of the Bid Securing Declaration under the pertinent provisions of the IRR of RA No. 9184, and its associated issuances.
d. Contract Agreement Form	<p>i. The following documents form part of the Contract:</p> <ol style="list-style-type: none"> 1. PBDs; 2. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted; 3. Performance Security; 4. Notice of Award of Contract; and 5. Other contract documents that may be required by existing laws and/or the PE concerned in the PBDs. <u>Winning bidder agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for execution or submission after the contract execution, such as the Notice to Proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract. [NEW]</u>

	<p>ii. Total contract price, which shall be denominated and payable in Philippine peso, except when the PE agrees that obligations shall be settled in any other foreign currency, which shall be accepted or tradeable by the <i>Bangko Sentral ng Pilipinas</i>, subject to conditions provided for under the Guidelines on Procurements Involving Foreign-Denominated Bids, Contract Prices, and Payment Using Letters of Credit.</p>
e. Omnibus Sworn Statement	<p>i. The signatory is the duly authorized representative of the Bidder, and granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract accompanied by relevant notarized document;</p> <p>ii. 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, including foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the GPPB, <u>by itself or by relation, membership, association, affiliation, or controlling interest with another blacklisted person or entity as defined and provided for in the Uniform Guidelines on Blacklisting. [NEW]</u></p> <p>iii. 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;</p> <p>iv. Bidder authorizes the HoPE or his/her duly authorized representative/s to verify all the documents submitted;</p> <p>v. Bidder complies with the disclosure provision under Section 47 of RA No. 9184 and its 2016 revised IRR, in relation to other provisions of RA No. 3019;</p> <p>vi. Bidder complies with existing labor laws and standards;</p>

	<p>vii. Bidder complies with the responsibilities of a prospective or eligible bidder provided in the PBDs;</p> <p>viii. 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</p> <p>ix. <u>In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code. [NEW]</u></p>
<p>f. Other Required Forms on the Bid Security aside from the Bid Securing Declaration</p> <p>g. Performance Security</p> <p>h. Warranty Security</p>	<p>i. Security is posted in favor of the PE;</p> <p>ii. Amount of the Security, which is denominated in Philippine pesos, which should not be less than the required percentage, as follows:</p> <ol style="list-style-type: none"> 1. For Bid Security, based on the ABC to be bid; 2. For Performance Security, based on the Total Contract Price; and 3. For Warranty Security, based on the required percentage of the Progress Payment or Total Contract Price; <p>iii. Validity period, which should be corresponding to the timeframe provided in the 2016 revised IRR of RA No. 9184 and its associated issuances;</p> <p>iv. Respective obligation or undertaking that is guaranteed relative to the faithful performance of the responsibilities stated in the relevant provisions of the 2016 revised IRR; and</p>

	<p>v. For surety bonds, it shall be callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.</p>
<p>Performance Securing Declaration (PSD), if used as alternative Performance Security</p>	<p>i. Winning bidder shall submit a PSD within a maximum period of ten (10) calendar days from the receipt of the Notice of Award prior to the signing of the Contract; and</p> <p>ii. <u>Winning bidder accepts that it will be automatically disqualified from bidding for any procurement contract with any PE for a period of one (1) year for the first offense, or two (2) years for the second offense, upon receipt of Blacklisting Order if it has violated its obligations under the Contract [REVISED];</u> and</p> <p>iii. Winning bidder understands that the PSD shall cease to be valid upon:</p> <ol style="list-style-type: none"> 1. issuance by the PE of the Certificate of Final Acceptance, subject to the following conditions: <ol style="list-style-type: none"> a. PE has no claims filed against the contract awardee; b. PE has no claims for labor and materials filed against the contractor; and c. Other terms of the contract; or 2. 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 revised IRR of RA No. 9184 as required by the end-user.
<p>j. Statement of the Bidder of all its ongoing government and private contracts, including contracts awarded but not yet started</p>	<p>i. Names of outstanding contracts with other contracting party, <i>i.e.</i>, PE or private company allowed by the rules, contract date, period and amount or value; and</p> <p>ii. For Goods, kinds of Goods and dates of delivery.</p>
<p>k. Statement of the Bidder's SLCC similar to</p>	<p>i. Name of the completed contract with contract date, period and amount, which</p>

the contract to be bid	<p>should correspond to the required percentage of the ABC to be bid. The value is adjusted to the current prices using the Philippine Statistics Authority consumer price indices, when necessary;</p> <p>ii. For Goods, the relevant period or delivery date when the said SLCC was completed; end user's acceptance or official receipt(s) or sales invoice issued for the contract, if completed; and</p> <p>iii. Definition or description of the similar project or major categories of work.</p>
l. Owner's Certificate of Acceptance or CPES rating accompanying the Statement of the Bidder's SLCC	<p>i. For Owner's Certificate of Acceptance:</p> <ol style="list-style-type: none"> 1. Name of project owner that issued the certificate; 2. Name of Contractor/Constructor; 3. Name of Contract; and 4. Contract Duration. <p>ii. For CPES rating, a final rating of at least Satisfactory.</p> <p>For contracts with the private sector, an equivalent document shall be submitted.</p>
m. Bidder's Computation of NFCC or committed Line of Credit (CLC) for Goods	<p>i. For NFCC Computation:</p> <ol style="list-style-type: none"> 1. ABC to be bid; 2. Amount or value of bidder's current assets based on Audited Financial Statements (AFS); 3. Amount or value of bidder's current liabilities based on AFS; and 4. Amount or value of all outstanding or uncompleted portions of the projects under ongoing contracts, including awarded contracts yet to be started, coinciding with the contract to be bid. <p>ii. For CLC:</p> <ol style="list-style-type: none"> 1. ABC to be bid; 2. Amount, which should be at least equal to ten percent (10%) of the ABC; and 3. Name of issuing foreign Universal or Commercial Bank, as confirmed or authenticated by a local Universal or Commercial Bank.

<p>n. Joint Venture Agreement (JVA) or Notarized Statements as to forming JV for Goods</p>	<p>i. If a JVA is already in existence, the contents shall include the responsibility of each of the JV partners or its contributions to the JV; and</p> <p>ii. The contents of the Notarized Statements from all potential JV partners shall include that:</p> <p>a. they will enter into and abide by the provisions of the JVA in the event that the bid is successful; and</p> <p>b. failure to enter into JVA in the event of a contract award shall be a ground for bid disqualification and subsequent forfeiture of the bid security.</p>
<p>o. Certification as to reciprocity to foreign bidders for Goods</p>	<p>Foreign bidder claiming eligibility based on its country's extension of reciprocal rights to Filipinos shall submit a certification from the relevant government office of their country stating that Filipinos are allowed to participate in their government procurement activities for the same item/product.</p>

- 6.2. For the Bid Form, Price Schedules, Bid Securing Declaration, Omnibus Sworn Statement, JVA or Notarized Statements as to forming JV for Goods, Performance Securing Declaration, if used, and Contract Agreement Form, the Bidder or its authorized representative shall be required to provide its name, legal capacity, and signature thereon.
- 6.3. For the Required Forms for Consulting Services enumerated in Sub-item 5.1(d) of this Circular, the PEs shall ensure that all the information required and other conditions provided in the 2016 revised IRR of RA No. 9184 and the GPM are included in the forms submitted.
- 6.4. The PEs shall check compliance of the submitted forms with the mandatory provisions stated above. Non-submission of the Required Forms or non-inclusion of the mandatory provisions in any of the Required forms shall be a ground for disqualification.
- 6.5. For forms required to be notarized, absence thereof or a finding against the veracity of the said notarization is likewise a ground for disqualification unless allowed to be submitted on a later date as in the case of Negotiated Procurement (Emergency Cases) pursuant to GPPB Resolution No. 05-2020 and state of calamity citing GPPB Resolution No. 09-2020 and any other subsequent issuances.
- 6.6. If the PE allows online or electronic bid submission, the scanned Required Forms shall be considered as compliant with the requirements of bid submission, subject to the submission of the original copies of the Bid Security or Bid Securing Declaration, as the case may be, and the Omnibus Sworn Statement during the post-qualification stage. However, the non-submission of these forms shall be a ground for post-disqualification, pursuant to Section 30.1

of the 2016 revised IRR of RA No. 9184.

7.0 USE OF THE PBDs FOR FOREIGN-ASSISTED PROJECTS (FAPS)

- 7.1. These guidelines shall govern the preparation of the PBDs by the PEs for their FAPs that are specifically funded through grants, loans, or credit agreements with any of the Development Partners, such as the Asian Development Bank, the Japan International Cooperation Agency, or the World Bank.
- 7.2. PEs shall utilize the approved PBDs for their FAPs in the following instances:
- a. The Development Partner has not indicated in the loan agreement that its specific rules and the PBDs shall be used for its project pursuant to Section 4.3 of the 2016 revised IRR of RA No. 9184; or
 - b. Both the Development Partner and the Government of the Philippines have acceded through the grant agreement that RA No. 9184 and its 2016 revised IRR, including the PBDs would be used for the project pursuant to Section 4.4 (a) of the 2016 revised IRR of RA No. 9184.
- 7.3. A careful study on the FAP-specific requirements of the Development Partners must be undertaken by the PEs in order to determine the appropriate documents or clauses that must be modified to align with the specific procurement guidelines of the said foreign government/foreign or international financial institutions.

8.0 EFFECTIVITY

The Simplified PBDs shall be used for Competitive Bidding of Procurement Projects that will be posted upon its effectivity¹¹ on 06 October 2020.

This Circular shall take effect immediately.

Sgd.
WENDEL E. AVISADO
Chairperson
Government Procurement Policy Board

¹¹Published on 21 September 2020 in the Official Gazette.

Bid Form for the Procurement of Goods
[shall be submitted with the Bid]

BID FORM

Date : _____
 Project Identification No. : _____

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

Having examined the Philippine Bidding Documents (PBDs) including the Supplemental or 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 PBDs for the sum of *[total Bid amount in words and figures]* or the total calculated bid price, as evaluated and corrected for computational errors, and other bid modifications in accordance with the Price Schedules attached herewith and made part of this Bid. The total bid price includes the cost of all taxes, such as, but not limited to: *[specify the applicable taxes, e.g. (i) value added tax (VAT), (ii) income tax, (iii) local taxes, and (iv) other fiscal levies and duties]*, which are itemized herein or in the Price Schedules,

If our Bid is accepted, we undertake:

- a. to deliver the goods in accordance with the delivery schedule specified in the Schedule of Requirements of the Philippine Bidding Documents (PBDs);
- b. to provide a performance security in the form, amounts, and within the times prescribed in the PBDs;
- c. to abide by the Bid Validity Period specified in the PBDs and it shall remain binding upon us at any time before the expiration of that period.

[Insert this paragraph if Foreign-Assisted Project with the Development Partner:

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 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 pursuant to the PBDs.

The undersigned is authorized to submit the bid on behalf of *[name of the bidder]* as evidenced by the attached *[state the written authority]*.

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.

Name: _____

Legal capacity: _____

Signature: _____

Duly authorized to sign the Bid for and behalf of: _____

Date: _____

Bid Form for the Procurement of Infrastructure Projects
[shall be submitted with the Bid]

BID FORM

Date : _____

Project Identification No. : _____

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

Having examined the Philippine Bidding Documents (PBDs) including the Supplemental or Bid Bulletin Numbers *[insert numbers]*, the receipt of which is hereby duly acknowledged, we, the undersigned, declare that:

- a. We have no reservation to the PBDs, including the Supplemental or Bid Bulletins, for the Procurement Project: *[insert name of contract]*;
- b. We offer to execute the Works for this Contract in accordance with the PBDs;
- c. The total price of our Bid in words and figures, excluding any discounts offered below is: *[insert information]*;
- d. The discounts offered and the methodology for their application are: *[insert information]*;
- e. The total bid price includes the cost of all taxes, such as, but not limited to: *[specify the applicable taxes, e.g. (i) value added tax (VAT), (ii) income tax, (iii) local taxes, and (iv) other fiscal levies and duties]*, which are itemized herein and reflected in the detailed estimates,
- f. Our Bid shall be valid within the a period stated in the PBDs, and it shall remain binding upon us at any time before the expiration of that period;
- g. If our Bid is accepted, we commit to obtain a Performance Security in the amount of *[insert percentage amount]* percent of the Contract Price for the due performance of the Contract, or a Performance Securing Declaration in lieu of the the allowable forms of Performance Security, subject to the terms and conditions of issued GPPB guidelines¹² for this purpose;
- h. We are not participating, as Bidders, in more than one Bid in this bidding process, other than alternative offers in accordance with the Bidding Documents;
- i. We understand that this Bid, together with your written acceptance thereof included in your notification of award, shall constitute a binding contract between us, until a formal Contract is prepared and executed; and
- j. We understand that you are not bound to accept the Lowest Calculated Bid or any other Bid that you may receive.
- k. We likewise certify/confirm that the undersigned, is the duly authorized representative of the bidder, and granted full power and authority to do, execute

¹² currently based on GPPB Resolution No. 09-2020

and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for the [Name of Project] of the [Name of the Procuring Entity].

- I. We acknowledge that failure to sign each and every page of this Bid Form, including the Bill of Quantities, shall be a ground for the rejection of our bid.

Name: _____

Legal Capacity: _____

Signature: _____

Duly authorized to sign the Bid for and behalf of: _____

Date: _____

Price Schedule for Goods Offered from Abroad
[shall be submitted with the Bid if bidder is offering goods from Abroad]

For Goods Offered from Abroad

Name of Bidder _____ Project ID No. _____ Page ____ of ____

1	2	3	4	5	6	7	8	9
Item	Description	Country of origin	Quantity	Unit price CIF port of entry (specify port) or CIP named place (specify border point or place of destination)	Total CIF or CIP price per item (col. 4 x 5)	Unit Price Delivered Duty Unpaid (DDU)	Unit price Delivered Duty Paid (DDP)	Total Price delivered DDP (col 4 x 8)

Name: _____

Legal Capacity: _____

Signature: _____

Duly authorized to sign the Bid for and behalf of: _____

Name of Bidder _____ Project ID No. _____ Page ____ of ____

Name: _____

Legal Capacity: _____

Signature: _____

Duly authorized to sign the Bid for and behalf of: _____

Bid Securing Declaration Form

[shall be submitted with the Bid if bidder opts to provide this form of bid security]

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

BID SECURING DECLARATION **Project Identification No.: [Insert 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 procurement 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 No. 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; and
 - 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 OR ITS AUTHORIZED REPRESENTATIVE]
[Insert signatory's legal capacity]
Affiant

[Jurat]
[Format shall be based on the latest Rules on Notarial Practice]

Contract Agreement Form for the Procurement of Goods (Revised)
[Not required to be submitted with the Bid, but it shall be submitted within ten (10) days after receiving the Notice of Award]

CONTRACT AGREEMENT

THIS AGREEMENT made the ____ day of _____ 20____ between [name of PROCURING ENTITY] of the Philippines (hereinafter called "the Entity") of the one part and [name of Supplier] of [city and country of Supplier] (hereinafter called "the Supplier") of the other part;

WHEREAS, the Entity invited Bids for certain goods and ancillary services, particularly [brief description of goods and services] and has accepted a Bid by the Supplier for the supply of those goods and services in the sum of *[contract price in words and figures in specified currency]* (hereinafter called "the Contract Price").

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract referred to.
2. The following documents as required by the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184 shall be deemed to form and be read and construed as integral part of this Agreement, viz.:
 - i. Philippine Bidding Documents (PBDs);
 - i. Schedule of Requirements;
 - ii. Technical Specifications;
 - iii. General and Special Conditions of Contract; and
 - iv. Supplemental or Bid Bulletins, if any
 - ii. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

Bid form, including all the documents/statements contained in the Bidder's bidding envelopes, as annexes, and all other documents submitted (e.g., Bidder's response to request for clarifications on the bid), including corrections to the bid, if any, resulting from the Procuring Entity's bid evaluation;
 - iii. Performance Security;
 - iv. Notice of Award of Contract; and the Bidder's conforme thereto; and
 - v. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the PBDs. **Winning bidder agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for submission after the contract execution, such as the Notice to Proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract.**
3. In consideration for the sum of *[total contract price in words and figures]* or such other sums as may be ascertained, *[Named of the bidder]* agrees to *[state the object of the contract]* in accordance with his/her/its Bid.

4. The *[Name of the procuring entity]* agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

IN WITNESS whereof the parties hereto have caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines on the day and year first above written.

[Insert Name and Signature]

[Insert Name and Signature]

[Insert Signatory's Legal Capacity]

[Insert Signatory's Legal Capacity]

for:

for:

[Insert Procuring Entity]

[Insert Name of Supplier]

Acknowledgment

[Format shall be based on the latest Rules on Notarial Practice]

Contract Agreement Form for the Procurement of Infrastructure Projects (Revised)

*[not required to be submitted with the Bid, but it shall be submitted within ten (10) days after
receiving the Notice of Award]*

CONTRACT AGREEMENT

THIS AGREEMENT, made this *[insert date]* day of *[insert month]*, *[insert year]* between *[name and address of PROCURING ENTITY]* (hereinafter called the "Entity") and *[name and address of Contractor]* (hereinafter called the "Contractor").

WHEREAS, the Entity is desirous that the Contractor execute *[name and identification number of contract]* (hereinafter called "the Works") and the Entity has accepted the Bid for *[contract price in words and figures in specified currency]* by the Contractor for the execution and completion of such Works and the remedying of any defects therein.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereinafter referred to.
2. The following documents as required by the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184 shall be deemed to form and be read and construed as part of this Agreement, viz.:

- a. Philippine Bidding Documents (PBDs);
 - i. Drawings/Plans;
 - ii. Specifications;
 - iii. Bill of Quantities;
 - iv. General and Special Conditions of Contract;
 - v. Supplemental or Bid Bulletins, if any;
- b. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

Bid form, including all the documents/statements contained in the Bidder's bidding envelopes, as annexes, and all other documents submitted (e.g., Bidder's response to request for clarifications on the bid), including corrections to the bid, if any, resulting from the Procuring Entity's bid evaluation;

- c. Performance Security;
 - d. Notice of Award of Contract and the Bidder's conforme thereto; and
 - e. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the PBDs. **Winning bidder agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for submission after the contract execution, such as the Notice to Proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract.**
3. In consideration for the sum of *[total contract price in words and figures]* or such other sums as may be ascertained, *[Named of the bidder]* agrees to *[state the object of the contract]* in accordance with his/her/its Bid.

4. The *[Name of the procuring entity]* agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

IN WITNESS whereof the parties thereto have caused this Agreement to be executed the day and year first before written.

[Insert Name and Signature]

[Insert Name and Signature]

[Insert Signatory's Legal Capacity]

[Insert Signatory's Legal Capacity]

for:

for:

[Insert Procuring Entity]

[Insert Name of Supplier]

Acknowledgment

[Format shall be based on the latest Rules on Notarial Practice]

Omnibus Sworn Statement (Revised)
[shall be submitted with the Bid]

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

AFFIDAVIT

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

1. *[Select one, delete the other:]*

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

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

2. *[Select one, delete the other:]*

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

[If a partnership, corporation, cooperative, or joint venture:] I am granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for [Name of the Project] of the [Name of the Procuring Entity], as shown in the attached [state title of attached document showing proof of authorization (e.g., duly notarized Secretary's Certificate, Board/Partnership Resolution, or Special Power of Attorney, whichever is applicable)];

3. [Name of Bidder] is not "blacklisted" or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board, **by itself or by relation, membership, association, affiliation, or controlling interest with another blacklisted person or entity as defined and provided for in the Uniform Guidelines on Blacklisting;**

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

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

6. *[Select one, delete the rest:]*

[If a sole proprietorship:] The owner or sole proprietor is not related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical

Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

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

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

7. *[Name of Bidder]* complies with existing labor laws and standards; and
8. *[Name of Bidder]* is aware of and has undertaken the responsibilities as a Bidder in compliance with the Philippine Bidding Documents, which includes:
 - a. Carefully examining all of the Bidding Documents;
 - b. Acknowledging all conditions, local or otherwise, affecting the implementation of the Contract;
 - c. Making an estimate of the facilities available and needed for the contract to be bid, if any; and
 - d. Inquiring or securing Supplemental/Bid Bulletin(s) issued for the *[Name of the Project]*.
9. *[Name of Bidder]* did not give or pay directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.
10. **In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code.**

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

[Insert NAME OF BIDDER OR ITS AUTHORIZED REPRESENTATIVE]

[Insert signatory's legal capacity]

Affiant

[Jurat]

[Format shall be based on the latest Rules on Notarial Practice]

Performance Securing Declaration (Revised)

[if used as an alternative performance security but it is not required to be submitted with the Bid, as it shall be submitted within ten (10) days after receiving the Notice of Award]

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

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/manufacture/contractor/consultant of its obligations under the Contract, I/we shall submit a Performance Securing Declaration within a maximum period of ten (10) calendar days from the receipt of the Notice of Award prior to the signing of the Contract.
2. I/We accept that: I/we will be automatically disqualified from bidding for any procurement contract with any procuring entity for a period of one (1) year for the first offense, or two (2) years **for the second offense**, upon receipt of your Blacklisting Order if I/We have violated my/our obligations under the Contract;
3. I/We understand that this Performance Securing Declaration shall cease to be valid upon:
 - a. issuance by the Procuring Entity of the Certificate of Final Acceptance, subject to the following conditions:
 - i. Procuring Entity has no claims filed against the contract awardee;
 - ii. It has no claims for labor and materials filed against the contractor; and
 - iii. Other terms of the contract; or
 - b. replacement by the winning bidder of the submitted PSD with a performance security in any of the prescribed forms under Section 39.2 of the 2016 revised 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 OR ITS
AUTHORIZED REPRESENTATIVE]
[Insert signatory's legal capacity]
Affiant

[Jurat]

[Format shall be based on the latest Rules on Notarial Practice]



ANNEX "B"

Unit 2504 Raffles Corporate Center
F. Ortigas Jr. Road, Ortigas Center
Pasig City, Philippines 1605

2016 REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184	
ORIGINAL	AMENDMENT
<p>23.1 For purposes of determining the eligibility of bidders using the criteria stated in Section 23.4 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:</p> <p>a) Class "A" Documents XXX</p> <p><i>Technical Documents</i></p> <p>iv) Statement of the prospective bidder of all its ongoing 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.</p> <p>XXX</p> <p><i>Financial Documents</i></p> <p>vii) The prospective bidder's audited financial statements, showing, among others, the prospective bidder's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission.</p> <p>viii) The prospective bidder's computation of Net Financial Contracting Capacity (NFCC). However, in the case of</p>	<p>23.1 For purposes of determining the eligibility of bidders using the criteria stated in Section 23.4 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:</p> <p>a) Class "A" Documents XXX</p> <p><i>Technical Documents</i></p> <p>iv) Statement of the PROSPECTIVE bidder of all its ongoing 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.</p> <p>XXX</p> <p><i>Financial Documents</i></p> <p>vii) The PROSPECTIVE bidder's audited financial statements, showing, among others, the prospective bidder's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission.</p> <p>viii) The PROSPECTIVE bidder's computation of Net Financial Contracting Capacity (NFCC). However, in the case of procurement of Goods, a bidder may submit a</p>

procurement of Goods, a bidder may submit a committed Line of Credit from a Universal or Commercial Bank, in lieu of its NFCC computation.	committed Line of Credit from a Universal or Commercial Bank, in lieu of its NFCC computation.
<p>24.1. For purposes of determining the eligibility and short list of bidders in accordance with Sections 24.4 and 24.5 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:</p> <p>a) Class "A" Documents XXX</p> <p><i>Technical Documents</i></p> <p>iv) Statement of the prospective bidder of all its 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 as provided in the Bidding Documents. The statement shall include all information required in the PBDs prescribed by the GPPB.</p>	<p>For purposes of determining the eligibility and short list of bidders in accordance with Sections 24.4 and 24.5 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:</p> <p>a) Class "A" Documents XXX</p> <p><i>Technical Documents</i></p> <p>iv) Statement of the PROSPECTIVE bidder of all its 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 as provided in the Bidding Documents. The statement shall include all information required in the PBDs prescribed by the GPPB.</p>
<p>25.3 The Omnibus Sworn Statement executed by the bidder, or its duly authorized representative, shall contain the following:</p> <p>XXX</p> <p>b) It is not "blacklisted" or barred from bidding by the GoP or any of its agencies, offices, corporations, or LGUs, including foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the GPPB;</p> <p>XXX</p>	<p>25.3 The Omnibus Sworn Statement executed by the bidder, or its duly authorized representative, shall contain the following:</p> <p>XXX</p> <p>b) It is not "blacklisted" or barred from bidding by the GoP or any of its agencies, offices, corporations, or LGUs, including foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the GPPB, BY ITSELF OR BY RELATION, MEMBERSHIP, ASSOCIATION, AFFILIATION, OR CONTROLLING INTEREST WITH ANOTHER BLACKLISTED PERSON OR ENTITY AS DEFINED AND PROVIDED FOR IN THE UNIFORM GUIDELINES ON BLACKLISTING;</p> <p>XXX; AND</p>

	<p>I) IN CASE ADVANCE PAYMENT WAS MADE OR GIVEN, FAILURE TO PERFORM OR DELIVER ANY OF THE OBLIGATIONS AND UNDERTAKINGS IN THE CONTRACT SHALL BE SUFFICIENT GROUNDS TO CONSTITUTE CRIMINAL LIABILITY FOR SWINDLING (ESTAFA) OR THE COMMISSION OF FRAUD WITH UNFAITHFULNESS OR ABUSE OF CONFIDENCE THROUGH MISAPPROPRIATING OR CONVERTING ANY PAYMENT RECEIVED BY A PERSON OR ENTITY UNDER AN OBLIGATION INVOLVING THE DUTY TO DELIVER CERTAIN GOODS OR SERVICES, TO THE PREJUDICE OF THE PUBLIC AND THE GOVERNMENT OF THE PHILIPPINES PURSUANT TO ARTICLE 315 OF ACT NO. 3815 S. 1930, AS AMENDED, OR THE REVISED PENAL CODE.</p>
<p>27.5. A Bid Securing Declaration is an undertaking which states, among others, that the bidder shall enter into contract with the Procuring Entity and furnish the required performance security within ten (10) calendar days, as indicated in the Bidding Documents, from receipt of the Notice of Award, and commits to pay the corresponding amount as fine and be suspended for a period of time from being qualified to participate in any government procurement activity in the event it violates any of the conditions stated therein as required in the guidelines⁴⁷ issued by the GPPB.</p>	<p>27.5. A Bid Securing Declaration is an undertaking which states, among others, that the bidder shall enter into contract with the Procuring Entity and furnish the required performance security within ten (10) calendar days, as indicated in the Bidding Documents, from receipt of the Notice of Award, and commits to pay the corresponding amount as fine and be SUSPENDED FOR A PERIOD OF TIME FROM BEING QUALIFIED TO PARTICIPATE IN ANY GOVERNMENT PROCUREMENT ACTIVITY AUTOMATICALLY DISQUALIFIED FROM BIDDING OF ANY PROCUREMENT CONTRACT OF ANY PROCURING ENTITY FOR A PERIOD OF TIME, UPON RECEIPT OF THE BLACKLISTING ORDER, in the event it violates any of the conditions stated therein as required in the guidelines issued by the GPPB.</p>
<p>30.1. The BAC shall open the first bid envelopes in public to determine each bidder's compliance with the documents required to be submitted for eligibility and for the technical requirements, as prescribed in this IRR. xxx. Otherwise, the BAC shall rate the said first bid envelope as "passed."</p>	<p>30.1. The BAC shall open the first bid envelopes in public to determine each bidder's compliance with the documents required to be submitted for eligibility and for the technical requirements, as prescribed in this IRR. xxx. Otherwise, the BAC shall rate the said first bid envelope as "passed."</p> <p>RECEIPT OF THE SCANNED COPIES OF THE FIRST BID ENVELOPE WITH THE</p>

	<p>REQUIRED FORMS PRESCRIBED IN THIS IRR, WHICH ARE FOR ONLINE OR ELECTRONIC BID SUBMISSION, SHALL BE CONSIDERED AS COMPLIANT WITH THE REQUIREMENTS OF THE SAID BID SUBMISSION, SUBJECT TO THE SUBMISSION OF THE ORIGINAL COPIES OF THE FOLLOWING: (I) BID SECURING DECLARATION OR OTHER FORMS OF BID SECURITY EXCLUDING CASH, AND (II) THE OMNIBUS SWORN STATEMENT. THESE FORMS SHALL BE SUBMITTED BY THE BIDDER TO AND DULY RECEIVED BY THE BAC CONCERNED DURING THE POST-QUALIFICATION STAGE.</p> <p>THE NON-SUBMISSION OF THESE FORMS ON THE SET PERIOD SHALL RENDER THE BID SUBMISSION AS NON-COMPLIANT AND SHALL RESULT IN THE POST-DISQUALIFICATION OF THE BID.</p>
<p>30.2. Immediately after determining compliance with the requirements in the first envelope, the BAC shall forthwith open the second bid envelope of each remaining eligible bidder whose first bid envelope was rated "passed." XXX. Only bids that are determined to contain all the bid requirements for both components shall be rated "passed" and shall immediately be considered for evaluation and comparison.</p>	<p>30.2. Immediately after determining compliance with the requirements in the first envelope, the BAC shall forthwith open the second bid envelope of each remaining eligible bidder whose first bid envelope was rated "passed." XXX. Only bids that are determined to contain all the bid requirements for both components shall be rated "passed" and shall immediately be considered for evaluation and comparison.</p> <p>RECEIPT OF THE SCANNED COPIES OF THE SECOND BID ENVELOPE WITH THE REQUIRED FORMS SUCH AS THE DULY-SIGNED BID FORM, PRICE SCHEDULES, OR OTHER FORMS PRESCRIBED IN THIS IRR, FOR ELECTRONIC OR ONLINE BID SUBMISSION, SHALL BE CONSIDERED AS COMPLIANT WITH THE REQUIREMENTS OF THE SAID BID SUBMISSION.</p>

GPPB RESOLUTION NO. 03-2012 on the GUIDELINES ON THE USE OF BID SECURING DECLARATION dated 27 JANUARY 2012, as amended by GPPB RESOLUTION NO. 15-2014 dated 20 June 2014

ORIGINAL

AMENDMENT

<p>Section 6 PENALTIES</p> <p>Commission of any of the acts mentioned in Section 5 of these Guidelines shall merit the following sanctions:</p> <p>a)Penalty of automatic blacklisting for two (2) years in all government procurement activities;</p> <p>XXX</p>	<p>Section 6 PENALTIES</p> <p>Commission of any of the acts mentioned in Section 5 of these Guidelines shall merit the following sanctions:</p> <p>a)Penalty of automatic BLACKLISTING DISQUALIFICATION for two (2) years FROM BIDDING FOR ANY PROCUREMENT CONTRACT WITH ANY PROCURING ENTITY, UPON RECEIPT OF THE BLACKLISTING ORDER;</p> <p>XXX</p>
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<p align="center">GPPB RESOLUTION NO. 27-2019 on the GUIDELINES ON THE USE OF FRAMEWORK AGREEMENT BY ALL PROCURING ENTITIES dated 10 December 2019</p>	
ORIGINAL	AMENDMENT
<p>3.7. Performance Securing Declaration. The Performance Securing Declaration is an undertaking which states, among others, that the bidder shall guarantee its faithful performance of the obligations under the Framework Agreement and that it will automatically be blacklisted from being qualified to participate in any government procurement activity for one (1) or two (2) years in the event it violates any of the conditions stated in the Framework Agreement.</p>	<p>3.7. Performance Securing Declaration. The Performance Securing Declaration is an undertaking which states, among others, that the bidder shall guarantee its faithful performance of the obligations under the Framework Agreement and that it will BE automatically BE BLACKLISTED FROM BEING QUALIFIED TO PARTICIPATE IN ANY GOVERNMENT PROCUREMENT ACTIVITY FOR ONE (1) OR TWO (2) YEARS DISQUALIFIED FROM BIDDING OF ANY PROCUREMENT CONTRACT OF ANY PROCURING ENTITY FOR A PERIOD OF ONE (1) YEAR FOR THE FIRST OFFENSE OR TWO (2) YEARS FOR THE SECOND OFFENSE, UPON RECEIPT OF THE BLACKLISTING ORDER, in the event it violates any of the conditions stated in the Framework Agreement.</p>

<p><u>On the PSD form -</u></p> <p>XXX</p> <p>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.</p>	<p><u>On the PSD form -</u></p> <p>XXX</p> <p>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 FOR THE first offense, or two (2) years if I have a prior similar offense for THE SECOND OFFENSE upon receipt of your Blacklisting Order if I/we have violated my/our obligations under the Contract.</p>
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<p>GPPB RESOLUTION NO. 09-2020 dated 7 May 2020 on APPROVING MEASURES FOR THE EFFICIENT CONDUCT OF PROCUREMENT ACTIVITIES DURING A STATE OF CALAMITY, OR IMPLEMENTATION OF COMMUNITY QUARANTINE OR SIMILAR RESTRICTIONS</p>	
ORIGINAL	AMENDMENT
<p>6.4 Performance Securing Declaration (PSD) in lieu of a performance security to guarantee the winning bidder's faithful performance of obligations under the contract, subject to the following:</p> <p>a) Similar to the PSD used in Framework Agreement, such declaration shall state, among others, that the winning bidder shall be blacklisted from being qualified to participate in any government procurement activity for one (1) year, in case of first offense or two (2) years, if with prior similar offense, in the event it violates any of the conditions stated in the contract. A copy of the PSD form is attached hereto as Annex "A";</p> <p>XXX</p>	<p>6.4 Performance Securing Declaration (PSD) in lieu of a performance security to guarantee the winning bidder's faithful performance of obligations under the contract, subject to the following:</p> <p>a) Similar to the PSD used in Framework Agreement, such declaration shall state, among others, that the winning bidder shall be BLACKLISTED FROM BEING QUALIFIED TO PARTICIPATE IN ANY GOVERNMENT PROCUREMENT ACTIVITY FOR ONE (1) YEAR, IN CASE OF FIRST OFFENSE OR TWO (2) YEARS, IF WITH PRIOR SIMILAR OFFENSE AUTOMATICALLY DISQUALIFIED FROM BIDDING FOR ANY PROCUREMENT CONTRACT WITH ANY PROCURING ENTITY FOR A PERIOD OF ONE (1) YEAR FOR THE FIRST OFFENSE, OR TWO (2) YEARS FOR THE SECOND OFFENSE, UPON RECEIPT OF ITS BLACKLISTING ORDER, in the event it violates any of the conditions stated in the contract. A copy of the PSD form is attached hereto as Annex "A";</p>

<u>On Annex "A" for the PSD form -</u>	<u>On Annex "A" for the PSD form -</u>
<p>XXX</p> <p>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.</p>	<p>XXX</p> <p>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 FOR THE first offense, or two (2) years if I have a prior similar offense for THE SECOND OFFENSE upon receipt of your Blacklisting Order if I/we have violated my/our obligations under the Contract.</p>