

## **SECTION II**

### **INTRODUCTION TO BIDDERS AND TERMS & CONDITIONS OF SALE**

## **INSTRUCTION TO BIDDERS AND TERMS AND CONDITION OF SALE**

### **1. INTRODUCTION**

1.1 The Municipality of Gloria, will receive bids for the sale of various Office Equipment, Information and Communication Technology Equipment, Construction and Heavy Equipment, Medical Equipment, Motor Vehicles, Furniture and Fixtures as described in Section III of the Bidding Documents on "**AS-IS, WHERE-IS, CLEAN-UP and ALL MUST GO**" basis.

1.2 This Section provides instructions to bidders for the Public Auction. The Municipality of Gloria may issue special instruction to bidders and may require additional documents from the bidders.

### **2. COST OF BID**

2.1 The Bidder shall bear all costs in the preparation and delivery of their bids and the Municipality of Gloria shall in no case be responsible or liable for such costs, regardless of the outcome of the bidding process.

### **3. BID DOCUMENTS**

3.1 A Complete set of Bid Documents shall include:

- 3.1.1 Section I - Invitation to Bid for the Disposal by Sale of Various Office Equipment, Information and Communication Technology Equipment, Construction and Heavy Equipment, Medical Equipment, Motor Vehicles, Furniture and Fixtures;
- 3.1.2 Section II - Instruction to Bidders (ITB) and Terms and Conditions of Sale;
- 3.1.3 Section III — Description/List of Items for sale;
- 3.1.4 Section IV — Prescribed Bidding Forms, including Price Quotation Forms and Bidder's Inspection Certificates and Sworn Statements;
- 3.1.5 Amendment and/or Addendum on the original bid documents, if any.
- 3.1.6 Special Instructions, if any.

### **4. TIME AND PLACE FOR RECEIPT OF THE BIDS**

4.1 Sealed bids will be received on or before **September 15, 2023 at 01:00pm**, observing subsequent amendment/addendum issued, if any, pertinent thereto at which time all bids shall be opened and read publicly. Submission of bids after the designated time and date shall no longer be accepted.

### **5. ELIGIBLE BIDDER**

5.1 The following persons shall be eligible to participate in this bidding:

- a) Duly licensed Filipino citizens/sole proprietorships;
- b) Partnerships duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the interest belongs to citizen of the Philippines;
- c) Corporations duly organized under the law of the Philippines of which at least sixty percent (60%) of the outstanding capital stock belongs to citizens of the Philippines;
- d) Cooperatives duly organized under the laws of the Philippines.

### **6. BIDS TO BE CONSIDERED**

6.1 Only bids from parties and their authorized representatives who have been duly issued the Bid Documents shall be opened. Bids from parties who have not been issued the Bid Documents will be rejected outright.

6.2 No bids shall be accepted from parties who are disqualified from participating in public bidding or in any kind of contract with the Government of the Republic of the Philippines.

6.3 Parties/companies with pending cases and outstanding obligations with Municipality of Gloria shall be excluded from the bidding.

6.4 Bids submitted without Bid Security, or bids submitted with materially defective or otherwise unacceptable Bid Security will be rejected outright and returned to the bidder.

**7. SUBJECT OF BID**

7.1 Bids shall be for the sale of the following Municipality’s owned unserviceable properties, scrap and waste materials and motor vehicles as specified below:

| Lot No. | Item Description and Location   | Minimum Price Bid |
|---------|---|-------------------|
| I/s     | Office Equipment, Information and Communication Technology and Equipment, Construction and Heavy Equipment, Medical Equipment, Motor Vehicles, Furniture and Fixtures, located at municipal compound. | Php 472,736.00    |

7.2 The above-mentioned properties shall be sold on an **"AS-IS, WHERE-IS, CLEAN-UP, ALL MUST GO"** basis.

**8. BIDDING INFORMATION**

8.1 No government official and employee shall directly or indirectly give, nor shall any prospective or intending bidders be entitled to, any information regarding the bidding or on the prospective bidders, other than what is contained in the Bid Documents, or disclosed in the pre-bid conference and in the official announcement of bid results.

**9. PRE- BID CONFERENCE**

9.1 The Pre-Bid Conference shall be held on **August 31, 2023 at 02:00pm** at the Executive Conference Hall, which shall be open to prospective bidders.

**10. PREPARATION OF BIDS**

10.1 Bidders shall prepare their bids using the forms specified in this Bidding Documents and submit **two (2) separate sealed bid envelopes** which shall be submitted simultaneously. The first shall contain the eligibility component of the bid and the second shall contain the financial component of the bid. Each bidder shall submit **one (1) original and two (2) copies** of the first and second components of its bid. In case of discrepancy among the copies, the original shall govern.

10.2 The first (1st) envelope shall contain the following eligibility documents:

- i. Registration Certificate (DTI or SEC Registration);
- ii. Mayor’s Permit
- iii. Latest Audited Financial Statement (FS) with the corresponding Income Tax Return (ITR) stamped **"received"** by the Bureau of Internal Revenue (BIR) or duly accredited and authorized institution;
- iv. Duly signed Instruction to Bidders and Terms and Condition of Sale; and
- v. Bidder's Inspection Certificate; and
- vi. Sworn Statement in the prescribed form.

10.3 The Second (2nd) Envelope shall contain the following financial documents:

- i. Price Quotation Form (PQF); and
- ii. Bid Security

10.4 Each envelope should be securely sealed, signed on the flap and marked as follows:

TO: Jose Jesus C. Ibon  
General Services Office - Designate  
Chairperson, Municipal Disposal Committee

FROM: <NAME OF BIDDER>  
<ADDRESS OF BIDDER>

#### **11. BID CURRENCY**

11.1 In all bids, prices shall be expressed in written words and figures in Philippine Currency. In case of discrepancies between prices in words and figures, the prices in words shall be considered as the bid price.

#### **12. VALIDITY OF THE PROPOSAL**

12.1 A bid will be deemed valid for a period of sixty (60) calendar days from the date of bid opening which shall be stated in the Price Quotation Form (PQF). A bid with a shorter validity period shall not be considered.

12.2 The Municipality of Gloria may, after the expiration of the validity period of a bid, solicit the bidder's consent for an extension of said validity. The response shall be made in writing or fax or e-mail.

#### **13. ADDENDA TO SPECIFICATIONS**

13.1 The Municipality of Gloria shall reserve the right to amend, revise or modify the Bid Documents prior to the date of opening of bids. Such amendments, revisions, modifications, or clarifications, if any, will be made through an Addendum/Addenda, any copies will be furnished to all prospective bidders.

13.2 In consideration of its best interest, the Municipality of Gloria may postpone the opening of bids to a later date. In any such case, the addendum to be issued will include an announcement of the new date for opening of bids.

13.3 Bidders are required to acknowledge receipt of all addenda to the Bid Documents in the space provided on the Letter of Transmittal or by e-mail prior to the opening of bids.

13.4 Failure to acknowledge all addenda may cause the bid to be considered as not responsive to the Invitation to Bid (ITB), which could result in the rejection of bid.

#### **14. BIDDER'S EXCEPTIONS**

14.1 It is the desire of the Municipality of Gloria to eliminate or minimize as much as possible post bidding discussions of bidder's clarifications, deviations or exceptions. Therefore, any bidder who desires to make any clarifications, deviations or exceptions on some provisions of the Bid Documents shall communicate such clarifications, deviations or exceptions during the pre-bid conference giving the reasons therefore.

14.2 If the clarifications, deviations or exceptions are acceptable, an amendment/addendum will be issued for the general information of all prospective bidders. It shall be the responsibility of all those who have properly secured the Bid Documents to inquire and secure the said addendum that may be issued by the Municipality of Gloria.

## **15. BID SECURITY**

- 15.1 Each bidder shall submit a Bid Security in the amount of not less than ten **(10%)** percent of the total bid price in the form of cash or manager's check payable to the **Municipality of Gloria**, and/or
- 15.2 A bid submitted Without the required Bid Security or with a Bid Security in an amount less than the required amount shall be rejected and will be returned to the bidder.
- 15.3 Upon determination of the highest calculated responsive bidder, the Municipality of Gloria shall return outright the bid security of the other bidders without interest.
- 15.4 The Bid Security of the winning bidder shall be subject to forfeiture in the event the winning bidder fails or refuses to secure, sign or acknowledge the Notice of Award/Contract, within **seven (7)** calendar days after receipt of written advice.
- 15.5 The Bid Security of the winning bidder shall be converted into Performance Bond and shall only be refunded after all the awarded items have been completely withdrawn and all provisions of the Notice of Award/Release Order/Contract have been met by the awardee.

## **16. SUBMISSION AND OPENING OF BIDS**

- 16.1 Bidders or their authorized representatives shall deliver by hand their bid at the date, time and place as set out in Clause 4 of this Section. After the time set for bid opening, the Municipality of Gloria Disposal Committee will open and read the bids in the presence of the bidders or their authorized representatives.
- 16.2 Offers not submitted by the bidder's authorized representatives or received after the time set for bid opening will not be accepted.

## **17. DEFECTIVE BIDS**

- 17.1 At the time of opening of bids, a bid shall be considered defective in any of the following cases:
- a) not properly sealed and signed as required in clause 10;
  - b) not properly marked as required in clause 10;
  - c) not properly filled-up form (e.g. unsigned bids);
  - d) not accompanied or guaranteed by a Bid Security;
  - e) with insufficient Bid Security;
  - f) not accompanied by a duly accomplished Bidder's Inspection Certificate or Sworn Statements;
  - g) with a validity period less than that required; or
  - h) lacking in any of the documents required in clause 10.

## **18. WITHDRAWAL OF BIDS**

- 18.1 A bidder may be allowed to withdraw his Bid before the time of opening of bids. Such bid shall be returned unopened.
- 18.2 After the opening of bids has commenced, no bidder shall be allowed to withdraw his offer.

## **19. RESERVATION CLAUSE**

- 19.1 The Municipality of Gloria reserves the right to reject any or all bids and to waive any formality found therein and to accept such bids as maybe considered most advantageous to its interest, without any obligation on the part of the Municipality of Gloria to explain the reasons thereof.

## **20. ACCEPTANCE OF THE BID**

- 20.1 The Bidder whose bid is the highest, responsive or complying bid and which is most advantageous to the Municipality of Gloria shall be declared the successful Bidder for that particular item/lot.
- 20.2 The Successful Bidder/Bidders must signify its consent to enter into a contract within **five (5) days** from receipt of the written notice from the Municipality of Gloria.

## 21. FAILURE OF BIDDING

- 21.1 The Municipality of Gloria shall declare the bidding failure in any of the following cases:
- a) There is no bidding participant;
  - b) Only one (1) bidder submitted a Bid;
  - c) All bidders failed to comply with the Terms and Conditions of Sale as prescribed in the Instruction to Bidders (ITB);
  - d) Complying bidders failed to meet the minimum bid price.

## 22. AWARD OF CONTRACT

- 22.1 Award shall be made to the highest complying bidder.
- 22.2 Contract/Notice of Award (NOA) shall be issued to the successful bidder after the approval of the concerned approving authority.
- 22.3 No transfer and/or assignment of Award/Contract shall be allowed.
- 22.4 The Award shall be cancelled, rendered ineffective and the Bid Security forfeited in favour of the Municipality of Gloria if the winning bidder fails to secure, sign or acknowledge the Notice of Award/Contract, within seven **(7) calendar days** after receipt of written advice.

## 23. PAYMENT

- 23.1 The full amount covering the awarded items shall be paid in full by the awardee in the form of cash or manager's check payable to the **Municipality of Gloria, Gloria, Oriental Mindoro**, and/or combination thereof, within **seven (7) calendar days** upon receipt/acknowledgement of the Notice of Award (NOA)/Contract.
- 23.2 No other form of payment shall be accepted.
- 23.3 In case of failure of full payment within the prescribed period, the awardee shall be penalized through cancellation of the award and forfeiture of the bond in favour of Municipality of Gloria.

## 24. RELEASE/WITHDRAWAL OF AWARDED ITEMS

- 24.1 After payment of the awarded items, the awardee/s shall withdraw all the listed items stated in Annexes "A" & "C" within the required period as stipulated in the Release Order (RO). Otherwise, the awardee shall pay the Municipality of Gloria for the corresponding storage fee equivalent to one-tenth of **one (1%) percent** of the price of the unwithdrawn items, or Php\_\_\_/day of delay, whichever is higher but shall not exceed ten (10%) percent of the total amount of the Award.
- 24.2 Once the cumulative amount of storage fee reaches ten (10%) percent of the total amount of Award, the Municipality of Gloria may rescind/cancel the Award, forfeit the Bid Security, and impose the appropriate sanctions as penalty.
- 24.3 The actual release/withdrawal of awarded items shall be made within three (3) weeks, during regular office hours (8:00 a.m. - 5:00 p.m.), Monday thru Saturday, and shall be witnessed by the designated **two (2) representatives** of the Municipality of Gloria Disposal Committee (DC) who shall affix their signatures on the "Release Order" (RO).
- 24.4 In the event that actual weight/quantity of the awarded items turned out to be greater than that specified in the Notice of Award (NOA), the awardee shall pay the corresponding amount of the excess quantity based on his bid price.
- 24.5 In the event that the actual weight/quantity of the awarded item is less than that specified in the Notice of Award (NOA), refund of payment shall be made upon approval of the designated HOPE representative.
- 24.6 Selective withdrawal is not allowed. The awardee shall withdraw all the items within the awarded lot.

**25. TAXES, CUSTOMS DUTIES, COST OR CHARGES**

- 25.1 The awardee shall pay, in addition to the purchase price, any taxes, customs duties, costs of charges of any kind or nature whatsoever levied, or levied by law, arising from the sale of items.
- 25.2 All expenses incidental to the withdrawal of the items shall be borne by the awardee.

**26. ACCEPTANCE OF BID AND WAIVER OF RIGHTS TO ENJOIN PROTEST**

- 26.1 The bidder after having been issued the Bid Documents (BD), has deemed accepted the terms and specifications established by Municipality of Gloria and therefore waive any right it may have to seek and obtain a writ of injunction or prohibition or restraining order against Municipality of Gloria, to prevent or restrain the bidding process or any proceedings related thereto, the negotiation or award of the contract to the successful bidder and the implementation of the awarded contract.

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Printed Name of Bidder/Business Name

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Printed Name and Signature of the Authorized Representative/Date Signed

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Complete Business Address

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Tax Identification No.

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Mobile No., Telephone No., Fax No.