

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	Class Code: <b>D</b>
		Reference Code:
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	<b>OM-PU</b>
		Revision Number:
		<b>00</b>
		Date: Effective
		<b>Nov. 20, 2018</b>
		<b>Page 1 of 40</b>

## A. General Guidelines

### 1. Accreditation of Suppliers in the Registry of Suppliers

- a. Interested bidders may submit the following requirements to the BAC Secretariat for them to be included in the Registry of Suppliers:
  1. DTI, SEC or CDA Registration
  2. Valid and current Mayor's permit
  3. TIN
  4. Other licenses as may be required by LBRDC
  5. Income tax return for the immediately preceding tax semester filed through the EFPS
  6. Valid and current Tax Clearance
  7. Audited financial statements stamped "received" by BIR or its duly Authorized Agent Bank (AAB), for the immediately preceding calendar/fiscal year, showing, among others, the prospective bidder's total and current assets and liabilities
- b. The original copies of the foregoing documents shall be brought for presentation to the BAC Secretariat who shall authenticate the certified copies which are required for submission.
- c. Registration of the bidder must be maintained current and updated at least once a year or as needed.

### 2. Eligibility Requirements for the Procurement of Goods and Infrastructure

- a. For the purpose of determining the eligibility of bidders using the criteria stated in Section 23.4 of IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Reference Code:
Revision Number:		<b>00</b>
Date: Effective		<b>Nov. 20, 2018</b>
		<b>Page 2 of 40</b>

“Class A”  
Legal Documents

- i. Registration certificate from SEC, Department of Trade and Industry (DTI) for sole proprietorship, or CDA for cooperatives
- ii. Mayor’s/Business permit issued by the city or municipality where the principal place of business of the prospective bidder is located, or the equivalent document for Exclusive Economic Zones or Areas.

In cases of recently expired Mayor’s/Business permits, it shall be accepted together with the official receipt as proof that the bidder has applied for renewal within the period prescribed by the concerned local government unit, provided that the renewed permit shall be submitted as a post-qualification requirement in accordance with Section 34.2.

- iii. Tax clearance per E.O 398, s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR).

Technical Documents

- 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.
- v. Statement of the bidder’s single largest completed contract (SLCC) similar to the contract to be bid, except under conditions provided for in Sections 23.4.1.3 and 23.4.2.4 of this IRR, within the relevant period as provided in the Bidding Documents in the case of Goods.

All of the above statements shall include all information required in the PBDs prescribed by the GPPB.

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<b>PROCUREMENT MANUAL</b>	<b>Class Code: D</b>
	<b>Chapter 5: Receipt of Bids and Opening of Bids</b>	Reference Code:
Revision Number:		<b>00</b>
Date: Effective		<b>Nov. 20, 2018</b>
		<b>Page 3 of 40</b>

- vi. In the case of procurement of infrastructure Projects, a valid Philippine Contractors Accreditation Board (PCAB) License or Special PCAB License in case joint ventures, and registration for the type and cost of the contract to be bid.

#### Financial Documents

- 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.
- 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 committed Line of Credit from a Universal or Commercial Bank, in lieu of its NFCC computation.

#### Class "B" Documents

For Goods, valid joint venture agreement (JVA), in case the joint venture is already in existence. In the absence of a JVA, duly notarized statements from all the potential joint venture partners should be included in the bid, stating that they will enter into abide by the provisions of the JVA in the event that the bid is successful. Failure to enter into a joint venture in the event of a contract award shall be ground for the forfeiture of the bid security.

For Infrastructure Projects, JV bidder shall submit a JVA in accordance with R.A. 4566 and it's IRR.

Each partner of the joint venture shall submit their respective PhilGEPS Certificates of Registration in accordance with Section 8.5.2 of IRR. The submission of technical and financial eligibility documents by any of the joint ventures partners constitutes compliance; provided, that the partner responsible to submit the NFCC shall likewise submit the statement of all of its ongoing contracts and Audited Financial Statements.

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	Class Code: <b>D</b>
		Reference Code: <b>OM-PU</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Revision Number: <b>00</b>
		Date: Effective <b>Nov. 20, 2018</b>
		<b>Page 4 of 40</b>

### 3. Submission and Receipts of Bids

- a. Bidder shall submit their bids through their duly authorized representative using the forms specified in the Bidding Documents in two (2) separate sealed envelopes, and which shall be submitted simultaneously. The first shall contain the technical component of the bid, including the eligibility requirements under Section 23.1 of this IRR for the procurement of Goods and Infrastructure Projects, and the second shall contain the financial component of the bid.
- b. The first envelope shall contain the following technical information/documents, at the least:

For the procurement of Goods:

- i. PhilGEPS Certificate of Registration and membership in accordance with Section 8.5.2 of IRR, except for foreign participating in the procurement by a Philippine Service Office or Post, which shall submit their eligibility documents under Section 23.1 of IRR: Provided, That the winning bidder shall register with the PhilGEPS in accordance with Section 37.1.4 of IRR;
- ii. Statement of all Ongoing Government and Private Contracts;
- iii. Statement of SLCC (Single Largest Completer Contracts);
- iv. NFCC Computation or committed Line of Credit;
- v. JVA or the duly Notarized Statement in accordance with Section 23.1 (b) of IRR, if applicable;
- vi. Technical Specifications, which may include production/delivery schedule, manpower requirements, and/or after-sales service/parts, if applicable;
- vii. Omnibus Sworn Statement in accordance with Section 25.3 of IRR; and

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code: <b>OM-PU</b> Revision Number: <b>00</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Date: Effective <b>Nov. 20, 2018</b>
		<b>Page 5 of 40</b>

- viii. For foreign bidders claiming eligibility by reason of their country's extension of reciprocal rights to Filipinos, 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 or product.

For the procurement of Infrastructure Projects:

- i. PhilGEPS Certificate of Registration and membership in accordance with Section 8.5.2 of IRR, except for foreign bidders participating in the procurement by a Philippine Foreign Service Office or Post, which shall submit their eligibility documents under Section 23.1 of IRR: Provide, that the winning bidder shall register with the PhilGEPS in accordance with Section 37.1.4 of IRR.
- ii. PCAB License and Registration;
- iii. Statement of all Ongoing Government and Private Contracts;
- iv. Statement of all Ongoing Government and Private Contracts;
- v. NFCC Computation;
- vi. Statement of SLCC (Single Largest Completed Contract)
- vii. JVA, if applicable;
- viii. Bid Security in the prescribed form, amount and validity period;
- ix. Projects Requirements, which shall include the following;
  1. Organizational chart for the contract to be bid;

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code:
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	<b>OM-PU</b>
		Revision Number:
		<b>00</b>
		Date: Effective
		<b>Nov. 20, 2018</b>
		<b>Page 6 of 40</b>

2. List of contractor's personnel (e.g., Project Manager, Project Engineers, Materials Engineer, and Foremen), to be assigned to the contract to be bid, with their complete qualification and experience data;
3. List of contractor's major equipment units, which are owned, leased and/or under purchase agreements, supported by proof of ownership or certification of availability of equipment from the equipment lessor/vendor for the duration of the project; and
4. Omnibus Sworn Statement in accordance with Section 25.3 of IRR.

For the Procurement of Consulting Services:

- i. The Bid security in the prescribed form, amount and validity period;
- ii. Organizational chart for the contract to be bid;
- iii. List of completed and on-going projects;
- iv. Approach, work plan, and schedule: Provided, however, That for architectural design, submission of architectural plans and designs shall not be required during the consultant's selection process;
- v. List of key personnel to be assigned to the contract to be bid, with their complete qualification and experience data; and
- vi. Omnibus Sworn Statement in accordance with Section 25.3 of IRR.

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<b>PROCUREMENT MANUAL</b>	<b>Class Code: D</b>
	<b>Chapter 5: Receipt of Bids and Opening of Bids</b>	Reference Code:
Revision Number:		<b>00</b>
Date: Effective		<b>Nov. 20, 2018</b>
		<b>Page 7 of 40</b>

The Omnibus Sworn Statement executed by the bidder or its duly authorized representative, shall contain the following:

- i. The signatory is the duly authorized representative of the prospective 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 the duly notarized Special Power of Attorney, Board/Partnership Resolution or Secretary's Certificate, whichever is applicable;
- ii. It is not "blacklisted" or barred from bidding by the GoP or any of its agencies, offices, corporation, or LGU's, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the GPPB;
- iii. It is authorizing the HoPE or his duly authorized representative/s to verify all the documents submitted;
- iv. It complies with the disclosure provision under Section 47 of the Act and this IRR, in relation to other provisions of R.A. 3019;
- v. It complies with the responsibilities of a prospective or eligible bidder provided in the PBD's (Philippine Bidding Documents)
- vi. It complies with existing labor laws and standards;
- vii. It did not give or pay, directly or indirectly, any commission, amount, fee or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code:
	<b>OM-PU</b>	
	Revision Number:	
	<b>00</b>	
<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Date: Effective	
	<b>Nov. 20, 2018</b>	
	<b>Page 8 of 40</b>	

c. The second envelope shall contain the financial information/documents as specified in the PBD's (Philippine Bidding Documents).

d. Bids shall be received by the BAC on the date, time, and place specified in the invitation to Bid/Request for Expression of Interest. The following periods from the last day of posting of the Invitation to Bid/Request for Expression of Interest up to the submission and receipt of bids shall be observed:

- i. For Goods, a maximum period of forty five (45) calendar days.
- ii. For Infrastructure Projects, the following maximum periods:

ABC (In Philippine Currency)	Period
Fifty (50) million and below	50 calendar days
Above fifty (50) million	65 calendar days

iii. For consulting Services, a maximum period of seventy five (75) calendar days.

e. Bids, including the eligibility requirements under section 23.1 of IRR, submitted after the deadline shall not be accepted by the BAC. The BAC shall record in the minutes of bid submission and opening, the bidder's name, its representative and the time the late bid was submitted.

f. To ensure transparency and accurate representation of the bid submission, the BAC Secretariat shall notify in writing all bidders

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Reference Code: <b>OM-PU</b>
Revision Number: <b>00</b>		
	Date: Effective <b>Nov. 20, 2018</b>	
	<b>Page 9 of 40</b>	

whose bids it has received through its PhilGEPS-registered physical address or official e-mail address. The notice shall be issued within seven (7) calendar days from the date of the bid opening.

- g. The original copy of the bid shall be typed or written in ink and shall be signed by the bidder or its duly authorized representative.
- h. Unsealed or unmarked bid envelopes shall be rejected. However, bid envelope that are properly sealed and marked, as required in the Bidding Documents, shall be accepted, provided that the bidder or its duly authorized representative shall acknowledge such condition of the bid as submitted. The BAC shall assume no responsibility for the misplacement of the contents of the improperly sealed or marked bid, or for its premature opening.
- i. To facilitate eligibility checking, the BAC Secretariat shall keep a file of the foregoing eligibility documents which may be submitted once a year, provided that these documents are updated regularly by the bidder.
- j. A certification stating that the abovementioned documents had been submitted earlier to the BAC Secretariat may be submitted by a duly registered supplier/manufacturer in lieu of the foregoing eligibility documents.
  - i. Valid joint venture agreement, in case of a joint venture  
Each member of the joint venture shall submit the foregoing eligibility documents.
  - ii. Letter authorizing the BAC or its duly authorized representative/s to verify any or all of the documents submitted for the eligibility check
  - iii. Certification under oath that each of the documents submitted in satisfaction of the eligibility requirements is an authentic and original copy, or a true and faithful reproduction or copy of the original, complete and that all statements provided therein are true and correct.

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Reference Code:
Revision Number:		<b>00</b>
Date: Effective		<b>Nov. 20, 2018</b>
		<b>Page 10 of 40</b>

- k. Opening of bids shall be done at the time, date and place specified in the IAEB and the bidding documents.
- l. A single stage bidding is usually employed in the submission and opening of eligibility and bid envelopes, except when the following conditions are present where the two-stage bidding will apply:
  - i. The nature of the requirements of the project, the required technical specifications/requirements of the contract cannot be precisely defined in advance of bidding
  - ii. The problem of technically unequal bids is likely to occur

The BAC, in coordination with the TWG members, shall determine whether the single stage or the two-stage bidding will be employed based on the above conditions.

m. Single Stage Bidding

This requires the simultaneous submission of the three eligibility envelopes, i.e. eligibility documents, technical proposals and financial proposals.

n. Two-stage Bidding

- i. At the first stage, the prospective bidders shall be required to submit their eligibility requirements, if needed, and initial technical proposals only (no price tenders).
- ii. BAC shall open and evaluate the technical merits of the proposals received from eligible bidders vis-à-vis the required performance standards.
- iii. BAC shall hold a meeting/discussion with those eligible bidders whose technical tenders meet the minimum required standards stipulated in the bidding documents for purposes of drawing up the final revised technical specifications/requirements of the contract.

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code: <b>OM-PU</b> Revision Number: <b>00</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Date: Effective <b>Nov. 20, 2018</b>
		<b>Page 11 of 40</b>

- iv. Once the final revised technical specifications are completed and duly approved by the concerned BAC, copies of the same shall be issued to all bidders identified in the first stage.
- v. At the second stage, identified bidders shall be required to submit their revised technical tenders, including their financial proposals in two separate sealed envelopes at a specified deadline, after which time no more bids shall be received.
- o. The BAC shall determine if each prospective bidder is eligible/qualified to participate in the bidding by examining the completeness of the eligibility requirements and Technical Proposals submitted against the checklist of requirements stated in the IAEB using a non-discretionary "pass/fail" criteria.
- p. A Checklist of Requirements shall be used for the non-discretionary "pass/fail" criteria.
- q. If all documents are present the prospective bidder shall be declared "**ELIGIBLE/PASSED**".
- r. If one or more documents is/are missing, the prospective bidder shall be declared "**INELIGIBLE/FAILED**".
- s. In case of ineligibility/"failed" rating, the ineligible bidder shall have three (3) calendar days from receipt of notice within which to submit its request for reconsideration.
- t. The BAC shall decide/reply to the request for consideration within seven (7) calendar days from receipt of such request.
- u. The BAC may allow the request of ineligible bidder/s to clarify or verify its eligibility documents, if it is deemed necessary.
- v. The BAC shall not be allowed to receive, hold and/or open the bids of ineligible bidder/s.
- w. Eligibility requirements and bids received after the deadline shall not be accepted by the BAC.

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code:
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	<b>OM-PU</b>
		Revision Number:
		<b>00</b>
		Date: Effective
		<b>Nov. 20, 2018</b>
		<b>Page 12 of 40</b>

- x. The BAC Secretariat shall record the proceedings of the bid opening. The public has the right to access the minutes of bid opening upon written request and payment of a specified fee.

#### 4. MODIFICATION OF BID

- i. A bidder may modify its bid, provided that this is done before the deadline for the submission and receipt of bids. Where a bidder/s modifies its bid, it shall not be allowed to retrieve its original bid, but shall only be allowed to send another bid equally sealed, properly identified, linked to its original bid and marked as a "modification," thereof, and stamped "receive" by the BAC. Bid modifications received after the applicable deadline shall not be considered and shall be returned to the bidder unopened.
- ii. A bidder may, through a letter, withdraw its bid before the deadline for the receipt of bids. Withdrawal of bids after the applicable deadline shall be subject to appropriate sanctions as prescribed in IRR. A bidder may also express its intention not to participate in the bidding through a letter which should reach and be stamped received by the BAC before the deadline for the receipt of bids. Bidder that withdraws its bid shall not be permitted to submit another bid, directly or indirectly, for the same contract.

#### 5. BID SECURITY

- i. Bid Security shall be required to assure LBRDC that the bidder shall enter into contract or accept the award should it wins the bidding or compensate LBRDC for any loss or damage it may sustain from withdrawal by the winning bidder.
- ii. All bids shall be accompanied by a Bid Security, payable to LBPRDC as a guarantee that the successful bidder shall,

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code: <b>OM-PU</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Revision Number: <b>00</b>
		Date: Effective <b>Nov. 20, 2018</b>
		<b>Page 13 of 40</b>

within 10 calendar days or less (as indicated in the Instructions to Bidders) from receipt of the Notice of Award, enter into contract with LBPRDC and furnish the performance security. Failure to enclose the required Bid Security in the form and amount prescribed herein shall automatically disqualify the bid concerned.

- iii. The bidders shall submit a Bid Securing Declaration, or any form of Bid Security, in an amount not less than the required percentage of the ABC in accordance with the following schedule:

<b>FORM OF BID SECURITY</b>	<b>MINIMUM AMOUNT</b>
Cash or cashier's check/manager's check issued by a Universal or Commercial Bank  Bank Draft/Guarantee or irrevocable letter of credit issued by Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by foreign bank.	Two percent (2%)
Surety bond callable upon demand issued by a reputable surety or insurance company duly certified by the Insurance Commission as authorized to issue such security	Five percent (5%)

- iv. The Bid security shall be denominated in Philippine Pesos and posted in favor of LBRDC.

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<p><b>PROCUREMENT MANUAL</b></p>	<p><b>Class Code: D</b></p>
	<p><b>Chapter 5: Receipt of Bids and Opening of Bids</b></p>	<p>Reference Code: <b>OM-PU</b></p> <p>Revision Number: <b>00</b></p> <p>Date: Effective <b>Nov. 20, 2018</b></p> <p><b>Page 14 of 40</b></p>

- v. Without prejudice to the provisions of the Act and this IRR on the forfeiture of bid securities, bid securities shall be returned only after
- vi. 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 guidelines issued by the GPPB.
- vii. In no case shall bid security be returned later than the expiration of the bid validity period indicated in the Bidding Documents, unless it has been extended in accordance with Section 28.2 of IRR.
- viii. Bid Security of the winning bidder may be converted into Performance Security upon payment of the additional security to complete the required amount.
- ix. No Bid Securities shall be returned to bidders after the opening of bids and before contract signing, except for those who failed to comply with any of the requirements to be submitted in the first bid envelope.
- x. Bid Securities shall be returned only after the bidder with the Lowest Calculated Responsive Bid has signed the contract and furnished the Performance Security, but in no case later than the expiration of the Bid Security validity period indicated in the Instructions to Bidders.

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Reference Code:
<b>OM-PU</b>		
Revision Number:		
<b>00</b>		
Date: Effective		
		<b>Nov. 20, 2018</b>
		<b>Page 15 of 40</b>

- xi. Non-acceptance of the award or withdrawal by the winning bidder shall result to forfeiture of the Bid Security in favor of LBPRDC. However, in case exemption for forfeiture of bidder's bond is requested by the winning bidder, approval shall be done by the BAC who awarded said bid.
- xii. The winning bidder's Bid Security shall be handled as follows:
  - Cash/check – This shall be duly receipted and shall be deposited in the Bank
  - Irrevocable Letter of Credit and Surety bond – These shall be filed/safe kept pending delivery of goods/settlement of obligation as specified in the contract

## 6. BID VALIDITY

- i. Bids and Bid Securities shall be valid for a reasonable period as determined by HoPE concerned, which shall be indicated in the Bidding Documents, but in no case shall the period exceed the LBPRDC President or BOD designated officer and shall be indicated in the bidding documents, but in no case shall exceed one hundred twenty (120) calendar days from date of the opening of bids.

## 7. BID OPENING

The BAC shall open the bids immediately after the deadline for the submission and receipt of bids. The time, date and place of the opening of bids shall be specified in the Bidding Documents.

In case the bids cannot be opened as scheduled due to justifiable reasons, the BAC shall take custody of the bids submitted and reschedule the opening of bids on the next working day or at the soonest possible time through the

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<b>PROCUREMENT MANUAL</b>	<b>Class Code: D</b>
	<b>Chapter 5: Receipt of Bids and Opening of Bids</b>	Reference Code:
Revision Number:		<b>00</b>
Date: Effective		<b>Nov. 20, 2018</b>
		<b>Page 16 of 40</b>

issuance of a Notice of Postponement to be posted in the PhilGEPS website and the website of the Procuring Entity concerned.

The bidders or duly authorized representatives may attend the opening of bids. The BAC shall ensure the integrity, security and confidentiality of all submitted bids. The abstract of bids as read and minutes of the bid opening shall be made available to the public upon written request and payment of a specified fee to recover cost of materials.

## 8. BID EVALUATION

### Bid Evaluation for the Procurement of Goods and Infrastructure Projects

- a. Members of the BAC, including its staff and personnel, Secretariat and TWG, as well as Observers, are prohibited from making or accepting any communication with any bidder regarding the evaluation of bids until the issuance of the Notice of Award. However, the BAC, through its Secretariat, may ask in writing the bidder for a clarification of its bid. All responses to request for clarification shall be in writing.
- b. For the procurement of Goods and Infrastructure Projects, the BAC shall evaluate the financial component of the Bids to determine the Lowest Calculated Bid using the following steps;
- c. The purpose of this process is to determine the Lowest Calculated Bid (LCB) by:
  - 1) Establishing the correct calculated prices of bids
  - 2) Ranking the calculated total bid prices from lowest to highest

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Reference Code:
Revision Number:		<b>00</b>
Date: Effective		<b>Nov. 20, 2018</b>
		<b>Page 17 of 40</b>

- d. A non-discretionary criteria shall be used which shall include consideration of the completeness of bids and minor arithmetical corrections.
- e. Bid evaluation shall be subject to post-qualification to determine its responsiveness to the eligibility and bid requirements.
- f. If LCB is determined to be post-qualified, it shall be considered the Lowest Calculated Responsive Bid and the contract shall be awarded to the bidder.
- g. LCB shall be determined in two steps:
  - 1) Detailed evaluation of the financial component of the bids to establish the correct calculated prices of the bids
  - 2) Ranking of the total bid prices as so calculated from the lowest to the highest

The bid with the lowest price shall be identified as the LCB.

- h. Detailed evaluation of the financial proposal to establish correct calculated prices
  - 1) The bid must be complete unless partial bids are specially allowed.
  - 2) Bid with no price shall be disqualified but specifying a "0" (zero) for a particular item would mean that it is being offered for free to the company.
  - 3) Minor arithmetical corrections to consider computational errors, omissions and discounts if allowed in the bidding documents to enable proper comparison of all eligible bids

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<b>PROCUREMENT MANUAL</b>	<b>Class Code: D</b>
	<b>Chapter 5: Receipt of Bids and Opening of Bids</b>	Reference Code:
Revision Number:		<b>00</b>
Date: Effective		<b>Nov. 20, 2018</b>
		<b>Page 18 of 40</b>

Adjustments shall be calculated in monetary terms to determine the calculated prices.

4) Bidders must include cost of all taxes (in bid form).

5) In case of discrepancies, the following shall prevail:

- Words over figures
- Unit prices over total prices
- Unit cost in bill of quantities over unit cost in detailed estimate

i. An Abstract of Bids must be prepared by the BAC and signed by all its members. It shall contain the following:

- Name of the contract and its location, if applicable
- Time, date and place of bid opening
- Names of bidders and their corresponding calculated bid prices arranged from lowest to highest and amount of Bid Security

j. The entire evaluation process for the procurement of Goods and Infrastructure Projects shall be completed within seven (7) calendar days from the deadline for receipt of proposals.

## **9. POST QUALIFICATION**

A. The lowest Calculated Bid/Highest Rated Bid shall undergo post-qualification in order to determine whether the bidder concerned complies with and it's responsive to all the requirements and conditions as specified in the Bidding Documents

B. Within five (5) calendar days from receipt by the bidder of the notice from the BAC that the bidder has Lowest Calculated Bid or Highest Rated Bid, the bidder shall

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Reference Code:
Revision Number:		<b>00</b>
Date: Effective		<b>Nov. 20, 2018</b>
		<b>Page 19 of 40</b>

submit to the BAC its latest income and business tax returns, and other appropriate licenses and permits required by law and stated in the Bidding Documents.

Failure to submit any of the requirements on time or a finding against the veracity thereof shall disqualify the bidder for award: Provided, that in the event that a finding against the veracity of any of the documents submitted is made, it shall cause the forfeiture of the Bid Security in accordance with Section 69 of IRR.

C. Non-discretionary criteria shall be used to verify, validate and ascertain all statements and documents. These criteria shall consider, but shall not be limited to the following:

- 1) Legal Requirements – to verify, validate and ascertain licenses and agreements submitted by the bidder and the fact that it is not included in any blacklist
- 2) Technical Requirements – to determine compliance of the goods and services offered with the requirements of the contract and bidding documents, including:
  - i. Verification and validation of the bidder’s xxx for the of Infrastructure and testing for the required capacities and operating conditions, of the equipment units to be owned/leased/under purchase by the bidder for use in the contract under bidding, as well as checking the performance of the bidder in its ongoing government and private contracts if any of these on-going contracts shows;
    - a) Negative slippage of at least fifteen percent (15%) in any one project or a negative slippage of at least ten percent

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Reference Code:
Revision Number:		<b>00</b>
Date: Effective		<b>Nov. 20, 2018</b>
		<b>Page 20 of 40</b>

(10%) in each of two (2) or more contracts;

- b) Failure of the contractor to commence repair works on on-going contracts within seven (7) calendar days and to complete them within thirty (30) calendar days after receipt of the Procuring Entity's notice of defects and deficiencies;
- c) Failure of the contractor to commence repair works of contracts with pending certificates of acceptance within thirty (30) calendar days and complete them within ninety (90) days after receipt of the Procuring Entity's notice of defects and failures; or
- d) Substandard quality of works as per contracts plans and specifications, or unsatisfactory performance of the contractor's obligation as per contract terms and conditions, at the time of inspection.

If the BAC verifies any of these deficiencies to be due to the contractor's fault or negligence, the agency shall disqualify the contractor from the award, for the procurement of infrastructure Projects.

- ii. Verification and/or inspection and testing of the goods/product, after sales and/or maintenance capabilities, in applicable cases, as well as checking he following:
  - a) Delay in the partial delivery of goods amounting to ten percent (10%) of the

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Reference Code:
Revision Number:		<b>00</b>
Date: Effective		<b>Nov. 20, 2018</b>
<b>Page 21 of 40</b>		

contract price in its on-going government and private contracts;

- b) If any of these contracts shows the bidder's failure to deliver or perform any or all of the goods or services within the period(s) specified in the contract or within any extension thereof granted by the Procuring Entity pursuant to a request made by the supplier prior to the delay, and such failure amounts to at least ten percent (10%) of the contract price; or
- c) Unsatisfactory performance of the supplier's obligations as per contract terms and conditions at the time of inspection.

If the BAC verifies any of these deficiencies to be due to the bidder's fault or negligence, the BAC shall disqualify the bidder from the award, for the procurement of Goods.

- iii. Ascertainment of the Authenticity of the bid security and its correctness as to type, amount, form and wording, and validity period as required in the Bidding Documents.

- 3) Financial Requirements – to verify, validate and ascertain the bid price proposal of the bidder and, whenever applicable, the required bank commitment to provide a credit line to the bidder in the amount specified and over the period stipulated in the Instructions to Bidders, to ensure that the bidder can sustain the operating cash flow of the transaction.

- D. If the BAC determines that the bidder with the Lowest Calculated Bid/Highest Rated Bid passes all the criteria for post-qualification, it shall declare the said bid as the LCRB or HRRB,

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<b>PROCUREMENT MANUAL</b>	<b>Class Code: D</b>
	<b>Chapter 5: Receipt of Bids and Opening of Bids</b>	Reference Code: <b>OM-PU</b>
Revision Number: <b>00</b>		
Date: Effective <b>Nov. 20, 2018</b>		
<b>Page 22 of 40</b>		

and recommend to the HoPE the award of contract to the said bidder at its submitted bid price or its calculated bid price, whichever is lower or, in the case of quality-based evaluation procedure, submitted bid price or its negotiated, whichever is lower.

- E. If the BAC determines that the bidder with the LCB fails the criteria for post-qualification, it shall immediately notify the said bidder in writing of its post- and the grounds for it. The post-disqualified bidder shall have three (3) calendar days from receipt of the said notification to request from the BAC, if it so wishes, a reconsideration of this decision.
  
- F. The BAC shall evaluate the request for reconsideration, if any, using the same non-discretionary criteria, and shall issue its final determination of the said request within seven (7) calendar days from receipt thereof.
  
- G. Immediately after the BAC has notified the first bidder of its post-disqualification, and notwithstanding any pending request for reconsideration thereof, the BAC shall initiate and complete the same post-qualification process on the bidder with the second LCB. If the second bidder passes the post-qualification, and provided that the request for reconsideration of the first bidder has been denied, the second bidder shall be post-qualified as the bidder with the LCRB and the Head of the Procuring Entity concerned shall award the contract to it.
  
- H. If the second bidder, however, fails the post-qualification, the procedure for post-qualification shall be repeated for the bidder with the next LCB, and so on until the LCRB is determined for award.
  
- I. The post-qualification process shall be completed in not more than twelve (12) calendar days from the determination of the Lowest Calculated Bid/Highest Rated Bid. In exceptional cases, the post-qualification period may be extended by the HoPE, but

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code:
	<b>OM-PU</b>	
	Revision Number:	
	<b>00</b>	
<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Date: Effective	
	<b>Nov. 20, 2018</b>	
	<b>Page 23 of 40</b>	

in no case shall the aggregate period exceed forty-five (45) calendar days for goods and Infrastructure Projects, or thirty (30) calendar days in Consulting Services.

In case of post-disqualification of the bidder with the lowest calculated bid/highest rated bid, the BAC shall be given the same fresh period to conduct the post qualification of the next lowest calculated bid/highest rated bid until a bidder is post qualified or failure of bidding is declared based on Section 35.1 (c) of IRR.

### 10. FAILURE OF BIDDING

- a. The BAC shall declare the bidding a failure and conduct a re-bidding with re-advertisement and/or posting after a re-bidding with re-advertisement and/or posting after a re-evaluation of the terms, conditions and specifications of the first bidding when:
  - 1) No bids are received.
  - 2) All prospective bidders are declared ineligible.
  - 3) All bids fail to comply with all the bid requirements or fail post-qualification.
  - 4) The bidder with the LCRB refuses, without justifiable cause, to accept the award of contract, and no award was made.

Note: Under any of the above instances, the contract shall be re-advertised and re-bid. BAC shall observe the same process and set the new periods according to the same rules followed during the first bidding. After the second failed bidding, BAC may resort to negotiated procurement subject to the provisions of this Manual.

- b. The BAC shall modify the terms, conditions and specifications in the first bidding documents, when necessary, to change the scope of work or to adjust LBRDC's cost estimates or specifications. However, the ABC shall be maintained.

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<b>PROCUREMENT MANUAL</b>	<b>Class Code: D</b>
	<b>Chapter 5: Receipt of Bids and Opening of Bids</b>	Reference Code: <b>OM-PU</b>
Revision Number: <b>00</b>		
Date: Effective <b>Nov. 20, 2018</b>		
<b>Page 24 of 40</b>		

- c. All bidders who have initially responded to the IAEB and have been declared eligible in the first bidding shall be allowed to submit new bids.
- d. The BAC shall observe the same process and set the new periods according to the same rules followed during the first bidding.
- e. Should a second failure of bidding occur, LBPRDC may enter into a negotiated procurement. However, the terms, conditions and specifications of the project as well as the ABC must be maintained.
- f. The ABC may be adjusted downwards if there is a need to reflect actual market prices and/or scope of work. The ABC may be adjusted upwards only under the following conditions:
  - a. There has been failure of bidding for the second time due to all bids submitted exceeding the ABC or no bids have been submitted, or failure in the negotiated procurement after two failed biddings.
  - b. There has been previous modification of the terms, conditions and specifications of the project due to failure of bidding, except when the project is indivisible, where the technical component is an integral part of the whole that cannot be reduced, and it constitutes the minimum requirement for which there are no substitutes.
- g. Upon adjustment of the ABC, the procuring entity must conduct re-bidding with re-advertisement/posting.

## **11. SINGLE CALCULATED/RATED RESPONSIVE BID**

A Single Calculated/Rated and Responsive Bid shall be considered for award if it falls under the following circumstances:

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	Class Code: <b>D</b>
		Reference Code: <b>OM-PU</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Revision Number: <b>00</b>
		Date: Effective <b>Nov. 20, 2018</b>
		<b>Page 25 of 40</b>

- a. If after advertisement, only one prospective bidder submits and/or applies for eligibility check and it meets the eligibility requirements or criteria, after which it submits a bid which is found to be responsive to the bidding requirements.
- b. If after advertisement, more than one prospective bidder submit and/or apply for eligibility check but only one bidder meets the eligibility requirements or criteria, after which it submits a bid which is found to be responsive to the bidding requirements.
- c. If after the eligibility check, more than one bidder meet the eligibility requirements, but only one bidder submits a bid and the bid is found to be responsive to the bidding requirements.

In all instances, LBRDC shall ensure that the ABC reflects the most advantageous prevailing price for the company.

## **12. AWARD, IMPLEMENTATION AND TERMINATION OF CONTRACT**

- a. The BAC shall recommend to the HoPE the award of the contract to the bidder with the LCRB, HRRB, SCRB or SRRB after the post-qualification process has been completed.

To facilitate the approval of the award, the BAC shall submit the following supporting documents to the HoPE:

- 1) Resolution of the BAC recommending award;
- 2) Abstract of bids;
- 3) Duly approved program of work or delivery schedule, and cost estimates;

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<p><b>PROCUREMENT MANUAL</b></p>	<p><b>Class Code: D</b></p>
	<p><b>Chapter 5: Receipt of Bids and Opening of Bids</b></p>	<p>Reference Code: <b>OM-PU</b></p>
<p>Revision Number: <b>00</b></p>		
<p>Date: Effective <b>Nov. 20, 2018</b></p>		
<p><b>Page 26 of 40</b></p>		

- 4) Documents issued by appropriate entity authoring the procuring entity to incur obligations for a specified amount; and
- 5) Other pertinent documents required by existing laws, rules, and/or the procuring entity concerned.

Within three (3) calendar days from the issuance of the resolution recommending award of the contract, the BAC shall notify all other bidders, in writing, of its recommendation.

- b. Award of contract shall be made to the bidder with LCRB, at its submitted bid price or its calculated bid price, whichever is lower.
- c. The LBRDC President or BOD designated officer or his/her duly authorized representative shall approve or disapprove said recommendation within a period not exceeding fifteen (15) calendar days from the determination and declaration by the BAC of LCRB and the recommendation of the award.
- d. In case of approval, the LBRDC President or BOD designated officer or his/her duly authorized representative shall immediately issue the Notice of Award to the bidder with the LCRB, HRRB, SCRB, or SRRB.

In the event disapproval, which shall be based only on valid, reasonable, and justifiable grounds as provided for under Section 41 of IRR, the HoPE shall notify the BAC and the bidder in writing of such decision and the grounds for it.

When applicable, the BAC shall conduct a post qualification of the bidder with the next Lowest Calculated Bid or Highest Rated Bid, as provided in Section 34.6 of IRR.

A request for reconsideration may be filed by the bidder with the HoPE within (3) calendar days from receipt of the Notice of disapproval. The HoPE shall resolve with finality the request for

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<p><b>PROCUREMENT MANUAL</b></p>	<p><b>Class Code: D</b></p>
	<p><b>Chapter 5: Receipt of Bids and Opening of Bids</b></p>	<p>Reference Code: <b>OM-PU</b></p> <p>Revision Number: <b>00</b></p> <p>Date: Effective <b>Nov. 20, 2018</b></p> <p><b>Page 27 of 40</b></p>

reconsideration within seven (7) calendar days from the filing thereof and furnish the bidder a copy of the resolution immediately from its promulgation. In no case shall the request for reconsideration stay or delay the bidding process. However, the request for reconsideration must first be resolve before any award is made.

- e. Contract award shall be made within the bid validity period. Should it become necessary to extend the validity of the bids and if applicable, the bid securities, the Procuring Unit concerned shall request in writing all those who submitted bids for such extension before the expiration date therefore.
- f. Bidders, however, shall have the right to refuse to grant such extension without forfeiting their bid security.
- g. Award of contract to the LCRB shall be posted in the G-EPS upon posting of Performance Security and acceptance of the Purchase Order/signing of the contract by the winning bidder.
- h. BAC shall issue Notice to Proceed together with a copy or copies of the approved contract to the successful bidder within seven (7) calendar days from the date of approval of the contract.
- i. BAC shall post a copy of the Notice to Proceed and the approved contract in the PhilGEPS and the website of the LBRDC within fifteen (15) calendar days from the issuance of the Notice to Proceed.

**13. CONTRACT SIGNING**

- a. The winning bidder shall post the required Performance security and enter into contract with the Procuring Entity within ten (10) calendar days from receipt by the winning bidder of the Notice of Award.

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<p><b>PROCUREMENT MANUAL</b></p>	<p><b>Class Code: D</b></p>
	<p><b>Chapter 5: Receipt of Bids and Opening of Bids</b></p>	<p>Reference Code: <b>OM-PU</b></p> <p>Revision Number: <b>00</b></p> <p>Date: Effective <b>Nov. 20, 2018</b></p> <p><b>Page 28 of 40</b></p>

- b. The Procuring entity shall enter into contract with the winning bidder within the same ten (10) day period provided that all the documentary requirements are complied with.
- c. The following documents shall form part of the contract:
  - a. Contract Agreement;
  - b. Bidding Documents;
  - c. Winning bidder's bid, including the Eligibility requirements, Technical and Financial proposals, and other documents/statements submitted;
  - d. Performance Security;
  - e. Notice of Award of contract; and
  - f. Other contract documents that may be required by existing laws and/or Procuring Unit concerned in the bidding documents, such as the construction schedule and S-curve, manpower schedule, construction methods, equipment utilization schedule, construction safety and health program approved by the Department of Labor and Employment, and PERT/CPM or other acceptable tools of project scheduling for infrastructure projects.

#### **14. NOTICE TO PROCEED**

- a. LBRDC shall issue the Notice to Proceed together with a copy of the approved contract to the successful bidder within seven (7) calendar day from the date of approval of the contract by the appropriate government approving authority. All notices called for by the terms of the contract shall be effective only at the time of receipt thereof by the successful bidder
- b. LBRDC through the BAC Secretariat, shall post a copy of the Notice to Proceed and the approved contract in the PhiGEPS and

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<b>PROCUREMENT MANUAL</b>	<b>Class Code: D</b>
	<b>Chapter 5: Receipt of Bids and Opening of Bids</b>	Reference Code:
Revision Number:		<b>00</b>
Date: Effective		<b>Nov. 20, 2018</b>
		<b>Page 29 of 40</b>

the website of the Procuring Entity if any, within fifteen (15) calendar days from the issuance of the Notice to Proceed.

## 15. PERFORMANCE SECURITY

- a. To guarantee the faithful performance by the winning bidder of its obligation under the contract in accordance with the Bidding Documents it shall post a performance security prior to the signing of the contract.
- b. The performance security shall be in an amount not less than the required percentage of the total contract price in accordance with the following schedule:

Form of Performance Security	Amount of Performance Security (Not less than the required Percentage of Total Contract Price)
a. Cash or Cashier's/manager's check issued by a Universal or Commercial Bank.	Goods and Consulting Services – Five percent (5%)
b. Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or commercial bank, if issued by a foreign bank.	Thirty percent (30%)
c. Surety bond callable upon demand issued by a surety company duly certifies by the Insurance Commission as authorized to issue such security.	

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code:
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	<b>OM-PU</b>
		Revision Number:
		<b>00</b>
		Date: Effective
		<b>Nov. 20, 2018</b>
		<b>Page 30 of 40</b>

## 16. Reservation Clause

The HoPE reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract in the following situations:

- i. If there is prima facie evidence of collusion between appropriate public officers or employees of the Procuring Entity, or between the BAC and any of the bidders, or if the collusion is between or among the bidders themselves, or between a bidder and a third party, including any act which restricts, suppress or nullifies or trends to restrict, suppress or nullify competition.
- ii. If the BAC is found to have failed in the following the prescribed bidding procedures; or
- iii. For any justifiable and reasonable ground where the award of the contract will not rebound to the benefit of the GoP, as follows:
  - a. If the physical and economic conditions have significantly changed so as to render the project no longer economically, financially, or technically feasible, as determinedS by the HoPE;
  - b. If the project is no longer necessary as determined by the HoPE;
  - c. If the source of funds for the project has been withheld or reduced through no fault of the Procuring Entity.

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code: <b>OM-PU</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Revision Number: <b>00</b>
		Date: Effective <b>Nov. 20, 2018</b>
		<b>Page 31 of 40</b>

## B. DETAILED PROCEDURE

### 1. Single Stage Bidding

Person/Unit Responsible	Activity	Time Frame
Bidders	1. Submit the Eligibility Requirements and Technical and Financial Proposals on or before the deadline set in the IAEB.	
BAC Secretariat	2. Checks if the prospective bidder is registered with the LBRDC's Registry of Suppliers. If not, updates registry.  3. Receives the registration/updated documents from the bidder.  4. Verifies completeness of the documents submitted and endorses to Head, BAC Secretariat.	
Head, BAC Secretariat	5. Approves registration after verification of proper submission of all registration requirements.	
BAC Secretariat	6. Reports to BAC names of registered suppliers.  7. Receives the Eligibility Requirements and Technical and Financial Proposals.  8. Requires the bidders to sign in the attendance sheet.  9. Records and prepares the minutes of the bid opening.	



**LBP RESOURCES AND  
DEVELOPMENT  
CORPORATION**

24<sup>TH</sup> Floor LBP Plaza 1598 M.H  
Del Pilar cor. Dr. J. Quintos St.  
Malate Manila

**PROCUREMENT  
MANUAL**

**Class Code: D**

Reference Code:

**OM-PU**

Revision Number:

**00**

Date: Effective

**Nov. 20, 2018**

**Page 32 of 40**

**Chapter 5: Receipt of Bids and  
Opening of Bids**

BAC	<p>10. Opens the bid box.</p> <p>11. Segregates the bid proposals according to IAEB Numbers.</p> <p>12. Opens the eligibility envelopes and initials on every page of all eligibility documents received and opened.</p> <p>13. Accomplishes Part A of Checklist of Requirements.</p> <p>14. Using the non-discretionary "pass/fail" criteria, determines which bidder is eligible or ineligible.</p> <p>15. Declares which prospective bidders are eligible and which are ineligible.</p> <p>16. Informs the prospective bidder that it has been found eligible.</p> <p>17. Notifies in writing the ineligible bidders and the grounds for their ineligibility.</p> <p>18. In case of request for reconsideration –</p>	
Ineligible Bidder	a. If present at the time of opening of eligibility requirements, upon verbal notification, may request for reconsideration. Otherwise, submits a written request for reconsideration to the BAC Secretariat.	Within three (3) calendar days from bidder's receipt of notice
BAC Secretariat	b. Endorses the request for reconsideration to the BAC.	
BAC	<p>c. Decides/replies on the matter. Allows the requesting ineligible bidder, if deemed necessary to clarify its eligibility documents.</p> <p>d. Withholds the eligibility documents and bid of ineligible bidder until the request for reconsideration is resolved.</p>	Within seven (7) calendar days from receipt of request for reconsideration

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code: <b>OM-PU</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Revision Number: <b>00</b>
		Date: Effective <b>Nov. 20, 2018</b>
		<b>Page 33 of 40</b>

BAC Secretariat	<p>e. Notifies in writing the ineligible bidder of the BAC's decision/resolution.</p> <p>f. If motion for reconsideration is denied, returns the eligibility documents and unopened bid to the ineligible bidder.</p>	
BAC	<p>19. Opens the Technical Proposals and initials on every page of all documents received and opened.</p> <p>20. Accomplishes Part B of Checklist of Requirements.</p> <p>21. Using the non-discretionary "pass/fail" criteria, determines compliance with the documents required and rates bids as "Passed" or "Failed".</p> <p>22. Informs the non-complying bidder specifying the grounds for "Failed" rating.</p> <p>23. In case of request for reconsideration-</p>	
Non-Complying Bidder/s	a. If present at the time of opening of Technical Proposals, upon verbal notification, may request for reconsideration. Otherwise, submits a written request for reconsideration to the BAC Secretariat.	
BAC Secretariat	b. Endorses the request for reconsideration to the BAC.	
BAC	<p>c. Decides/replies on the matter. Allows the requesting bidder, if deemed necessary, to clarify its Technical Proposal.</p> <p>d. Withholds the eligibility documents and bid envelopes of the bidder until the request for reconsideration has been resolved.</p>	Within seven (7) calendar days from receipt of request for reconsideration.
BAC Secretariat	e. Notifies in writing the bidder of the BAC's decision/resolution.	

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code: <b>OM-PU</b>
		Revision Number: <b>00</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Date: Effective <b>Nov. 20, 2018</b>
		<b>Page 34 of 40</b>

	f. If motion for reconsideration is denied, returns the eligibility documents and bids to the ineligible bidder.	
BAC	<p>24. Opens and tabulates the financial bid and the corresponding bid security in the Abstract of Bids.</p> <p>25. Checks and validates the tabulation.</p> <p>26. Proceeds with the bid evaluation.</p>	

## 2. Two-Stage Bidding

Person/Unit Responsible	Activity	Timeframe
Bidders	1. Submit the Eligibility Requirements and initial Technical Proposals (no price tenders) on or before the deadline set in the IAEB.	
BAC Secretariat	<p>2. Checks if the prospective bidder is registered with the LBPRDC's Registry of Suppliers. If not, updates registry.</p> <p>3. Receives the registration/updated documents from the bidder.</p> <p>4. Verifies completeness of the documents submitted and endorses to Head, BAC Secretariat.</p>	
Head, BAC Secretariat	5. Approves registration after verification of proper submission of all registration requirements.	
BAC Secretariat	<p>6. Reports to BAC names of registered suppliers.</p> <p>7. Receives the Eligibility Requirements and Initial Technical Proposals.</p> <p>8. Requires the bidders to sign the attendance sheet.</p> <p>9. Records and prepares the minutes of the</p>	



**LBP RESOURCES AND  
DEVELOPMENT  
CORPORATION**

24<sup>TH</sup> Floor LBP Plaza 1598 M.H  
Del Pilar cor. Dr. J. Quintos St.  
Malate Manila

**PROCUREMENT  
MANUAL**

**Class Code: D**

Reference Code:

**OM-PU**

Revision Number:

**00**

Date: Effective

**Nov. 20, 2018**

**Page 35 of 40**

**Chapter 5: Receipt of Bids and  
Opening of Bids**

	proceedings of the first stage.	
BAC	<p>10. Opens the bid box.</p> <p>11. Segregates the bid proposals according to IAEB Numbers.</p> <p>12. Opens the eligibility envelopes and initials on every page of all eligibility documents received and opened.</p> <p>13. Accomplishes Part A of Checklist of Requirements.</p> <p>14. Using the non-discretionary "pass/fail" criteria, determines which bidder/s is/are eligible or ineligible.</p> <p>15. Declares which prospective bidders are eligible and which are ineligible.</p> <p>16. Informs the prospective bidder that it has been found eligible.</p> <p>17. Notifies in writing the ineligible bidders specifying the grounds for their ineligibility.</p> <p>18. In case of request for reconsideration -</p>	
Ineligible Bidder	a. If present at the time of opening of eligibility requirements, upon verbal notification, may request for reconsideration. Otherwise, submits a written request for reconsideration to the BAC Secretariat.	Within three (3) calendar days from bidder's receipt of notice.
BAC Secretariat	b. Endorses the request for reconsideration to the BAC.	
BAC	<p>c. Decides/replies on the matter.</p> <p>d. Allows the requesting ineligible bidder, if deemed necessary, to clarify its eligibility documents.</p>	Within seven (7) days from receipt of request for reconsideration

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code: <b>OM-PU</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Revision Number: <b>00</b>
		Date: Effective <b>Nov. 20, 2018</b>
		<b>Page 36 of 40</b>

BAC	e. Withholds the eligibility documents and bid of ineligible bidder until the request for reconsideration has been resolved.	
BAC Secretariat	f. Notifies in writing the ineligible bidder of the BAC's decision/resolution.	
BAC Secretariat	g. If motion for reconsideration is denied, returns the eligibility documents and unopened bid to the ineligible bidder.	
BAC	<p>19. Opens Technical Proposals, initials on every page of all documents received and opened and evaluates the technical merits of the proposals.</p> <p>20. Accomplishes Part B of Checklist of Requirements.</p> <p>21. Using the non-discretionary "pass/fail" criteria, determines compliance with the documents required and rates bids as "Passed" or "Failed".</p> <p>22. Informs the non-complying bidder specifying the grounds for "Failed" rating.</p> <p>23. In case of request for reconsideration-</p>	
Non-Complying Bidder	a. If present at the time of opening of Technical Proposals, upon verbal notification, may request for reconsideration. Otherwise, submits a written request for reconsideration to the BAC Secretariat.	Within three (3) calendar days from bidder's receipt of notice.
BAC Secretariat	b. Endorses the request for reconsideration to the BAC.	
BAC	c. Decides/replies on the matter. Allows the requesting bidder, if deemed necessary, to clarify its Technical Proposal.	Within seven (7) calendar days from receipt of request for reconsideration

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code: <b>OM-PU</b>
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Revision Number: <b>00</b>
		Date: Effective <b>Nov. 20, 2018</b>
		<b>Page 37 of 40</b>

	d. Withholds the eligibility documents and bid envelope of the bidder until the request for reconsideration has been resolved.	
BAC Secretariat	e. Notifies in writing the bidder of the BAC's decision/resolution.  f. If motion for reconsideration is denied, returns the eligibility documents and bid to the ineligible bidder.  24. Schedules Pre-bid Conference	
BAC, TWG, Bidder	25. Conduct Pre-bid Conference and discuss the revision of the technical specifications or requirements of the contract.	
BAC	26. Issues the revised technical specifications to the bidders identified in the first stage and require them to submit their revised technical tenders including their financial proposals.	
Bidder	27. Submits the revised technical proposals and financial proposals and financial proposals in two separate envelopes on the specified deadline set during the meeting.	
BAC Secretariat	28. Requires the bidder to sign in the attendance sheet.  29. Records and prepares the minutes of the proceedings of the second stage.	
BAC	30. Opens the bid box.  31. Segregates the bid proposals according to IAEB Numbers.  32. Opens the Technical Proposals and initials on every page of all documents received and opened.  33. Accomplishes Part B of Checklist of	

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code:
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	<b>OM-PU</b>
		Revision Number:
		<b>00</b>
		Date: Effective
		<b>Nov. 20, 2018</b>
		<b>Page 38 of 40</b>

	<p>Requirements.</p> <p>34. Using the non-discretionary “pass/fail” criteria, determines compliance with the documents required and rates bids as “Passed” or “Failed”.</p> <p>35. Informs the non-complying bidder specifying the grounds for “Failed” rating.</p> <p>36. In case of request for reconsideration-</p>	
Non-Complying Bidder	a. If present at the time of opening of Technical Proposals, upon verbal notification, may request for reconsideration. Otherwise, submits a written request for reconsideration to the BAC Secretariat.	Within three (3) calendar days from bidder’s receipt of notice
BAC Secretariat	b. Endorses the request for reconsideration to the BAC.	
BAC	<p>c. Decides/replies on the matter. Allows the requesting bidder, if deemed necessary, to clarify its Technical Proposal.</p> <p>d. Withholds the eligibility documents and bid envelopes of the bidder until the request for reconsideration has been resolved.</p>	Within seven (7) calendar days from receipt of request for reconsideration.
BAC Secretariat	<p>e. Notifies in writing the bidder of the BAC’s decision/resolution.</p> <p>f. If motion for reconsideration is denied, returns the eligibility documents and bids to the ineligible bidder.</p>	
BAC	<p>37. Opens and tabulates the financial bid and corresponding bid security in the Abstract of Bids.</p> <p>38. Checks and validates the tabulation.</p> <p>39. Based on the Abstract of Bids, ranks</p>	

 <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b> 24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	<b>Class Code: D</b>
		Reference Code: <b>OM-PU</b>
	Revision Number: <b>00</b>	
	<h2>Chapter 5: Receipt of Bids and Opening of Bids</h2>	Date: Effective <b>Nov. 20, 2018</b>
		<b>Page 39 of 40</b>

	<p>the bid prices from lowest to highest.</p> <p>40. Determines the bidder with the Lowest Calculated Bid (LCB).</p> <p>41. Checks, approves and signs the Abstract of Bids.</p>	
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

### 3. Post Qualification

Person/Unit Responsible	Activity	Timeframe
BAC	1. Conducts and accomplishes a post qualification of the bidder with the LCB.	Within seven (7) calendar days from the determination of the LCB.
BAC Secretariat	2. Notifies post-qualified and losing bidders.	
Ineligible Bidder	3. In case of request for reconsideration- a. If present at the time of opening of eligibility requirements, upon verbal notification, may request for reconsideration. Otherwise, submits a written request for reconsideration to the BAC Secretariat.	Within three (3) calendar days from bidder's receipt of notice.
BAC Secretariat	b. Endorse the request for reconsideration to the BAC.	
BAC	c. Decides/replies on the matter.	Within seven (7) calendar days from receipt of request for reconsideration.
BAC Secretariat	d. If motion for reconsideration is denied and no protest is filed, returns bid security to the bidder.	Within seven (7) calendar days from receipt of resolution of the BAC.
BAC	4. In case protest is filed – a. Evaluates/resolves protest.	Within seven (7) calendar days from receipt of protest.
BAC Secretariat	b. If protest is denied, returns bid security to the bidder.	



**LBP RESOURCES AND  
DEVELOPMENT  
CORPORATION**

24<sup>TH</sup> Floor LBP Plaza 1598 M.H  
Del Pilar cor. Dr. J. Quintos St.  
Malate Manila

**PROCUREMENT  
MANUAL**

**Class Code: D**

Reference Code:

**OM-PU**

Revision Number:

**00**

Date: Effective

**Nov. 20, 2018**

**Page 40 of 40**

**Chapter 5: Receipt of Bids and  
Opening of Bids**

BAC	5. Declares bidder with the Lowest Calculated Responsive Bid (LCRB).  6. Recommends award of the contract to the bidder declared as LCRB.	
BAC Secretariat	7. Forwards to the LBPRDC President or BOD designated officer the BAC recommendation for approval.	
LBPRDC President or BOD designated officer	8. Approves the BAC recommendation to award.	Within fifteen (15) calendar days from declaration of LCRB.
BAC Secretariat	9. Prepares all the documents (e.g.) Notice of Award, Purchase Order and Contract) and routes for approval.	
Approving Authorities (per CASA)	10. Approve the documents.	
BAC Secretariat	11. Forwards the Notice of Award to the Supplier declared as LCRB.  12. Requires the supplier to post a Performance Security. <ul style="list-style-type: none"> <li>• If the Performance Security is in the form of cash, manager's check, cashier's check, prepares a Payment Acceptance Order (PAO) and instructs the supplier to make its payment to Cash Department or Servicing Branch.</li> <li>• If the Performance Security is in the form of irrevocable letter of credit or surety bond, checks the document as to acceptability.</li> </ul>	
BAC Secretariat	13. Requests supplier to sign PO/contract.  14. Posts the award in the G-EPS. 15. Issues Notice to Proceed.	Within three (3) calendar days from date of approval of the contract.