



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

INVITATION TO APPLY FOR ELIGIBILITY AND TO BID

Sealed applications for eligibility and bid documents for the supply and delivery of additional registration forms for the Resumption of the System on the Continuing Registration of Voters, shall be received at the Comelec Session Hall, 8th floor, Palacio del Gobernador, Intramuros, Manila, on September 11, 2008 at 10:00 o'clock in the morning, at which place, date and time, said sealed bids shall be opened in the presence of the members of the Bids and Awards Committee, representatives of the Commission on Elections, Commission on Audit, Philippine Chamber of Commerce and Industry, Parish Pastoral Council for Responsible Voting, the participating bidders and the public, with an approved budget of Thirteen Million Seven Hundred Twenty Four Thousand Four Hundred Thirty Pesos only (PhP 13,724,430.00), charged against the realigned appropriation for the Continuing Registration per Comelec Resolution No. 08-0499 dated April 29, 2008.

Bid documents and specifications may be obtained during regular office hours, beginning August 21, 2008 from the BAC Secretariat at the Property Division upon payment at the Cash Division, Commission on Elections, of a non-refundable amount of Six Thousand Eight Hundred Sixty Pesos only (PhP 6,860.00).

A pre-bid conference shall be held on August 28, 2008 at 10:00 o'clock in the morning, Session Hall, Commission on Elections.

Bids shall be accompanied by a Bid Security equivalent to one per centum (1%) of the approved budget for the contract to be bid, in the form of cash or Manager's/Cashier's check payable to the "Commission on Elections".

Delivery schedules are indicated in the Bidder's Tender.

The COMELEC reserves the right to reject any or all bids, waive any formal defect contained therein, and accept the lowest complying responsive bid that is most advantageous to the Commission. Notwithstanding the eligibility of a bidder, the Bids and Awards Committee reserves the right to review the qualification of a bidder after the bidding and before the execution of the contract. Should such review uncover any misrepresentation made in the eligibility statements, or any change in the situation of the bidder to materially downgrade the substance of such statements, the Bids and Awards Committee shall disqualify the bidder upon due notice without any obligation whatsoever on the part of the COMELEC for any expense or loss that may be incurred by the bidder in the preparation of its bid.

August 20, 2008

J. THADDEUS P. HERNAN
Chairman
Bids and Awards Committee

TERMS, CONDITIONS AND INSTRUCTIONS TO BIDDERS

I. GENERAL INSTRUCTIONS

1. Bidders must carefully study the specifications, terms and conditions advertised in the bid.
2. A bidder is chargeable with knowledge of the terms and conditions of the bid as advertised, such that he/it must be fully informed of all the matters which may in any way affect the bid or contract.
3. Should a bidder be in any doubt as to any discrepancy or ambiguity with respect to its bid, offer, or tender, or to any part of the bid documents, it shall submit to the Bids and Awards Committee a written request for clarification on or before the date set for the conduct of the pre-bid conference, which shall be the only forum to clarify and/or explain any of the requirements, terms, conditions and specifications stipulated in the bid documents and/or to discuss, among other things, the technical specifications, legal and financial requirements, production capability requirements and delivery schedule.
4. Clarifications made by the Bids and Awards Committee during the pre-bid conference shall be in writing, in the form of a Bid Bulletin, and furnished to all interested bidders who shall be required to obtain the same from the office, and within the period, specified in the pre-bid conference.
5. The Bid Bulletin shall also be posted at the COMELEC website and the Government-Electronic Procurement System (G-EPS) bulletin board or website.
6. Any statement at the pre-bid conference shall not modify the terms and conditions of the bid documents unless such statement is specifically identified in writing as an amendment thereto.
7. The Bids and Awards Committee reserves the right to extend the opening of the bids for any period of time, if it is in its opinion advantageous or necessary. In this event, the Bids and Awards Committee shall notify the prospective bidders accordingly.
8. The call for bids is no more than an invitation to make proposals and the Bids and Awards Committee is not bound to accept any bid. Neither does this call for bids confer a right on any bidder to an action for damages for unrealized or expected profits or other such damages unless the bid has been duly accepted by the Commission on Elections En Banc.
9. The bidders shall bear all costs in the preparation of their bids and the Commission on Elections shall in no case be responsible or liable for these costs regardless of the outcome of the bidding process.
10. The Commission on Elections will not assume the responsibility of securing exemptions from taxes, or import duties, and/or import licenses, if necessary, for the importation of the articles called for or the machinery necessary for the manufacture or production of the articles subject matter of the bid.
11. The Bids and Awards Committee shall reject a bid, which does not comply with the terms and conditions or requirements of the bid documents. The Bids and Awards Committee, however, in the evaluation of the bids received, reserves the right to

waive the consideration of minor deviations therein, provided the same do not affect the substance and validity of the bids.

II. BIDDERS

1. The Bids and Awards Committee shall receive and consider only bids from eligible printers, suppliers, manufacturers and distributors.

2. The eligibility of prospective bidders shall be determined based on the submission by the bidders to the Bids and Awards Committee of the following documents:

A. Legal Documents

- a. Department of Trade and Industry (DTI) business name registration or SEC registration certificate, whichever may be appropriate under existing laws of the Philippines.
- b. Valid and current Mayor's permit/municipal license.
- c. Taxpayer's identification Number (TIN)/BIR VAT Registration.
- d. Statement of the prospective bidder that it is not "blacklisted" or barred from bidding by the Government or any of its agencies, offices, corporations or LGUs, including non-inclusion in the Consolidated Blacklisting Report issued by the GPPB
- e. Other appropriate license, if applicable.

B. Technical Documents

- a. Statement of the prospective bidder of all its ongoing and completed government and private contracts within the immediately preceding year, including contracts awarded but not yet started, if any. The statement shall state for each contract whether said contract is:

1. Ongoing, completed, or awarded but not yet started. The statement shall include, for each contract, the following:

- i. The name of the contract;
- ii. Date of the contract;
- iii. Kinds of goods sold;
- iv. Amount of contract and value of outstanding contracts;
- v. Date of delivery;
- vi. End user's acceptance, if completed; and
- vii. Specification whether prospective bidder is a manufacturer, supplier or distributor

2. Similar or not similar in nature and complexity to the contract to be bid

- b. Statement of the value of the prospective bidder's largest single contract, adjusted to current process using the wholesale consumer price index and similar to the contract to be bid, which must be at least fifty percent (50%) of the approved budget for the contract to be bid.

The contract shall be considered "similar" to the contract to be bid if it involves goods or related services of the same nature and complexity as those which are the subject of the public bidding concerned.

C. Financial Documents

- a. Audited financial statement, notarized with seal, stamped "RECEIVED" by the BIR or its duly accredited and authorized institutions, for the immediately preceding calendar year, showing among others, the prospective bidder's total current assets and liabilities and its capacity to finance the manufacture and supply of goods called for and a statement or record of volume of sales.
- b. Net Financial Contracting Capacity (NFCC) which shall be in accordance with Section 23.11 of the IRR-A of Republic Act No. 9184, or commitment

from a licensed bank to extend to it a credit line if awarded the contract to be bid, or a cash deposit certificate, in an amount not lower than that set by the procuring entity in the Bidding Documents, which shall be at least equal to ten percent (10%) of the approved budget for the contract to be bid.

D. 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 and information provided therein are true and correct.

3. Notwithstanding the eligibility of a bidder, the Bids and Awards Committee reserves the right to review the qualification of a bidder after the bidding and before the execution of the contract. Should such review uncover any misrepresentation made in the eligibility statements, or any change in the situation of the bidder to materially downgrade the substance of such statements, the Bids and Awards Committee shall disqualify the bidder upon due notice without any obligation whatsoever on the part of the COMELEC for any expense or loss that may be incurred by the bidder in the preparation of its bid.

III. BIDS

1. Prospective bidders shall submit their application for eligibility and bid documents in separate sealed envelopes at the Session Hall, Commission on Elections, on the date and time as advertised. Said separate sealed envelopes shall be submitted simultaneously by placing the same inside a larger envelope properly identified with the name of the prospective bidder. Applications for eligibility and bid documents submitted to any other office or department of the Commission shall be rejected.
2. The application for eligibility shall be sealed in an envelope appropriately marked as "Application for Eligibility" indicating on the face thereof the name of the prospective bidder. Said envelope shall contain the Legal, Technical and Financial Documents required in par. 2 of Article II hereof.
3. The bid documents shall be sealed in an envelope appropriately marked as "Bid Documents", indicating on the face thereof the name of the prospective bidder. Said envelope shall contain the following documents, which shall be in accordance with the form and requirements specified in the succeeding paragraphs:
 - a. Bidder's Tender
 - b. Bidder's Bond
 - c. Authority of signatory
4. Bids shall not be prepared with the help, assistance, advise, participation or intervention of any person employed with the Commission on Elections. Collusion between bidders and any person employed with the Commission shall be ground for disqualification of the bidder, and the filing of administrative and/or criminal charges against the parties concerned.
5. All bids, offers, tenders, quotations shall be typewritten. Any erasures, corrections or additions shall also be typewritten and duly initialed by the bidders concerned, and shall bear the initials of all the members of the representative of the Commission. Handwritten offers, tenders, bids, quotations and/or corrections will not be accepted.
6. The envelopes containing the eligibility documents shall be opened first to determine the eligibility of the prospective bidders. In case any of the requirements specified in par. 2 of Article II hereof is missing from the eligibility envelope, the Bids and Awards Committee shall declare said prospective bidder as "ineligible" to bid. The bid envelope shall be returned unopened to the ineligible bidder.

7. Only bids of bidders who are declared "eligible" shall be opened and evaluated.
8. Bids shall be addressed to the Commission on Elections through the Chairman of the Bids and Awards Committee in the prescribed Bidder's Tender, duly accomplished and signed in the blank spaces provided therefor by the duly authorized officer or representative of the bidder.
9. The Bidder's Tender shall give the full business name and address of the bidder and shall be signed by him or the duly authorized representative in his usual signature. A bid of a corporation shall be in the name of the corporation signed by the official or representative duly authorized by a board resolution to bind it in contracts, in which case a copy of the board resolution shall be submitted together with the bidder's tender. The name of the person, officer or representative signing shall be typewritten or inscribed below the signature. Unsigned bids, tenders, offers or quotations, or those signed by a person other than the official or representative duly authorized to bind the corporation or bidder shall be totally disregarded and declared as "NO BID".
10. Alternate bids or conditional offers shall not be accepted. Bids containing provisions that stipulate on the increase or decrease in the rate of exchange or rates of interests, or contain escalation clauses will likewise not be accepted. Partial bids are considered alternate/conditional offers, and are likewise unacceptable. However, in case all the bids for a particular item are partial, the Commission may multi-source or divide the award for said item subject to the conditions set forth in par. 9, Article IV hereunder.
11. All bids, tenders, offers or quotations shall be in Philippine currency, and must definitely include taxes, import duties and all incidental expenses. Bid offers in other currencies shall not be accepted.
12. The duly accomplished Bidder's Tender shall be accompanied by a Bid Security equivalent to one per centum (1%) of the approved agency estimate of the item/s to be bid as a guarantee that the successful bidder shall within ten (10) days from receipt of the Notice of Award enter into a contract and post the corresponding Performance Security. The Bid Security shall be in the form of cash or manager's check/cashier's check payable to the "Commission on Elections". Private or personal checks shall be rejected.
13. Bids and securities shall be valid for a period of one hundred and twenty (120) days from the date of the opening of bids.
14. Should it become necessary to extend the validity of bids, the Bids and Awards Committee shall request in writing all those who submitted bids for such extension before the bid validity expiration date. Bidders, however, shall have the right to refuse to grant such an extension without forfeiting their Bid Security.
15. The Bid Security shall be forfeited in favor of the Commission on Elections in the event that the bidder withdraws his/its bid after the opening of the bids, or refuses to accept the award/contract, for any reason, after it has been awarded to said bidder.
16. A bid, which is not accompanied by the required Bid Security shall be rejected outright/totally disregarded and declared as "NO BID".
17. The Bid Security may be returned upon request of the bidder, provided he is not among the five lowest evaluated complying bidders. Such withdrawal shall be construed as a waiver by the bidder for the award of the contract.
18. Unless earlier announced, applications for eligibility and bid documents received after the time set for the opening of the bids shall not be accepted or considered and shall be returned unopened.
19. If a bidder wishes to withdraw his bid before the time set for the opening of the bids, he may do so without prejudice to himself by communicating his withdrawal in writing to the Bids and Awards Committee and his application for eligibility and bid envelope shall be returned to him unopened.

20. Where a bidder wishes to modify his bid after submitting the bid but before the same is opened, he shall not be allowed to withdraw his original bid, but shall only be allowed to submit another equally sealed bid, properly identified and marked as "Modification".
21. Negligence on the part of the bidder in the preparation of his bid confers no right for the withdrawal of the bid after it has been opened.
22. If only one (1) bid is received in response to an invitation for bids, an award may be made to the single bidder provided that: (a) his bid price is not higher than the approved budget for the contract to be bid; (b) his bid passes post-qualification; (c) there is no evidence of collusion with non-participating bidders; (d) and other prospective bidders were given opportunity to respond.
23. The offers submitted by the bidders shall be abstracted in the prescribed form which shall be certified as to its correctness and authenticity by the Bids and Awards Committee and the participating bidders. The abstract shall serve as the guide in the evaluation of the offers by the Bids and Awards Committee.
24. Bids for supplies shall be accompanied by samples of the supplies being offered. Failure to submit samples shall be ground for rejection of the bids.
25. The Bids and Awards Committee reserves the right to reject any or all bids within a reasonable period of time and to waive any defect therein, without need of explanation. The right is also reserved to reject the bid of any bidder who was qualified or declared eligible on the basis of suppressed or false information.
26. The Bids and Awards Committee has the right to reject bids, which are defective due to inadequate preparation, omissions, lack of sufficient data, lack of qualifications, or insufficiency of the Bid Security, and such other information/document required to be submitted.
27. The Bids and Awards Committee reserves the right to waive any minor defect in the bid or offer if, in its discretion, such waiver will best serve the interest of the government.
28. The Bids and Awards Committee has the right to reject any and all bids, or to declare a failure of bids if there is, among other things, any reason to suspect an evident collusion among participating bidders resulting in no competition.

IV. AWARD

1. No information relating to the detailed evaluation of bids, post-qualification of the lowest calculated bid and recommendations concerning awards shall be disclosed to persons outside the Bids and Awards Committee before the announcement of the contract award to the successful bidder. After the award of the contract, all unsuccessful bidders shall be informed individually in writing.
2. Contract award shall be made within the bid validity period.
3. Subject to the recommendations based on the evaluations and actions of the Bids and Awards Committee on its computation of the lowest calculated responsive bid, the Commission on Elections En Banc shall approve the purchase from the lowest, complying responsive bidder, considering the quality and the price, whose offer will best serve the interest of the Commission.
4. The Chairman of the Bids and Awards Committee shall issue the appropriate Notices of Award based on the approval made by the Commission on Elections En Banc.
5. Upon issuance of the Notice of Award and acceptance thereof by the winning bidder, the Bid Security shall be released to the winning bidder after he/it shall have filed a Performance Security issued in favor of the Commission on Elections, equivalent to five per centum (5%) of the contract price of the subject of the

award, conditioned on the faithful performance of the contract according to its tenor and effects, and compliance with specifications; and failing thereat, to indemnify the Commission on Elections for liquidated damages, without prejudice to the imposition of the other penalties specified herein. The Performance Security shall be in the same form as that of the Bid Security.

6. Failure to post the Performance Security within three (3) days from the award of the contract shall give the Commission on Elections the right to cancel the award and forfeit in its favor the Bid Security without need of notice to the winning bidder. The second lowest complying responsive bidder shall be considered for award, and the same rule shall apply to the third lowest complying responsive bidder in case the second lowest complying responsive bidder shall refuse.
7. The Awardee's Performance Security shall be discharged or released by the Commission on Elections two (2) months after the complete delivery and acceptance of the items or supplies subject matter of the contract, the ITDI (NIST) test and the inspection of the Commission.
8. No Awardee shall divide, distribute, apportion, assign, or sub-contract any part, portion or segment of the contract awarded to it by the Commission on Elections En Banc to any other entity. Any violation of this condition shall entitle the Commission to cancel or nullify the award and to forfeit the Performance Security in its favor, without prejudice to the imposition of the other penalties provided for under paragraph 5, Article V hereof.
9. The Bids and Awards Committee, when time constraint demands and where practicable, may multi-source or divide the award in favor of two or more lowest complying responsive bidders of the multi-sourced item. The Purchase Order shall be based on the lowest complying responsive bid, offer, tender or quotation obtained during the public bidding for the multi-sourced article.

V. DELIVERY

1. The Awardee shall deliver the full quantity of the items/articles subject matter of the contract at the premises of the Commission on Elections at Arzobispo and Postigo Streets, Intramuros, Manila, or at any other place that the Commission on Elections may indicate at the price and quality, and within the periods specified in the Bidder's Tender and bid documents.
2. The articles delivered shall be subject to inspection and acceptance by the Commission on Elections and ITDI (NIST) tests. The Commission on Elections reserves the right to reject any such deliver which fail to comply with the specifications set forth or stipulated in the contract, without prejudice to such other legal remedies it may avail of to recover damages.
3. In cases of procurements where the amount involved in the contract is in excess of One Million Pesos (Php1,000,000.00), the Commission on Elections may authorize the release of partial payments commensurate to the articles actually delivered and duly accepted.
4. The procurement of the items/articles subject matter of the respective contracts shall be documented or covered by duly funded and approved Purchase Orders.
5. In the event that the Awardee fails to comply with any of the stipulations set forth in their respective contracts, or to deliver the items/ articles in accordance with the specifications and during the period or on the date agreed upon, the Bids and Awards Committee is authorized to impose any or all of the following penalties against the defaulting Awardee:
 - a. To deduct for every day of delay in delivery after the stipulated period, liquidated damages in the amount of one-tenth of one per centum (1/10 of 0.01) of the total value of the contract, or in the event of partial fulfillment of the contract, of the total value of the unfulfilled portion thereof;

- b. To effect purchase at the open market of the articles subject of the purchase orders, charging the amounts over and above the contract price for the account of the defaulting Awardee;
 - c. To blacklist and disqualify the defaulting awardees from participating in future procurement processes of the Commission on Elections; and
 - d. To automatically forfeit the Performance Security of the Awardee concerned upon certification by the proper committee or committees, of late delivery or non-conformity with specifications or any other violation of, or non-compliance with, stipulations of the supply contract.
6. In addition to the above penalties, administrative sanctions such as, forfeiture of bid security, suspension and disqualification, shall be imposed on suppliers/printers/manufacturers for offenses or violations relating to Sec. 69.1, Rule XXIII of the IRR-A of RA 9184.

JOSE M. TOLENTINO, JR.
Executive Director