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

FEB 1 8 2014

DEPARTMENT ORDER)

No. 18)

Series of 2014)

SUBJECT: Revoking D.O. No. 97, s. 2013, Disallowing the use of Bid Securing Declaration as Bid Security

In line with the Government Procurement Policy Board's representation to this Department to implement and allow the use of the Bid Securing Declaration as specifically stated under Section 27.5 of Rule VII, Revised Implementing Rules and Regulations of R.A. 9184 relative to the procurement of infrastructure projects, goods or consultancy services, and in uniformity with other procuring entities of various agencies in the country, D.O. No. 97, series of 2013, is hereby revoked. Strict observance on the use of the prescribed format of Bid Securing Declaration under Appendix 24 of R.A. 9184 (copy attached as Annex "A") is hereby enjoined.

This shall take effect fifteen (15) days after its publication in the Official Gazette or newspaper of nationwide circulation and upon filing with the University of the Philippines Law Center of three (3) certified copies of this order.

ROGELIO L. SINGSON
Secretary

Department of Public Works and Highways
Office of the Secretary

WIN4I02254

REPUBLIC OF THE PHILIPPINES)
CITY OF _____ **) S.S.**
x-------------------------------------x

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BID-SECURING DECLARATION
Invitation to Bid/Request for Expression of Interest No.[140]: *[Insert reference number]*

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

I/We[141], the undersigned, declare that:

1. I/We understand that, according to your conditions, bids must be supported by a Bid Security, which may be in the form of a Bid-Securing Declaration.

2. I/We accept that: (a) I/we will be automatically disqualified from bidding for any contract with any procuring entity for a period of two (2) years upon receipt of your Blacklisting Order; and, (b) I/we will pay the applicable fine provided under Section 6 of the Guidelines on the Use of Bid Securing Declaration[142], if I/we have committed any of the following actions:

    (i)   Withdrawn my/our Bid during the period of bid validity required in the Bidding Documents; or

    (ii)   Fail or refuse to accept the award and enter into contract or perform any and all acts necessary to the execution of the Contract, in accordance with the Bidding Documents after having been notified of your acceptance of our Bid during the period of bid validity.

3. I/We understand that this Bid-Securing Declaration shall cease to be valid on the following circumstances:

    (a)   Upon expiration of the bid validity period, or any extension thereof pursuant to your request;

    (b)   I am/we are declared ineligible or post-disqualified upon receipt of your notice to such effect; and (i) I/we failed to timely file a request for reconsideration or (ii) I/we filed a waiver to avail of said right;

    (c)   I am/we are declared as the bidder with the Lowest Calculated and Responsive Bid/Highest Rated and Responsive Bid[143], and I/we have furnished the performance security and signed the Contract.

    IN WITNESS WHEREOF, I/We have hereunto set my/our hand/s this _____ day of *[month] [year]* at *[place of execution]*.

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[140] Select one and delete the other.
[141] Select one and delete the other. Adopt same instruction for similar terms throughout the document.
[142] Issued by the GPPB through GPPB Resolution 03-2012 on 27 January 2012.

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[Insert NAME OF BIDDER'S AUTHORIZED REPRESENTATIVE]
[Insert signatory's legal capacity]
Affiant

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SUBSCRIBED AND SWORN to before me this __ day of *[month] [year]* at *[place of execution]*, Philippines. Affiant/s is/are personally known to me and was/were identified by me through competent evidence of identity as defined in the 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC). Affiant/s exhibited to me his/her *[insert type of government identification card used]*, with his/her photograph and signature appearing thereon, with no. _____ and his/her Community Tax Certificate No. _____ issued on _____ at _____.

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

NAME OF NOTARY PUBLIC
Serial No. of Commission _____
Notary Public for _____ until _____
Roll of Attorneys No. _____
PTR No. ___, *[date issued]*, *[place issued]*
IBP No. ___, *[date issued]*, *[place issued]*

Doc. No. ____
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Book No. ____
Series of _____.