

PHILIPPINE BIDDING DOCUMENTS

(As Harmonized with Development Partners)

BIDDING DOCUMENTS

FOR THE

1 unit Nitric Oxide Therapy Machine

(Negotiated Procurement)

ITB.017.23

**CHECKLIST OF ELIGIBILITY AND TECHNICAL
DOCUMENTS FOR SUBMISSION**

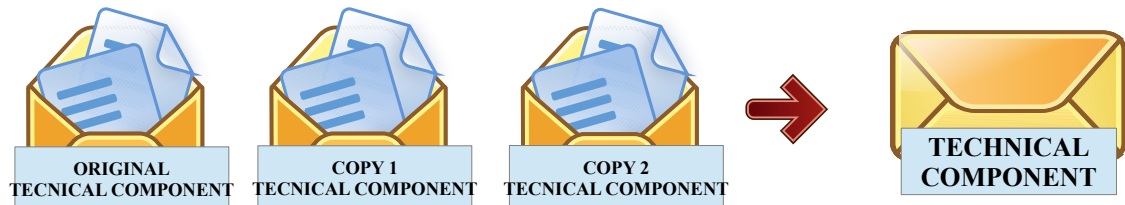
BIDDERS SHALL SUBMIT THREE (3) SETS (ORIGINAL, COPY 1 & COPY 2)

Color codes for folders

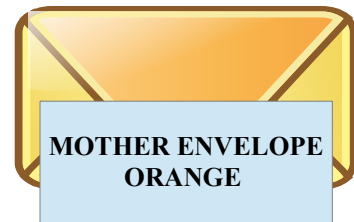
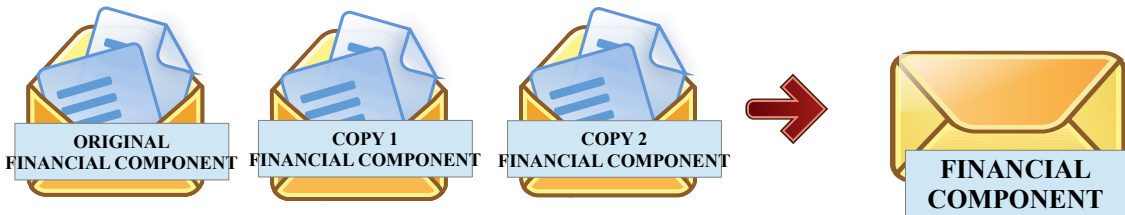
- 1.1. Folder 1 – **(ORANGE)** Eligibility and Technical Components
- 1.2. Folder 2 – **(YELLOW)** Financial Components

SAMPLE SEALING AND MARKING OF BIDS :

ORANGE



YELLOW



ENVELOPE No. 1 - ELIGIBILITY AND TECHNICAL COMPONENT

The following documents shall be submitted by the bidder to determine its technical, legal and financial capability:

(To be filled-up by the PHC-BAC Evaluator during the Opening of Bids)

ELIGIBILITY DOCUMENTS	CONTENTS OF DOCUMENT	REMARKS
Class "A" Documents		
LEGAL DOCUMENTS		
1. Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages);		
2. Registration certificate from Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives or its equivalent document,		
3. Mayor's or 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;		
4. Tax clearance per E.O. No. 398, s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR).		
TECHNICAL DOCUMENTS		
5. Statement of Single Largest Completed Contract (SLCC) which is similar in nature, within two (2) years from the date of submission and receipt of bids supported by the End-user's Acceptance or Official Receipt or Sales Invoice (Use prescribed GPPB form); For the procurement of Non-expandable Supplies and Services: The Bidder must have completed, within the period specified in the Invitation to Bid and ITB Clause 12.1 (a) (ii), a single contract that is similar to this Project, equivalent to at least fifty percent (50%) of the ABC. For this purpose, similar contracts shall refer to <i>Nitric Oxide Therapy Machine.</i>		
6. <ul style="list-style-type: none"> ● Conformity with the Technical Specifications (Statement of Compliance) ● Certificate of Production/Delivery Schedule ● Certificate of Manpower Requirements ● Certificate of After-sales/Parts 		
7. Brochure		

	CONTENTS OF DOCUMENT	REMARKS
8. Bid Security : The bid security shall be in any of the following and amount: a.) Php144,000.00 , equivalent to 2% of ABC, if bid security is in cash, cashier's/manager's check, bank draft/guarantee or irrevocable letter or credit; b) Php360,000.00 , equivalent to 5% of the ABC, if bid security is in Surety Bond. A Valid certification from the Insurance Commission must be attached; c) Notarized Bid Securing Declaration		
9. Compliance with Terms and Conditions		
10. Original duly signed Omnibus Sworn Statement (OSS); and if applicable, Original Notarized Secretary's Certificate in case of a corporation, partnership, or cooperative; or Original Special Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder.		
11. The Supplier's audited financial statements, showing, among others, the Supplier'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;		

ENVELOPE No. 2 – FINANCIAL COMPONENT

	CONTENTS OF DOCUMENT	REMARKS
1. Original of duly signed and accomplished Financial Bid Form		
2. Original of duly signed and accomplished Price Schedule(s)		
3. Terms of Payment – Bidder/Supplier to issue a duly notarized certification of its acceptance on the Terms of Payment: re Full payment after completion and acceptance		
4. Delivery Period – Bidder/Supplier to issue a duly notarized certification of its acceptance of the required Delivery Period re: Sixty (60) calendar days after acceptance of the Contract and Notice to Proceed (NTP)		
5. Warranty – Bidder/Supplier to issue a duly notarized certification of its acceptance of the Warranty re: Comprehensive warranty (3 years) & 5 years CMC after completion of warranty period.		



PHILIPPINE HEART CENTER

INVITATION FOR NEGOTIATED PROCUREMENT – 2 FAILED BIDDING

1. The Philippine Heart Center through the Bids and Awards committee under the continuing appropriation of FY 2023 General Appropriations Act, intends to apply the sum of Seven Million Two Hundred Thousand Pesos (P7,200,000.00) being the approved Budget for Contract (ABC) to payments under the contract for the Project, “1 unit Nitric Oxide Therapy Machine”, described below.

Name of Requirement/Brief Description	Approved Budget for the Contract (ABC), VAT inclusive
1 unit Nitric Oxide Therapy Machine	TOTAL ABC: Php 7,200,000.00 (Bids exceeding this amount shall be automatically rejected at bid opening)

2. Pursuant to Section 53.1 of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, we invite legally, technically and financially capable suppliers to negotiate with the PHC-BAC on subject requirement. Please submit your eligibility and technical documents (as per attached Checklist of Requirements for Bidders) in sealed envelopes marked “**BID DOCUMENTS FOR 1 UNIT NITRIC OXIDE THERAPY MACHINE**” time stamped not later than **9:00 A.M., on 21 March 2023**.
3. Delivery of the Goods shall be in accordance with the Delivery Schedule under Schedule of Requirements. Bidders should have completed, within two (2) years from the date of submission and receipt of bids, a contract similar to the Project.
4. Bidding is restricted to Filipino citizen/sole proprietorships, partnerships, or organizations with at least sixty percent (60%) interest or outstanding capital stock belonging to citizens of the Philippines, and to citizens or organizations of a country the laws or regulations of which grant similar rights, or privileges to Filipino citizens, pursuant to RA No. 5183.
5. Interested Bidders may obtain further information from the PHC-Bids and Awards Committee (BAC) Secretariat and inspect the Bidding Documents at the address given below during office hours from 8:00 a.m. to 5:00 p.m.
6. A complete set of Bidding Documents may be acquired by interested Bidders from the address below, free of charge.

7. The PHC-BAC will hold a Pre-Bid Conference (Negotiated Procurement) on 7 March 2023, 9:00 a.m., DAPA Hall, PHC, which shall be open to prospective bidders on March 21, 2023, 9:00 a.m., DAPA Hall, PHC. To ensure completeness and compliance of bids, bidders are advised to send not more than two (2) technical and/or administrative representative who will prepare the bidding documents.
8. Final offers must be duly received by the BAC Secretariat at the address above-mentioned on March 21, 2023, 9:00 a.m. All bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in ITB Clause 18.
9. The PHC-BAC reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Section 41 of RA No. 9184 and its IRR, without thereby incurring any liability to the affected bidder or bidders. It also assumes no responsibility whatsoever to compensate or indemnify any bidder for expenses incurred in the preparation of bid.
10. For further information, please refer to:

PHC-BAC Secretariat
Bids and Awards Committee
Philippine Heart Center
East Avenue, Quezon City
Telefax No. 925-24-01 local 4059
PHC Website: www.phc.gov.ph

MARIETTA A. VELASCO, RN, MAN, MBAH
BAC, Chairman for Pharma Supplies and
Medical Equipment

Technical Specifications

Bidders must state here either “Comply” or any equivalent term in the column “Bidder's Statement of Compliance” against each of the individual parameters of each “Specification.”

Item	Minimum Specifications Project: 1 unit Nitric Oxide Therapy Machine	Bidder's Statement of Compliance
Description of Function		
Nitric Oxide Therapy Machine works by relaxing smooth muscle to widen blood vessels especially in the lungs.		
Operational Requirements		
System complete with all accessories as specified in the Technical Specifications below.		
	1.1 Measuring Principle: Electrochemical sensing technology	
	1.2 Measuring range: NO: - 0-20ppm resolution. 0.1ppm for NO<100ppm NO2 : - 0-50ppm resolution/0.1ppm	
	1.3 Warm up time :- less than 30 secs	
	1.4 Sample Flow rate :- 250ml/min @22mbar	
	1.5 Accuracy:±4% of reading or±1ppm, whichever is greater	
	1.6 Response Time: -<10 secs to 90% FSD NO, <30 secs to 90% FSD NO2	
	1.7 Display:-Fully backlit LCD display shows NO & NO2 values	
	1.8 Printer – integrated printer should be available to print timed result trending and alarm warning messages.	
	1.9 Flowmeters:- 2 adjustable Flow meters of 0-100ml/min and 0-500ml/min should be integrated in main system console.	
	1.10 There should be a reduced flow on high alarm conditions	
	1.11 Should be usable with any constant flow ventilator.	
	1.12 Calibration should be simple	
	1.13 Audible/Visual Alarms:-High NO, Low NO, High NO2, Low NO2, Low battery	
	1.14 Precision:-2% CV or 0.5ppm SD whichever is greater	
	1.15 Should be able to monitor environmental NO & NO2 for safety	

Item	Minimum Specifications Project: 1 unit Nitric Oxide Therapy Machine	Bidder's Statement of Compliance
	1.16 Should have two stage pressure regulator to ensure safe usable level and to ensure a constant rate of delivery	
	1.17 Trolley with attachment for cylinders should be provided for easy transport of system	
2	System Configuration Accessories, spares and consumables	
	2.1 Battery	
	2.1.1 Should be operable on mains and battery. 5 hrs battery (operational life) on fully charged battery.	
3	Environmental factors	
	3.1 The unit shall be capable of being stored continuously in ambient temperature of 0–50deg C and relative humidity of 15-90%	
	3.2 The unit shall be capable of operating in ambient temperature of 10-14deg C and relative humidity of less than 15-90%	
4	Power Supply	
	4.1 Power input to be 220-240VAC, 60Hz fitted with PHC electrical outlet	
5	Standards, Safety and Training	
	5.1 Manufactures/Supplier should have ISO 13485 certificate to Quality Standard	
	5.2 Should be FDA, CE, UL or BIS approved product	
	5.3 Comprehensive technical training for PHC BIOMED and User's training to staff for familiarity with the equipment	
	5.4 Comprehensive warranty (3 years) & 5 years CMC after completion of warranty period.	
	5.5 Rates of consumables & accessories should be freezed for 8 years. Scope of Supply Single Use Circuit – 20 Nos Trolley – 12 Stage Scavenging Filter – 1 Calibration – 1 Set	
6	Documentation	
	6.1 Should be compact and lightweight. Operating & detailed service manual should be supplied	
	6.2 Certificate of calibration and inspection	
	6.3 List of important spare parts and accessories with their part number and costing	

Bid Form

Date: _____

For _____

We, the undersigned, declare that:

- a. We have examined the Bidding Documents including the issued Bid Bulletin/s, the receipt of which is/are hereby duly acknowledged;
- b. We, submit the following bid:

Description of Requirement/Project	Quantity/Units	Model/Variant to be Delivered	Total Bid Price. VAT inclusive (in Figures and in Words)
Nitric Oxide Therapy Machine	1		Php _____ (in figures) _____ _____ _____ (in words)

- c. We undertake, if our Bid is accepted, to deliver the goods in accordance with the delivery schedule specified in the Bidding Document;
- d. We undertake, if our Bid is accepted, to provide a performance security in the form, amounts, and within the times specified in the Bidding Documents;
- e. We agree to abide by this Bid for the Validity Period of One Hundred Twenty (120) calendar days from date of opening of bids and it shall remain binding upon us and may be accepted at any time before the expiration of that period, without prejudice to the right of the PHC-BAC to request extension of the validity period of our bid security;

(Signature above Printed Name of Bidder's Duly Authorized Representative)

- f. Until a formal Contract is prepared and executed, this Bid, together with your written acceptance thereof and your Notice of Award, shall be binding upon us;
- g. We understand that you are not bound to accept the Lowest Calculated Bid or any Bid you may receive;
- h. We likewise certify/confirm that the undersigned is the duly authorized representative of the bidder and granted full power and authorized to do, execute, and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for herein project;
- i. We acknowledge that failure to sign each and every page of this Bid Form, shall be a ground for the rejection of our bid;
- j. We understand that any communication sent by PHC-BAC to the address/fax number/email address provided below shall be deemed to have been duly received by our firm, on the date and time shown in the transmittal. Any change in contract details shall be duly communicated to the PHC-Bids and Awards Committee – Head Office, through its BAC Secretariat.

Name: _____
(Signature above Printed Name of Bidder's Duly Authorized Representative)

**Duly authorized to sign
 Bid for and on behalf of:** _____
(Name of Bidder)

Date: _____

Address:

<i>No. & Street</i>	<i>Building/Barangay</i>
<i>City/Town/Province</i>	<i>Postal/Zip Code</i>

Telephone No. _____

Fax No. _____

Email Address: _____

Statement of Single Largest Completed Contract which is Similar in Nature

(indicate only one)

Business Name: _____

Business Address: _____

Name of Client	Date of the Contract	Kinds of Goods	Amount of Contract	Date of Delivery	End User's Acceptance or Official Receipt(s) or Sales Invoice Issued for the Contract

Submitted by : _____
(Printed Name and Signature)

Designation : _____

Date : _____

Instructions:

- a. Cut-off date is March 21, 2023
- a. Similar contract shall refer to Nitric Oxide Therapy Machine.

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

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

AFFIDAVIT

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

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

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

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

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

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

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

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

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

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

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

[If a sole proprietorship:] The owner or sole proprietor is not related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

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

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

7. *[Name of Bidder]* complies with existing labor laws and standards; and

8. *[Name of Bidder]* is aware of and has undertaken the responsibilities as a Bidder in compliance with the Philippine Bidding Documents, which includes:

- a. Carefully examining all of the Bidding Documents;
- b. Acknowledging all conditions, local or otherwise, affecting the implementation of the Contract;
- c. Making an estimate of the facilities available and needed for the contract to be bid, if any; and
- d. Inquiring or securing Supplemental/Bid Bulletin(s) issued for the *[Name of the Project]*.

9. *[Name of Bidder]* did not give or pay directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.

10. In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code.

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

*[Insert NAME OF BIDDER OR ITS
AUTHORIZED REPRESENTATIVE]
[Insert signatory's legal capacity]
Affiant*

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

TERMS AND CONDITIONS

1. **ALL PRICES QUOTED HEREIN ARE VALID, BINDING AND EFFECTIVE FOR A PERIOD OF ONE HUNDRED TWENTY (120) CALENDAR DAYS FROM THE DATE OF OPENING OF BIDS.**
2. The winning bidder is required, within ten (10) calendar days from receipt of the Notice of Award, to submit its Performance Security in any of the following acceptable forms:

Form of Security	Amount of Performance Security (Not less than the required Percentage of the Total Contract Price)	Validity Period
Cash or Cashier's/Manager's Check issued by a Universal Bank or Commercial Bank.	Five Percent (5%)	NA
Bank draft/guarantee or irrevocable letter of credit issued by a UB or KB: Provided however, that it shall be confirmed or authenticated by a UB or KB, if issued by a foreign bank.		Sixty (60) calendar days from the date of issuance of performance security, which must be valid until issuance of Certificate of Final Acceptance by the end-user within seven (7) calendar days from delivery.
Surety Bond callable upon demand issued by a surety or insurance company authorized by the Insurance Commission to issue such security.	Thirty Percent (30%)	

- a. “That the amount of liability of the surety under this bond is limited to the actual loss or damage sustained and duly proven by the obligee.”; or
- b. “It is hereby further agreed and understood that no action at law or equity shall be brought against the Surety under this Bond unless the same is brought before a competent Court within one year from the date said written notice of any existing obligation is received by the Surety, as herein stipulated”.

Conforme:

**Signature over printed name of the
bidder's authorized signing official**

The contract awardee agrees that, for its own account, the PHC-BAC may cause the extension of the validity of the performance security prior to its expiration when the implementation of the awarded contract has not yet been completed.

3. **Delivery Period: Sixty (60) calendar days after acceptance of the Contract & NTP.**
4. **Warranty: Comprehensive warranty (3 years) & 5 years CMC after completion of warranty period.**

The obligation shall be covered at the Supplier's option, either by Retention Money in an amount equivalent to at least one percent (1%) of the total Contract Price, or a Special Bank Guarantee issued by a Universal or Commercial Bank equivalent to at least one percent (1%) of the total Contract Price. The said amount shall only be released after the lapse of the warranty period: Provided, however, that the Supplies delivered are free from patent and latent defects and all the conditions imposed under the Contract have been fully met.

The Special Bank Guarantee shall reflect information such as but not limited to the following:

- a. Issuing Bank's machine validation of bank name and amount of guarantee;
- b. Purpose which is to assure that manufacturing defects shall be corrected by the supplier/manufacturer/distributor after delivery;
- c. Details of the purchase contract/agreement subject of guarantee; and
- d. Maturity/expiration period of the guarantee.

Replacement of form of warranty from retention money to special bank guarantee shall be allowed only subject to approval by the official authorizing the covering purchase contract/agreement and prior to payment. No substitution of form of warranty shall be allowed after payments have been made. (Section 62.1 of the 2016 IRR).

5. All bid prices are considered fixed prices, and therefore not subject to price escalation during contract implementation, except under extraordinary circumstances and upon prior approval of the PHC in accordance with Section 61 of the 2016 Revised IRR.
6. All transactions are subject to withholding of creditable Value-Added Tax (TAX) per Revenue Regulation No. 10-93.

Conforme:

Signature over printed name of the bidder's authorized signing official