

REPUBLIC OF THE PHILIPPINES)

CITY OF _____) s.s.

BID-SECURING DECLARATION

[revised 2015]

Bidding Activity No./Description: _____

To: PHILIPPINE FIBER INDUSTRY DEVELOPMENT AUTHORITY

I/We, the undersigned, declare that:

1. I/We is/are [*if sole proprietorship:* the registered Proprietor/Owner of "*(name of firm)*"; or
[if partnership: the Managing Partner of "*(name of firm)*"; or
[if corporation or other association: the duly-authorized representative of "*(name of corporation/association)*"],

hereinafter called "the **BIDDER**".

2. I/We and the Bidder 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.

3. I/We hereby declare, on behalf of and with full authorization from the Bidder, that as security for the Bid that it is submitting therein ("the **BID**"), I/We and the Bidder unconditionally accept that:

(a) I/We/It will be automatically disqualified from bidding for any contract in all government procuring activities for a period of two (2) years upon receipt of your Blacklisting Order; and,

(b) I/We/It will pay the applicable fine provided under Section 5 hereof if I/we/it commit/s any of the following acts:

(i) Withdraw/s the Bid during the period of bid validity required in the Bidding Documents;
or

(ii) Fail/s or refuse/s 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 my/our/its Bid during the period of bid validity;
or

(iii) Commit/s any act/s resulting to the forfeiture of bid security under Sections 23.1(b), 34.2, 40.1 and 69.1, except 69.1(f), of the IRR of RA 9184 and/or any other applicable provision/s of RA 9184 and/or its Implementing Rules and Regulations.

4. I/We/It understand/s that this Bid-Securing Declaration shall cease to be valid under the following circumstances:

- (a) Upon expiration of the bid validity period, or any extension thereof pursuant to your request; or
- (b) When all bids are declared ineligible or post-disqualified and, upon receipt of your notice to such effect, and (i) I/we/it fail/s to timely file a request for reconsideration; or (ii) I/we/it file/s a waiver to avail of said right; or
- (c) When I/we/it am/are/is declared as the bidder with the Lowest Calculated and Responsive Bid/Highest Rated and Responsive Bid, and I/we/it shall have furnished the required performance security and signed the Contract.

5. In accordance with Section 3(b) above, I/We/It agree/s to pay you a fine, within fifteen (15) days from receipt of written demand and without prejudice to other legal action/s you may undertake, as follows:

i) In case of multiple bidders:

Two Percent (2%) of the Approved Budget for the Contract (ABC) or the Difference between the evaluated bid prices of the bidder with the Lowest Calculated/Highest Rated Bid and the bidder with the next Lowest Calculated/Highest Rated Bid, and so on, whichever is HIGHER;

As regards the bidder with the Highest Calculated/Lowest Rated Bid, the amount shall be Two Percent (2%) of the ABC or the Difference between the evaluated bid price and the ABC, whichever is HIGHER;

ii) In case of a single bidder:

Two Percent (2%) of the ABC or the Difference between the evaluated bid price and the Approved Budget for the Contract, whichever is HIGHER.

iii) Violations committed prior to opening of financial envelope:

A fix amount equivalent to two percent (2%) of the ABC.

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

[Insert BIDDER'S FIRM NAME]

[Insert NAME OF BIDDER'S AUTHORIZED REPRESENTATIVE]

[Insert signatory's legal capacity]

Affiant

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. ____

Page No. ____

Book No. ____

Series of ____.