



Republic of the Philippines
PROVINCIAL GOVERNMENT OF ORIENTAL MINDORO
Provincial Capitol Complex, Calapan City 5200, Oriental Mindoro

BIDS AND AWARDS COMMITTEE

***Invitation to Submit Proposal thru Negotiated Procurement
(Two Failed Bidding)***

Purpose : For PHO-OMRRC Clients use.
Requisitioning Office: PHO

Terms and Condition

1. **ALL PRICES QUOTED HEREIN ARE VALID, BINDING AND EFFECTIVE AT LEAST WITHIN THIRTY (30) CALENDAR DAYS FROM DATE OF QUOTATION.**
2. **AWARDEE** shall be responsible for the source(s) of his supplies/materials/equipment shall make deliveries in accordance with schedule, quality and specifications of the award and purchase order. Failure by the **AWARDEE** to comply with the same shall be ground for cancellation of the award and purchase order issued to that **AWARDEE** and for re-awarding the item(s) to the **ALTERNATIVE AWARDEE**.
3. **AWARDEE** shall pick up purchase order(s) issued in his favor within three (3) days after receipt of notice to that effect. A telephone call or fax transmission shall constitute an official notice to the **AWARDEE**. Thereafter, if the purchase order(s) remain unclaimed, the said purchase order(s) shall be sent by messengerial service to the **AWARDEE** at the latter's expense. To avoid delay in the delivery of the requesting agency's requirement, all **DEFAULTING AWARDEES** shall be precluded from proposing or submitting a substitute sample.
4. Subject to the provisions of the preceding paragraph, where **AWARDEE** has accepted a purchase order but fails to deliver the required product(s) within the time called for in the same order, he shall be extended a maximum of fifteen (15) calendar days under liquidated damages to make good his delivery. Thereafter if **AWARDEE** has not completed delivery within the extended period, the subject purchase order shall be cancelled and the award for the undelivered balance withdrawn from that **AWARDEE**. The Procurement Service shall then purchase the required item(s) from such other source(s) as it may determine, with the difference in price to be charged against the **DEFAULTING AWARDEE**. Refusal by the **DEFAULTING AWARDEE** to shoulder the price difference shall be ground for his disqualification from future bids of the same or all items, without prejudice to the imposition of other sanctions as prescribed under RA 9184 and its IRR.
5. All deliveries by suppliers shall be subject to inspection and acceptance by the Authorized Representative of the Provincial Government of Oriental Mindoro. All necessary laboratory tests undertaken by the Provincial Government of Oriental Mindoro(Concerned Offices) on the item(s) shall be for the account of the supplier.
6. Rejected deliveries shall be construed as non-delivery of product(s)/item(s) so ordered and shall be subject to liquidated damages, subject to the terms and conditions prescribed under paragraph 4 hereof.
7. Supplier shall guarantee his deliveries to be free from defects. Any defective item(s) / product(s), therefore that may be discovered by the Provincial Government of Oriental Mindoro within three (3) months after acceptance of the same, shall be replaced by the supplier with seven (7) calendar days upon receipt of a written notice to that affect.
8. A penalty of one-tenth of one percent (0.001) of the total value of the product(s)/goods purchased shall be deducted for each day of delay in the delivery of the product(s)/goods ordered.
9. All duties, excise and other taxes and revenue charges, if any, shall be for the supplier's account.
10. All transactions are subject to withholding of creditable Value Added Tax (VAT) per Revenue Regulation No. 10-93.