



Bonifacio Drive, South Harbor, Port Area, Manila 1018, Philippines, P.O. Box 436, Manila, Philippines
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JUN 09 2014

PPA ADMINISTRATIVE ORDER
NO. 04 - 2014



TO : All Port District Managers
All Port Managers
And Others Concerned

SUBJECT : AMENDMENTS TO PPA ADMINISTRATIVE ORDER NO. 05-2012,
ENTITLED "GUIDELINES IN THE SELECTION OF PASSENGER
TERMINAL BUILDING (PTB) OPERATOR OF EXISTING PPA-OWNED
PTBS"

Pursuant to PPA Board Ex-Com Resolution No. 2014-1382 dated 29 April 2014, the following amendments to PPA Administrative Order No. 05-2012, "Guidelines in the Selection of Passenger Terminal Building (PTB) Operator of Existing PPA-Owned PTB," hereto attached as Annex "A", are hereby prescribed.

All other provisions of PPA AO No. 05-2012 not affected by this Order shall remain valid and in full force.

This Order shall take effect fifteen (15) calendar days from its publication in the Official Gazette or in a newspaper of general circulation and a copy filed with the University of the Philippines Law Center.



JUAN C. STA. ANA
General Manager

Published in the Philippine Star - June 14, 2014
Effectivity Date June 28, 2014

VISION

By 2030, customers doing business in our ports shall experience full and sustained productivity, efficiency, comfort, connectivity, safety and security.

MISSION

We commit to provide reliable and responsive services in our ports, sustain development of our port communities and environment and be a model corporate agency of the government.



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SECRETARY'S CERTIFICATE

I, **ELSA L. HILARIO**, duly designated Corporate Board Secretary of the Philippine Ports Authority (PPA), a government instrumentality attached to the Department of Transportation and Communications, created by virtue of Presidential Decree No. 857, as amended, with principal office at the 6th Floor PPA Head Office Building, A. Bonifacio Drive, South Harbor, Port Area, Manila, and having custody of the Board records of the PPA, do hereby certify:

That, during the 267th Executive Committee Meeting of the Board of Directors of the Philippine Ports Authority held on 29 April 2014 at the Board Room, 6th Floor, PPA Head Office Building, A. Bonifacio Drive, South Harbor, Port Area, Manila, the following Resolution was adopted:

*Ex-Com Resolution No. **2014-1382***

"RESOLVED, That on motion duly made and seconded, that the attached revised proposed amendments to PPA Administrative Order No. 06-2012 dated 25 October 2012, "Guidelines for the Selection of Passenger Terminal Building (PTB) Operator", hereto attached and incorporated by reference, be, as it is hereby approved."

IN WITNESS WHEREOF, I have signed this Secretary's Certificate this 29th day of April 2014, at the above-mentioned address.


ATTY. ELSA L. HILARIO
Corporate Board Secretary

VISION

By 2030, customers doing business in our ports shall experience full and sustained productivity, efficiency comfort, connectivity, safety and security.

MISSION

We commit to provide reliable and responsive services in our ports, sustain development of our port communities and environment and be a model corporate agency of the government.

ANNEX "A"

AMENDMENTS TO PPA ADMINISTRATIVE ORDER NO. 05-2012, ENTITLED "GUIDELINES IN THE SELECTION OF PASSENGER TERMINAL BUILDING (PTB) OPERATOR OF EXISTING PPA-OWNED PTBS"

ORIGINAL PROVISION	AMENDED TO READ AS
<p>MAIN POLICY (PPA A.O. No. 05-2012)</p>	
<p>Section 9. Criteria for the Award of PTB Contract</p> <p>The PTB Contract shall be awarded to the eligible bidder that offered the highest rental fee for the PTB for the entire duration of the contract and whose bid complies with all the requirements and limitations thereof.</p>	<p>Section 9. Criteria for the Award of PTB Contract</p> <p>The PTB Contract shall be awarded to the eligible bidder that offered the <u>highest concession fee</u> for the PTB for the entire duration of the contract and whose bid complies with all the requirements and limitations thereof.</p> <p><u>The minimum concession fee shall not be less than ten percent (10%) of the average annual gross income of the PTB at the port for the past three (3) years for the concession area covering all the spaces for passengers, the facilities and amenities therein, PLUS a minimum rental fee for the PTB to be determined by the Port Manager. For newly constructed PTBs or existing PTBs with no prior record of gross income, the minimum concession fee of the PTB at the port subject of bidding shall be determined and approved by the Port Manager concerned.</u></p> <p>Note: Section 10 of PPA A.O. No. 05-2012 was DELETED</p>
<p>Section 10. Percentage Government Share</p> <p>The winning bidder shall remit to the Authority not later than the tenth (10th) day of every month, a government share on the gross income from passenger terminal fee, PTB parking fee and concessionaire contracts, which shall be at the rate of ten percent (10%)</p>	<p><i>(The winning bidder shall remit to the Authority a concession fee payable semi-annually (see Item Nos. 5 & 6 of the TOR).)</i></p>

**AMENDMENTS TO PPA ADMINISTRATIVE ORDER NO. 05-2012, ENTITLED "GUIDELINES IN THE SELECTION OF PASSENGER
TERMINAL BUILDING (PTB) OPERATOR OF EXISTING PPA-OWNED PTBs"**

ORIGINAL PROVISION	AMENDED TO READ AS
<p align="center">BIDDING DOCUMENTS</p>	
<p>ANNEX "A" - INVITATION TO BID</p> <p>2. Bidders should have experience relative to operations and management of a Passenger Terminal Building. The shipping companies shall not be eligible to participate in the said bidding, either as a sole bidder or as a member in a joint venture. However, individual stockholders of the shipping companies are allowed to be a member of a joint venture provided that the individual share holdings shall not exceed 5% nor the aggregate share holdings of all such stockholders shall exceed 10% of the total shares of the corporation that will be formed if it will be declared the winning bidder. The description of an eligible bidder is contained in the Instructions to Bidders.</p>	<p>ANNEX "A" - INVITATION TO BID</p> <p>2. Bidders (company or any member of its Board of Directors, and all of its key officers) should have experience relative to the operation and management of a port terminal or complex, passenger terminal building (seaport, airport, passenger bus, railroad, logistics center, etc.)</p> <p><u>Shipping companies that operate passenger vessels or combination (combo) passenger-cargo vessels</u> shall not be eligible to participate in the said bidding, either as a sole bidder or as a member in a joint venture. However, individual stockholders of said shipping companies are allowed to be members of a joint venture provided that the individual share holdings shall not exceed 5% nor the aggregate share holdings of all such stockholders <u>coming from one company</u> shall exceed 10% of the total shares of the corporation that will be formed if it will be declared the winning bidder. The description of an eligible bidder is contained in the Instructions to Bidders.</p>

AMENDMENTS TO PPA ADMINISTRATIVE ORDER NO. 05-2012, ENTITLED "GUIDELINES IN THE SELECTION OF PASSENGER TERMINAL BUILDING (PTB) OPERATOR OF EXISTING PPA-OWNED PTBs"

ORIGINAL PROVISION	AMENDED TO READ AS
<p>ANNEX "B" - INSTRUCTIONS TO BIDDERS</p> <p>4. Eligible Bidders</p> <p>Xxx...</p> <p>Provided, that the shipping companies shall not be eligible to participate in the bidding of PTB, either as a sole bidder or as a member in a joint venture. However, individual stockholders of the shipping companies are allowed to be a member of a joint venture provided that the individual shareholdings shall not exceed five percent (5%) nor the aggregate shareholdings of all such stockholders shall exceed ten percent (10%) of the total shares of the corporation that will be formed if it will be declared the winning bidder.</p>	<p>ANNEX "B" - INSTRUCTIONS TO BIDDERS</p> <p>4. Eligible Bidders</p> <p>Xxx...</p> <p>Provided, that the <u>shipping companies that operate passenger vessels or combination (combo) passenger-cargo vessels</u> shall not be eligible to participate in the bidding of PTB, either as a sole bidder or as a member in a joint venture. However, individual stockholders of <u>said shipping companies</u> are allowed to be members of a joint venture provided that the individual shareholdings shall not exceed five percent (5%) nor the aggregate shareholdings of all such stockholders <u>coming from one company</u> shall exceed ten percent (10%) of the total shares of the corporation that will be formed if it will be declared the winning bidder.</p>

**AMENDMENTS TO PPA ADMINISTRATIVE ORDER NO. 05-2012, ENTITLED "GUIDELINES IN THE SELECTION OF PASSENGER
TERMINAL BUILDING (PTB) OPERATOR OF EXISTING PPA-OWNED PTBs"**

ORIGINAL PROVISION	AMENDED TO READ AS
<p>14. The First Envelope shall contain the Eligibility Documents and Technical Bid.</p> <p>A. <u>Eligibility Documents</u></p> <p>Xxx...</p> <p><u>Technical Documents:</u></p> <p>3) <i>Statement of prospective bidder of all completed, ongoing and awarded but not yet started PTB, cargo handling and related contracts (E-Form 14).</i></p> <p><u>Financial Documents:</u></p> <p>6) Bidder's computation of its Available Paid Up Capital/owner's equity for the Contract (APCC/OE) (E-Form 21)</p> <p>The APCC shall be at least equal to the paid up capital/owner's equity required for the PTB subject of bidding.</p> <p>FORMULA:</p> <p>APCC/OE = Paid Up Capital/Owner's Equity per financial statements less paid up capital required for all existing PTB contract, cargo handling and related contracts.</p>	<p>14. The First Envelope shall contain the Eligibility Documents and Technical Bid.</p> <p>A. <u>Eligibility Documents</u></p> <p>Xxx...</p> <p><u>Technical Documents:</u></p> <p>3) <i>Statement of prospective bidder of all ongoing and awarded government and private contracts (E-Form 14).</i></p> <p><u>Financial Documents:</u></p> <p>6) Bidder's computation of its Available Paid Up Capital/owner's equity for the Contract (APCC/OE) (E-Form 21)</p> <p>The APCC shall be at least equal to the paid up capital/owner's equity required for the PTB subject of bidding.</p> <p>FORMULA:</p> <p>APCC/OE = Paid Up Capital/Owner's Equity per financial statements less paid up capital required for all existing PTB contract, cargo handling and related contracts.</p>

**AMENDMENTS TO PPA ADMINISTRATIVE ORDER NO. 05-2012, ENTITLED "GUIDELINES IN THE SELECTION OF PASSENGER
TERMINAL BUILDING (PTB) OPERATOR OF EXISTING PPA-OWNED PTBs"**

ORIGINAL PROVISION	AMENDED TO READ AS
<p>Or, in lieu thereof, a commitment from a bank duly licensed by the Bangko Sentral Ng Pilipinas to extend to the prospective bidder a credit line if awarded the PTB contract the amount of which shall be at least equal to the paid up capital/owner's equity required for the PTB contract to be bid.</p>	<p><i>Note: The provision on Credit Line Commitment was deleted.</i></p> <p>NEW PROVISION:</p> <p>8) Bidder's computation of its Net Financial Contracting Capacity (NFCC) (E-Form 23)</p> <p>To ensure that the winning bidder is determined to be financially capable of entering into a contract, an NFCC requirement is hereby prescribed using the following formula:</p> <p>NFCC = K (Current Assets – Current Liabilities) – V</p> <p><i>Where</i></p> <p>K = 20, which is the prescribed factor for contracts of more than 2 years, as adopted from civil works projects;</p> <p>V = Value of all outstanding contracts or uncompleted portions of projects under on-going contracts, including awarded contracts yet to be started coinciding with the contract to be bid, capitalization and working capital requirements for each PTB contract awarded or to be awarded.</p>

AMENDMENTS TO PPA ADMINISTRATIVE ORDER NO. 05-2012, ENTITLED "GUIDELINES IN THE SELECTION OF PASSENGER TERMINAL BUILDING (PTB) OPERATOR OF EXISTING PPA-OWNED PTBs"

ORIGINAL PROVISION	AMENDED TO READ AS
	<p><i>If the bidder submits a computation of its NFCC, the NFCC must be at least equal to the minimum concession fee for the PTB for the entire duration of the contract.</i></p>
<p>15. The Second Envelope shall contain the Financial Bid.</p> <p>Xxx...</p> <p>b. Highest rental fee for the PTB per square meter per month exclusive of 12% VAT for the entire duration of the contract (FB Form 2).</p> <p>Xxx...</p>	<p>15. The Second Envelope shall contain the Financial Bid.</p> <p>Xxx...</p> <p>b. Highest <u>concession fee</u> for the PTB per <u>year</u> <u>inclusive</u> of 12% VAT for the entire duration of the contract (FB Form 2).</p> <p>Xxx...</p>
<p>23. Opening and Preliminary Examination of Bids</p> <p>Xxx...</p> <p>23.4 The Financial Bid shall be considered non-complying and shall be rejected if the Financial Bid submitted provides a rental fee less than the prevailing rental rate of the PTB at the port subject of bidding.</p> <p>Xxx...</p>	<p>23. Opening and Preliminary Examination of Bids</p> <p>Xxx...</p> <p>23.4 The Financial Bid shall be considered non-complying and shall be rejected if the Financial Bid submitted provides a <u>concession fee less than the minimum concession fee as specified in the bidding documents.</u></p> <p>Xxx...</p>

AMENDMENTS TO PPA ADMINISTRATIVE ORDER NO. 05-2012, ENTITLED "GUIDELINES IN THE SELECTION OF PASSENGER TERMINAL BUILDING (PTB) OPERATOR OF EXISTING PPA-OWNED PTBs"

ORIGINAL PROVISION	AMENDED TO READ AS
<p>ANNEX "D" - TERMS OF REFERENCE</p> <p>5. Rental Fee and Percentage Government Share</p> <p>5.1 The rental fee for the PTB shall be the amount committed in the financial bid of the winning bidder per square meter per month exclusive of 12% VAT.</p> <p>The minimum rental fee shall not be less than the prevailing rental rate of the PTB at the port subject of bidding, including all the spaces for passengers, the facilities and amenities therein. (Note: The prevailing rental rate of the PTB at the port subject of bidding shall be determined by the BAC).</p> <p>5.2 The percentage government share on the gross income from the passenger terminal fee, PTB parking fee and concessionaire contracts shall be ten percent (10%) thereof.</p>	<p>ANNEX "D" - TERMS OF REFERENCE</p> <p>5. Concession Fee</p> <p>5.1 The <u>concession fee</u> for the PTB shall be the amount committed in the financial bid of the winning bidder per year <u>inclusive</u> of 12% VAT.</p> <p>Note: Item 5.2 of the TOR was deleted</p>
<p>6. Criteria for Award of PTB Contract</p> <p>6.1 The PTB Contract shall be awarded to the eligible bidder that offered the highest rental fee for the PTB for the entire duration of the contract and whose bid complies with all the requirements and limitations thereof.</p> <p>Xxx...</p>	<p>6. Criteria for Award of PTB Contract</p> <p>6.1 The PTB Contract shall be awarded to the eligible bidder that offered the <u>highest concession fee</u> for the PTB for the entire duration of the contract and whose bid complies with all the requirements and limitations thereof.</p> <p>Xxx...</p>

AMENDMENTS TO PPA ADMINISTRATIVE ORDER NO. 05-2012, ENTITLED "GUIDELINES IN THE SELECTION OF PASSENGER TERMINAL BUILDING (PTB) OPERATOR OF EXISTING PPA-OWNED PTBS"

ORIGINAL PROVISION	AMENDED TO READ AS
<p>8. Financial Obligations</p> <p>8.1 The PTB Operator shall pay to the Authority the monthly rental fee for the PTB on or before the tenth (10th) day of the following month.</p>	<p>8. Financial Obligations</p> <p>8.1 <u>The PTB Operator shall pay to the Authority the annual concession fee for the PTB payable semi-annually not later than the tenth (10th) working day from the start of operations and every six (6) months thereafter.</u></p>
<p>8.2 The PTB Operator shall remit to the Authority not later than the tenth (10th) day of every month, the committed government share on the gross income from passenger terminal fee, PTB parking fee and concessionaire contracts.</p> <p>Xxx...</p>	<p>Note: Item 8.2 of the TOR was deleted</p> <p>Xxx...</p>
<p>ANNEX "E" - TECHNICAL COMPONENT</p> <p>E-FORM 14 – (see Annex 1)</p> <p>E-FORM – 21 (see Annex 2)</p> <p>ANNEX "F" – FINANCIAL COMPONENT</p> <p>FB FORM 1 (see Annex 3)</p> <p>FB FORM 2 (see Annex 4)</p>	<p>ANNEX "E" - TECHNICAL COMPONENT</p> <p>E-FORM – 14 (see Annex 1-a) - Amended Form</p> <p>E-FORM – 21 (see Annex 2-a) - Amended Form</p> <p>E-FORM – 23 (see Annex 3-a) - New/Additional Form</p> <p>ANNEX "F" – FINANCIAL COMPONENT</p> <p>FB FORM 1 (see Annex 4-a) - Amended Form</p> <p>FB FORM 2 (see Annex 5-a) - Amended Form</p>

AMENDMENTS TO PPA ADMINISTRATIVE ORDER NO. 05-2012, ENTITLED "GUIDELINES IN THE SELECTION OF PASSENGER TERMINAL BUILDING (PTB) OPERATOR OF EXISTING PPA-OWNED PTBs"

ORIGINAL PROVISION	AMENDED TO READ AS
<p>ANNEX "G" – PRO-FORMA PTB CONTRACT</p> <p>4. <u>Consideration</u> - In consideration of the rights and privileges granted by the AUTHORITY to the PTB OPERATOR, the latter shall, pay a rental fee for the PTB in the amount of <u>(Php _____)</u>. In addition, the PTB OPERATOR shall remit to the AUTHORITY ten percent (<u>10%</u>) of its gross income from passenger terminal fees: PTB parking fees and concessionaire contracts.</p> <p>Any obligation of the PTB OPERATOR which is unpaid when due shall bear interest and penalty charge in accordance with existing regulations.</p> <p>It is further agreed that the consideration mentioned above is exclusive of the Value Added Tax (VAT) and the VAT due thereon, including any subsequent increase thereof, if any, shall be borne and paid for by the PTB OPERATOR.</p> <p>5. <u>Cash Deposit</u> - Upon signing of the Contract, the PTB OPERATOR shall make a deposit with the AUTHORITY an amount equivalent to one (1) month advance rental and additional two (2) months rental, as security deposit for the PTB. The security deposit shall be applied for the payment of back rentals and government share, if any, and for the expenses and charges billed against the PTB OPERATOR for water, telephone and other utility services still remaining unpaid upon the expiration or termination of the Contract.</p>	<p>ANNEX "G" – PRO-FORMA PTB CONTRACT</p> <p>4. <u>Consideration</u> - In consideration of the rights and privileges granted by the AUTHORITY to the PTB OPERATOR, the latter shall, pay an <u>annual concession fee</u> for the PTB in the amount of <u>(Php _____) payable semi-annually on the tenth (10th) working day from the start of operations and every six (6) months thereafter.</u></p> <p>Any obligation of the PTB OPERATOR which is unpaid when due shall bear interest and penalty charge in accordance with existing regulations.</p> <p>It is further agreed that the consideration mentioned above is <u>inclusive</u> of the Value Added Tax (VAT) and the VAT due thereon, including any subsequent increase thereof, if any, shall be borne and paid for by the PTB OPERATOR.</p> <p>5. <u>Cash Deposit</u> - Upon signing of the Contract, the PTB OPERATOR shall make a deposit with the AUTHORITY an amount equivalent to <u>six (6) months advance concession fee</u> as security deposit for the PTB. The security deposit shall be applied for the payment of <u>back fees</u>, if any, and for the expenses and charges billed against the PTB OPERATOR for water, telephone and other utility services still remaining unpaid upon the expiration or termination of the Contract.</p>

**AMENDMENTS TO PPA ADMINISTRATIVE ORDER NO. 05-2012, ENTITLED "GUIDELINES IN THE SELECTION OF PASSENGER
TERMINAL BUILDING (PTB) OPERATOR OF EXISTING PPA-OWNED PTBs"**

ORIGINAL PROVISION	AMENDED TO READ AS
<p>22. <u>Suspension, Cancellation or Termination of Contract</u> - The AUTHORITY may, without prejudice to other remedies against the PTB OPERATOR, extra judicially suspend, cancel or terminate this Contract on any of the following grounds:</p> <p>a. Failure of the PTB OPERATOR to remit on due date to the AUTHORITY any two (2) monthly committed financial obligations.</p> <p>Xxx...</p>	<p>22. <u>Suspension, Cancellation or Termination of Contract</u> - The AUTHORITY may, without prejudice to other remedies against the PTB OPERATOR, extra judicially suspend, cancel or terminate this Contract on any of the following grounds:</p> <p>a. Failure of the PTB OPERATOR to remit on due date to the AUTHORITY any two (2) <u>semi-annual</u> committed financial obligations.</p> <p>Xxx...</p>

ANNEX - 1

STATEMENT OF COMPLETED, ONGOING, AND AWARDED BUT NOT YET STARTED PTB, CARGO HANDLING (CH) AND RELATED CONTRACTS

Title of the PTB, CH and related Contract and Name of Party Contracted With	Location of Port	Type of PTB/Cargo Handling Service	Contract Term (no. of years)	Effectivity and Expiry Dates of the Contract	Annual Average Throughput (Metric Tons, or TEUs, or Units)	Paid Up Capital Required
COMPLETED (for the last five (5) yrs. or period as prescribed by the BAC)						
1.						
2.						
3.						
4.						
5.						

ONGOING								
1.								
2.								
3.								
4.								
5.								
AWARDED								
1.								
2.								
3.								
4.								
5.								

AWARDED BUT NOT YET STARTED										
1.										
2.										
3.										
4.										
5.										

Notes:

This statement shall be supported with:

1. Copy of Notice of Award
2. Copy of PTB, CH and related contracts
3. Certification from the Government or Private Port Owner Concerned as to the annual volume of cargoes handled

Please use additional sheet if necessary.

(Name of Firm)

By:

(Name and Signature of Authorized Signing Official)

Date: _____

ANNEX - 2

**COMPUTATION OF AVAILABLE PAID UP CAPITAL/OWNER'S EQUITY
FOR THE CONTRACT (APCC/OE)**

The APCC/OE shall be at least equal to the paid up capital/owner's equity required for the PTB contract subject of bidding.

FORMULA:

APCC/OE = Paid Up Capital/Owner's Equity per financial statements less paid up capital required for all existing PTB contracts, CH and related contracts awarded but not yet started.

(Name of Prospective Bidder) APCC is Php _____.

OR COPY OF THE BANK CREDIT LINE COMMITMENT THE AMOUNT OF WHICH SHALL BE AT LEAST EQUAL TO THE APCC/OE REQUIRED FOR THE PTB CONTRACT TO BE BID.

(Name and Signature of Authorized Signing Official)

Date : _____

ANNEX - 3

FINANCIAL BID SUBMISSION FORM

(Name of Company)

(Address)

Date: _____

The Chairperson
Bids and Awards Committee
PHILIPPINE PORTS AUTHORITY
PDO _____
Address _____

Dear Sir:

In response to your "INVITATION TO BID" dated _____, the undersigned (Name & Position in the Company) of (Name of Company), duly organized in accordance with the laws of the Republic of the Philippines, after having been issued and examined the Instructions to Bidders, Terms of Reference and Pro-forma PTB Contract for the Lease, Management, Operation and Maintenance of PTB at the Port of _____, hereby submits the (proposed rental rate for the PTB and committed government share on the gross income from passenger terminal fee and PTB parking for the entire duration of the contract).

Personally, and for and in behalf of the firm, I do hereby certify that:

- a. All the statements made in this Financial Bid and in the required attachments, altogether consisting of _____ () pages which are consecutively numbered and signed in full by me on the bottom margins, are true and correct.
- b. This Financial Bid is made for the lease, management, operation and maintenance of PTB at the Port of _____.
- c. The General Manager of the Philippine Ports Authority (PPA) or his duly authorized representative is hereby authorized to look into the books of accounts, documents, and other relevant records of our company, or to

secure certified copies of our company's financial statements filed with the Bureau of Internal Revenue, for the purpose of verifying and ascertaining our technical and financial capabilities as a PTB operator.

- d. Any public official, surety company, bank, equipment manufacturer or distributor or any other person, firm or corporation is hereby authorized and requested to furnish any pertinent information requested by the Authority as necessary to verify the documents submitted regarding the competence and general reputation of the company.

I hereby agree that the venue of court action on any case(s) arising or resulting from the conduct of public bidding for the aforesaid PTB shall be filed exclusively in a proper court of the City/Municipality of (to be determined by the BAC).

I hereby guarantee the truth and correctness of the foregoing information and hold the firm and myself liable, criminally and civilly, for any misrepresentation or false statement made herein.

Very truly yours,

(Name and Signature of Authorized Signing Official)

REPUBLIC OF THE PHILIPPINES }
CITY OF _____ } S.S.

SUBSCRIBED AND SWORN to before me this ____ day of _____ 201__ in _____, Philippines, affiant exhibiting to me his Community Tax Certificate No. _____ issued on _____ at _____.

NOTARY PUBLIC

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of _____.

ANNEX - 4

FB FORM 2
(Existing Form to be amended)

**COPY OF THE PROPOSED RENTAL FEE
FOR THE PTB AT THE PORT OF _____ PER SQUARE
METER PER MONTH EXCLUSIVE OF 12% VAT FOR THE ENTIRE
DURATION OF THE CONTRACT**

ANNEX 1-a

STATEMENT OF PROSPECTIVE BIDDER ONGOING AND AWARDED GOVERNMENT AND PRIVATE CONTRACTS

Title of Contract and Name of Party Contracted With	Location of <u>Service Area</u>	Type of Service	Contract Term (no of years)	Effectivity and Expiry Dates of the Contract	Paid Up Capital Required
ONGOING					
1.					
2.					
3.					
4.					
5.					

AWARDED						
1.						
2.						
3.						
4.						
5.						

Notes:

This statement shall be supported with:

- 1. Copies of Notices of Award**
- 2. Copies of contracts**

Please use additional sheet if necessary.

_____ (Name of Firm)

By: _____

 (Name and Signature of Authorized Signing Official)

Date: _____

ANNEX 2-a

**COMPUTATION OF AVAILABLE PAID UP CAPITAL/OWNER'S
EQUITY FOR THE CONTRACT (APCC/OE)**

The APCC/OE shall be at least equal to the paid up capital/owner's equity required for the PTB contract subject of bidding.

FORMULA:

APCC/OE = Paid Up Capital/Owner's Equity per financial statements less paid up capital required for all existing PTB contracts, CH and related contracts awarded but not yet started.

(Name of Prospective Bidder) APCC is Php _____.

(Name and Signature of Authorized Signing Official)

Date : _____

ANNEX 3-a

**COMPUTATION OF NET FINANCIAL CONTRACTING
CAPACITY (NFCC)**

To ensure that the winning bidder is determined to be financially capable of entering into a contract, an NFCC requirement is hereby prescribed using the following formula:

$$NFCC = K (\text{Current Assets} - \text{Current Liabilities}) - V$$

Where

K = 20, which is the prescribed factor for contracts of more than 2 years, as adopted from civil works projects;

V = Value of all outstanding contracts or uncompleted portions of projects under on-going contracts, including awarded contracts yet to be started coinciding with the contract to be bid, capitalization and working capital requirements for each PTB contract awarded or to be awarded.

(Name of Prospective Bidder) NFCC is Php _____.

(Name and Signature of Authorized Signing Official)

Date: _____

ANNEX 4-a

FINANCIAL BID SUBMISSION FORM

(Name of Company)

(Address)

Date: _____

The Chairperson
Bids and Awards Committee
PHILIPPINE PORTS AUTHORITY
PDO _____
Address _____

Dear Sir:

In response to your "INVITATION TO BID" dated _____, the undersigned (Name & Position in the Company) of (Name of Company), duly organized in accordance with the laws of the Republic of the Philippines, after having been issued and examined the Instructions to Bidders, Terms of Reference and Pro-forma PTB Contract for the Lease, Management, Operation and Maintenance of PTB at the Port of _____, hereby submits the (proposed **concession fee** for the PTB for the entire duration of the contract).

Personally, and for and in behalf of the firm, I do hereby certify that:

- a. All the statements made in this Financial Bid and in the required attachments, altogether consisting of _____ () pages which are consecutively numbered and signed in full by me on the bottom margins, are true and correct.
- b. This Financial Bid is made for the lease, management, operation and maintenance of PTB at the Port of _____.
- c. The General Manager of the Philippine Ports Authority (PPA) or his duly authorized representative is hereby authorized to look into the books of accounts, documents, and other relevant records of our company, or to

secure certified copies of our company's financial statements filed with the Bureau of Internal Revenue, for the purpose of verifying and ascertaining our technical and financial capabilities as a PTB operator.

- d. Any public official, surety company, bank, equipment manufacturer or distributor or any other person, firm or corporation is hereby authorized and requested to furnish any pertinent information requested by the Authority as necessary to verify the documents submitted regarding the competence and general reputation of the company.

I hereby agree that the venue of court action on any case(s) arising or resulting from the conduct of public bidding for the aforesaid PTB shall be filed exclusively in a proper court of the City/Municipality of (to be determined by the BAC).

I hereby guarantee the truth and correctness of the foregoing information and hold the firm and myself liable, criminally and civilly, for any misrepresentation or false statement made herein.

Very truly yours,

(Name and Signature of Authorized Signing Official)

REPUBLIC OF THE PHILIPPINES }
CITY OF _____ } S.S.

SUBSCRIBED AND SWORN to before me this ____ day of _____ 201__ in _____, Philippines, affiant exhibiting to me his Community Tax Certificate No. _____ issued on _____ at _____.

NOTARY PUBLIC

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of _____.

ANNEX 5-a

**FB FORM 2
(As Amended)**

**COPY OF THE PROPOSED CONCESSION FEE
FOR THE PTB AT THE PORT OF _____ PER SQUARE
METER PER YEAR INCLUSIVE OF 12% VAT FOR THE ENTIRE
DURATION OF THE CONTRACT**