PHILIPPINEPORTS AUTHORITY
Port Management Office Davao
DISPOSAL COMMITTEE FOR UNSERVICEABLE PROPERTIES

DISPOSAL BY SALE, ON "AS IS, WHERE IS" BASIS, OF ONE (1) LOT CONSISTING OF THREE (3) UNITS RUBBER TYRED GANTRY (RTG) CRANES AND ONE (1) UNIT REACH STACKER LOCATED AT BACK-UP AREA OF PORT OF DAVAO (SASA) KM 10, DAVAO CITY (Negotiated Bidding)

TERMS OF REFERENCE

BACKGOUND

The Philippine Ports Authority, Port Management Office of Davao, in line with its property and asset management program, initiated the disposal proceedings through public auction on "As Is, Where Is" basis for the disposal by sale of Three (3) units Rubber Tyred Gantry (RTG) Cranes and One (1) unit Reach Stacker. The disposition of said equipment is covered by an approved Inspection and Inventory Report of Unserviceable Property (IIRUP) Report No. 2023-01 dated June 6, 2023, and Authority to Dispose Unserviceable Property dated June 6, 2024.

In compliance thereto, the PMO Disposal Committee conducted the first bidding on February 15, 2024, after posting the sale in the PPA Website and in three (3) conspicuous places in the port premises continuously for seven (7) calendar days. However, the Committee declared the bidding as unsuccessful due to the absence of bidding participants. Likewise, no bid tender was submitted during the conduct of the second public bidding held on September 12, 2024, at the PMO Training Center prompting the Committee to declare a second failure of the bidding. A negotiated sale after one (1) month from the second failed auction shall be resorted to by the Committee as per PMO-Davao Disposal Committee Resolution No. 2-2024 in accordance with Item J-1.0 of the COA and DBM Joint Circular No. 2024-1 dated January 30, 2024.

OBJECTIVE

To dispose for public auction the above-mentioned unserviceable properties through sale, on As Is, Where Is" basis, in order to avoid further deterioration, while still having higher appraisal value which is advantageous to the government and the revenue potential that may be generated once the unserviceable properties are removed and the area is utilized as storage space and for port operations.

SCOPE OF DISPOSAL BY SALE

The unserviceable properties for negotiated sale are as follows:

Qty.	Unit	Description	Minimum Floor Price (Inclusive of 12% VAT)
1	lot	3 units – Rubber Tyred Gantry (RTG) Cranes 1 unit – Reach Stacker	**8,899,776.00**

TERMS AND CONDITIONS

1. The sale is on "AS IS, WHERE IS" basis.

2. An offeror may submit only one (1) best and final offer for the lot. Submission of more than one best and final offer for the lot will be considered a ground for disqualification for the submitted offers.

3. It is understood that participating bidders have seen and inspected the subject unserviceable properties located at PMO-Davao Back-up Area, at Port of Davao (Sasa), Km. 10, Davao City.

4. Best and Final Offers addressed to MS. ANALEE G. AGUILA, Chairperson, PMO Davao Disposal Committee, shall be submitted not later than **07 November 2024, 9:00 AM** at PPA-PMO Davao Training Center, 3rd Floor Administrative Building, Km. 10, Port Area, Sasa, Davao City. The sealed envelope must contain the Best and Final Offer and Bid Bond.

   Sealed offers/bids received shall be opened **on or before 9:30 AM, 07 November 2024**, at the 3rd Floor, Training Center, PPA Administrative Building.

5. Best and Final offer shall be prepared on the prescribed Bid Form (see attached) and in strict compliance with the requirements of these Instructions.

6. The Best and Final offer price shall be inclusive of the 12% value added tax (VAT).

7. Erasures/modifications shall be avoided or duly initialed by the offerors.

8. The best and final offer price shall be accompanied by a bidder's bond in the form of cash, manager's/cashier/s check in an amount equivalent to 10% of the proposed bid/buying price (inclusive of 12% VAT), as guarantee that the winner shall, within ninety (90) days (Monday to Saturday) from receipt of the Release Order, withdraw the goods from its present location.

9. An offeror may be allowed to withdraw his tender before the time of the opening of offers/bids and shall be returned unopened. After the opening of offers/bids, no offeror shall be allowed to withdraw his offer.

10. No offers shall be accepted after the deadline. Late offers shall not be honored and shall be automatically disqualified.

11. Best and final offers that are not in the prescribed form or unsigned shall be considered defective and shall automatically be disqualified.

12. Bid bond of non-winning offerors shall be returned immediately after the winner has been determined.

13. Award shall be given to the highest complying offeror and whose offer price is not lower than the floor price as indicated in the bid form.

14. Should there be two or more offerors who submit the same offers for the items(s), the Authority shall adopt the rules of breaking the tie in accordance with the mechanics provided for under GPPB Circular No. 06-2005 issued by the Government Procurement Policy Board on August 5, 2005.

15. Should the best and final offer received is lower than the floor price or should there be no offerors for the unserviceable properties, re-negotiation shall be resorted to as authorized by the Port Manager and provided that the price shall not be lower than the minimum floor price as determined by the Disposal Committee.

16. Upon determination of the awardee, the bid bond shall be considered as partial payment and the difference between such payment and the offer shall be paid in the form of cash, cashier's or manager's check of a reputable bank within the area where the negotiated sale was held. Full payment shall be made within five (5) working days from the date of the receipt of Notice of Award.

    In case of failure of full payment within the prescribed period, the awardee maybe penalized through cancellation of the award and forfeiture of the bid bond in favor of the Authority.

17. Winners are required to remove all item(s) awarded to them within the period fixed by the Disposal Committee but not more than ninety (90) days (Monday to Saturday) after receipt of the Notice of Award, otherwise, a storage fee in the amount equivalent to 1% of the total unwithdrawn item(s) or Five Hundred Pesos (P500.00) whichever is higher shall be charged against him per day of delay. Item(s) not withdrawn thirty (30) days from receipt of Notice of Award shall be re-negotiated and ownership of the awarded property including all money received in connection with the said sale shall be forfeited in favor of the Authority.

18. No Transfer or Deed of Assignment of the Award shall be honored by the Authority. Awardee or his authorized representative is required to personally pay, withdraw and/or request for extension of withdrawal, if warranted, for the awarded item(s).

19. Withdrawal of the properties shall be made from 8:00 AM to 5:00 PM from Monday to Saturday only.

20. The buyer of disposable property shall pay, in addition to the purchase price, any taxes, customs duties, cost or charges of any kind or nature whatsoever levied on connection with the sale of the property. All expenses incidental to the withdrawal of the property shall be borne by the awardee.

21. PPA reserves the right to reject any or all bids, to waive any defect in the offer received and to accept such offer which is most advantageous to the Authority.

Analee G. Aguila

ANALEE G. AGUILA
Chairperson
PMO Davao Disposal Committee

Reviewed by:

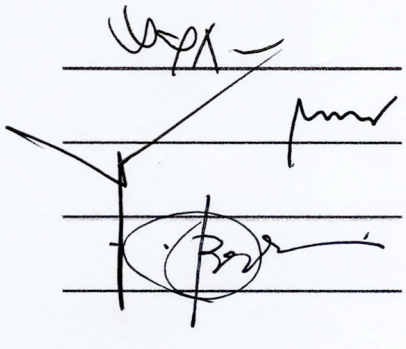
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