

Republic of the Philippines  
 Office of the President  
**SOUTHERN PHILIPPINES DEVELOPMENT AUTHORITY**  
 Main Office: SPDA Main Office (inside DAR Compound) IFMC Km. 12 Catalunan Pequeno, Davao City  
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**TERMS OF REFERENCE (TOR)**  
**DISPOSAL OF SPDA PROPERTIES THROUGH AN “AUCTION SALE”**

**I. RATIONALE**

Presidential Decree (PD) 1703 mandates the Southern Philippines Development Authority (SPDA) to foster and accelerate the balanced economic growth and development of the Southern Philippines (Mindanao, Sulu, Basilan, and Tawi-Tawi) by undertaking essentially developmental and economically, viable ventures within its territorial boundaries of operations. The SPDA may raise fund for the purpose of undertaking development and/or business projects of corporate, economic nature through disposal of any of its real properties as provided in Section 6 of PD 1703.

**II. SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BACKGROUND/ DESCRIPTION OF THE PROPERTIES**

The details/ brief description and best use of subject properties are hereunder stated as follows:

Item	Location	Area/ Title No.	Brief Description / Land Use
1	Catalunan Pequeno, Davao City	36,784 sq.m. / T-271742	<p>This is immediately adjacent to the SPDA Village and Wellspring Subdivision Ph. 1, both low-cost housing project. It is just few meters from the Catalunan Pequeno barangay hall and school. Formerly, a SPDA Organic Fertilizer Project.</p> <p>Based on the prevailing land usage in the neighborhood, the residential use would represent the highest and best use of the property.</p>
2	Sasa, Davao City	5,152 sq. m./ 146-2019011958	<p>This is located adjacent to Purok Sto Rosario and Icsama Sapaha Housing Urban Association right across the Mariano Express Lines and APL container yards, about 400 meters north from the Seawind by Damosa Land condominium, more or less, 500 meters south from the NCCC Panacan, or 1.50 kms. From the Panacan Public Market and approximately 2.60 kms. from the Sasa Wharf or 11.0 kms. from the City Hall of Davao City.</p> <p>Based upon the prevailing land usage in the neighbourhood, a Commercial utility would represent the highest and best use of the property</p>
3	Sasa, Davao City	13,132 sq.m. / 146-2019012188	-do-
4	Banaybanay, Davao Oriental	10,000 sq. m. / P-7052	<p>This one-hectare land is a prime lot, facing the national highway, adjacent to the 21-ha. non-operational SPDA Maputi Fishpond Project. The ownership was not yet transferred in the name of the SPDA.</p> <p>This was previously utilized as a fishpond.</p>
5	Banaybanay, Davao Oriental	210,000 sq.m. / T-8791	<p>This property is located at Maputi, Banaybanay, Davao Oriental adjacent to the one-ha. acquired land of SPDA.</p> <p>This was a previously operated as SPDA Maputi Fishpond Project.</p>
6	Monkayo, Comval	20,012 sq.m. / T-8465	<p>This property is located at San Jose, Monkayo, ComVal.</p> <p>Per Assessor's record, the actual use of the land is as follows:</p> <ul style="list-style-type: none"> <li>a) 500 sq. m. – residential</li> <li>b) 1.9512 ha. - agricultural</li> </ul>

### III. MODE OF DISPOSITION AND MINIMUM BID PRICE

- a. SPDA is disposing the property on an “AS-IS, WHERE-IS” basis through an auction sale. Bids maybe for individual title or property of interest.
- b. The Minimum Acceptable Bid Price for the subject properties is based on the current appraisal value of the property as set forth hereunder, to wit:

Item	Location	Area/ Title No.	Minimum Bid Price (Inclusive of VAT)
1	Catalunan Pequeno, Davao City	36,784 sq.m. /T-271742	P 23,316,030.00
2	Sasa, Davao City	5,152 sq. m./146-2019011958	84,488,420.80
3	Sasa, Davao City	13,132 sq.m. / 146-2019012188	215,353,637.80
4	Banaybanay, Davao Oriental	10,000 sq. m. / P-7052	1,205,554.35
5	Banaybanay, Davao Oriental	210,000 sq.m. / T-8791	25,063,500.00
6	Monkayo, Comval	20,012 sq.m. / T-8465	9,700,209.00

- c. The Winning Bidder shall pay to SPDA the approved SPDA selling price for the property within thirty (30) calendar days from issuance of the Notice of Award by SPDA. The SPDA's selling price to be settled by the Winning Bidder shall be the amount of consideration to be indicated on the Deed of Absolute Sale between the parties. The payment to be rendered by the Winning Bidder shall be in the form of cashier's check or manager's check.

### IV. RIGHTS AND RESPONSIBILITIES OF THE PARTIES

#### **The Winning Bidder shall:**

1. Develop the Property in strict compliance with:
  - a. The terms and conditions set in this TOR;
  - b. The Deed of Absolute Sale to be executed;
  - c. The development restrictions on the Property in pursuance to Zoning Ordinance of Davao City and/or Davao City Planning/ City Engineer's Office; and
  - d. All other pertinent government standards such as, but not limited to, the National Building Code, the Fire Code, and other relevant laws, rules, regulations and issuances of the agencies of the National Government and the Local Government, both existing and in the future.
2. Abide by the annotations, conditions or encumbrances imposed and annotated on the title of the Property, if there's any;
3. Undertake, at its sole exclusive cost, on-site development and provide utilities, access roads, or internal road networks in the Property;
4. Pay and be liable for all applicable taxes, fees and any other charges related to the acquisition, transfer and registration of the Property, such as, but not limited to Documentary Stamp Tax (DST), Creditable Withholding Tax (CWT), Transfer Tax, registration fees and other titling expenses/ charge;
5. Make the necessary investigation, inspection, and verification of the property for sale to ascertain its actual condition/ status of the title to the property before making an offer.
6. Assume the risk/consequences/expenses considering the following conditions:
  - a. Presence of informal settlers – The Winning Bidder shall assume the responsibility/expenses for the ejectment of informal settlers and/or occupants on the property subject of sale.
  - b. Property/ies is/are still inhabited by previous owner;
  - c. Property is subject for titling – Winning Bidder shall assume the risk/ consequence/ expenses in the continuance of titling process of the subject property and as such, he shall sign the waiver and quit claim for this purpose; and
  - d. Existing easements
7. Property is under dispute or with pending case - Any and all claims and liens annotated on the title, assessment, liabilities and/or damages, whatsoever arising from any claim, suit or litigation involving the property shall solely be assumed and borne by the Winning Bidder, accruing from

the date of his receipt of the Notice of Award (NOA).

**The SPDA shall:**

1. Give the Winning Bidder the sole right to purchase or sell, develop, operate and manage the Property, provided that the right shall be exercised subject to restrictions, and terms and conditions of the contract entered into between SPDA and the Winning Bidder. In case of resale, the buyer shall assume the obligations of the Winning Bidder;
2. Deliver possession of the Property to the Winning Bidder on an "AS-IS, WHERE-IS" basis upon full payment of the selling price, the actual payment of which shall also be the date of the signing of the Deed of Absolute Sale (DOAS);
3. Deliver the title of the Property to the Winning Bidder without prejudice to any annotations, conditions or encumbrances imposed or annotated thereon, if any.

The rights and responsibilities of SPDA and the Winning Bidder shall be governed by the provisions of this TOR and the Deed of Absolute Sale to be signed between the parties. In case of conflict or inconsistency between the two documents, the TOR shall prevail over the Deed of Absolute Sale.

**V. BIDDING/ AUCTION PROCEDURE**

- A. PUBLICATION OF INVITATION TO BID** - SPDA shall publish the "Invitation to Bid" on the newspaper, in the SPDA website (spda.gov.ph) and on the conspicuous place located at the SPDA main office (inside DAR compound), IFMC Km 12 Catalunan Pequeno, Davao City.. This shall serve to inform and invite prospective Bidders to the subject bidding.
- B. ISSUANCE OF TERMS OF REFERENCE (TOR)**
- C. INSPECTION OF PROPERTY BY INTERESTED BIDDERS**
- D. PRE-BID CONFERENCE** - Interested bidders are invited to attend a Pre-Bid Conference to discuss the Property, this TOR and other possible questions. The Conference shall be held on the date and time specified in the Timetable of Activities at the SPDA main office. Succeeding conferences with the prospective Bidders shall be scheduled by the SPDA BAC Secretariat upon advice of the SPDA Asset Management and Disposal Committee / BAC prior to the submission of bids.  
Any change in the Timetable of Activities, as well as resolutions and actions on the issues raised by the Bidders shall be embodied in a Bid Bulletin.
- E. SUBMISSION OF BIDS** - Bidders shall submit their bids comprising their Eligibility Documents and Final Proposals on the date specified in the Timetable of Activities.

1. Eligibility Documents (documentary requirements) consists of the following:

- a. For Individuals

- 1) Duly accomplished Registration Form (pro-forma attached as Annex "A");
- 2) Certified True Copy of Two (2) valid government issued identification card with photo (e.g. Driver's License, Passport, PRC License);
- 3) Bank Certification, stating that the Bidder is known to them and banking with them, and is in good financial and/or credit standing; and
- 4) Certified True Copy of Income Tax Return for the immediate preceding calendar year, duly stamped received by the BIR.

- b. For Sole Proprietorship, Partnership, Cooperative, or Corporation

- 1) Duly accomplished Registration Form (pro-forma attached as Annex "A-1");
- 2) Certified True Copy of Registration Certificate from the appropriate regulatory agency (Securities and Exchange Commission, Department of Trade and Industry, or Cooperative Development Authority);
- 3) Certificate True Copy of Tax Clearance issued by BIR which has an effectivity of not earlier than the immediate preceding quarter;
- 4) Bank certification, stating that the Bidder is known to them and banking with them, and is in good financial and/or credit standing;
- 5) A duly notarized Board Resolution and/or Secretary Certificate, or a Special Power of Attorney issued by the Bidder expressly authorizing its participation in the Bidding/Auction Process, and

appointing its Authorized Representative for this purpose, or, for sole proprietorships, a valid government-issued identification card of the Proprietor/Bidder with photo, whichever of the aforementioned is applicable.

c. For Local Government Unit

- 1) Duly accomplished Registration Form (pro-forma attached as Annex "A-2");
  - 2) Sangguniang Bayan Resolution, approving the Purchase and the Payment of the total Bid/Offer Price by the concerned LGU of the subject property and appropriating funds therefor;
  - 3) Sangguniang Bayan Resolution, authorizing the Mayor to participate and sign Bidding/ Auction Documents, sign the Deed of Absolute Sale as Vendee, for and in behalf of the LGU;
  - 4) Certified True Copy of the two (2) valid government issued identification Card with photo (e.g. passport, driver's license, PRC License, etc.) of authorized representative; and
  - 5) Bank Certification or any proof of funds availability.
2. Final Proposal ( Bid Letter) – The Bidder must submit a letter in the form of Annex "B", "B-1" or "B-2", as applicable, duly signed by its authorized representative, expressly indicating the Bid Price for the Property.

The Bid Price shall not be less than the amount stated on the Bid Security.

The Bidder shall submit the Bid Price per title to be placed in a sealed envelope, i.e. if the Bidder is interested to bid for the three (3) properties covered by 3 titles, he must submit 3 envelopes for this purpose.

The Documentary Requirements, Bid /Auction Security, and Final Bid/ Offer Letter shall be submitted in one (1) Large Envelope, tightly sealed and marked as shown hereunder:

<p>TO: SPDA ASSET MANAGEMENT AND DISPOSAL COMMITTEE / BIDS AND AWARDS COMMITTEE (BAC)</p> <p>SEALED BID/OFFER</p> <p>DISPOSITION THROUGH AUCTION SALE OF THE PROPERTY CONSISTING OF AN AREA OF _____ LOCATED AT _____ WITH TITLE NO. _____</p> <p>NAME OF BIDDER/ OFFEROR _____ COMPLETE BUSINESS ADDRESS _____ _____</p> <p><b>DO NOT OPEN BEFORE : September 11, 2022</b></p>
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**F. POST-QUALIFICATION**

- 1) The Bidder with the Highest Ranked Bid must pass a post-qualification process to verify accuracy and authenticity of all submitted documents and information. Any material inconsistencies, errors or misrepresentations in the submitted documents shall be a ground for disqualification and forfeiture of the Bidder's Bid Security.
- 2) If the Bidder with the Highest Ranked Bid passed post-qualification, the Bidder's proposal shall be declared as the Highest Ranked and Complying Bid. The SPDA Asset Management and Disposal Committee / BAC shall recommend to the SPDA Board to award the contract to said Bidder (Winning Bidder).
- 3) If the Bidder with the Highest Ranked Bid fails post-qualification, the SPDA Asset Management and Disposal Committee / BAC shall notify the Bidder of the results thereof. As a matter of procedure, the SPDA Asset Management and Disposal Committee / BAC shall subject the

- Bidder with the Second Highest Ranked Bid to undergo post-qualification process.
- 4) If the Bidder with the second Highest Ranked Bid passed post-qualification, the Bidder's proposal shall be declared as the Winning Bidder. However, if the Bidder with Second Highest Ranked fails post-qualification, the post-qualification process shall be repeated for the Bidder with the next highest ranked bid and so on, until a Winning Bidder is determined.

**G. ISSUANCE OF NOTICE OF AWARD** – A Notice of Award (NOA) shall be issued to the Winning Bidder / Offeror, inviting the Winning Bidder/ Offeror to execute the Deed of Absolute Sale (DOAS) within thirty (30) Calendar Days from receipt thereof. If the Winning Bidder/ Offeror fails to settle the balance or sign the DOAS upon full payment within the prescribed thirty (30) Calendar Day Period, the Bid/ Auction Security shall be forfeited, in favour of SPDA and the Bidder/ Offeror with the Second Highest Bid/ Offer will be notified and invited to enter and execute a DOAS for the subject Property/ ies.

The award of the Property/ ies to the Winning Bidder/ Offeror may be revoked by SPDA on any of the following grounds:

- 1) The Winning Bidder/ Offeror has been PREQUALIFIED on the basis of suppressed, undisclosed or false information; and
- 2) The Winning Bidder/ Offeror violated the terms and conditions in the Notice of Award.

**VI. REQUEST FOR CLARIFICATIONS** - All relevant inquiries and concerns shall be raised in writing addressed to:

*MR. MUNAP H. PACIO*  
*CHAIRMAN, SPDA ASSET MANAGEMENT & DISPOSAL COMMITTEE /*  
*BIDS AND AWARDS COMMITTEE (BAC)*  
*Deputy Administrator, SPDA*  
*SPDA Main Office (inside DAR Compound) IFMC, Km. 12 Catalunan Pequeno, Davao City*

All clarifications and inquiries on the submission of Bids should be received by the SPDA Asset Management and Disposal Committee / BAC on or before the date specified in this TOR.

**VII. TIMETABLE OF ACTIVITIES**

Publication of Invitation to Bid at the SPDA website and conspicuous place at SPDA main office (inside DAR compound) IFMC Km. 12 Catalunan Pequeno, Davao City	August 21, 2022 to August 27, 2022
Issuance of TOR	August 21, 2022 to August 27, 2022
Inspection of Property/ies by interested parties	August 21, 2022 to September 11, 2022
Pre-Bid Conference	August 28, 2022, 10:00 a.m.
Deadline for Submission of Requests for Clarification	September 11, 2022
Deadline for the Submission of the Eligibility Documents and the Final Proposals	September 11, 2022
Opening and Preliminary Examination of Bids	September 11, 2022
Detailed Evaluation of Bids	September 13, 2022
Announcement of Result of Evaluation of Bids	September 14, 2022
Post Qualification	September 15, 2022
SPDA Asset Management and Disposal Committee / BAC Resolution Declaring the Winning Bidder and Recommending Award	September 18, 2022
Announcement of the Winning Bidder and Issuance of Notice of Award	September 18, 2022
Signing of Contract	September 30, 2022

The schedule on this indicative timetable may change at the discretion of the SPDA Asset Management and Disposal Committee / BAC.

#### VIII. OPENING OF BIDS

1. On the date of "Opening and Preliminary Examination of Bids", the SPDA Asset Management and Disposal Committee / BAC shall open the sealed envelopes containing the Eligibility Documents to determine completeness of documents and sufficiency of data/ information provided therein.
2. Only those Bidders determined by the SPDA Asset Management and Disposal Committee / BAC during the preliminary examination who have submitted complete Eligibility Documents shall be qualified for the opening of their Final Proposals. Those Bidders with incomplete Eligibility Documents shall automatically have their Final Proposals returned to them unopened.
3. The SPDA Asset Management and Disposal Committee / BAC shall open the Final Proposal to determine compliance with the requirements under Item III of this TOR. Final Proposals that are below the minimum acceptable bid price shall be automatically rejected, and the Bid Security shall be immediately returned to the concerned Bidder.
4. Failure of Bidding - Bidding may be declared unsuccessful in any of the following cases:
  - a. There is no bidding participant.
  - b. All bidders fail to comply with the terms and conditions prescribed in the Invitation to Bid.

#### IX. ELIGIBILITY CHECK, EVALUATION OF BIDS AND SELECTION OF WINNING BIDDER

- A. SPDA shall adopt a two (2)-stage evaluation process.
 

**Stage 1** involves the opening and preliminary examination of the Eligibility Documents and the Final Proposal to determine completeness of documents submitted and sufficiency of data/ information provided therein.

**Stage 2** involves the detailed evaluation of the Eligibility Documents and the Final Proposal to determine compliance with all the requirements specified under this TOR.
- B. Eligibility Criteria
 

To be eligible, the Bidder must satisfy all of the following requirements:

  - a. **Legal capacity** – The Bidder must be a person/s, natural and juridical, allowed under Philippine laws to own, acquire and develop lands in the Philippines.
  - b. **Compliance Commitment** – The Bidder must commit to comply with:
    - 1) The terms and conditions set in this TOR;
    - 2) The Deed of Absolute Sale to be executed;
    - 3) The development restrictions on the Property in pursuance to Zoning Ordinance of Davao City and/or Davao City Planning/ City Engineer's Office;
    - 4) All other pertinent government standards such as, but not limited to, the National Building Code, the Fire Code, and other relevant laws, rules, regulations and issuances of the agencies of the National Government and the Local Government, both existing and in the future;
  - c. No Default – The Bidder, its parent company, or any of its subsidiaries, or affiliates with common controlling shareholdings, are not considered in default of its financial or other obligations, in any past or current project being undertaken with SPDA, or its subsidiaries, at the day of the submission of bids.
  - d. Bid Documents – The Bidder must purchase the TOR (including bid forms and pertinent documents) for a non-refundable fee as indicated hereunder, to wit:

Bid Price of Subject Property	Maximum Cost of Bidding Documents (in Philippine Peso)
500,000 and below	500.00
More than 500,000 up to 1 Million	1,000.00
More than 1 Million up to 5 Million	5,000.00
More than 5 Million up to 10 Million	10,000.00
More than 10 Million up to 50 Million	25,000.00
More than 50 Million up to 500 Million	50,000.00
More than 500 Million	75,000.00

Only those who have purchased the TOR (including bid forms and pertinent documents) shall be entitled to participate in this bidding and receive Bid Bulletins or official responses from the SPDA Asset Management and Disposal Committee / BAC.

- C. Within the period specified in the Timetable of Activities, the SPDA Asset Management and Disposal Committee / BAC shall conduct a detailed evaluation of the Eligibility Documents and Final Proposals submitted. Bids that have satisfied all the requirements of this TOR shall be ranked based on the Bid Price. The Bid Proposal which has the highest proposal Bid Price for the Property shall be declared as the Highest Ranked Bid.

## **X. DUE DILIGENCE**

SPDA is disposing the subject property/ies strictly on an "AS-IS, WHERE-IS" basis. Each prospective Bidder/ Offeror shall be solely responsible for its own due diligence of all matters relating to this TOR and the Property/ies which may effect its valuation of the Property/ies or the nature of its proposal. SPDA shall not be responsible for any erroneous interpretation or conclusion of the Bidder/ Offeror out of data furnished or indicated in this TOR and proposal forms, including any addenda or amendments issued by the SPDA Asset Management and Disposal Committee / BAC.

No verbal agreement or conversation with, nor any verbal clarification from any SPDA Asset Management and Disposal Committee / BAC. Chairperson and members, TWG and SPDA BAC Secretariat shall affect or modify any of the terms and conditions contained in TOR. Only amendments, supplements or clarifications to this TOR that are set down in writing and circulated to Bidder/ Offeror by the SPDA Asset Management and Disposal Committee / BAC shall be relied upon as authorized. Neither the SPDA Board, Officers, Staff, Consultants and Authorized Representative/ Personnel may make any representation and warranty concerning any matter affecting this Bidding/ Auction, except for the representations and warranties of SPDA that shall be set out in the Deed of Absolute Sale for the Property/ies.

## **XI. BID/ AUCTION SECURITY**

1. The bid bond shall be considered as deposit. The balance of the bid offer may be paid in cash or check within thirty (30) calendar days from the date of receipt of the NOA.
2. The Bid Security of the Winning Bidder will be treated as earnest money for its required payment at the time of signing of the Deed of Absolute Sale. The Bid Security of the other Bidders shall be returned without interest upon signing of the Deed of Absolute Sale between SPDA and the Winning Bidder, unless otherwise forfeited.
3. In case of awardee's failure to pay the balance of the bid offer within the prescribed period of 30 calendar days from receipt of the NOA, the following procedures shall be undertaken:
  - a. The award shall be cancelled and the bid bond shall be forfeited in favor of the SPDA.
  - b. The next highest bidder who met the minimum bid price, if any, may be offered the property and required payment of the bid bond of at least 10% of the previously submitted bid offer within 15 calendar days from receipt of written advice.
  - c. The NOA shall be issued upon receipt of the bid bond, as follows:
    - 1) After approval by the SPDA Asset Management and Disposal Committee / BAC for bid offers below 50.00 million provided that the sale will not result in a loss of 5.0 million and above.
    - 2) After approval by the SPDA for bid offers of 50.0 million and above or those that will result in a loss of 5.0 million and above.
  - d. The balance of the bid offer shall be payable within 15 calendar days from receipt of the NOA. Upon failure to pay the balance within the prescribed period, the award shall be cancelled and the bid bond shall be forfeited. The SPDA shall move on to the next highest bidder until the last bidder who met the minimum bid price. If all the participating bidders failed to comply with the payment of balance within the prescribed period, the bidding shall be considered unsuccessful and the SPDA Asset Management and Disposal Committee / BAC may dispose of the property through negotiation or the property may be re-auctioned as may be deemed appropriate by the SPDA Asset Management and Disposal Committee / BAC or the SPDA Board."

## **XII. FORFEITURE OF BID SECURITY**

Any of the following shall be ground for the forfeiture of the Bid Security in favor of SPDA upon certification by the SPDA Asset Management and Disposal Committee / BAC:

1. Any material misrepresentation, error and/or fraudulent declaration made by the Bidder in the bid documents or any of the required attachments discovered at any time after the preliminary examination of bids;
2. Withdrawal or modification, whether conditional or otherwise, of the proposal after the deadline for the submission of bids;
3. Failure or refusal of a Winning Bidder to enter into a Deed of Absolute Sale with SPDA within the prescribed period;
4. Any judicial or extrajudicial action by the Winning Bidder that shall delay the execution of the Deed of Absolute Sale and/or its compliance with its obligations as set out in this TOR; and
5. Any circumstance or reason that provides SPDA reasonable and valid basis to believe that the Bidder is or has been rendered incapable of completing its obligation, as proposed.

The decision of the SPDA Board shall be final.

## **XIII. FAILURE OF BIDDING/ AUCTION**

SPDA shall declare a failure of bidding in any of the following instances:

1. No bid is received;
2. No Bidder passed the preliminary examination of bids;
3. No Bidder qualified during detailed evaluation of bids;
4. No Bidder passed post-qualification;
5. The Winning Bidder refused to accept the award or enter into contract with SPDA; and
6. The happening of a fortuitous event or any reason beyond the control of SPDA, including but not limited to change in government policy, which prevents the completion of the contract or unduly delays its conclusion.

## **XIV. QUALIFICATIONS AND WAIVERS**

SPDA reserves the right to reject any or all bids and its decision shall be final. SPDA reserves the right to review all relevant information affecting the Bidder or the proposal before the execution of the Deed of Absolute Sale. SPDA may disqualify the Bidder or suspend/ terminate the bidding process or declare a failure of bidding should such review uncover any misrepresentation, error, mistake or fraud in any of the submitted documents or information or evaluation which affects the substance of its proposal.

SPDA further reserves the right to call off the bidding at any stage prior to the signing of the Deed of Absolute Sale and call for a new bidding under amended rules, without any liability whatsoever to any and all the Bidders. In such a case, the Bid Security shall be returned to the Bidder

## **XV. PAYMENT OF TAXES AND FEES**

1. The payment of capital gain tax (CGT) shall be borne by SPDA to the extent of 6% of the purchase price. Any excess assessment due on the difference between the zonal value/market value per TD and the purchase price, in case the zonal value/market value per TD is higher than the purchase price, will be for the account of the awardee. This should not, however, prevent the buyer and the SPDA to have an agreement as to who will bear the burden of paying the CGT.
2. Upon execution of the DAS, the real property taxes, already paid by the SPDA shall be assumed by the awardee on a pro rate basis; thus, entitling the SPDA to reimbursement of the real property taxes, paid for the remaining days of the year.
3. All other taxes and fees incidental and necessary to the sale and transfer of title to the awardee will be assumed by the awardee.
4. The Winning Bidder shall pay to SPDA the approved SPDA selling price for the property within thirty (30) calendar days from issuance of the Notice of Award by SPDA. The SPDA's selling price to be



settled by the Winning Bidder shall be the amount of consideration to be indicated on the Deed of Absolute Sale between the parties.

## **XVI. DISQUALIFICATION AND WITHDRAWAL OF BIDS**

1. Non-compliance with any of the requirements prescribed will constitute a ground for disqualification.

The following bids are considered defective:

- a. Bids not in the prescribed form;
- b. Unsigned bids;
- c. Bids with erasures or interlineations that are not initialed;
- d. Bids with incomplete documentations;
- e. Insufficient bid bond.

However, for lone bidders who met the minimum bid price but with deficient documentation, a curing period of not more than five working days from auction date shall be given to complete the required documents. Failure to submit the necessary documents within the prescribed period shall cause the forfeiture of the bid bond.

2. A bidder may be allowed to withdraw a bid before the opening of bids without forfeiture of the bid bond. The bid envelope shall be returned, unopened. If the bidder, upon opening of the bid, withdraws his bid, or upon evaluation of his winning bid, refuses to accept the award, his bid bond shall be forfeited in favor of the SPDA.

## **XVII. APPEAL**

A Bidder determined as disqualified and/or whose bid has been found non-complying may file an appeal in writing (Notice of Appeal) to the SPDA Board of Directors. The appeal must be filed within seven (7) calendar days from receipt of the bid bulletin containing the questioned resolution. The Notice of Appeal shall be accompanied by a sworn statement and corresponding payment of a non-refundable appeal fee in the amount of Ten Thousand (PhP 10,000.00), in the form of manager's check.

The bidding process will be suspended for a maximum period of thirty (30) calendar days while the appeal is being evaluated. The decision of the SPDA Board on the appeal shall be final and immediately executory.

## **XVIII CONFIDENTIALITY OF BIDS**

All bids and accompanying documents shall be treated as confidential. Both parties shall hold any and all confidential information in strict adherence and will not disclose or use any confidential information or any part of it except for the proper performance of the party's obligations under the TOR.

## **XIX. WAIVER OF RIGHT TO SEEK LEGAL REMEDIES**

SPDA, its Board of Directors, Officers, staff, consultants, and authorized representatives/ personnel shall be held free and harmless from any liability, costs and expenses arising from the participation by the Bidders in this bidding process. All Bidders, in participating in the bidding, waive all rights to seek legal action (e.g. Temporary Restraining Order, lawsuits, etc.) to prevent SPDA from awarding and executing a contract with the Winning Bidder or against any decision of the SPDA in connection with the evaluation, award, suspension or termination of the bidding process.

## **XX. ANTI-CORRUPTION POLICY**

The Bidders, their Directors and Officers are prohibited from communicating with or contacting, directly or indirectly, any of SPDA's Directors, Officers, staff, consultants, and authorized representatives/ personnel on matters concerning the bidding for the entire duration of the bidding process except for queries and clarifications of proposal which must be in writing and addressed to the SPDA Asset Management and Disposal Committee / BAC Chairman.

The Bidders shall not offer or give, directly or indirectly, any amount, benefit or advantage to any Director,

Officer, employee, consultant or authorized representative/personnel of SPDA. Violation of this policy shall be a ground for disqualification revocation of the award, if any, without prejudice to damages that SPDA may recover for any loss or damage that may result therefrom

Conforme:

\_\_\_\_\_  
Name of Bidder  
(Signature over Printed Name)

Individual                       Partnership\*                       Corporation  
\*Authorization on the designation of representative attached.

Date: \_\_\_\_\_

## ANNEX "A"

(For Individual)

REPUBLIC OF THE PHILIPPINES  
CITY OF \_\_\_\_\_ S.S.

**REGISTRATION FORM**

I, (Name of the Bidder), of legal age, (nationality), with residence address at \_\_\_\_\_, under oath, hereby depose and sat THAT:

1. I am interested in the bidding/ auction for the sale of the \_\_\_\_\_ (\_\_\_\_\_) sq. meters lot located at \_\_\_\_\_.
2. In compliance with the Documentary Requirements, copies of the following documents are hereby attached:
  - a. Duly accomplished Registration Form (pro-forma attached as Annex "A");
  - b. Certified True Copy of two (2) valid government issued Identification Card with photo (e.g. Driver's License, Passport, PRC License);
  - c. Certificate from at least one (1) highly-reputable Savings/ Commercial /Universal Bank, legally operating within the Philippines stating that the Bidder /Offeror is known to them, banking with them, and is in good financial and /or credit standing; and
  - d. Certified True Copy of Income Tax Return for the immediate preceding calendar year, duly stamped received by the BIR.
3. I commit to abide by the decision of the Southern Philippines Development Authority (SPDA) Bids and Awards Committee (SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC), waive my right to seek legal remedies against SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC free from any liability, costs, and expenses, suit or allegation arising from my participation in this bidding process;
4. All information in this statement, including attachments and enclosures, are true and correct. Any falsity, error, or misrepresentation of award as determined by SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC;
5. I shall not attempt to establish any contact with any of SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC, TWG, and Secretariat on matters concerning the bidding from the date of the submission of the bids up to the conclusion of the bidding process, except for clarification on Proposal which must be in writing and addressed to the SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC, through its Chairperson.
6. I have neither given nor offered, nor will I give nor offer, directly or indirectly, any bribe or other improper payment or advances to any Executives, Officers, and employees of SPDA, nor engage in any of the acts prohibited under R.A. 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act", as amended.
7. Violation of any of the foregoing shall be ground for my disqualification from the bidding or revocation of the award, if any, without prejudice to damages that SPDA may recover for any loss or damage that may result therefrom;
8. I am not involved in any money laundering activity as defined by the Anti-Money Laundering Act of 2001 (RA 9160);
9. I am not related up to fourth (4<sup>th</sup>) degree of consanguinity or affinity to any of the SPDA Executives, Officers and employees; and
10. I authorized SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC, TWG and Secretariat or its authorized representative to conduct investigation and verification of the statements, documents and information submitted to my bid.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 2022 at \_\_\_\_\_, Philippines.

\_\_\_\_\_  
Affiant

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_ 2022, affiant exhibiting to me his/ her competent evidence of identity (e.g. passport, Driver's License, etc.) \_\_\_\_\_ issued at \_\_\_\_\_, Philippines on \_\_\_\_\_ .

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**ANNEX "A-1"**

(For Sole Proprietorship, Partnership, Cooperative or Corporation)

REPUBLIC OF THE PHILIPPINES  
CITY OF \_\_\_\_\_ S.S.

**REGISTRATION FORM**

I, (Name of the Bidder/ Authorized Representative), of legal age, Filipino, and with address at \_\_\_\_\_, under oath, hereby depose and sat THAT:

1. The (name of the Bidder) is interested in the bidding/ auction for the sale of the \_\_\_\_\_ (\_\_\_\_\_) sq. meters lot located at \_\_\_\_\_;
2. I am the (designation) of the Bidder, duly authorized to make this Statement for and on its behalf;
3. In compliance with the Documentary Requirements, copies of the following documents are hereby attached:
  - a. Duly accomplished Registration Form (pro-forma attached as Annex "A-1");
  - b. Certified True Copy of Registration Certificate from the appropriate regulatory agency (Securities and Exchange Commission, Department of Trade and Industry, or Cooperative Development Authority);
  - c. Certificate True Copy of Tax Clearance issued by BIR which has an effectivity of not earlier than the immediate preceding quarter;
  - d. Certification from at least one (1) highly-reputable Savings/ Commercial /Universal Bank, legally operating within the Philippines stating that the Bidder /Offeror is known to them, banking with them, and is in good financial and /or credit standing;
  - e. A duly notarized Board Resolution and/or Secretary Certificate, or a Special Power of Attorney issued by the Bidder expressly authorizing its participation in the Bidding/Auction Process, and appointing its Authorized Representative for this purpose, or, for sole proprietorships, a valid government-issued identification card of the Proprietor/Bidder with photo, whichever of the aforementioned is applicable.
4. The Bidder commits to abide by the decision of the Southern Philippines Development Authority (SPDA) Bids and Awards Committee (SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC), waive my right to seek legal remedies against SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC free from any liability, costs, and expenses, suit or allegation arising from my participation in this bidding process;
5. All information in this statement, including attachments and enclosures, are true and correct. Any falsity, error, or misrepresentation of award as determined by SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC;
6. The Bidder, its Directors, Officers and staff or any representative thereof, shall not attempt to establish any contact with any of SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC, TWG, and Secretariat on matters concerning the bidding from the date of the submission of the bids up to the conclusion of the bidding process, except for clarification on Proposal which must be in writing and addressed to the SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC, through its Chairperson.
7. The Bidder, its Directors, Officers have neither given nor offered, nor will it give nor offer, directly or indirectly, any bribe or other improper payment or advantage to any Executives, Officers, and employees of SPDA, nor engage in any of the acts prohibited under R.A. 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act", as amended.

8. Violation of any of the foregoing shall be ground for our disqualification from the bidding or revocation of the award, if any, without prejudice to damages that SPDA may recover for any loss or damage that may result therefrom;
9. The Bidder is not involved in any money laundering activity as defined by the Anti-Money Laundering Act of 2001 (RA 9160);
10. The Bidder authorizes SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC, TWG and Secretariat or its authorized representative to conduct investigation and verification of the statements, documents and information submitted relative to our bid.

For this purpose, the Bidder hereby authorizes any public office, or any persons or firm to furnish pertinent information deemed necessary and requested by SPDA to verify statements and information provided in this statement.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 2022 at \_\_\_\_\_, Philippines.

\_\_\_\_\_  
Affiant

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_ 2022, affiant exhibiting to me his/ her competent evidence of identity (e.g. passport, Driver's License, etc.) \_\_\_\_\_ issued at \_\_\_\_\_, Philippines on \_\_\_\_\_.

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(For Local Government Unit)

REPUBLIC OF THE PHILIPPINES  
CITY OF \_\_\_\_\_ S.S.

### REGISTRATION FORM

I, (Name of the Bidder/ Authorized Representative), of legal age, Filipino, and with address at \_\_\_\_\_, under oath, hereby depose and sat THAT:

- i. The (name of the Bidder) is interested in the bidding/ auction for the sale of the \_\_\_\_\_ (\_\_\_\_\_) sq. meters lot located at \_\_\_\_\_;
- D. I am the (designation) of the Bidder, duly authorized to make this Statement for and on its behalf;
- E. In compliance with the Documentary Requirements, copies of the following documents are hereby attached:
  - a. Duly accomplished Registration Form (pro-forma attached as Annex "A-2");
  - b. Sangguniang Bayan Resolution approving the Purchase and the Payment of the total bid price by the concerned LGU for the acquisition of real estate properties, consisting of \_\_\_\_\_ (\_\_\_\_\_) square meters located at \_\_\_\_\_ covered by TCT No. \_\_\_\_\_ and appropriating funds therefor;
  - c. Sangguniang Bayan Resolution authorizing the Mayor to participate and sign Bidding/ Auction Documents, sign the Deed of Absolute Sale as Vendee, for and in behalf of the LGU;
  - d. Certified True Copy of two (2) valid government issued identification Card with photo (e.g. Passport, Driver's License, PRC License, etc.) of Authorized Representative; and
  - e. Bank Certification or any proof of funds availability.
- F. The Bidder commits to abide by the decision of the Southern Philippines Development Authority (SPDA) Bids and Awards Committee (SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC), waive its right to seek legal remedies against SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC and holds its Administrator, SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC, TWG and Secretariat free from any liability, costs, and expenses, suit or allegation arising from its participation in this bidding process;
- G. All information in this statement, including attachments and enclosures thereof, are true and correct. Any falsity, error, or misrepresentation shall constitute ground for disqualification from this bidding or revocation of award as determined by SPDA;
- H. The Bidder, its Officers and staff or any representative thereof, shall not attempt to establish any contact with any of SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC, TWG, and Secretariat on matters concerning the bidding from the date of the submission of the bids up to the conclusion of the bidding process, except for clarification on Proposal which must be in writing and addressed to the SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC, through its Chairperson.
- I. The Bidder, its Officers have neither given nor offered, nor will it give or offer, directly or indirectly, any bribe or other improper payment or advantage to any of the acts prohibited under R.A. 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act", as amended.
- J. Violation of any of the foregoing shall be ground for my disqualification from the bidding or revocation of the award, if any, without prejudice to damages that SPDA may recover for any loss or damage that may result therefrom;

- K. The Bidder is not involved in any money laundering activity as defined by the Anti-Money Laundering Act of 2001 (RA 9160);
- L. The Bidder authorizes SPDA SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC, TWG and Secretariat or its authorized representative to conduct investigation and verification of the statements, documents and information submitted relative to our bid.

For this purpose, the Bidder hereby authorizes any public office, or any persons or firm to furnish pertinent information deemed necessary and requested by SPDA to verify statements and information provided in this statement.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 2022 at \_\_\_\_\_, Philippines.

\_\_\_\_\_

Affiant

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_ 2022, affiant exhibiting to me his/ her competent evidence of identity (e.g. passport, Driver's License, etc.) \_\_\_\_\_ issued at \_\_\_\_\_, Philippines on \_\_\_\_\_ .

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**ANNEX "B"****FINAL BID/OFFER-LETTER**  
(Individual)

\_\_\_\_\_  
Date

MR. MUNAP H. PACIO  
Chairman, SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC  
Deputy Administrator  
*SPDA Main Office (inside DAR Compound)*  
*IFMC Km. 12 Catalunan Pequeno, Davao City*

SIR:

In connection with the Bidding for the auction sale of real estate property, consisting of an area of \_\_\_\_\_ (\_\_\_\_\_) sq. meters located at \_\_\_\_\_, Philippines, covered by TCT No. \_\_\_\_\_; I, hereby, formally propose a bid price, for the abovementioned Property, in the amount of \_\_\_\_\_ (PhP \_\_\_\_\_).

I understand that, should I be declared the Winning Bidder, I shall, upon signing of the Deed of Absolute Sale with the SPDA, immediately effect full payment for the subject Property.

Submitted by:

\_\_\_\_\_  
Name of and signature of the Bidder

\_\_\_\_\_  
Official Address

**FINAL BID/OFFER-LETTER**  
*(For Sole Proprietorship, Partnership, Cooperative or Corporation)*

\_\_\_\_\_  
 Date

MR. MUNAP H. PACIO  
 Chairman, SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC  
 Deputy Administrator  
 SPDA Main Office (inside DAR Compound)  
 IFMC Km. 12 Catalunan Pequeno, Davao City

SIR:

In connection with the Bidding for the auction sale of real estate property, consisting of an area of \_\_\_\_\_ (\_\_\_\_\_) sq. meters located at \_\_\_\_\_, Philippines, covered by TCT No. \_\_\_\_\_; our company (state the name of the company), hereby, formally propose a bid price, for the abovementioned Property, in the amount of \_\_\_\_\_ (PhP \_\_\_\_\_).

We understand that, should our company be declared the Winning Bidder, we shall, upon signing of the Deed of Absolute Sale with the SPDA, immediately effect full payment for the subject Property.

The undersigned hereby affirms that I am duly authorized by the company to make this proposal for and on its behalf.

Submitted by:

\_\_\_\_\_  
 Name of and signature of Authorized Representative

\_\_\_\_\_  
 Position

## ANNEX "B-2"

**FINAL BID/OFFER-LETTER**  
(Local Government Unit)

\_\_\_\_\_  
Date

MR. MUNAP H. PACIO  
Chairman, SPDA ASSET MANAGEMENT and DISPOSAL COMMITTEE / BAC  
Deputy Administrator  
SPDA Main Office (inside DAR Compound)  
IFMC Km. 12 Catalunan Pequeno, Davao City

SIR:

In connection with the Bidding for the auction sale of real estate property, consisting of an area of \_\_\_\_\_ (\_\_\_\_\_) sq. meters located at \_\_\_\_\_, Philippines, covered by TCT No. \_\_\_\_\_; Local Government Unit of \_\_\_\_\_, hereby, formally propose/s a bid price, for the abovementioned Property, in the amount of \_\_\_\_\_ (PhP \_\_\_\_\_).

We understand that, should the LGU \_\_\_\_\_ be declared the Winning Bidder, we shall, upon signing of the Deed of Absolute Sale with the SPDA, immediately effect full payment for the subject Property.

The undersigned hereby affirms that I am duly authorized by the LGU \_\_\_\_\_ thru Sangguniang Bayan Resolution No. \_\_\_\_\_ to make this proposal for and on its behalf.

Submitted by:

\_\_\_\_\_  
Name of and signature of Authorized Representative

\_\_\_\_\_  
Position