

## AUCTION RULES

- 1) In submitting an Auction Tender, the Offeror acknowledges that they were given every opportunity to investigate, inspect and verify the item/s for sale/disposal to ascertain their actual condition.
- 2) The Offerors should **sign on the Auction Rules** as proof of conformity thereto.
- 3) All items for sale shall be on an "as is, where is" basis.
- 4) Interested bidders shall accomplish the Auction Tender/Offer Form and submit together with the duly signed Auction Rules through any of the following on or before the scheduled deadline:
  - a. Email in a password-protected PDF file to stacruzdavao@dbp.ph and sm-bbg@dbp.ph. Subject title should use the format: **BID OFFER\_Company Name / Name of Bidder**. Password to be provided by the bidder/ representative during the opening of bids; or
  - b. A sealed envelope addressed to BBG-SM Disposal Committee at DBP Sta. Cruz Davao Branch, Sta. Cruz, Davao del Sur.
- 5) A Bid Bond equivalent to at least 10% of the bid offer, at the bidder's option, shall either be enclosed together with the Bid Form/ Auction Tender to be submitted or shall be presented at the time of opening of bids.
- 6) All Offers shall be opened during the scheduled opening of Auction by the BBG-SM Disposal Committee in the presence of representatives/s from the Commission on Audit (COA) and bidder-representative/s on **the date and venue specified in the ITB**.
- 7) In case of a tie between two (2) or more Offers, the concerned bidders will be requested to submit a new Auction Tender/Offer Form at a price not less than the offered bids. The highest Offer shall be declared the Winning Tender/Offer.
- 8) After the declaration of the Winning Tender/Offer by the BBG-SM Disposal Committee, the concerned winner will be requested to pay in **CASH** the corresponding amount offered and present a proof of payment to the BBG-SM Disposal Committee.
- 9) The Bid Bond shall be considered as partial payment of the winning bidder. Bid bonds of losing bidders shall be returned upon presentation of the issued temporary receipt immediately after awarding of the winning bidder. Deferment of award shall not exceed five (5) working days from date of opening of bids.
- 10) In the event that a Winning Bidder, without justifiable cause, refused to accept the Notice of Award (NOA), if applicable, DBP shall forfeit the Bidder's Bid Bond and may proceed to process the second highest bid as the new Winning Bidder.
- 11) The Winning Bidder must complete the payment of their bid within **five (5) working days** from the date of the Public Bidding/Auction. Failure to do so will result in the **cancellation of the award and forfeiture of his Bid/Auction Bond. In case the Winning Bidder fails to pay in full during the period specified, the item/s will be awarded to the 2<sup>nd</sup> highest bidder, who shall have the same five (5) days period to pay in cash.**
- 12) The Winning Bidder/s shall, at his own expense, pull out the item/s from its present site within **seven (7) working days from the date of full payment OR after all the necessary documents have been signed by both parties and/or duly notarized**. After which, DBP shall no longer be responsible for any loss/damages on the item/s and may opt to forfeit the full payment and award of the item/s.
- 13) No-show of the Winning Bidder on the agreed date/schedule in hauling the items for two (2) consecutive times in a particular lot without properly informing DBP (in writing) ahead of time and without a valid reason will result to a forfeiture of the full payment and the award of the item/s.
- 14) Pull-out/hauling of items should be strictly coordinated with DBP. Request for schedule in hauling should be submitted to DBP **on or before 12:00 PM**, a day before the actual hauling of the items from the premises.
- 15) Transfer costs, registration fees, documentary stamp taxes and other expenses incidental to the sale, transfer and pull-out of the property/ies shall be for the account of the Winning Bidder.
- 16) The Winning Bidder shall be solely responsible for any and all injuries or damage to persons or property caused by it and/or of its service personnel assigned to undertake the actual hauling of the items. And that the DBP shall not be responsible for the death or injury sustained by the Winning Bidder's personnel while in the performance of their hauling activity. In case of such death, accident or damage, DBP is specifically relieved of any damage and responsibility, therefore.
- 17) Hauling should be undertaken **between 8:00 a.m. to 5:00 p.m. during regular working hours** except for items that shall be hauled by large vehicles, which will depend on the 'Truck Ban' being imposed by the LGU where the items are located (e.g. Davao Branch Office, Davao Warehouse, etc.).
- 18) Failure of Public Bidding/Auction shall be declared in the event of the following:
  - a. No auctions were received; or
  - b. Only one (1) bidder submitted a bid tender for each lot; or
  - c. All bidders failed to comply with the terms and conditions prescribed in the invitation to bid/auction; or
  - d. Complying bidders failed to meet the minimum bid price or Minimum Selling Price (MSP).
- 19) Withdrawal by the Bidder of his submitted Bid for any cause shall mean forfeiture of his Bid Bond in favor of DBP as liquidated damages.

- 20) DBP reserves the right to accept or reject any bid, declare a failure of bidding, annul the bidding process, reject all bids or not award the contract at any time prior to contract award, without thereby incurring any liability to the affected bidder/s. Further, DBP reserves the right to waive any minor defects and to accept the proposal most advantageous to the Bank. The decision of the Bank is final and binding.
- 21) DBP personnel who are directly involved or part of the Disposal Committee, and their families up to the 3<sup>rd</sup> degree of consanguinity and affinity, are ineligible to participate in the Public Auction/Bidding conducted by DBP.

**SIGNED**

ATTY. ELVIE E. ALBANO J.D.

Senior Asst. Vice President

Chairman, BBG Southern Mindanao Disposal Committee