



MAY 8, 2021

SUBJECT : INVITATION FOR NEGOTIATED PROCUREMENT

Under Bids and Awards Committee (BAC) Resolution No2021-0325B dated May 5, 2021, BAC approved to procure through Alternative Method of Procurement-Negotiated Procurement (Emergency Cases) under Section 53.2 of the Implementing Rules and Regulations (IRR) of Republic Act (R.A.) No. 9184, otherwise known as the "Government Procurement Reform Act." for the Procurement of High Flow Oxygen Therapy Machine with Nasal Cannula (Adult, Pediatrics, Neonate), per Department of Health issued Department Order No. 2020-0681 dated November 16, 2020, list and Approved Budget of Contract (ABC) as follows:

Item No.	Item	UNIT	Quantity	ABC (Php)	
				Unit Price	Total Amount
1	HIGH FLOW OXYGEN THERAPY MACHINE WITH NASAL CANNULA (ADULT, PEDIATRICS, NEONATE)	UNIT	5	PHP 500,000.00	PHP 2,500,000.00

In view of the foregoing, BAC invites your company to participate in the re-negotiation of the aforementioned project procurement in accordance with Section 53.2 of the Implementing Rules and Regulations (IRR) of Republic Act (R.A.) No. 9184, otherwise known as the "Government Procurement Reform Act." For more details on this project, please refer to the attached Schedule of Requirements and Technical Specifications (Annexes).

Should you wish to join in this endeavor, kindly submit the complete set of your Official Proposal until **12: 00pm 12TH of May, 2021 through Electronic Mail (email) at procurement.batmc@yahoo.com**

For further information, please feel free to contact the BAC Secretariat at (043) 740-8303 to 07 local 1129.

Please note that Batangas Medical Center reserves the right to accept or reject any offer, to annul the negotiation process, and reject all offers at any time prior to contract award, without thereby incurring any liability to the affected firms.

(Sgd.) ELIZABETH V. PALINES, MD, FPPS, FCNSP, FPNA

Chairman Hospital Bids and Awards Committee

**PROJECT: Procurement of High Flow Oxygen Therapy Machine with Nasal Cannula
(Adult, Pediatrics, Neonate)**

TOTAL ABC: TWO MILLION FIVE HUNDRED THOUSAND PESOS ONLY (Php 2,500,000.00) .

MODE OF PROCUREMENT: NEGOTIATED PROCUREMENT – EMERGENCY CASE SEC 53.2 OF R.A. 9184

LIST OF REQUIREMENTS:

A. ELIGIBILITY DOCUMENTS	
(i)	Mayor's or Business Permit (if expired, submit Official Receipt of renewal)
(ii)	Latest Annual Income Tax Return (if project is more than 500 Thousand)
(iii)	Net Financial Contracting Capacity (NFCC) (if project is more than 500 Thousand)
(iv)	Phil-GEPS Registration Certificate
B. TECHNICAL DOCUMENTS	
(i)	Omnibus Sworn Statement (See attached sample form)
C. FINANCIAL DOCUMENT	
(i)	Financial Proposal using attached Form

Omnibus Sworn Statement (Revised)

[shall be submitted with the Bid]

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

AFFIDAVIT

I, [Name of Affiant], of legal age, [Civil Status], [Nationality], and residing at [Address of Affiant], after having been duly sworn in accordance with law, do hereby depose and state that:

1. *[Select one, delete the other:]*

[If a sole proprietorship:] I am the sole proprietor or authorized representative of [Name of Bidder] with office address at [address of Bidder];

[If a partnership, corporation, cooperative, or joint venture:] I am the duly authorized and designated representative of [Name of Bidder] with office address at [address of Bidder];

2. *[Select one, delete the other:]*

[If a sole proprietorship:] As the owner and sole proprietor, or authorized representative of [Name of Bidder], I have full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for [Name of the Project] of the [Name of the Procuring Entity], as shown in the attached duly notarized Special Power of Attorney;

[If a partnership, corporation, cooperative, or joint venture:] I am granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for [Name of the Project] of the [Name of the Procuring Entity], as shown in the attached [state title of attached document showing proof of authorization (e.g., duly notarized Secretary's Certificate, Board/Partnership Resolution, or Special Power of Attorney, whichever is applicable)];

3. [Name of Bidder] is not "blacklisted" or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board, **by itself or by relation, membership, association, affiliation, or controlling interest with another blacklisted person or entity as defined and provided for in the Uniform Guidelines on Blacklisting;**

4. Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;

5. [Name of Bidder] is authorizing the Head of the Procuring Entity or its duly authorized representative(s) to verify all the documents submitted;

6. *[Select one, delete the rest:]*

[If a sole proprietorship:] The owner or sole proprietor is not related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical

Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

[If a partnership or cooperative:] None of the officers and members of *[Name of Bidder]* is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

[If a corporation or joint venture:] None of the officers, directors, and controlling stockholders of *[Name of Bidder]* is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

7. *[Name of Bidder]* complies with existing labor laws and standards; and
8. *[Name of Bidder]* is aware of and has undertaken the responsibilities as a Bidder in compliance with the Philippine Bidding Documents, which includes:
 - a. Carefully examining all of the Bidding Documents;
 - b. Acknowledging all conditions, local or otherwise, affecting the implementation of the Contract;
 - c. Making an estimate of the facilities available and needed for the contract to be bid, if any; and
 - d. Inquiring or securing Supplemental/Bid Bulletin(s) issued for the *[Name of the Project]*.
9. *[Name of Bidder]* did not give or pay directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.
10. **In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code.**

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of ____, 20__ at _____, Philippines.

[Insert NAME OF BIDDER OR ITS AUTHORIZED REPRESENTATIVE]

[Insert signatory's legal capacity]
Affiant

[Jurat]

[Format shall be based on the latest Rules on Notarial Practice]

Department of Health

TECHNICAL SPECIFICATIONS

NEGOTIATED PROCUREMENT EMERGENCY CASE SUPPLY AND DELIVERY OF HIGH FLOW OXYGEN THERAPY MACHINE WITH NASAL CANNULA (ADULT, PEDIATRICS, NEONATE)

PROCURING ENTITY	BIDDER'S OFFER	
Specification as Technical Offer	Specification as Technical Offer	BIDDER'S STATEMENT OF COMPLIANCE
<p>I. AIR/OXYGEN BLENDER</p> <p>A. Gas Blender</p> <ol style="list-style-type: none">1. Gas supply pressure: 30 -75 psi2. % oxygen concentration control: 21-100% $\pm 3\%$3. Flow range: Up to 60 l/min4. Pressure differential alarm: will alarm if pressure is less than 20 psi5. Connection for oxygen gas supply: Recessed and barbed fitting6. With replaceable air intake filter <p>B. Oxygen Monitor</p> <ol style="list-style-type: none">1. Oxygen measurement range: 0 -100% $\pm 3\%$2. High alarm range: 16 -100%3. Oxygen sensor useful life: at least 2 years4. Power supply: Battery operated or 220V, 60Hz <p>C. Flow Meter</p> <ol style="list-style-type: none">1. Flow meter range: a - 60 l/min2. Flow rate control: Continuous adjustable rotating knob3. Gas outlet connection must be recessed and barbed fitting		
<p>II. HUMIDIFIER</p> <ol style="list-style-type: none">1. Bubble-through humidification system2. Heat control range: 31- 37 °C3. With temperature display indicator4. Temperature alarm at $\pm 2^\circ\text{C}$ from the set patient temperature5. With plate overheat cut off		

PROCURING ENTITY	BIDDER'S OFFER	
Specification as Technical Offer	Specification as Technical Offer	BIDDER'S STATEMENT OF COMPLIANCE
<p>6. Water reservoir: at least 150 ml capacity and with a connection for sterile water container bag</p> <p>7. Graduated and transparent humidification bottle, unbreakable or shatter resistant. The graduation must show the minimum and maximum water level.</p> <p>8. Detachable cap made of metal or rigid and durable polymer with tube connections for the air/oxygen blender and for the heated inspiratory circuit</p> <p>9. With pressure relief valve at 45 cmH₂O</p> <p>10. With replaceable bacterial filter</p> <p>11. Power supply: 220V, 60Hz</p>		
<p>PHYSICAL DESCRIPTION:</p> <p>The high flow oxygen cannula equipment must be mounted on an IV pole stand with 4 anti-static and rust-free swivel wheels with two locking brakes and must be fitted with a movable arm holder for supporting patient breathing circuit.</p>		
<p>CONSUMABLES</p> <p>a. Breathing Circuit (75pcs)</p> <p>b. Pediatric HFT Nasal cannula small (20pcs)</p> <p>c. Adult/Child HFT nasal Cannula medium(25pcs)</p> <p>d. Adult HFT nasal cannula (25pcs)</p>		
<p>DELIVERY</p> <p>Must be delivered within thirty (30) calendar days from receipt of Purchase Order. In case the unit is not yet available, supplier must furnish a service unit.</p> <p>It is understood that the Contractor is legally responsible to deliver all issued Purchase Order/s and failure to deliver the first PO as scheduled shall mean automatic cancellation of the PO and Notice of Award (NOA). Upon Cancellation, the BAC shall proceed to qualify the second lowest bidder if applicable; or proceed to Negotiated Procurement. The winning contractor who failed to deliver shall shoulder the price difference (from the second lowest bidder) of the item in addition to the acquired liquidated damages.</p> <p>Swapping/Replacement of Equivalent items will not be tolerated and will be considered as a violation and shall be grounds for blacklisting. REASON: The Technical Working Group has evaluated the bid product. If the items will be swapped with another equivalent brand, thus no proper conduct of evaluation was made for the swapped product, putting BatMC at risk</p> <p>Before delivery, supplier must call the Materials Management Section for delivery coordination to avoid non-acceptance or delay in acceptance.</p>		

PROCURING ENTITY	BIDDER'S OFFER	
Specification as Technical Offer	Specification as Technical Offer	BIDDER'S STATEMENT OF COMPLIANCE
<p>Training: The supplier shall provide a training on the proper use and maintenance of the equipment to the end-users and to the hospital maintenance staff.</p>		
<p>Warranty certificate for two (2) years on services and 1 year warranty on parts. The supplier shall either repair or replace any item or part in the equipment that is found to be defective in material or in workmanship under normal use. The warranty period shall commence from the date of acceptance by the end-user after testing and commissioning.</p> <p>Supplier shall conduct the necessary corrective maintenance within five (5) calendar days upon notification of equipment breakdown from the end-user. Statement that the number of days where the equipment is unusable due to defective material workmanship, shall be added to the warranty period.</p> <p>Semi-Annual Preventive Maintenance within the warranty period.</p>		
<p>DOCUMENTATION</p> <p>Product brochure or technical data sheet(s) of the equipment showing the technical specifications in English language.</p> <p>The supplier must provide the end-user one (1) hard and one (1) soft copy of the following:</p> <ul style="list-style-type: none"> a. Service manual in English language b. Operations manual in English language 		

PROCURING ENTITY	BIDDER'S OFFER	
Specification as Technical Offer	Specification as Technical Offer	BIDDER'S STATEMENT OF COMPLIANCE
<p>SAFETY & STANDARD</p> <p>Valid and current Certificate of Compliance of manufacturer of the equipment with the latest version of ISO 13485: Quality Management System Requirements for regulatory purposes in the name of the manufacturer. The Certificates must be issued by an independent Certifying Body/Agency.</p>		
<p>ADDITIONAL REQUIREMENTS</p> <p>1. Valid Marketing Authorization, Registration Approval or Free Sale Certificate for the equipment issued by the Health Authority in the country of origin.</p> <p>2. List and address of the equipment manufacturer's branch office, sales office and/or distributor's office in Western Europe, USA (or Canada) or Japan.</p> <p>3. Valid Certificate of Distributorship (as first Tier Distributor) issued by the Manufacturer of the equipment authorizing the bidder to sell/distribute The offered equipment.</p> <p>4. Proof (such as sales invoice) that the Brand of the equipment has been sold to other health facilities in the Philippines.</p>		
<p>5. Certificate from the bidder:</p> <p>a. That the brand of the equipment has been in the local and/or international market for at least ten (10) years.</p> <p>b. That the equipment and its accessories are brand new, unused, not discontinued models and were not subjected to any product recall.</p>		

PROCURING ENTITY	BIDDER'S OFFER	
Specification as Technical Offer	Specification as Technical Offer	BIDDER'S STATEMENT OF COMPLIANCE
<p>6. Bidder's valid and current License to Operate (LTO) as a medical device distributor issued by the Philippine Food and Drug Administration. In case of expired LTO, the following must be submitted: i) Copy of expired LTO, ii) Application for renewal, iii) Official Receipt as proof of payment for the renewal of LTO</p>		
<p>7. Completion period: The delivery, installation, testing and commissioning of the equipment and its accessories, including the training of end-users and maintenance staff must be completed within 30 calendar days upon receipt of the Notice to Proceed.</p> <p>Testing: Prior to acceptance, the end user shall conduct a physical inspection and functionality test. The equipment must be functioning and must have no physical damage and defect.</p>		
<p>It is understood that the Contractor is legally responsible to deliver all issued purchase order/s and failure to deliver the Purchase Order as scheduled shall mean automatic cancellation of the PO and Notice of Award (NOA).</p> <p>Upon cancellation, the BAC shall proceed to qualify the second lowest bidder if applicable; or proceed to Negotiated Procurement. The Winning Contractor who failed to deliver shall shoulder the price difference (from the second lowest bidder) of the item in addition to the acquired liquidated damages</p>		

Name and Signature of Authorized Representative

(Sgd.) ELIZABETH V. PALINES MD, FPNA
BAC Chairman

Republic of the Philippines
Department of Health

FINANCIAL PROPOSAL

NEGOTIATED PROCUREMENT EMERGENCY CASE
SUPPLY AND DELIVERY OF HIGH FLOW OXYGEN THERAPY MACHINE
WITH NASAL CANNULA (ADULT, PEDIATRICS, NEONATE)

PROCURING ENTITY DESCRIPTION						BIDDERS OFFER	
SN NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL ABC (PHP)	UNIT COST	TOTAL COST
	HIGH FLOW OXYGENTHERAPYMACHINE with NASAL CANNULA (Adult, Pediatrics, Neonate)	UNIT	5	500,000	2,500,000.00		
				TOTAL BID AMOUNT			

Name and Signature
of Authorized Representative

Sgd. ELIZABETH V. PALINES MD, FPNA
BATANGAS MEDICAL CENTER
BAC CHAIRMAN