

**PHILIPPINE DEPOSIT INSURANCE CORPORATION
ROPA DISPOSAL COMMITTEE (RDC)**

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CONDITIONS OF BID

TO : ALL PROSPECTIVE BIDDERS

Sealed bids shall be accepted by the Philippine Deposit Insurance Corporation (PDIC) thru the Real & Other Properties Acquired (ROPA) Disposal Committee (hereinafter referred to as the "Committee") on December 19, 2011 from 9:00am to 2:00pm (PDIC time/No Extension) at the Training Room, 9th Floor, SSS Building, 6782 Ayala Avenue corner V.A. Rufino St., Makati City, for the sale of properties enumerated and described in the Invitation to Bid (Annex A) subject to the following terms and conditions:

A. SUBJECT OF THE BID

Bid shall be for the sale of various acquired assets of PDIC as enumerated and described in Annex A. PDIC reserves the right to withdraw without prior notice any or all of the properties offered for sale anytime before the deadline for submission of bids.

B. BID AMOUNT

The amount of bid for each property shall not be lower than the minimum disposal price, as indicated in Annex A. Otherwise, the bid shall automatically be disqualified.

C. TERMS OF SALE

1. **The sale shall be for CASH and on "As-Is-Where-Is" basis.**

The term "As-Is-Where-Is" shall refer not only to the description and physical condition of the property and its contents or inclusions at the time of the bidding, if any, declared to be part of the sale, but also to the condition of the title of the property or other evidence of ownership and the extent and state of whatever rights, interests and participation over the property PDIC may have at the time of the bidding.

The term "As-Is-Where-Is" shall also include the winning bidder's assumption of all unpaid taxes, fees and/or expenses, such as, but not limited to capital gains tax or creditable withholding tax, whichever is applicable, documentary stamp tax, registration and transfer fees, association or condominium fees and/or assessments, and all other expenses and charges in order to, as applicable, cause the transfer of the title to the winning bidder.

PDIC shall not be liable in any way for the presence of any unauthorized person or illegal occupant on the property or removal of any structure, improvement, receptacle and waste, if any, it being clearly agreed upon

that it shall be the responsibility of the winning bidder, at his/her/its own expense, to evict/clear said illegal occupant, structure, receptacle and waste from the premises. Identification, location and survey of the property shall be the responsibility of the winning bidder at his/her/its sole expense. The winning bidder shall be responsible in taking steps to verify all disclosures on the property against its actual condition, size, area, shape and other description.

2. **Currency.** All bids shall be expressed in Philippine Currency only.

3. **Bid Bond/Deposit**

- a. Each bid shall be accompanied by a bond/deposit equivalent to at least ten percent (10%) of the submitted bid, which shall be in the form of cash or Manager's or Cashier's Check (or a combination thereof) issued by a universal or reputable commercial bank payable to the **Philippine Deposit Insurance Corporation For the Account Of (the Bank Under Liquidation)**. If the bid is declared as the winning bid, the bond/deposit shall be applied to the purchase price. However, in the event the winning bidder fails to comply with any terms and conditions of the award, the bid bond/deposit shall be forfeited in favor of closed bank.
- b. If the bid is a losing bid, the bond/deposit shall be returned as soon as possible after the bidding without interest.
- c. Bid bond/deposit in the form of personal and/or corporate checks are not acceptable.

4. **Payment of Balance**

- a. The bid bond/deposit of the winning bidder shall be applied to the purchase price.
- b. The winning bidder shall pay the balance of the bid price/purchase price, within seven (7) working days after the bidding date.
- c. The payment may be made directly to the PDIC Cashier counter at the 8th floor of the abovesited PDIC Ayala office or may be remitted on-line with any Philippine National Bank branch by accomplishing the PNB Bills Payment Slip indicating the following:

Name of Institution : PDIC BURL
Subscriber's Name : Name of Bidder
Reference : Name of Closed Bank

Note: Reference number - 2948500011 shall automatically register in the payment slip

Send a fax of the duplicate PNB Bills Payment Slip to the RDC Secretariat thru telefax number (02) 841-4731.

- d. If the winning bidder fails to pay the balance of the bid price within the prescribed period, the award shall automatically be cancelled and his/her/its bid bond/deposit shall be forfeited in favor of closed bank.

D. QUALIFIED BIDDER

1. Bids shall be accepted from Filipino citizens only, or from corporations or associations at least sixty percent (60%) of whose capital is owned by Filipino citizens.
2. Bids shall be accepted from direct buyers only.

E. RESPONSIBILITIES OF BIDDERS

1. The PDIC sells only whatever rights, interest and participation it may have on the properties and the bidder is charged with full knowledge of the nature and extent of said rights, interest and participation.
2. The bidder represents and acknowledges that he/she/it has examined the property and verified its title and other documents relative thereto and shall hold PDIC free and harmless from liabilities arising from the sale of said property.
3. The bidder represents and acknowledges to have full knowledge of any and all unpaid capital gains taxes, withholding taxes, documentary stamp taxes, transfer taxes, registration fees and holds him/her/itself solely liable for the payment thereof.
4. The bidder represents and acknowledges to have full knowledge of any and all unpaid real property taxes, condominium/association/ membership dues, utility bills and other assessments due on the property and holds him/her/itself liable for the payment thereof.
5. The descriptions of the properties and the disclosures in Annex A are based only on available records of PDIC. The bidder shall be responsible for taking steps to verify the actual condition of the property, title or other evidence of ownership, the existence of any lien, and the size and area.
6. By submitting a bid, the bidder agrees to enter into and be bound by the provisions of the Conditions of Bid. Any bid received that is (or purports to be) conditional, including any alteration to the Conditions of Bid, shall be considered ineligible and shall be rejected.
7. Each bidder is responsible for the proper preparation and submission of his/her/its bid. PDIC or any of its officers or employees shall not be responsible for mistakes in the completion or submission of bids.

F. SUBMISSION OF BIDS

1. Bidders/observers are advised to bring proper identification (ID) with photo which shall be required for entry to the bidding area. Bidders are also advised to come one (1) hour earlier than the 2:00 p.m. (PDIC time) deadline for submission of bids to allow enough time for registration.

2. The bid must be in the prescribed form (Annex B) and signed by the bidder as follows:

- a. In case of individual bidders, the bidder him/herself shall sign the bid form or his/her representative duly authorized in a Special Power of Attorney (SPA) (Annex C) executed by the bidder and attached to the bid form.
- b. Bids coming from organizations not registered with the Securities & Exchange Commission shall be considered as bids from individuals, with all the officers/members signing the bid.
- c. In case of duly registered single proprietorship, the proprietor or his/her designated representative shall sign the bid form.

The following shall also be attached to the bid form:

- c.1. Copy of Department of Trade and Industry registration;
 - c.2. Copy of Mayor's Business Permit; and
 - c.3. Special Power of Attorney, if the proprietor shall be represented by another individual in the bidding.
- d. In case of duly registered corporations, associations, partnerships or other forms of organization, the person designated by the Board of Directors or the Partner to act for and on behalf of the organization with full powers and authority to participate in the bidding shall sign the bid form. The Secretary's Certificate (Annex D) executed by the Corporate Secretary, or its equivalent, certifying to the Board decision/s and authenticating the signature of the authorized representative shall be attached to the bid form.

In addition to the Secretary's Certificate, the following shall also be attached to the bid form:

- d.1. Copy of the Securities & Exchange Commission registration;
 - d.2. Copy of Mayor's Business Permit; and
 - d.3. Copy of Articles of Partnership or Incorporation, as the case may be.
2. The duly accomplished and signed bid form, together with the signed Conditions of Bid, the bid bond/deposit and the required attachments stipulated in Section F.1, as the case may be, must be in a sealed envelope and addressed to the PDIC ROPA Disposal Committee.
3. The sealed envelope must have the bidder's signature across its flap.

4. Bidders must register and drop their bids at the designated bid box starting at 9:00 a.m. (PDIC time) up to 2:00 p.m. (PDIC time) on the published bidding date. There shall be no extension on the submission of bids.
5. The holding of the bidding on the published date shall be cancelled in case of a declaration of a non-working day or due to fortuitous events. In which case, the bidding shall be held on the next working day at the same time and venue. If there are any bids registered and submitted prior to the declaration of a non-working day and before the opening of bids, these shall be returned unopened immediately after the announcement of the suspension of work.

G. OPENING OF BIDS

1. Only bids of registered bidders shall be opened for evaluation.
2. Modification/alteration/withdrawal/cancellation of bids shall not be allowed once a bid has been dropped in the designated bid box.

H. EVALUATION OF BIDS

1. The Committee shall determine compliance with Sections D and F.
2. After establishing the eligibility of the bidders, the Committee shall determine whether the eligible bidders submitted a complying bid.

A complying bid is the bid that meets the minimum disposal price, accompanied by the required bid bond/deposit in cash, Manager's or Cashier's Check (or a combination thereof) and meets all the other conditions stated herein. Any bid below the minimum disposal price, not accompanied by the required amount and/or form of bid deposit shall be disqualified automatically.

3. If there is only one complying bid, the Committee shall declare the lone bid as the winning bid.

In cases where the documents submitted by a lone bidder as required under Section F are deficient or defective, the Committee, may at its discretion, declare the bid most advantageous and conditionally award the property to the bidder subject to the completion or correction of the deficiency or defect. The bidder shall complete or correct the deficiency or defect not later than 5:00 p.m. (PDIC time) of the working day following the bidding date; otherwise, the bid bond/deposit shall be forfeited.

4. If there are several bids for the same property, the Committee shall evaluate and award to the highest complying bid.
5. In the event of a tie for the highest bid, the Committee shall resort to an open bidding (viva voce) on the same day to be participated in by the tied bidders only.

I. VIVA VOCE BIDDING

1. The viva voce bidding shall start not later than one and a half hours after the main bidding. The Chairperson shall designate a Bid Master from among the members of the Committee who shall conduct the viva voce bidding.
2. The starting bid price in the viva voce bidding shall be the tied price plus one percent (1%) or Php1,000.00, whichever is higher.
3. A bidder shall raise his/her hand if he/she wants to make a bid at the new price announced by the Bid Master.

The minimum amount to be added to the last bid price shall not be less than 1% or P500, whichever is higher.

4. The process continues until the last bid is declared the winning bid in the open bidding after the Bid Master has counted 3 times after the announcement of the last bid price and declare the bidding closed.
5. The winning bidder in the viva voce bidding shall pay an additional bid bond/deposit equivalent to at least 10% of the difference between the last bid price and the tied bid. The additional bid deposit shall be paid not later than 5:00 p.m. (PDIC time) of the following working day. Failure to pay the additional bid bond/deposit shall result in the cancellation of the award and forfeiture of his/her/its bid bond/deposit in favor of PDIC.
6. All other provisions in the Conditions of Bid for the main bidding shall apply to the viva voce bidding.
7. In case of a tie and one of the tied bidders is not present or his/her/its designated representative is unable to decide if the bidder is interested to participate in the viva voce bidding, the Committee shall award the property to the bidder present during the bidding at the starting bid price specified in Section I.2.

J. WINNING BIDDER

1. The Committee shall issue a "Certificate of Award" to the winning bidder on the day of the bidding.
2. A "Deed of Absolute Sale" or any other conveyance document covering the property sold shall be executed within ten (10) working days from receipt of full payment of the purchase price.
3. The winning bidder shall respect the leasehold rights existing on the property, if any, including the required period of notice of termination of the lease contract.
4. The winning bidder shall undertake the responsibility of acquiring and maintaining peaceful possession and enjoyment of the property without seeking the assistance of PDIC.

K. TAXES, FEES & EXPENSES

1. The winning bidder shall assume the payment of appropriate taxes, fees, charges and expenses in connection with the sale of the property and the transfer of the ownership to him/her/itself including, but not limited to capital gains tax or creditable withholding tax, whichever is applicable, documentary stamp tax, notarial fees, registration expenses, legal and research fund fees, entry fees and such other fees and expenses incidental to the execution and registration of the Deed of Absolute Sale.
2. All accrued taxes and charges on the property, and those accruing after receipt of the Certificate of Award, such as, but not limited to, realty taxes, electric and water bills, as well as special assessments, shall be for the account of the winning bidder.
3. For real estate properties whose titles are not yet transferred in the name of PDIC/closed bank, consolidation of the title shall be undertaken by the winning bidder and expenses for the same shall be for his/her/its account.

L. OTHER CONDITIONS

1. Violation of or non-compliance with the above conditions shall disqualify a bid, unless otherwise provided under Section H.3.
2. All decisions of the Committee shall be final and may not be subject of appeal.

If you are in conformity with the above terms and conditions, please sign on the space provided below and attach the original thereof to the bid form.

ROPA DISPOSAL COMMITTEE

By:

(signed)
CRISTINA QUE ORBETA
Chairperson

I read, understood and conform: _____

Bidder's Signature Over Printed Name