

PORT MANAGEMENT OFFICE FOR NCR SOUTH  
DISPOSAL COMMITTEE

**TERMS OF REFERENCE**

FOR THE

SALE AND DISPOSAL OF ONE (1) LOT OF UNSERVICEABLE PROPERTY AND WASTE MATERIALS TURNED OVER BY THE INTERNATIONAL CONTAINER TERMINAL SERVICES INC. (ICTSI) AND ASIAN TERMINALS, INC. (ATI) AS OF 31 JULY 2021 LOCATED AT ICTSI COMPOUND AND SOUTH HARBOR, MANILA ON AN "AS-IS-WHERE-IS" BASIS

**1. BACKGROUND**

The Port Management Office of NCR South (PMO-NCS), in line with its property and asset management program of the Philippine Ports Authority, is conducting sale and disposal through public auction of one (1) lot unserviceable properties comprising of decommissioned and aging equipment and salvage/scrap materials. These disposable properties are covered by the Disposal Committee Resolution issued on 13 July 2021 and the Authority to Dispose issued by the PPA General Manager on 21 September 2021 (Annex A.1 and A.2).

**2. OBJECTIVE**

The unserviceable properties have exceeded their economic value for their productive and safe utilization. The government estimated spending for repair, reconditioning and more frequent maintenance work outweighs the safe and beneficial service of equipment. On the other hand, scrap and salvage materials are occupying more spaces than the allocated storage areas.

There is a need for the disposal of the above-mentioned unserviceable properties and salvage materials to avoid further deterioration of government assets, make spaces at the limited storage areas at the PMO premises and generate fair return for the government from the sale proceeds.

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### 3. SCOPE OF PUBLIC AUCTION

Public auction for the sale and disposal of turned over properties to PPA Port Management Office NCR South by "lot" is covered with Inspection and Inventory Report of Unserviceable Property (IIRUP) consisting of the following:

- 3.1 One hundred seventeen (117) items of decommissioned/ obsolete equipment from ICTSI
- 3.2 Twenty-seven (27) units of disposable rubber fenders and various salvage/waste materials from Rehabilitation Project of Piers 3, 5, 9 and 15 from ATI.

### 4. MODE OF SALE AND DISPOSAL

The auction shall be on "**AS-IS, WHERE-IS**" basis.

- 4.1 A bidder/s shall bid on ALL items of one (1) lot unserviceable properties and salvage/waste materials.
- 4.2 The bidder shall provide all necessary resources and organize all attendant activities for the removal and hauling of unserviceable properties from the port premises within the duration of one hundred twenty 120 calendar days from the issuance of Notice to Proceed (NTP) and Release Order. For this purpose, a Work Schedule shall be prepared and submitted and shall form as an integral part of the Bid.
- 4.3 The winning bidder shall be allowed to remove and withdraw all items in batches provided that the entire lot shall be withdrawn from the port premises at the end of the work period. Otherwise, a storage fee shall be charged for each day of delay in the amount of five hundred pesos (PhP500.00) or one hundred pesos (PhP100.00) per square meter of occupied area at the port, whichever is higher.
- 4.4 All items not removed/withdrawn from the port premises thirty (30) calendar days after the end of work duration shall be disposed in a manner as may be prescribed by the Disposal Committee and all payments that has been made by the bidder to PMO-NCS in connection with the auction shall be forfeited in favor of the Authority.
- 4.5 It shall be understood that the participating bidders have inspected and assessed the subject unserviceable properties located at MICT

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Compound, South Access Road, Delpan, Tondo, Manila and South Harbor, Port Area, Manila.

## 5. PRE-BID ACTIVITIES

- 5.1 Inspection of items to be bid shall be scheduled and conducted in coordination with MICT Management and the PMO NCR South Disposal Committee or its duly designated representative.
- 5.2 Pre-bid conference shall be held to provide bidders the opportunity to clarify from the Disposal Committee any issues regarding the bidding.
  - 5.2.1 *An interested bidder's representative attending the pre-bid conference should present a written authorization showing that he/she is authorized to represent the Company in the pre-bid conference.*
  - 5.2. *At the pre-bid conference, only those who purchased the Bidding Documents shall be allowed to raise or submit written queries/clarifications.*

## 6. PREPARATION OF BID

- 6.1 Bids shall be prepared on the **prescribed Bidding Forms** and in strict compliance with the requirements as indicated in the INSTRUCTIONS TO BIDDERS. Bids that are not in accordance with the prescribed form or unsigned shall be considered invalid and shall automatically be disqualified. Erasures/modifications, if any, must be duly initialed by the bidder.
- 6.2 The bid price shall be inclusive of twelve percent Value-Added Tax (12% VAT).
- 6.3 The prospective bidder shall submit a bid for ALL of the Schedules to be disposed, in accordance with what is indicated in Section 3.4 of the ITB.
- 6.4 Bid Security/Bond in the form of cash, Manager's/Cashier's Check inclusive of VAT shall be submitted together with the bid proposal in the amount of ONE HUNDRED THOUSAND PESOS (PhP100,000.00) or ten percent (10%) of the Bid Proposal, whichever is higher. The same shall be returned to non-winning Bidders immediately upon conferment of Notice of Award to the winning Bidder. The Bid Bond of the winning bidder shall be non-refundable, and shall be considered as initial payment for the auctioned items per Section 4.6 of the ITB.

## 7. SUBMISSION, OPENING OF BIDS AND AWARD

- 7.1 There should be at least one (1) submitted bid for the public auction to proceed.
- 7.2 Bid proposal submitted late shall be not be accepted. The Bidder or its Representative authorized thru a Special Power of Attorney shall register with the Secretariat by signing in the Bidder's Register Sheet before dropping its sealed Bid Tender at the designated bid box on or before 10:00 AM, 22 November 2021, Monday at the Conference Room, PMO NCS 2F Admin. Bldg., South Harbor, Port Area, Manila.
- 7.3 A bidder maybe allowed to withdraw his tender before the time of the opening of bids and shall be returned unopened. Once the opening of bids started, no bidder shall be allowed to withdraw its tender.
- 7.4 The Disposal Committee shall open all bids received at the date, time, and place set in the Invitation to Apply for Eligibility and to Bid. Bidders or their authorized Representatives with Special Power of Attorney may witness the proceedings.
- 7.5 The Disposal Committee shall declare the highest Bidder the winner. Award shall be given to the highest complying Bidder and whose bid is not lower than the floor price as indicated in the bid form.
- 7.6 Should there be two or more Bidders who submit the same bid price for the bid unserviceable properties, the Authority reserves the right to make the award to the most advantageous/complying bid.
- 7.7 The winning Bidder shall be given the Notice of Award and Notice to Proceed, upon submission of Performance Bond in the amount of One Hundred Thousand Pesos (PhP100,000.00) in the form cash or Manager/Cashier's Check. No transfer of the award shall be honored by the Authority.
- 7.8 In cases when all submitted bids are lower than the floor price or when there is no Bidder for the unserviceable properties, the sale of unserviceable properties shall be subjected to rebidding.
- 7.9 PPA reserves the right to reject any or all bids, to waive any defect in the bids received and to accept such bid which is most advantageous to the Government.

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## 8. IMPLEMENTATION OF DISPOSAL ACTIVITIES

- 8.1 Withdrawal of all bid items may be done in batches and shall be made only during official working hours, Monday to Friday 8:00 AM to 5:00 PM and shall be allowed only when appropriately covered by Gate Passes issued by PPA-PMO NCR South representative/s duly designated by the Disposal Committee.
- 8.2 If warranted, only the winning bidder's authorized representatives with Special Power of Attorney may request for the extension time to withdraw the items from location/storage areas.
- 8.3 The winning bidder or his/her authorized representative with Special Power of Attorney is required to personally pay, withdraw and/or submit the request for extension of withdrawal of the awarded unserviceable properties.
- 8.4 The winning bidder shall shoulder all other incidental expenses, in addition to the purchase price, on the sale, removal and disposal unserviceable properties, including but not limited to the following:
- 8.4.1 Cost of knocking down and dismantling of the items using heavy lift equipment, inclusive of needed supplies, and labor for the loading and unloading.
  - 8.4.2 Cost of weighing, transport or hauling of the items by land and/or waterways including attendant loading and unloading.
  - 8.4.3 Cost of traffic management during the transport/disposal of items.
  - 8.4.4 Processing of Work Permits, bonds and insurance, clearance for environment, health and safety that maybe required by ICTSI, ATI, PPA and other regulatory agencies in the work area.
  - 8.4.5 Clearing/cleaning of vacated storage area and damages to government properties, if warranted.
- 8.5 No third-party liability of the winning bidder incurred for the acquisition of services, supplies and manpower by reason of executing the sale and disposal of auctioned items, shall be assumed by PPA-PMO NCR South.

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