

**ANNEX D – OTHER FORMS**

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ANNEX D-1: Omnibus Sworn Statement

OMNIBUS SWORN STATEMENT

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 power supplier or its affiliate, or consortium/partnership of power suppliers:* 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 the Short-Term Power Supply Agreement (PSA);

*If a power supplier or its affiliate, or consortium/partnership of power suppliers:* 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 Short-Term Power Supply Agreement (PSA), 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;
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 Third Party Bids and Awards Committee 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 (HoPE), members of the Third Party Bids and Awards Committee (TPBAC), the Technical Working Group, and the TPBAC 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 power supplier or its affiliate, or consortium/partnership of power suppliers:* None of the officers and members of [Name of Bidder] is related to the Head of the Procuring Entity (HoPE), members of the Third Party Bids and Awards Committee (TPBAC), the Technical Working Group, and the TPBAC 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 (HoPE), members of the Third Party Bids and Awards Committee (TPBAC), the Technical Working Group, and the TPBAC 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 following responsibilities as a Bidder:
- a) Carefully examine all of the Bidding Documents;
  - b) Acknowledge all conditions, local or otherwise, affecting the implementation of the Contract;
  - c) Made an estimate of the facilities available and needed for the contract to be bid, if any; and
  - d) Inquire or secure Supplemental/Bid Bulletin(s) issued for the Competitive Selection Process (CSP) for a New Power Provider/s (NPP/s) of OMECO to Supply Power in Mainland Occidental Mindoro through Short-Term Power Supply Agreement (PSA).
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 and OMECO in relation to any procurement project or activity and that it has not engaged in corrupt, fraudulent, coercive and collusive practices in competing for the Power Supply Agreement (PSA).
10. [Name of Bidder] or its affiliate, or consortium/partnership of power suppliers have not engaged in acts involving the following:
- a) If the bidder is found to have engaged in any anti-competitive behavior including but not limited to, cross-subsidization, price or market manipulation, or other unfair trade practices detrimental to the encouragement and protection of contestable markets under Section 45 of R.A. 9136;

*Occidental Mindoro Electric Cooperative, Inc.  
Competitive Selection Process for Short-Term Power Supply*

- b) If the bidder is found to have engaged in any Anti-Competitive Behavior and Other Unfair Trade Practices stated in Section 8, Rule 11 of the IRR of R.A. No. 9136;
- c) If the bidder is found to have a "conflict of interest" as a competitor consistent with the intent of Section 26-A (g) of PD. 269, an amendment to PD. 269 by R.A. 10531.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_ day of \_\_\_, 20\_\_ at \_\_\_\_\_, Philippines.

\_\_\_\_\_  
Bidder's Representative/Authorized Signatory

**SUBSCRIBED AND SWORN** to before me this \_\_\_ day of [month] [year] at [place of execution], Philippines. Affiant/s is/are personally known to me and was/were identified by me through competent evidence of identity as defined in the 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC). Affiant/s exhibited to me his/her [insert type of government identification card used], with his/her photograph and signature appearing thereon, with no. \_\_\_\_\_ and his/her Community Tax Certificate No. \_\_\_\_\_ issued on \_\_\_ at \_\_\_\_\_.

Witness my hand and seal this \_\_\_ day of [month] [year].

**NAME OF NOTARY PUBLIC**

Serial No. of Commission \_\_\_\_\_  
Notary Public for \_\_\_\_\_ until \_\_\_\_\_  
Roll of Attorneys No. \_\_\_\_\_  
PTR No. \_\_\_\_\_ [date issued], [place issued]  
IBP No. \_\_\_\_\_ [date issued], [place issued]

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ANNEX D-2: Acceptance of the Bidding Documents

ACCEPTANCE OF THE BIDDING DOCUMENTS

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Date:

Chairman  
Third Party Bids and Awards Committee  
Occidental Mindoro Electric Cooperative, Inc.  
M.H. Del Pilar St., Barangay Poblacion VI,  
San Jose Occidental Mindoro

Subject: Competitive Selection Process (CSP) for a New Power Provider/s (NPP/s) of  
OMECO to Supply Power in Mainland Occidental Mindoro through Short-Term  
Power Supply Agreement (PSA)

Sir:

We refer to the Bidding Documents issued in relation to the above subject.

[Bidder's name] hereby declares, represents and warrants that:

1. [Bidder's name] has read and understood each and every section and page of the Bidding Documents, the provisions, terms and conditions thereof and any amendment, supplement or modification thereto, including the Transaction Information Memorandum and Supplemental Bid Bulletins, and accepts and agrees to be bound and to fully abide by and comply with the terms and conditions thereof and any amendment, supplement or modification thereto as well as the decisions of the Third Party Bids and Awards Committee (TPBAC);
2. [Bidder's name] waives any right it may have to seek and obtain a writ of injunction or prohibition or restraining order against OMECO and TPBAC to prevent or restrain this Transaction or any proceeding related thereto, the holding of any other bidding or any proceeding related thereto, the selection of the Winning Bidder and the execution of the Power Supply Agreement. Such waiver shall, however, be without prejudice to the right of the undersigned to question the lawfulness of any disqualification or the rejection of their Bid by appropriate administrative or judicial processes not involving the issuance of a writ of injunction or prohibition or restraining order;
3. [Bidder's name] shall, at all times, comply with Philippine Law; and
4. [Bidder's name] unconditionally and irrevocably waives any defect, deviation, fault or infirmity in this Transaction and the whole process conducted by TPBAC.

(signature page follows) [Bidder's name] By:

Signature  
Printed Name  
Title/Designation



Witnessed by:

\_\_\_\_\_

\_\_\_\_\_

**ACKNOWLEDGEMENT**

REPUBLIC OF THE PHILIPPINES)  
[City] ) S.S.

BEFORE ME, a Notary Public, for and in the above jurisdiction, personally appeared the following:

NAME	GOVERNMENT ID NO.	DATE/PLACE ISSUED
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known to me and to me known to be the same persons who executed the foregoing Acceptance of the Bidding Documents consisting of two (2) pages including this page where the acknowledgment is written and they acknowledged to me that the same is their own free and voluntary act and deed and the corporation represented.

WITNESS MY HAND AND SEAL, on the date and at the place first above written.

NOTARY PUBLIC

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**ANNEX D-3: Confidentiality Agreement and Undertaking**

**CONFIDENTIALITY AGREEMENT AND UNDERTAKING**

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Date:

Chairman  
Third Party Bids and Awards Committee  
Occidental Mindoro Electric Cooperative, Inc.  
M.H. Del Pilar St., Barangay Poblacion VI,  
San Jose Occidental Mindoro

Subject: Competitive Selection Process (CSP) for a New Power Provider/s (NPP/s) of OMECO to Supply Power in Mainland Occidental Mindoro through Short-Term Power Supply Agreement (PSA)

Sir:

We refer to the Bidding Documents issued in relation to the above subject.

Capitalized terms used but not defined herein shall have the meaning given in the Bidding Documents.

"Confidential Information" as referred herein shall mean and include any and all information, whether written, oral or otherwise, concerning the business, operations, prospects, finances, or other affairs of the OMECO and the Bidders, their affiliate or consortium/partnership. Said information includes, without limitation, documents, product specifications, data, know-how, compositions, designs, sketches, photographs, graphs, drawings, past, current, and planned research and development, current and planned marketing or distribution methods and processes, customer lists, current and anticipated customer requirements, price lists, market studies, computer software and programs, database technologies, systems, structures and architectures, historical financial statements, business plans, financial projections and budgets, historical and projected sales, capital spending budgets and plans, current or prospective financing sources, the names and backgrounds of personnel, personnel training techniques and materials, and any portion or section of, or attachment to, the Bidding Documents, or other documents and materials prepared in connection with this Transaction, however such information is documented, that has been or may hereafter be provided, made available or shown to [Bidder's name] or is otherwise obtained from the review of the documents or properties of, and discussions with, the OMECO and the Bidders, their affiliate or consortium/partnership of power suppliers, by [Bidder's name], irrespective of the form of the communication or reproduction or storage, and also includes all notes, analysis, compilations, studies, summaries, and other materials prepared by [Bidder's name] containing or based, in whole or in part, on any information included in the foregoing.

The following information will not constitute "Confidential Information" for purposes of this Undertaking: (a) information which [Bidder's name] can prove was already in its possession and was available to it on a non-confidential basis prior to disclosure by the OMECO and/or the disclosing Bidders; (b) information which is obtained by [Bidder's name] from a third person which, insofar as is known to [Bidder's name], is not prohibited from disclosing the information under a contractual, legal or fiduciary obligation to [Bidder's name]; and (c)

information which is or becomes generally available to the public other than as a result of a breach of this Undertaking by [Bidder's name].

[Bidder's name] hereby declares, represents and warrants that:

1. [Bidder's name] acknowledges that, in connection with its receipt and acceptance of the Bidding Documents, including the Transaction Information Memorandum and Supplemental Bulletins, and its participation in the Transaction, it will have access to Confidential Information.
2. In consideration of its receipt of Confidential Information, [Bidder's name] warrants and undertakes that all Confidential Information shall be held and treated in strict confidence and shall not communicate, publish, sell, trade or otherwise disclose to anyone, except to its officers, directors, employees, advisors and consultants, and subsidiaries and affiliates and the latter's officers, directors, employees, advisors and consultants who need to know the Confidential Information for purposes of preparation and evaluation of the [Bidder's name]'s Bid and in connection with its participation in this Transaction and each of the aforementioned persons will be informed and advised by [Bidder's name] of the confidential nature of such information and the obligations under this Undertaking. Prior to making any such disclosures, however, [Bidder's name] shall obtain an undertaking of confidentiality, substantially in the same form and content as this Confidentiality Agreement and Undertaking, from each such person.
3. [Bidder's name] further warrants and undertakes that it will use the Confidential Information only to prepare and evaluate its Bid and to decide whether or not it will proceed with and participate in the Transaction.
4. [Bidder's name] acknowledges that the confidentiality obligations set forth in this document shall terminate three (3) years after date hereof or on the date on which disclosure is no longer restricted either under the applicable Philippine Law or under the terms and conditions specified in the Bidding Documents and the Power Supply Agreement.

[Bidder's name] By:

Signature  
Printed Name  
Title/Designation

Witnessed by:

\_\_\_\_\_

\_\_\_\_\_



**ACKNOWLEDGEMENT**

REPUBLIC OF THE PHILIPPINES)  
[City] ) S.S.

BEFORE ME, a Notary Public, for and in the above jurisdiction, personally appeared the following:

NAME	GOVERNMENT ID NO.	DATE/PLACE ISSUED
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known to me and to me known to be the same persons who executed the foregoing Confidentiality Agreement and Undertaking consisting of three (3) pages including this page where the acknowledgment is written and they acknowledged to me that the same is their own free and voluntary act and deed and the corporation represented.

WITNESS MY HAND AND SEAL, on the date and at the place first above written.

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**ANNEX D-4: Certification of Submission of Original or CTC**

**CERTIFICATION OF SUBMISSION OF ORIGINAL OR CERTIFIED  
TRUE COPIES OF DOCUMENTS AND AUTHORIZATION FOR  
TPBAC TO VERIFY SAID DOCUMENTS**

I, (NAME OF AUTHORIZED REPRESENTATIVE), of (Bidder's Name), with office address at \_\_\_\_\_ after having been sworn to according to law, hereby depose and state that:

I am the authorized representative of (Bidder's name) as per Board Resolution No. \_\_\_\_\_, dated \_\_\_\_\_, submitted in accordance with this Transaction;

1. (Bidder's name) is a company organized and existing under the laws of the Republic of the Philippines and is participating as a Bidder in this Transaction;
2. All of the documents submitted by (Bidder's name) in satisfaction of the Instructions to Bidders and submitted as part of this Transaction are originals or certified true and correct copies of the original document(s).
3. (Bidder's name) hereby authorizes the Third-Party Bids and Awards Committee (TPBAC) or its duly authorized representative/s to verify all of the documents submitted by (Bidder's name).

\_\_\_\_\_  
(AUTHORIZED REPRESENTATIVE)

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_ 2020 at \_\_\_\_\_ City, Philippines, the following who is personally known to me exhibiting to me the following:

Affiant	Competent Evidence of Identity	
	Type of ID	ID Number and Expiry Date

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**ANNEX D-5: Certification Regarding Relationship and Against Conflict of Interest**

**CERTIFICATION REGARDING RELATIONSHIP AND AGAINST  
CONFLICT OF INTEREST**

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I, (NAME OF AUTHORIZED REPRESENTATIVE), of (Name of Bidder) with office address at \_\_\_\_\_ after having been sworn to according to law, hereby depose and state that:

1. I am the authorized representative of (Bidder's name) as per Board Resolution No. \_\_\_\_\_, dated \_\_\_\_\_, submitted in accordance with this Transaction;
2. (Bidder's name) is a company organized and existing under the laws of the Republic of the Philippines and is participating as a Bidder in this Transaction;
3. (Bidder's name) will not submit more than one Bid in this bidding process;
4. (Bidder's Name):
  - (i) does not have the same legal representative as any other Bidder in this Transaction for purposes of this Bid;
  - (ii) has not participated as a consultant in the preparation of the design or technical specifications of the subject of the Bid; and
  - (iii) does not lend, or temporarily second, its personnel to firms or organizations which are engaged in consulting services for the preparation related to procurement for or implementation of the project, if the personnel would be involved in any capacity on the same project.
5. Further, none of (Bidder's name)'s officers is related to the head of OMECO by consanguinity or affinity up to the third civil degree or any of their officers or employees having direct access to information that may substantially affect the result of the Bidding, such as, but not limited to, the members of the TPBAC- Technical Working Group (TPBAC-TWG), the members of the Third Party Bids and Awards Committee (TPBAC), the TPBAC Secretariat and OMECO Board of Directors and Management.
6. (Bidder's name) acknowledges and accepts that relationship of the nature described above or failure to comply with the foregoing provisions will result in the rejection of (Bidder's name) Bid.

\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE



*Occidental Mindoro Electric Cooperative, Inc.  
Competitive Selection Process for Short-Term Power Supply*

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_ 2020 at \_\_\_\_\_ City, Philippines, the following who is personally known to me exhibiting to me the following:

Affiant	Competent Evidence of Identity	
	Type of ID	ID Number and Expiry Date

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**ANNEX D-6: Certification Against Blacklisting and Graft and Corrupt Practices**

**CERTIFICATION AGAINST BLACKLISTING AND GRAFT AND CORRUPT PRACTICES**

I, (NAME OF AUTHORIZED REPRESENTATIVE), of (Bidder's Name) with office address at \_\_\_\_\_ after having been sworn to according to law, hereby depose and state that:

1. I am the authorized representative of (Bidder's name) as per Board Resolution No. \_\_\_\_\_, dated \_\_\_\_\_, submitted in accordance with this Transaction;
2. (Bidder's name) is a company organized and existing under the laws of the Republic of the Philippines and is participating as a Bidder in this Transaction;
3. (Bidder's name) is:
  - a. Free and clear of all liabilities (including taxes, customs duties, among others) with the government.
  - b. Not "blacklisted" or barred from Bidding by the Government or any of its agencies, offices, corporations or LGUs, including its non-inclusion in the Consolidated Blacklisting Report issued by the Government of the Philippines (GOP) and the World Bank.
4. (Bidder's name) has never been engaged in nor will it at any time engage in corrupt, fraudulent, coercive and/or collusive practices in competing for contracts including, but not limited to, Power Supply Agreements (PSAs) beginning from the commencement of the transaction until the complete execution of all agreements, when applicable.
5. In accordance herewith, (Bidder's name) acknowledges and accepts the applicability to it of Section 39 of the Instructions to Bidders.
6. (Bidder's name) further understands and accepts that the Third Party Bid and Awards Committee will reject any Bidder and/or refuse award the PSA to such Bidder which it determines to have engaged in corrupt, fraudulent, coercive and/or collusive practices in any stage of this Transaction.
7. Finally, (Bidder's name) understands and accepts that the TPBAC may also declare a Bidder ineligible, either indefinitely or for a stated period of time, and may disqualify the Bidder outright if it determines that the said Bidder has engaged in corrupt or fraudulent practices at any time in the past.

\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE

*Occidental Mindoro Electric Cooperative, Inc.  
Competitive Selection Process for Short-Term Power Supply*

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_ 20\_\_ at \_\_\_\_\_ City, Philippines, the following who is personally known to me exhibiting to me the following:

Affiant	Competent Evidence of Identity	
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