

TERMS OF REFERENCE

SUPPLY AND DELIVERY OF ONE (1) UNIT BRAND NEW AIR-CONDITIONED BUS FOR THE OFFICE OF THE SOLICITOR GENERAL

I. Background

The Office of the Solicitor General (OSG) is an independent and autonomous office under the Office of the President. The OSG is headed by the Solicitor General who is the principal law officer and legal defender of the Government. In compliance with Republic Act (R.A.) No. 9184 known as the "Government Procurement Reform Act"¹, the OSG will be conducting a public bidding for the supply and delivery of one (1) unit brand new air-conditioned bus.

Under Department of Budget and Management Circular No. 2022-1 issued on 11 February 2022, the maximum seating capacity that may be acquisitioned is limited to buses with a maximum seating capacity of 47 passengers. In view of the Circular, the bus that will be procured by the OSG has only a maximum seating capacity of 47 passengers, including the driver.

II. Objective

The OSG's objective in procuring a brand new air-conditioned bus is to allow the office to transport more employees to and from the OSG office in Makati by establishing a new bus route. The bus is also intended to be used as transport of OSG employees for out-of-town official activities which cannot be accomplished by the existing bus fleet due to their city-oriented design and operation, *i.e.*, Supreme Court hearings in Baguio City.

III. Approved Budget for the Contract

The approved budget for the contract is PhP8,200,000.00.²

IV. Bidder's Qualifications

1. Bidder must have an ISO 9001:2015 & ISO 14001:2015;
2. Manufacturers experience in diesel engine must be a minimum of fifteen (15) years; and
3. Bidder must have own assembly plant in the Philippines.

¹ Section 1.

² To be charged against the OSG's 2022 FY Budget through the DOJ-OSG's Budget for FY 2022 General Appropriations Act, Republic Act No. 11639.

V. Deliverables

One (1) unit brand new air-conditioned bus with a maximum capacity of 47 passengers, including the driver.³ The bus should be able to travel to Baguio where oral arguments are held during the summer session of the Supreme Court, as well as similar places, with relative ease at full passenger capacity.

VI. Technical Specifications

1. Body:
 - 1.1 six (6) wheel heavy and long bodied motor vehicle with locally assembled or fully imported chassis and body; and
 - 1.2 Single deck.
 - 1.3 Dimension: (minimum)
 - Length = 11,000 (mm)
 - Width = 2,400 (mm)
 - Height = 3,400 (mm)
2. Engine and brake system:
 - 2.1 Diesel fed, direct injection, turbo-charged and intercooled, electronic control common rail type, with exhaust gas recirculation system (EGR);
 - 2.2 Water cooled engine;
 - 2.3 Emission compliant – EURO IV;
 - 2.4 Rear mounted engine;
 - 2.5 Engine displacement: minimum 7,500 cc but not to exceed 10000 cc, diesel; and
 - 2.6 Antilock Braking System.
3. Transmission:
 - 3.1 Speed: Minimum 5-Forward and 1-Reverse;
 - 3.2 Mechanical control with power shift.
4. Air-conditioning system and ventilation:
 - 4.1 Roof mounted aircon unit;
 - 4.2 R134a type refrigerant; and
 - 4.3 Adequate air vents for equal distribution of cool air.
5. Seating (max of 47 passengers, including driver):
 - 5.1 2x2 – 10 rows (for 40 passengers) plus 1 seat for driver;
 - 5.2 1 back seat (with seating capacity for 6 passengers;
 - 5.3 Reclining backrest; and
 - 5.4 Leatherette seat upholstery.

³ Annex "A", p. 4, Department of Budget and Management Circular No. 2022-1 dated 11 February 2022.

- 6.1 A/V Accessories, (Min. 24" LED TV);
- 6.2 Standard set of tools, includes one (1) hydraulic jack 10-tons, tire wrench early warning device;
- 6.3 One (1) 10 pound fire extinguisher;
- 6.4 Side view mirror;
- 6.5 Driver's sun visor;
- 6.6 Inside rear view mirror and;
- 6.7 Digital clock.

7. Paint/Design: White with OSG design decals.

8. Other requirements:

- 8.1 Warranty over the bus, including its peripherals, accessories for a period of one (1) year;
- 8.2 Free preventive maintenance for the first 120,000 kms or one (1) year, whichever comes first;
- 8.3 Free LTO registration for the first three (3) years; and
- 8.4 Free Third Party Insurance Liability Insurance for the first year.

VII. Delivery Schedule

1. The delivery of the bus must be made with office hours and on a regular working day within ninety (90) calendar days from receipt of the Notice to Proceed (NTP). In case of delay, the OSG shall impose a penalty of 1/10 of 1% of the value of the bus for each day of delay as liquidated damages.
2. The delivery must be made within office hours and on a regular working day on or before the stipulated date in the contract.
3. Should the specifications offered by a bidder become unavailable before being announced as the winner, said bidder may submit to the Solicitor General his/her proposed replacement bid for his approval. Provided that the specifications of the replacement bid should at least meet the minimum specifications set by the present TOR.

VIII. Inspection, Testing and Acceptance

1. The winning bidder warrants full after sales service and support during the warranty period. The winning bidder endeavors to repair/replace all reported defects within seventy-two (72) hours from receipt of notice from the OSG.
2. The OSG shall have the right to reject and return the unit as well cancel the contract if the unit delivered is defective, incomplete, or non-compliant with specifications specified herein.

IX. Terms of Payment

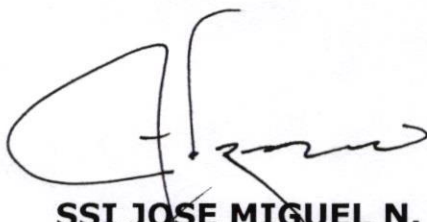
The OSG shall pay the winning bidder within thirty (30) calendar days upon submission and delivery by the latter of the bus, complete documents relative to the sale **and** certification by the proper OSG Committee of the Inspection and Acceptance Report.

Additionally, the OSG shall retain from the payment the amount equivalent of 1% of the accepted contract price to cover the winning bidder's warranty against manufacturing defects.⁴ The warranty over manufacturing defects shall be for a period of one (1) year starting from the sale and certification as stated in the immediately preceding paragraph.

Upon the expiration of the warranty period, the OSG shall release the retained amount to the winning bidder.


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⁴ Section 62, 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.