



NOTICE OF PUBLIC AUCTION

Pursuant to the provisions of Section 1139 to 1151 of the Customs Modernization and Tariff Act (CMTA), in relation to CAO 03-2020 dated January 8, 2020, and other relevant Customs Laws, rules and regulations, there will be Public Auction Sale through Sealed Bidding to be conducted by the **Auction and Cargo Disposal Division, Port of NAIA** on:

PUBLIC AUCTION : 27 DECEMBER 2021, MONDAY

Opening of sealed bids : 10:00 A.M.
Place : Conference Room, 3rd Floor
NAIA Customs House Building
Old MIA Road, Pasay City

Public Viewing of Goods will be available to all qualified bidders on: **December 22, 2021, Wednesday, 10:00 A.M.- 02:00 P.M. at Conference Room, 3rd Floor NAIA Customs House Building**

<p>Sale Lot No. 010-2021</p> <p>Consignee: RRG FREIGHT SERVICES AWB #: 607-90069066 Decree: S.I. No. 080-2020 Arrival date: July 31, 2020</p> <p><u>Floor Price: Php 5,663,892.00</u></p>	<p>ASSORTED LUXURY GOODS (CLOTHES, SHOES, TABLEWARES, BAGS, ACCESSORIES)</p> <p>“AS IS WHERE IS” Location: Paircargo Warehouse Facility, Pasay City, NCR</p>
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Terms and Conditions of Public Auction:

1. Filing of Bidder’s Registration Form should be made at least within two (2) days prior to the conduct of public auction. The Bidder’s Registration Form should indicate the Bidder’s Name, address, TIN, and contact number to be submitted together with photocopies of Income and/or Business Tax Returns duly stamped and received by the Bureau of Internal Revenue (BIR) and with a validated tax payment made thereon.
2. Once the Bidder’s Registration Form is accepted and approved, the registered Bidder shall pay the Registration Fee in the amount of Php 5,050.00 to the designated Customs Cashier. If the registered Bidder represents a Company or Corporation, he or she should submit a Secretary’s Certificate or Special Power of Attorney authorizing the Registered Bidder to act for and in behalf of the Company or Corporation. The Registration Fee is not refundable and shall be reported as part of the collection performance of the ACDD in the conduct of the public auction.
3. On the day of the auction sale, the registered Bidder’s shall sign in the Bidder’s Logbook, indicating their names, addresses, and TIN and their signatures to ascertain the actual participants in the public auction. Registration shall be closed one hour before the actual conduct of the auction sale.
4. Each registered Bidder is required to post a Cash Bond in a proportionate amount based on the floor price of the lot or lots which the registered bidder/s intends to bid in compliance with CAO 04-2016. Said Cash Bond shall be returned to the non-winning registered Bidder after the conduct of the public auction sale.



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

FLOOR PRICE				Rate of Cash Bond
Not Over	Php 10,000.00			None
Over	Php 10,000.00	but not over	Php 1,000,000.00	20%
Over	Php 1,000,000.00	but not over	Php 2,500,000.00	15%
Over	Php 2,500,000.00	but not over	Php 5,000,000.00	10%
Over	Php 5,000,000.00			5%

5. Once the winning Bidder for a particular lot is announced and certified to by the Auction Committee and confirmed by the COA representative, he/she shall immediately pay 50% of the winning bid price to the Customs Cashier, and the remaining 50% shall be paid in the next succeeding business day.
6. Payment for bid prices should be in Cash, and/or Manager’s or Cashier’s Check, with the following notation:

**“PAY TO THE ORDER OF LBP-BOC NAIA BRANCH, FOR CREDIT OF THE BUREAU OF CUSTOMS, FOR THE ACCOUNT OF _____
(Name of Winning Bidder)”.**
7. The auction shall be conducted through sealed bids, which shall be submitted and opened in public by the Auction Committee at a time, date and place specified in the Notice of Auction Sale.
8. The highest bid shall be declared as the winner except when clustering occurs. Clustering occurs when the difference between the highest and the second highest bid is within ten percent (10%) of the highest bid. In such case, an open-bidding shall be conducted among the bidders of the particular sale lot who are present with the highest bid serving as the new floor price. Only bids raised by three percent (3%) more than the new floor price shall be considered and the highest bid in the open-bidding shall be declared as the winner. Otherwise, the highest sealed bid shall be declared as the winner.
9. In case there is a tie for the highest bid, the subject item or lot shall be subjected to another auction through sealed bids among the tied bidders. In case of another tie, the winner shall be determined by toss coin.
10. A failed bidding shall be declared by the Auction Committee when any of the following circumstances occurs:
 - a. When there is only one sealed bid, the same shall not be opened;
 - b. When there are two sealed bids but there is only one bid higher than the floor price;
 - c. When the highest bidder fails to comply with any of the payments required in Section 9 thereof, said bidder shall be disqualified from participating further in the auction sale and when applicable, the negotiated sale thereof without prejudice to the forfeiture of the cash bond and any payment made and imposition of other sanctions as may be warranted.
11. When a failed bidding is declared, the item or sale lot shall be re-offered after five (5) calendar days upon publication in the official website and/or social media page of the Bureau and posting in a conspicuous place of the port. In case of Perishable Goods, the second auction shall be conducted after three (3) calendar days from posting.
12. When the winning bidder fails to claim the items or lots awarded to him within thirty (30) calendar days from the date of award, upon due notice, he shall be deemed to have abandoned said goods and to have renounced all his rights thereto including forfeiture of all payments made thereon, except upon justifiable reasons, as determined by the District Collector, upon recommendation of the Auction Committee.



13. The sale lots subject of magna scale weighing shall be released only after they have undergone such weighing. Should the result of the *magna scale weighing* for a particular sale lot differ from the approximate weight of the said sale lot stated in this Notice, the following rules shall take effect:

A. Any weight found in excess of the approximate weight of the contents of those containers subject to *magna scale weighing* shall not be considered as part of the sale lot offered for auction, provided, however, that in case it is determined that there is excess weight, the winning bidder may purchase the excess weight at the pro-rated bid price per kilo of the winning bidder, provided further that the winning bidder shall purchase the whole weight of the excess articles and indicate his intention to do so within one day from discovery of the excess.

a.1 *Pro-rated* bid price per kilo shall mean the total bid amount given by the winning bidder during the bidding process divided by the published approximate weight of the sale lot. To compute for the total price to be paid for purchasing the whole sale lot, the formula to be used is as follows:

$$\text{Total amount to be paid} = \frac{\text{Bid Price}}{\text{Approximate Weight}} \times \text{Actual Weight}$$

To illustrate: Assuming that the winning bid price for Sale Lot Oxx-2015, which has a published approximate weight of 1,872,000 kilograms, is Php 50,000,000.00. If the sale lot, after being subjected to magna scale weighing, is determined to be heavier, say 1,900,000 kilograms and the winning bidder wishes to acquire the excess, he would have to pay a total of Php 50,747,863.25. The total amount has been arrived at by using the aforesaid formula, thus:

$$\text{Total Amount to be paid} = \frac{\text{Php } 50,000,000.00}{1,872,000 \text{ kgs}} \times 1,900,000 \text{ kgs.}$$

$$\text{Total Amount to be paid} = \text{Php } 50,747,863.25$$

a.2 Should the winning bidder decide to purchase the excess weight, he shall pay the amount for the excess weight within five (5) days from the demand thereof by the District Collector, or his duly authorized representative, otherwise, the excess quantity shall not be considered to have been sold and shall be offered for sale in the next public auction of the port.

14. In case the quantity determined after the *magna scale weighing* is less than the approximate weight in this Notice, the winning bidder shall be entitled to a proportionate adjustment of bid amount based on the actual weight. The same formula is illustrated in 11 a.1 shall be used in computing for the adjustment in the bid amount based on the actual weight.

15. Compliance of terms and conditions of the release of cargo by winning bidder like weighing, final counting etc.

16. Non-compliance with any of the terms and conditions of the Notice of Public Auction shall result in the forfeiture of any payments made by the winning bidder without prejudice to the forfeiture of the subject shipments in favor of the Government.

17. Release shall be supervised by ACDD, ESS, POS, OCOM, CIIS, IG, ODC and COA representatives.



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For further details, please contact **ROBERTO A. QUINTANA**, Acting Chief, Auction & Cargo Disposal Division, NAIA, through his Mobile Number **0917-530-1158 (Globe)**.

CARMELITA M. TALUSAN, CESE
District Collector, Port of NAIA