



COMMITTEE ON NEGOTIATED SALE

NOTICE OF NEGOTIATED SALE

Pursuant to Section 1149 of Republic Act No. 10863, otherwise known as the Customs Modernization and Tariff Act (CMTA) of 2016, and Customs Administrative Order (CAO) No. 03-2020, Customs Memorandum Order No. 26-2020, and other relevant issuances, as amended, the following article/item will be disposed of through NEGOTIATED SALE on an **“AS IS, WHERE IS BASIS.”**

NEGOTIATED SALE: 12 April 2023 (Tuesday)

- Submission of Offers : **12 April 2023 (8:00-12:00 NN)**
AEO, Conference Room, Port of Manila
- Opening of Offers : **12 April 2023 (1:00 PM)**
AEO, Conference Room, Port of Manila
- Pre-Offer Conference : **11 April 2023 (2:00PM)**
AEO, Conference Room, Port of Manila
- Public Viewing : Port of San Fernando
28 & 29 March 2023

| PORT OF SAN FERNANDO* | |
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| NEGOTIATED SALE LOT NO. | DESCRIPTION |
| 45-2023 LING KET ON (OWNER) ELMER U. BORDAJE (Philippine Agent) Decree: S-001-2018 Arrival Date: 19 September 2019 | MV YACHT SEAL Official No. 2132 Built: 2003 GRT:123 NRT:37 Call Sign: E5U3032 Type: Private Yacht Length: 26.86m Breadth: 30m Depth: 3.25 Partially Submerged |

TERMS AND CONDITIONS

1. The goods offered for Negotiated Sale shall be available for inspection on the date, time, and place indicated in the Notice. For further inquiry, please contact the Committee on Negotiated Sale (the “Committee”) thru Mr. Christian Tibo, Ms. Jean Kharren D. Mondragon, and/or Ms. Rachel Figuro at nsc.boc@gmail.com.

For public viewing, please contact the following BOC personnel:

Port of San Fernando: Ms. Ruth M. Joven 09194417667

2. There shall be a pre-offer conference to be held on the date, time, and place indicated in the Notice to clarify matters concerning the conduct of negotiated sale. All interested offerors are invited to attend.

3. On the date, time, and place for submission of offers as specified in the Notice, the offerors/participants shall submit all the documentary requirements to be placed in one (1) main sealed long brown envelope as indicated in Item No. 5 herein. On the face of the **main sealed envelope**, the following details must be clearly indicated:

- a) Name of the offeror/participant;
- b) Name of the authorized representative, if applicable;
- c) Contact number of the offeror/authorized representative;
- d) Email address of the offeror/authorized representative; and
- e) The sale lot number/s of the good/s in which offer/s is/are being made.

Inside the main sealed envelope mentioned above, participants shall insert separate sealed envelopes, as follows:

- a) The first sealed envelope shall contain the eligibility requirements enumerated above (please refer to Item No. 5); and
- b) The **succeeding envelope/s** shall contain the offer/s. The offer/s must be signed by the offeror/participant or its/his/her duly authorized representative clearly indicating the AMOUNT, both in FIGURES and in WORDS, and the LOT NUMBER in which an offer is made. Should the offeror/participant be interested in making an offer for more than one sale lot, each of the offers shall be made in separate sealed envelopes. The individual sealed envelope containing the offer must indicate in its outer portion, the sale lot number of the goods in which an offer is being made.

No offer to buy will be entertained if submitted after the time and date indicated herein.

4. The Committee shall open the offers on the time, date, and place as indicated in the Notice. The presence of the Offeror/s or its/his/her duly authorized representative during the opening of the sealed offers is required. Otherwise, the offer of the said person or entity shall not be considered.

5. **Documentary Requirements**

- a) Tax Identification No. (TIN);
- b) Official receipt on the payment of a non-refundable Registration Fee of Php2,000.00 and Legal Research Fee of Php20.00;
- c) Latest income and/or Business Tax Returns duly stamped and received by the Bureau of Internal Revenue and validated with the payment made thereon;
- d) Government issued Identification Card of the participant/offeror or its/his/her duly authorized representative;
- e) Clearance or registration from the concerned government agencies, in case of regulated goods;
- f) For single proprietorship:
 - i. Department of Trade and Industry Registration Certificate;
 - ii. Special Power of Attorney of the person authorized to represent, offer, and enter into a sale and execute all necessary documents on behalf of the participant/offeror;
 - iii. Affidavit executed by the participant/offeror declaring as follows:

The proprietor or his officers are not related to any of the following:

- The Chairperson, member and secretariat of the Negotiated Sale Committee, within third civil degree of consanguinity or affinity; and
- The consignee (if applicable) of the seized and forfeited shipments.

For partnership, corporation, joint venture and cooperative:

- Articles of Incorporation/Partnership and General Information Sheet;
- Special Power of Attorney (in case of partnership) or Secretary's Certificate (in case of corporation, joint venture and cooperative), evidencing authority of its representative to offer, enter into sale, and execute all necessary documents on behalf of the participant/offeror;
- Affidavit executed by the participant/offeror, through its duly authorized representative who shall be either an officer or director, declaring as follows:

None of its officers, directors, members, stockholders, and partners, as the case maybe, are related to any of the following:

- The Chairperson, member, and secretariat of the Negotiated Sale Committee, within third civil degree of consanguinity or affinity; and
- The consignee (if applicable) of the seized and forfeited shipments.

- The documentary requirements and offer shall be signed in each page thereof and placed in an envelope to be sealed and signed by the participant/offeror.

Failure to submit any of the requirements enumerated above shall automatically disqualify the participant/offeror from participating further in the negotiated sale.

- The offerors/participants whose offer is considered to be the most advantageous to the interest of the government shall be required to pay a guarantee cash deposit in the amount equivalent to twenty percent (20%) of the offer within twenty-four (24) hours from receipt of the Notice of Acceptance of the offer by the Committee, which shall be deposited in a special trust account, prior to referral to the Secretary of Finance for consideration. For this purpose, the District Collector shall open a special trust account. Non-compliance herewith shall automatically disqualify the participant from participating further in the Negotiated Sale.

The eighty percent (80%) remaining balance shall be paid in full within forty-eight (48) hours from receipt of the notice from the Committee of the approval of the offer/s by the Secretary of Finance.

- A negotiated sale shall be declared as a failed bidding by the Committee when any of the following circumstances occurs:
 - When there is no offer;
 - When the highest offeror fails to comply with any of the payment required under Sec. 8.5 of CAO No. 03-2020, said Offeror shall be disqualified from participating further in 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; or
 - When the Department of Finance disapproves or rejects the offer of the Offeror.

8. Upon full payment and presentation of the official receipts evidencing payments of the bid price subject of negotiated sale, the Secretariat shall issue a Notice of Award and shall forward the records of the District Collector having jurisdiction over the goods.

The government reserves the right to reject any or all offers, waive, and require formalities, and accept offers most advantageous to the interest of the government pursuant to Section 1149 of the CMTA and CAO No. 10-2007, as amended.

Issued this 6th day of March 2023, Manila.


ATTY. EDWARD JAMES A. DY BUCO
Deputy Commissioner, RCMG
Chairman, Committee on Negotiated Sale