



Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Office of the Deputy Ombudsman for the Military
and Other Law Enforcement Offices
Agham Road, Diliman, Quezon City, 1101

PB-2017-03

SUPPLEMENTAL/BID BULLETIN NO. 1

29 June 2017

PB 2017-03

**AMENDMENTS TO THE BIDDING DOCUMENTS OF THE PUBLIC BIDDING
OF THE 2ND QUARTER GENERAL OFFICE SUPPLIES FY 2017 FOR THE
OFFICE OF THE DEPUTY OMBUDSMAN FOR THE MILITARY AND OTHER
LAW ENFORCEMENT OFFICES (OMB-MOLEO)**

As discussed during the Pre-Bid Conference held on 28 June 2017, the Office of the Deputy Ombudsman for the Military and Other Law Enforcement Office (OMB-MOLEO) Bids and Awards Committee hereby amends the originally issued Bidding Documents to conform to the issued Revised Philippine Bidding Documents¹ and to the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184.

All prospective bidders are hereby advised that the Bidding Documents for this procurement project are hereby amended, and that the attached Amended Bidding Documents shall be used in the current bidding process.

Moreover, prospective bidders are hereby being informed to note the following crucial changes, among others, to the bidding documents:

INVITATION TO BID

2. xxx

Delivery of goods and services is required within **fifteen (15) calendar days after receipt of the Notice to Proceed**. Bidders should have completed, **within five (5) years** from the date of submission and receipt of bids, a contract similar to the Project, equivalent to at least fifty percent (50%) of the ABC. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II, Instruction to Bidders.

INSTRUCTIONS TO BIDDERS

5. Eligible Bidders

xxx

5.5 The Bidder must submit a computation of its Net Financial Contracting Capacity (NFCC), which must be at least equal to the ABC to be bid, calculated as follows:

NFCC = [(Current assets minus current liabilities) (15)] minus the value of all outstanding or uncompleted portions of the projects under ongoing contracts, including awarded contracts yet to be started, coinciding with the contract to be bid.

The values of the domestic bidder's current assets and current liabilities shall be based on the latest Audited Financial Statements submitted to the BIR.

¹ Fifth Edition Philippine Bidding Documents issued on August 2016.

For purposes of computing the foreign bidders' NFCC, the value of the current assets and current liabilities shall be based on their audited financial statements prepared in accordance with international financial reporting standards.

If the prospective bidder opts to submit a committed Line of Credit, it must be at least equal to ten percent (10%) of the ABC to be bid. If issued by a foreign universal or commercial bank, it shall be confirmed or authenticated by a local universal or commercial bank.

12. Documents Comprising the Bid: Eligibility and Technical Components

12.1 Unless otherwise indicated in the **BDS**, the first envelope shall contain the following eligibility and technical documents:

(a) Eligibility Documents –

Class “A” Documents:

- (i) PhilGEPS Certificate of Registration and Membership in accordance with Section 8.5.2 of the IRR, except for foreign bidders participating in the procurement by a Philippine Foreign Service Office or Post, which shall submit their eligibility documents under Section 23.1 of the IRR, provided, that the winning bidder shall register with the PhilGEPS in accordance with section 37.1.4 of the IRR.
- (ii) Statement of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; and

Statement of the Bidder's SLCC similar to the contract to be bid, in accordance with ITB Clause 5.4, within the relevant period as provided in the **BDS**.

The two statements required shall indicate for each contract the following:

- (ii.1) name of the contract;
 - (ii.2) date of the contract;
 - (ii.3) contract duration;
 - (ii.4) owner's name and address;
 - (ii.5) kinds of Goods;
 - (ii.6) For Statement of Ongoing Contracts - amount of contract and value of outstanding contracts;
 - (ii.7) For Statement of SLCC - amount of completed contracts, adjusted by the Bidder to current prices using PSA's consumer price index, if necessary for the purpose of meeting the SLCC requirement;
 - (ii.8) date of delivery; and
 - (ii.9) end user's acceptance or official receipt(s) or sales invoice issued for the contract, if completed, which shall be attached to the statements.
- (iii) NFCC computation in accordance with ITB Clause 5.5 or a committed Line of Credit from a universal or commercial bank.

Class “B” Document:

- (iv) If applicable, the Joint Venture Agreement (JVA) in case the joint venture is already in existence, or duly notarized statements

from all the potential joint venture partners in accordance with Section 23.1(b) of the IRR.

- (b) Technical Documents –
 - (i) Bid security in accordance with **ITB** Clause 18. If the Bidder opts to submit the bid security in the form of:
 - (i.1) a bank draft/guarantee or an irrevocable letter of credit issued by a foreign bank, it shall be accompanied by a confirmation from a Universal or Commercial Bank; or
 - (i.2) a surety bond, it shall be accompanied by a certification by the Insurance Commission that the surety or insurance company is authorized to issue such instruments;
 - (ii) Conformity with technical specifications, as enumerated and specified in Sections VI and VII of the Bidding Documents; and
 - (iii) Sworn statement in accordance with Section 25.3 of the IRR of RA 9184 and using the form prescribed in Section VIII. Bidding Forms.
 - (iv) For foreign bidders claiming eligibility by reason of their country’s extension of reciprocal rights to Filipinos, a certification from the relevant government office of their country stating that Filipinos are allowed to participate in their government procurement activities for the same item or product.

18. Bid Security

18.1 The Bidder shall submit a Bid Securing Declaration or any form of Bid Security in the amount stated in the **BDS**, which shall be not less than the percentage of the ABC in accordance with the following schedule:

Form of Bid Security	Amount of Bid Security (Not Less than the Percentage of the ABC)
(a) Cash or cashier’s/manager’s check issued by a Universal or Commercial Bank.	Two percent (2%)
(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	
(c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.	Five percent (5%)

The Bid Securing Declaration mentioned above is an undertaking which states, among others, that the Bidder shall enter into contract with the procuring entity and furnish the performance security required under ITB Clause 33.2, within ten (10) calendar days from receipt of the Notice of Award, and commits to pay the corresponding amount as fine, and be suspended for a period of time from being

qualified to participate in any government procurement activity in the event it violates any of the conditions stated therein as provided in the guidelines issued by the GPPB.

29. Post Qualification

29.2 Within a non-extendible period of five (5) calendar days from receipt by the bidder of the notice from the BAC that it submitted the Lowest Calculated Bid, the Bidder shall submit its latest income and business tax returns filed and paid through the BIR Electronic Filing and Payment System (eFPS) and other appropriate licenses and permits required by law and stated in the **BDS**.

Failure to submit any of the post-qualification requirements on time, or a finding against the veracity thereof, shall disqualify the bidder for award. Provided in the event that a finding against the veracity of any of the documents submitted is made, it shall cause the forfeiture of the bid security in accordance with Section 69 of the IRR of RA 9184.

33. Performance Security

33.2 The Performance Security shall be denominated in Philippine Pesos and posted in favor of the Procuring Entity in an amount not less than the percentage of the total contract price in accordance with the following schedule:

Form of Performance Security	Amount of Performance Security (Not less than the Percentage of the Total Contract Price)
(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	Five percent (5%)
(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	
(c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.	Thirty percent (30%)

BID DATA SHEET

ITB Clause	
1.2	The lot(s) and reference is: <i>PB-2017-03</i> xxx
2	The Funding Source is: The Government of the Philippines (GOP) through the <i>General Appropriations Act for CY 2017 in the amount of Six Hundred One Thousand Seven Hundred Twenty Five Pesos (Php 601,725.00) being the Approved Budget for the Contract.</i> xxx
Error! Referen	The Bidder must have completed, within five (5) years as specified in the Invitation to Bid and ITB Clause 12.1(a)(ii) , a single contract that is similar to this Project, equivalent to at least fifty percent

ce source not found.	(50%) of the ABC. xxx																		
12.1(a)	No further instructions. *** See Section 12.1 of Instructions to Bidders																		
12.1(a)(i)	The bidder's SLCC similar to the contract to be bid should have been completed within <i>five (5) years</i> prior to the deadline for the submission and receipt of bids.																		
13.1	The Financial Component shall contain the following: OMBUDSMAN BID FORM NOs. <u>2A and 2B</u> – Financial Proposal with Undertaking of the Supplier																		
13.1(c)	No additional requirements.																		
18.1	The bid security shall be in the form of a Bid Securing Declaration, or any of the following forms and amounts: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Object of Bidding</th> <th rowspan="2">Approved Budget for the Contract (ABC) In Php</th> <th colspan="2">AMOUNT OF BID SECURITY (Not less than % of the ABC)</th> </tr> <tr> <th>18.1.a. Cash or cashier's/manager's check issued by a Universal or Commercial Bank 18.1.b. Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank. TWO PERCENT (2%)</th> <th>18.1.c. Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security. FIVE PERCENT (5%)</th> </tr> </thead> <tbody> <tr> <td>LOT 1 – General Office Supplies</td> <td style="text-align: center;">332,325.00</td> <td style="text-align: center;">6,646.50</td> <td style="text-align: center;">16,616.25</td> </tr> <tr> <td>LOT 2 –Toners/Ink Cartridges compatible for Computer Printers (HP, Canon & Brother)</td> <td style="text-align: center;">269,400.00</td> <td style="text-align: center;">5,388.00</td> <td style="text-align: center;">13,470.00</td> </tr> <tr> <td>LOTS 1 & 2</td> <td style="text-align: center;">601,725.00</td> <td style="text-align: center;">12,034.50</td> <td style="text-align: center;">30,086.25</td> </tr> </tbody> </table>	Object of Bidding	Approved Budget for the Contract (ABC) In Php	AMOUNT OF BID SECURITY (Not less than % of the ABC)		18.1.a. Cash or cashier's/manager's check issued by a Universal or Commercial Bank 18.1.b. Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank. TWO PERCENT (2%)	18.1.c. Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security. FIVE PERCENT (5%)	LOT 1 – General Office Supplies	332,325.00	6,646.50	16,616.25	LOT 2 –Toners/Ink Cartridges compatible for Computer Printers (HP, Canon & Brother)	269,400.00	5,388.00	13,470.00	LOTS 1 & 2	601,725.00	12,034.50	30,086.25
Object of Bidding	Approved Budget for the Contract (ABC) In Php			AMOUNT OF BID SECURITY (Not less than % of the ABC)															
		18.1.a. Cash or cashier's/manager's check issued by a Universal or Commercial Bank 18.1.b. Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank. TWO PERCENT (2%)	18.1.c. Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security. FIVE PERCENT (5%)																
LOT 1 – General Office Supplies	332,325.00	6,646.50	16,616.25																
LOT 2 –Toners/Ink Cartridges compatible for Computer Printers (HP, Canon & Brother)	269,400.00	5,388.00	13,470.00																
LOTS 1 & 2	601,725.00	12,034.50	30,086.25																
28.3 (b)	Bid modification is not allowed.																		
29.2	Within a non-extendible period of five (5) calendar days from receipt by the bidder of the notice from the BAC that it submitted the Lowest Calculated Bid, the Bidder shall submit its latest income and business tax returns filed and paid through the BIR Electronic Filing and Payment System (eFPS) and the following licenses and permits: <ul style="list-style-type: none"> (i) SEC/DTI Registration; (ii) Valid & Current Mayor's Permit/ Municipal Licenses-Year 2017; (iii) Valid Tax Clearance per Executive Order 398, Series of 2005; (iv) VAT Registration and TIN (v) Any proof of enrollment in the Electronic Filing and Payments System (EFPS); (vi) Latest income and business tax returns; (vii) Certificate of PhilGEPS Registration; (viii) General Information Sheet (GIS) for CY 2016 or 2017; (ix) Company Profile and List of Clients; (i) Current DOST Certificate (Substance Test Result) – for Copy Papers; (x) Written Sworn Statement of the Supplier that their company is an authorized reseller/dealer of HP, Canon & Brother Toners/Ink Cartridges – for toners 																		
29.2(a)	No further instructions.																		
29.2(b)	The Bidders shall submit its Latest Income and Business Tax Returns filed through the Electronic Filing and Payments System (EFPS) only.																		
29.2 (d)	List of licenses and permits relevant to the Project and the corresponding law requiring it. A. Eligibility Documents: <ul style="list-style-type: none"> (xi) SEC/DTI Registration; (xii) Valid & Current Mayor's Permit/ Municipal Licenses – Year 2014 or 2015; (xiii) Valid Tax Clearance per Executive Order 398, Series of 2005; B. Post-qualification Documents: <ul style="list-style-type: none"> (ii) VAT Registration and TIN (iii) Any proof of enrollment in the Electronic Filing and Payments System (EFPS); 																		

	(iv) Latest income and business tax returns; (v) Certificate of PhilGEPS Registration; (vi) General Information Sheet (GIS) for CY 2013 or 2014 (vii) Company Profile and List of Clients; (viii) Current DOST Certificate (Substance Test Result) for Copy Papers; (ix) Written Sworn Statement of the Supplier that their company is an authorized reseller/dealer of HP, Fuji, Canon & Brother Toners/Ink Cartridges.
--	---

SPECIAL CONDITIONS OF THE CONTRACT

GCC Clause	
1.1(j)	The Funding Source is the Government of the Philippines (GOP) through <i>The General Appropriations Act for Calendar Year 2017</i> in the amount of <i>Six Hundred One Thousand Seven Hundred Twenty Five Pesos (Php 601,725.00)</i> .
6.2	<p>Delivery and Documents –</p> <p>Delivery Period: The Supplier shall deliver all the items ordered within Fifteen (15) calendar days upon issuance of the Notice to Proceed.</p> <p align="center">xxx</p> <p>Upon delivery of the goods to the Project Site, the Supplier shall notify the Procuring Entity and present the following documents to the Procuring Entity:</p> <ul style="list-style-type: none"> (i) Original and four copies of the Supplier’s Invoice showing Good’s description, quantity, unit price and total amount; (ii) Original and four copies of Delivery Receipt; (iii) <u>Original Supplier’s factory inspection report;</u> (iv) <u>Original and four copies of the Manufacturer’s and/or Supplier’s warranty certificate;</u> (v) <u>Original and four copies of the certificate of origin (for imported Goods);</u> (vi) <u>Delivery receipt detailing number and description of items received signed by the authorized receiving personnel;</u> (vii) Certificate of Acceptance /Inspection Report signed by the Procuring Entity’s representative at the Project Site; and (viii) <u>Four copies of the Invoice Receipt for Property signed by the Procuring Entity’s representative at the Project Site.</u> <p>For purposes of this Clause the Procuring Entity’s Representative at the Project Site is the <u>Technical Inspection and Acceptance Committee (TIAC)</u> of the Office of the Deputy Ombudsman - MOLEO, Agham Road, Quezon City.</p> <p align="center">xxx</p>
10.5	<u>“Payment using LC is not allowed.”</u>
11	“Not applicable”
11.3	<u>“Maintain the GCC Clause.”</u>

Prospective bidders are also reminded to use the Amended Bidding Forms in Section VIII of the Amended Bidding Documents, especially the Amended Checklist of Requirements.

All prospective bidders are also hereby informed that the amended Bidding Documents, to include the amended Bid Forms may be downloaded from the website of the Philippine Government Electronic Procurement System (PhilGEPS) and Ombudsman Website, and are also available with the OMB-MOLEO BAC Secretariat.

Further, bidders who have already purchased the bidding documents are reminded to use the Amended Bid Forms, as found in the Amended Bidding Documents, which are attached to this Supplemental/Bid Bulletin.

For further inquiries, you may contact the OMB-MOLEO Bids and Awards Committee Secretariat at Tel. No. (02) 479-73-00 loc. 5235.

Please be guided accordingly.

(Sgd.) **ALAN R. CAÑARES**
Director IV, PACPB
Chairperson, Bids and Awards Committee