

PB 2018-32



Republic of the Philippines  
**OFFICE OF THE OMBUDSMAN**  
 Agham Road, Diliman, Quezon City, 1104

**SUPPLEMENTAL/ BID BULLETIN NO. 2**  
**RE: “REBIDDING FOR THE QUARTERLY CY 2018 GENERAL OFFICE**  
**SUPPLIES REQUIREMENT OF THE OFFICE OF THE OMBUDSMAN”**  
 07 December 2018

All prospective bidders are hereby informed of the following response to the request for clarification of the prospective bidder relative to this project, to wit:

<b>Question</b>	<b>Answer / Remarks</b>
<p>1. When the provision (Section 18 of the Revised IRR) allows the participation of branded items like Brother, HP, Kyocera and Samsung in a competitive bidding, does it automatically disallow the participation of compatible brands or products when you indicated the word “original” in every branded toner for bidding?</p>	<p>1. On Section 18 of the Revised IRR of RA 9184 with regard to reference to brand names, the mention of the brands in the technical specifications (HP, Brother, Kyocera and Samsung) cannot be avoided considering that these are the existing printers in the Office of the Ombudsman. It is worth mentioning that the printers are not the subject of the bidding but the toners thereof, thus, it is expected that the names of the printers will be mentioned so as to inform the prospective bidders of the specific and particular need of the procuring agency.</p> <p>On the word “<i>original</i>” in the technical specifications, the same is indicated therein to guarantee the procuring agency that only original and authentic toners will be supplied to the office. The TWG cannot take the risk of procuring toners which do not have the Manufacturer’s Certification as to the product’s genuineness and authenticity, thereby compromising the useful life and functionality of the printers. Adding the word “<i>original</i>” to the technical specifications does not, however, mean limiting the participation of bidders in the bidding process considering that, and as shown, during the Pre-Bid Conference, there were several prospective bidders that can comply with this specification.</p>

<p>2 Would it still fall within the definition of a competitive bidding (Section 5.h of the Revised IRR) when the opportunity is limited only to a certain group such as authorized distributors or partners of a specific brands like Brother, HP, Kyocera, and Samsung with the exclusion of other compatible brand?</p>	<p>2. The above explanation likewise applies to the second issue raised by the prospective bidder on competitive bidding. The Bids and Awards Committee of the Office of the Ombudsman strictly complies with the processes provided by law in the conduct of competitive bidding. The competitive nature of the bidding process is not affected by the fact that some prospective bidders could not meet the requirements in the technical specifications.</p>
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Please be guided accordingly.

(Sgd.) **MARIBETH T. PADIOS**  
Assistant Ombudsman, PIEMS  
Chairperson, Bids and Awards Committee