



Republic of the Philippines
NATIONAL PRIVACY COMMISSION
BIDS AND AWARDS COMMITTEE

SUPPLEMENTAL/BID BULLETIN NO. 135-2021

DATE : 23 November 2021

SUBJECT: Security Services (Early Procurement Activity - FY 2022)

After considering the clarifications and recommendations made during the Pre-Bid Conference dated 18 November 2021 for this procurement item, the National Privacy Commission – Bids and Awards Committee (NPC-BAC) hereby issues this Supplemental/Bid Bulletin clarifying provisions in the Bidding Documents, to wit:

CLARIFICATION/QUESTION	ADDENDUM/AMENDMENT/ ANSWER
In reference to the administrative fee, with regard to Department Order 150-16, what is the percentage that we have to consider? Are we going to use any percentage floor or ceiling?	<p>The Government Procurement Policy Board’s (GPPB) clarification through its Non-Policy Matter Opinion No. 120 dated 06 December 2016 (NPM No. 120-2016) regarding the validity of the 20% standard administrative fee provided under DOLE DO 150-16, states:</p> <p>“Similar to the 10% administrative fee imposed under Section 9(b)(ii) of DOLE DO No. 18-A, the 20% administrative fee provided for under Section 4 of DOLE DO No. 150-16 is also a percentage rate that has for its effect the fixing of a floor price on Service Agreements. In this regard and following the position of the Government Procurement Policy Board (GPPB) as stated and explained in the following GPPB issuances, namely; GPPB Resolution (Res.) No. 14-2012 dated 1 June 2012; GPPB Res. No. 14-2015 and GPPB Circular No. 04.2015, both dated 30 April 2015; and Policy Matter Opinion Nos. 03-2012</p>

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	<p>dated 30 November 2012 and 02-2013 dated 11 April 2014, as well as the case of Philippine Sports Commission, et. Al. vs. Dear John Services, Inc. (GR No. 183260 dated 4 July 2012), we are of the opinion that Section 4 of DOLE DO No. 150-16 insofar as it imposes a minimum administrative fee of 20% of the total contract cost for Service Agreement for security services, likewise runs counter to the provision of Section 31 of Republic Act No. 9184 and its 2016 Revised Implementing Rules and Regulations.”</p> <p>Thus, NPC does not require for a minimum (percentage) for the administrative fee as a component of the total contract cost. Prospective bidders, however, are reminded to strictly comply with all relevant labor rules and regulations.</p> <p>As such, pursuant to Section 31 of the RA 9184 and in view of the pertinent issuances of the GPPB on the matter, the Approved Budget for the Contract (ABC) of the procurement activity shall be the upper limit or ceiling for bid price and that there shall be no lower limit to the amount of the award.</p> <p>Foregoing considered, the bids submitted must include in the computation of benefits all legal and regulatory requirements.</p>
<p>In reference to technical requirement of statement of all its ongoing and completed government and private contracts, are we going to submit a matrix alone or are we required to incorporate annexes related to the contracts?</p>	<p>For the statement of all its ongoing and completed government and private contracts only a matrix is required without any attachments. On the other hand, the Statement of the Bidder’s Single Largest Completed Contract (SLCC) needs attachments as required under Section 23.4.2.5 of the IRR of RA 9184, viz:</p> <ol style="list-style-type: none"> I. For Owner’s Certificate of Final Acceptance stating: <ol style="list-style-type: none"> 1. Name of project owner that issued the certificate; 2. Name of the Contractor; 3. Name of the Contract; and 4. Contract Duration.

	<p>II. For Constructors Performance Evaluation System (CPES) rating, a final rating of at least Satisfactory.</p> <p>III. For contracts with the private sector, an equivalent document shall be submitted.</p> <p>Bidders are also re-minded to comply with Government Procurement Policy Board Resolution No. 16-2020 approving Circular 04-2020 (Guidelines in the Preparation of the Simplified Philippine Bidding Documents for Goods and Infrastructure Projects and the Submission of the Required Forms to be included in the Procurement of Goods, Infrastructure Projects, and Consulting Services) issued on 16 September 2020.</p> <p>Further, bidders are reminded to submit the revised Bid Securing Declaration and Omnibus Sworn Statement, among others, attached in the Bidding Documents and as can be found in:</p> <p>https://www.gppb.gov.ph/downloadables.php</p>
<p>In reference to the Technical Specification (Section VII) of the Bidding Documents, should bidders only state either “comply” or “not comply” in the parameters or should we attach proof of compliance?</p>	<p>Statements of “Comply” or “Not Comply” must be supported by evidence in a Bidders Bid and cross-referenced to that evidence.</p> <p>Evidence shall be in the form of manufacturer’s un-amended sales literature, unconditional statements of specification and compliance issued by the manufacturer, samples, independent test data etc., as appropriate.</p> <p>A statement that is not supported by evidence or is subsequently found to be contradicted by the evidence presented will render the bid under evaluation liable for rejection. A statement either in the Bidder’s statement of compliance or the supporting evidence that is found to be false either during Bid evaluation, post qualification or the execution of the Contract may be</p>

	regarded as fraudulent and render the bidder or supplier liable for prosecution subject to the applicable laws and issuances.
If we submit PhilGeps Registration Certificate (Platinum Membership), are we still required to submit SEC registration, Mayor's Permit, Tax Clearance, latest Audited Financial Statement?	In lieu of the SEC registration, Mayor's Permit, Tax Clearance, latest Audited Financial Statement, the bidder can submit their PhilGeps Registration Certificate (Platinum Membership) with its Annex "A". Bidders are only required to submit all the legal, technical and financial documents (SEC Registration/DTI Permit/CDA, Mayor's Permit, Valid BIR Tax Clearance, and Latest Audited Financial Statement) in the absence of a Platinum PhilGeps Certificate.
What would be the basis for PhilHealth percentage rate?	NPC in the evaluation of the bid will use the 3% percentage rate, by virtue of the PhilHealth' official statement dated 05 January 2021, deferring the implementation of contribution hikes and maintaining the prevailing rate of 3%.
For the submission procedure through electronic means, if ever the documents to be submitted cannot be compressed in one e-mail, can we send email in parts?	Yes, there is no prohibition in submitting in parts, in such case however, the official time of receipt of the bids shall be based on the time the BAC received the complete documents required under its Guideline on Electronic Submission and Receipt of Bids.
How can we pay for the Bidding Documents?	Copy of the Bidding Document can be downloaded from PhilGeps and NPC Website. Hard copy can also be claimed at the NPC Office upon payment of the fee. For the processing of payment of the Bidding Documents, please be reminded to bring the following documents: <ol style="list-style-type: none"> a. Copy of Invitation to Bid; b. Original or CTC of Letter of Intent; c. Copy of Company ID; and d. If paying through check, I should be named to Bureau of Treasury.

	Since we are on an alternative work arrangement in the office, please send an email first to the BAC secretariat at bacsecretariat@privacy.gov.ph for proper coordination and accommodation with our Accountant.
How many total number of work days are supposed to be applied for the costing?	As discussed in DOLE's Handbook on Worker's Statutory Monetary Benefits, for those who are required to work every day, including Sundays or rest days, special days, and regular holidays, the total number of working days applied is 389.5 days/year since December 8 (Feast of Immaculate Conception of Mary) was declared as special non-working holiday per R.A. 10966.
We would like to seek guidance on the attached sample Security Service Costing (Letter C - Security Agency Fee), of the Bidding Documents, if we are required to follow the breakdown format or the PADPAO format which is the Administrative Overhead and Margin combine as one costing?	We are not bound to comply with the PADPAO format, thus, bidders advised to use the sample costing breakdown format attached to the bidding documents.
Do we have to submit physical hard copies of the requirements submitted online?	Yes, the Single/Lowest Calculated Bidder endorsed for post-qualification is required to submit one (1) original and (1) copy of the physical bidding documents for the conduct of post-qualification.
Will the scheduled bid submission and opening for this item continue despite the fact that December 2, 2021 is a special non-working holiday in Pasay City (Foundation Day of Pasay City) by virtue of R.A. No. 11140?	Yes, the scheduled bid submission and opening on December 2, 2021 shall continue. GPPB Resolution No. 21-2017 which approved the amendments to the 2016 Implementing Rules and Regulations (IRR) of R.A. 9184, amended Section 38.2 to include the second paragraph as shown below: "The maximum periods and the recommended earliest possible time for action on specific procurement activities are provided for in Annex "C" of this IRR. In case the deadline for each activity falls on a non-working day (i.e. Saturday and Sunday), legal holiday, or special nonworking holiday, the deadline shall be the next working day.

However, for purposes of expediency, economy, and efficiency, as determined by the BAC, specific procurement activities may be held on a Saturday, Sunday, nonworking day or holiday: provided, that the BAC, secretariat and TWG members shall be available on such date, and the appropriate supplemental/bid bulletin is issued and posted pursuant to the posting requirements embodied in section 22.5.3 of this IRR.”

As such, for purposes of expediency and efficiency, seeing the urgency in the procurement of this item being undertaken as part of the Commission’s Early Procurement Activity for FY 2022 and the need to ensure the timely delivery of the procured services, the BAC agreed to proceed with the scheduled bid opening on **December 2, 2021** despite it being a special non-working holiday.

The foregoing shall form an integral part of the **Bidding Documents for the procurement of Security Services** for the National Privacy Commission. Any provision inconsistent herewith is hereby amended and superseded accordingly.

For the information and guidance of all concerned.

ATTY. MARIA THERESITA E. PATULA
Director IV, Legal and Enforcement Office
BAC Chairperson

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