



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION  
BIDS AND AWARDS COMMITTEE

**SUPPLEMENTAL/BID BULLETIN NO. 1**

DATE : 11 March 2020

SUBJECT: Procurement of Ten (10)-Month Security Services for the National Privacy Commission (NPC)

After considering the clarifications and recommendations made during the Pre-Bid Conference dated 11 March 2020 for the abovementioned procurement activity, the National Privacy Commission – Bids and Awards Committee (NPC-BAC) hereby issues this Supplemental/Bid Bulletin amending certain provisions in the Bidding Documents, to wit:

CLARIFICATION/ QUESTION	ADDENDUM/AMENDMENT/ ANSWER
Clarification on the applicability of the standard administrative fee of not less than 20% of the total contract cost imposed by DOLE Department Order 150-16 (DOLE DO 150-16)	<p>In this issue, 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, <b>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.</b> 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</p>

	<p>Nos. 03-2012 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. (G.R. No. 183260 dated 4 July 2012), <b>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.</b>"</p> <p>Thus, the 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>What is the total number of working days per year applied?</p>	<p>As discussed in DOLE's Handbook on Workers' Statutory Monetary Benefits, for those who are required to work everyday, including Sundays or rest days, special days and regular holidays, the total number of working days applied is <b>393.80 days/year</b> since December 8 (Feast of Immaculate Conception of Mary) was declared as special non-working day per RA 10966.</p>
<p>How many months are covered by the contract?</p>	<p>Item No. 3 of the Terms of Reference (TOR) provides:</p> <p>"The Service Agreement shall be for a period of Ten (10) Months from the date of its effectivity (<i>but not to exceed 31 December 2020</i>)."</p> <p>Considering the schedule of activities for this procurement, as an amendment, Item No. 3 of the TOR will now read as:</p>

	<b>"The Service Agreement shall be for a period of ten (10) months from the date of its effectivity."</b>
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The foregoing shall form an integral part of 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.

*Sgd.*

**ATTY. JOHN HENRY D. NAGA**

*Chairperson, Bids and Awards Committee*

*Deputy Privacy Commissioner*