



BIDS AND AWARDS COMMITTEE I

Supplemental/Bid Bulletin No. 1

PROCUREMENT OF SUPPORT AND MAINTENANCE OF E2M (ELECTRONIC-TO-MOBILE) APPLICATION FOR THE BUREAU OF CUSTOMS (BOC)

Bid Reference No. GPG-B1-2018-463

Approved Budget for the Contract: ₱ 19,142,419.60

This **Supplemental/Bid Bulletin No. 1** is being issued to further clarify, modify and amend the provisions in the Bidding Documents and in response to clarification from prospective bidder – Webb Fontaine.

A. AMENDMENT TO THE BIDDING DOCUMENTS:

Section III Bid Data Sheet	
From	To
5.2 Eligible Bidders	
None of the circumstances mentioned in the ITB Clause exists in this Project.	<p>Foreign bidders may participate in this Project in view of the following circumstances as provided for in Clause 5.2 of the ITB:</p> <p>(c) When the Goods sought to be procured are not available from local suppliers; or</p> <p>(d) When there is a need to prevent situations that defeat competition or restrain trade.</p> <p>Further, foreign bidders may participate in this Project, provided they are represented by a Philippine based company.</p>

B. REPLY TO QUERY OF BIDDER - Webb Fontaine Group FZ-LLC

Letter addressed to the Chair received on 03 December 2018.

Query 1 :	<p>While certain provisions of the amended Bidding Documents now refer to foreign bidders, including paragraph 2 of the Invitation to Bid and Clauses 5.1 and 12.1(a) in the Bid Data Sheet ("BDS"), we respectfully request your clarification of Clause 5.2 of the Instructions to Bidders ("ITB") which still appears to provide that the foreign bidders are not eligible to participate in the bidding. Clause 5.2 of the ITB provides:</p> <p>"5.2 Foreign bidders may be eligible to participate when any of the following circumstances exist, as <u>specified in the BDS</u>:</p> <p>(a) When a Treaty or International or Executive Agreement as provided in Section 4 of the RA 9184 and its 2016 RIRR allow foreign bidders to participate;</p> <p>(b) Citizens, corporations, or associations of a country, the laws or regulations of which grant reciprocal rights or privileges to citizens, corporations, or associations of the Philippines;</p> <p>(c) When the Goods sought to be procured are not available from local suppliers; or</p> <p>(d) When there is a need to prevent situations that defeat competition or restrain trade."</p>
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	<p>The BDS provides: <u>“5.2 None of the circumstances mentioned in the ITB Clause exists in this Project.”</u> Considering that paragraph 2 of the Invitation to Bid and Clauses 5.1 and 12.1(a) of the BDS indicate that foreign bidders may participate in the bidding we would understand that Clause 5.2 was just inadvertently retained in the above for and, notwithstanding such form, foreign bidders are in fact eligible to participate in the bidding. Please confirm. If you agree with our understanding, we would request that you please:</p> <ul style="list-style-type: none"> (i) Amend Clause 5.2 of the BDS to clearly and explicitly state that foreign bidders are allowed to participate in the bidding; and (ii) Following the request in our letter dated November 12, 2018 (emailed to your office on November 13, 2018]) determine and confirm the existence of at least one of the exceptional circumstances in Clause 5.2 of the ITB in order to support in our letter, we believe that the exceptional circumstances set out in Clause 5.2(c) of the ITB, non-availability of local supplier, obtains in the present case in order to justify the participation of foreign bidders in the bidding.
PITC/BOC REPLY	<p>Clause 5.2 was inadvertently not changed in the Amended Bidding Documents. Please refer to the amendment in ITB Clause 5.2 of this Supplemental Bid Bulletin.</p>

This Supplemental Bid Bulletin No. 1 shall form part of the Bidding Documents. Any provisions in the Bidding Documents inconsistent herewith is hereby amended, modified and superseded accordingly.

For the guidance and information of all concerned.

Issued this 3rd day of December 2018 in Makati City.

Reviewed and approved by:

ATTY. MA. VICTORIA C. MAGCASE
 Chair, Bids and Awards Committee I (BAC I)

(Sgd.) ATTY. MARIA GUEDELIA C. GUESE
 Vice Chair

MYRA CHITELLA T. ALVAREZ
 Member

(Sgd.) CHRISTABELLE P. EBRIEGA
 Member

(Sgd.) DAVID A. INOCENCIO
 Member

(Sgd.) JOEL S. RODRIGUEZ
 Alternate Member

Concurred by:

GLADYS F. ROSALES
 Provisional BAC Member, BOC

(Sgd.) ATTY. FRANCIS T. TOLIBAS
 Alternate BAC Provisional Member, BOC

Received by	_____
Bidder's Name	_____
Date received	_____
(PLEASE RETURN OR FAX THIS PORTION ONLY TO THE PITC BAC)	