



## BIDS AND AWARDS COMMITTEE I

### Supplemental/Bid Bulletin No. 2

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

**Bid Reference No. GPG-B1-2019-108 Rebid  
(Previous Bid Reference No. GPG-B1-2018-463)**

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

This **Supplemental/Bid Bulletin No. 2** is being issued in response to clarification from prospective bidder - **Webb Fontaine** per letter addressed to the Chair dated 22 March 2019.

<b>Query 1</b>	<p>Statement of Single Largest Completed Contract (SLCC)</p> <p>During the Pre-Bid Conference, we asked whether or not a bidder is allowed to include in the Statement of all Ongoing Contracts (“SOC”) those contracts entered into by, and in the name of, its wholly-owned subsidiaries. The Bids and Awards Committee I (“BAC”) stated that a bidder may not include in the SOC contracts entered into by, and in the name of, its wholly-owned subsidiaries, but it may include contracts that have been transferred to it. The BAC further stated that any contract that will impact the bidder’s financial capacity should be included in the SOC, which covers those wherein the bidder is the one obligated to perform the contract.</p> <p>In this connection, we respectfully request the BAC to confirm that the above also applies to the <b>SLCC</b> more specifically that the bidder may submit as its SLCC a contract that was transferred to it and that it was obligated to perform, and, in addition, we also respectfully request the BAC to confirm that:</p> <ul style="list-style-type: none"><li>(a) the bidder may also submit a contract, and consider such contract “transferred” to the bidder, if the bidder is the entity that actually performed the obligations in the contract, although the contract was not entered into by, and was not in the name of, the bidder or was not legally transferred or assigned to the bidder;</li><li>(b) as evidence of any such “transferred” contract as in paragraph (a), a bidder may submit a certification or its equivalent, for example a letter confirmation from the client, that the bidder is the entity that actually performed the obligations in the contract, despite not being named as the contracting party in the contract or despite the contract not having been transferred or assigned to the bidder; including a certification issued by the client that the bidder was the technical partner of the client in the implementation of the services required under the “transferred” contract; and</li><li>(c) if the certification as in paragraph (b) also indicates the names of the parties to the contract; the subject matter and scope of the goods, works or services to be provided under the contract; and amount or price of the contract, and the certification will be signed by both parties to the contract, then such certification may also be submitted as the functional equivalent of, and in lieu of, the purchase orders or contracts prescribed to be submitted for the SLCC at post-qualification.</li></ul>
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<b>REPLY</b>	<p>Whether it is an on-going project or the SLCC which has been transferred to Webb Fontaine there must be a documentary proof of the assignment to Webb Fontaine signed by the original contractor, Webb Fontaine and the client. The Committee believes that it is the only way to verify that the transferred project (including the scope of work) was agreed to not only of Webb Fontaine but also of the assignor and the client.</p> <p>The Bank Statement or proof of payment in favor of Webb Fontaine is not conclusive proof of transfer without the assignment/transfer document as mentioned above. Therefore for purposes of the SLCC, Webb Fontaine must submit during post qual the assignment document signed by all parties, if Webb Fontaine cannot submit a contract between them and the client of the SLCC.</p>
<b>Query 2</b>	<p>End User's Acceptance, Official Receipt, or Collection Receipt with Sales Invoice</p> <p>During the Pre-Bid Conference, the BAC stated that, although the Bid Data Sheet ("BDS") 12.1.a.2(v) provides that a bidder must attach either a copy of (i) the End User's Acceptance, or (ii) Official Receipt/s, Annex I-A itself provides that the bidder may attach any of the following documents at bid submission: (a) End User's Acceptance, (b) Official Receipt, or (iii) Collection Receipt with Sales Invoice.</p> <p>With respect to the Collection Receipt with sales Invoice, we respectfully request the BAC to confirm that a bidder may submit an equivalent document, for example a bank statement showing that the bidder has been paid for the completed contract, in lieu of the Collection Receipt with Sales Invoice.</p> <p>At post-qualification, BDS 29., 29.2(a), 29.2(b), and 29.2(d)(3)(d) require the bidder to present the End User's Acceptance Certificate for the SLCC. In this regard, we respectfully request the BAC to confirm that, at post-qualification, the bidder will be required to present only the original of whatever document (i.e., (a) End User's Acceptance, (b) Official Receipt, or (iii) Collection Receipt with Sales Invoice) it attached to Annex I-A at bid submission.</p>
<b>REPLY</b>	<p>The Bank Statement of the bidder showing payment for the SLCC project can be attached to Annex I-A. However, during post-qualification bidder will be required to submit further documentation to show that the payment is for the SLCC project.</p> <p>With regard to your concern on submission during post qualification, please refer to Supplemental Bid Bulletin 1.</p>
<b>Query 3</b>	<p>Registration certificate from the Securities and Exchange Commission ("SEC") and Business/Mayor's permit:</p> <p>At post-qualification, BDS 29.2., 29.2(a), 29.2 (b), and 29.2(d) require a bidder to present the original copy of the following eligibility documents, among others:</p> <ul style="list-style-type: none"> <li>(a) Registration certificate from the SEC for a corporation; and</li> <li>(b) Valid and current Business/Mayor's permit issued by the city or municipality where the principal place of business of the prospective bidder is located or the equivalent document for exclusive economic zones or areas.</li> </ul> <p>We wish to further clarify and seek the BAC's confirmation that, at post-qualification:</p> <ul style="list-style-type: none"> <li>(a) Where a <u>foreign bidder</u> is required to present an original registration certificate from the SEC, the foreign bidder may present an equivalent document, for instance a consularized and certified true copy of its certificate of incorporation issued by the regulatory authority in the country where it is based, in lieu of the SEC registration certificate; and</li> </ul>

	(b) Where a <u>foreign bidder</u> is required to present a valid and current Business/Mayor's permit, the foreign bidder may present an equivalent document, for instance a consularized and certified true copy of its commercial license issued by the regulatory authority in the country where it is based, in lieu of the Business/Mayor's permit. We note that, under the laws of the United Arab Emirates where Webb Fontaine Group FZ-LLC is based, the commercial license is the functional equivalent of the Business/Mayor's permit because this is issued yearly by the Dubai Creative Clusters Authority.
<b>REPLY</b>	(a) For a foreign bidder, submission of Consularized and certified true copy of documents in lieu of presentation of original copies of documents is acceptable. (b) Yes.
<b>Query 4</b>	Under BDS 29.2., 29.2(a), 29.2(b), and 29.2(d)(1)(b), at post-qualification, a foreign bidder is required to present the original copy and submit a copy of the equivalent of the latest income and business tax returns. In this connection, we respectfully request the BAC to confirm that, if a foreign bidder is not subject to any income and business taxes, <u>and</u> its laws do not require the filing of any income and business tax returns, the foreign bidder may submit a certification to this effect issued by the relevant regulatory authority in the country where the foreign bidder is based (such as a regulatory authority equivalent to the Philippines' Bureau of Internal Revenue).
<b>REPLY</b>	Yes.
<b>Query 5</b>	With regard to all documentary requirements to be presented at post-qualification as required under BDS 29.2., 29.2(a), 29.2(b), and 29.2 (d)(3)(d), the originals of which are not available and/or cannot be presented, we respectfully request the BAC to confirm that the bidder may submit the consularized certified true copies of these documents in lieu of the originals.
<b>REPLY</b>	For a foreign bidder, submission of Consularized and certified true copy of documents in lieu of presentation of original copies of documents is acceptable.

This Supplemental Bid Bulletin No. 2 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 26<sup>th</sup> day of March 2019 in Makati City.

Reviewed and approved by:

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

**(Sgd.) ATTY. MARIA GUDELIA C. GUESE**  
Vice Chair

**(Sgd.) MYRA CHITELLA T. ALVAREZ**  
Member

**(Sgd.) CHRISTABELLE P. EBRIEGA**  
Member

**DAVID A. INOCENCIO**

Member

**Concurred by:**

**MGEN DONATO B SAN JUAN (RET)**

Provisional BAC Member, BOC

**(Sgd.) MGEN JOB S YUCOCO (RET)**

Alternate BAC Provisional Member, BOC