

Date: 07 May 2021

SUPPLEMENTAL BID BULLETIN NO. 2

This Supplemental Bid Bulletin (SBB) No. 2 is issued to clarify items made by the prospective bidders in relation to the Bidding Documents for the Procurement of Supply and Delivery of Diesel Oil for Malaya Thermal Power Plant (Project Reference No. 2021-PB-DO-MTPP-010-01).

1. Submission of Committed Line of Credit (CLC) in lieu of the Prospective Bidder's computation of Net Financial Contracting Capacity (NFCC)

In accordance with Rule VIII, Section 23.1 (a) (viii) of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184, otherwise known as the Government Procurement Reform Act, one (1) of the financial documents that is required to be submitted is the prospective bidder's computation of NFCC. However, in procurement of Goods, the 2016 revised IRR only allows for the submission of a CLC from a Universal or Commercial bank in lieu of the NFCC computation.

Since the rule is clear that it allows the submission of either of the abovementioned documents only, it follows that the CLC cannot be replaced by other forms not indicated in the said rule.

2. Submission of Secretary's Certificate in relation to the Omnibus Sworn Statement

Submission of the original copy of the Secretary's Certificate as attachment to the Omnibus Sworn Statement shall be required to the bidder during post-qualification process.

3. Documents supporting the statement of all on-going government and private contracts

In the absence of Notice to Proceed, the bidder may submit other documents that could support the validation of the list of on-going contracts during post-qualification such as Purchase Order, Invoice, Bill of Lading, Inspection and Receiving Report, and Certificate of Acceptance

4. Submission of Electronic Audited Financial Statement

The submission through electronic Audit Financial Statements (eAFS) pursuant to RMC 49-2020 is acceptable provided that the submitted Annual Financial Statement for 2020 will include the Transaction Reference Number as proof of submission by the bidder in lieu of the manual "Received" stamping.

In reference to the GPPB Non Policy Opinion No. NPM 103-2013 dated 20 December 2013, the GPPB opined that the submission of an Audited Financial Statement (AFS) that complies with the requirements namely: (i) showing the prospective bidders current assets and liabilities, (ii) stamped received by the BIR or its duly accredited and authorized institutions, and (iii) for the preceding calendar year which should not be earlier than two years from the date of bid submission, is a mandatory requirement that must be complied with by the prospective bidders, such that failure to submit any of the documents or submission of an otherwise incomplete or patently insufficient document, will disqualify the bidder based on the non-discretionary pass/fail criterion.

It is clarified that the term earlier means that if the bid submission date is on 2013, an AFS for the year 2011 can be considered compliant, provided that such AFS is the most recent document that can be produced by the bidder without fault or delay on its part in filing the same with the BIR.

Hence, in this particular procurement project, the 2020 AFS shall be submitted by the bidder as provided in the bidding documents.

In addition, the GPPB make reference with the latest income and business tax returns filed and paid through the BIR Electronic Filing and Payment System (eFPS) is acceptable. According to the GPPB Non-Policy Opinion number NPM no. 144-2015 dated 27 November 2015, it opined that what the rules require is the submission of the latest income and business tax returns filed and paid through eFPS and printed thru the Tax Return Inquiry facility of the BIR. Consequently, the submission of other documents in lieu of the latest income/business tax returns, such as email/s confirmation from the BIR showing payment and filing of tax returns through the eFPS, cannot be considered in compliance.

5. CME Price Component in the Pricing of Diesel Oil

The CME price component is part of the bidder's bid price. Hence, it is the bidder's responsibility on how to structure its bid price assumptions.

6. Fuel Compatibility Test Method

For the required fuel compatibility test method under SCC Clause 4, the test method basis will be ASTM D 4740 instead of ASTM D 4570.

7. Tank Truck Deliveries - Fittings

The connection will be 1 and ½ inches female fittings.

Please note that the clarification regarding "Logistics" is usually discussed with the winning bidder, PSALM and the power plant proponent during the kick-off meeting prior to the start of the fuel delivery.

All relevant provisions of the bidding documents affected by the above amendments are hereby modified accordingly.

For the guidance and information of all concerned.



ABNER B. TOLENTINO
BAC Vice-Chairperson

Please acknowledge by signing on the space indicated below:

Received by:

Name of the Bidder/Company: _____

Name of Authorized Representative/s: _____

Signature/s: _____

Date: _____