

**LIST OF ISSUES AND CONCERNS RAISED BY PROSPECTIVE BIDDERS**

Appeals/Requests	Response
<p><b>1. Section III. Bid Data Sheet Clause 5.3:</b> The broad and vague nature of this definition raises several concerns that could potentially undermine the project's purpose. The inclusion of such a wide range of items under the SLCC, without clear criteria or boundaries, permits the participation of suppliers whose Single Largest Completed Contract may not align with the intended focus on educational toys. If computer suppliers are allowed to offer their Computer Packages as educational packages, then by the same logic, Toy suppliers should be able to bid on Computer Packages as well.</p> <p>We humbly urge the BAC to revisit Section 23.4.1.3 of the 2016 revised IRR of RA No. 9184, which states that "the Bidder should have a Single Largest Completed Contract (SLCC) similar to the project to be bid," and to review the Bid Data Sheet, ITB Clause 5.3, to ensure it is precise and aligned with the project's objectives.</p>	<p>Supply and Delivery of Manipulative/Educational Toys.</p> <p>Science and Mathematics Equipment packages are considered similar.</p> <p>Computers, laptops, book, TVL, including DepEd projects Learner's Tables &amp; Chairs/ Office Furniture are not considered similar.</p>
<p><b>2. Summary of Declared Projects for Past 10 years for SLCC Compliance:</b> Since the Single Largest Completed Contract is covered by 10 years transactions and that "Educational Toys" is a new item under DepEd Procurement item, may we be allowed to add-up our previous transactions within the 10 years period for as long as the total complies with the requirements for each lot? Example:</p> <ul style="list-style-type: none"> <li>a. DepEd of Caraga - 43M</li> <li>b. Province of Balanga - 37M</li> <li>c. Quezon City Government - 20M</li> <li>d. House of Representatives - 6M, 8M, etc.</li> <li>e. National Irrigation Admin - 18M</li> <li>f. Phil International Trading Corp - 20M</li> </ul>	<p>Retained.</p>

<p>g. NEDA sa Pasig - 17M h. DPWH - 5M</p>	
<p><b>3. ISO Certification &amp; Other Requirements provided by Foreign Suppliers without Joint Venture Agreement:</b> Considering that for such volume, the suppliers from abroad will be in a better position to comply with the Technical and Legal documents as required, may we use their existing legal documents as part of our bidding document?</p>	<p>The submission of technical and financial documents by any of the joint venture partners constitutes compliance.</p>
<p><b>4. Schedule of Collection:</b> May we know the % of delivery required for partial collection be allowed?</p>	<p>At least 35% delivery is required for the partial collection of payment as stated in the Section V. GCC Clause 2.2 Progress Payment of the Bidding Documents.</p>
<p><b>5. Executive Order 417 S. 2005 Directing the Implementation of Economic Independence Program for PWDs:</b> Requesting to implement EO 417</p>	<p>The bidding for this project is open to all interested bidders including PWDs.</p> <p>OR</p> <p>The bidding for this project is open to all interested bidders including PWDs, based on the Implementing Rules and Regulations of the Economic Independence Program for Persons With Disabilities Rule V Section II which states that:</p> <p><i>“All NGAs, bureaus, offices, instrumentalities, SUCs, GOCCs and GFIs including LGUs shall, avail of at least ten (10%) percent of their procurements from Persons with Disabilities provided that those goods and services shall meet the set standards and requirements. The procurement process shall be in accordance with the guidelines set by the Government Procurement Policy Board being implemented by the Agency’s Bids and Award Committee.”</i></p>
<p><b>6. Section I. Invitation to Bid:</b> Can you confirm the Approved Budget for the Contract (ABC) for each lot? Are there multiple lots, and if so, can we bid on specific lots independently?</p>	<p>New lotting of 8 lots (2 regions per lot) and they can bid on specific lots independently.</p>
<p><b>7. Section I. Invitation to Bid Clause 2:</b> We write to indulge the Bids and Awards Committee of the DepEd Central to consider on aggregated contract for the above bidding to suffice the</p>	<p>Please refer to Bid Bulletin No. 2.</p>

<p>requirement for the fifty percent (50%) of the ABC of the lot to bid for</p>	
<p><b>8. Section II. Instructions to Bidders</b>  <b>Clause 10 – 10.1:</b> We wish to clarify on the number of bid docs to be submitted for the Eligibility and Technical components, should we join all the lots to bid, are we required to submit individual set of bid docs for each lot or a one (1) set of bid docs suffice for the whole lots?</p>	<p>In case of multiple lots, the bidder may submit one (1) set of original, copy 1 and copy 2 of the eligibility and technical components except certain documents that require submission per lot, such as bid security. For the financial proposal, it has to include submission of Bid Form and Price Schedule on a per lot basis.</p>
<p><b>9. Section V. Special Conditions of the Contract GCC Clause I:</b> The delivery lead time is only 120 days, and the upcoming months is holiday season and the port congestion is starting piling up and the customs are prioritizing the consumable goods in releasing in our ports.</p> <p>So, we are appealing to the respected members of the Bids and Awards Committee and to the end user, instead of Public School District Offices, be it in the School Division Offices per Region. This way, it will also be easier for us to deliver the Educational Materials to all the SDO's per region without compromising the delivery time of 120 days.</p>	<p>Amendment:  200 Calendar Days for the Delivery Period upon receipt of NTP. Delivery Site still retained.</p>
<p><b>10. Section VIII. Checklist of Financial and Technical Documents:</b>  Can the BAC clarify, as per the hereinbelow list, which licenses and permits are required for submission during the Bid Submission/Opening and which documentation can be submitted during the post-Qualification stage?</p> <p>We would also like to request for an official confirmation that the absence or non-submission of licenses and certificates NOT MENTIONED IN THE BDS should not be basis for a ground for disqualification of a bidder.</p>	<p>Please refer to Bid Bulletin No. 2.</p>
<p><b>11.</b> BAC and TWG Composition as presented during pre-bid conference should be followed. In the absence of an</p>	<p>As stated in Section 12.4 of the RA 9184 and its IRR:</p>

<p>active BAC member, will the remaining four members of the Bids and Awards Committee be the ones left to preside over any and all current procurement(s) in progress? Or will a proxy for the absent BAC member be appointed? How will an equal voting transpire if the number of head count is only at a maximum of four (4) members? The vote of a BAC member should not be assigned. In the case of TWG, may we get a list of all authorized TWGs assigned for this project indicating each member's specialization? i.e. Technical expert or documentation/legal experience?</p>	<p><i>“The Chairperson or, in his absence, the Vice-Chairperson, shall preside at all meetings of the BAC. Meetings of the BAC may be conducted electronically for procuring entities with videoconferencing, webcasting, or similar technology capability. The decision of at least a majority of those present, either in person, face- to-face through videoconferencing, webcasting or similar technology, or a combination thereof, at a meeting at which there is quorum shall be valid and binding as an act of the BAC: Provided, however, That the Chairperson or, in his absence, the Vice-Chairperson, shall vote only in case of a tie”</i></p>
<p><b>11.</b> I would like to request a sample format of Credit Line Commitment if any for Project Procurement and Delivery of Kindergarten Learning Package (Educational Toys)</p>	<p>The bidder may use the format issued by the bank for committed line of credit.</p>
<p><b>12. Section VII. Technical Specifications:</b> Can we maintain the requirement for submitting an FDA License to Operate (LTO) as part of the eligibility criteria during the bid opening? We recommend that the FDA License to Operate (LTO) requirement be maintained as an eligibility document that must be submitted during the bid opening and should be required prior to the purchase of bidding documents. This is in accordance with FDA regulations, which stipulate that any company intending to manufacture, import, export, distribute, sell, offer for sale, transfer, promote, or advertise must secure an LTO prior to engaging in these activities. This requirement should be explicitly stated in the Bid Bulletin.</p>	<p>Requirements must be submitted during Bid Opening.</p>
<p><b>13. Section VII. Technical Specifications:</b> The FDA-TCCA notifications, which must be obtained for each unique item based on measurements, color, and SKU number, place bidders who only learned of these requirements upon bid posting at a significant disadvantage. The</p>	<p>It is seen that is more favorable if TCCA, Product Notification, and other government regulatory requirements are already available to be presented as a requirement during Bid Opening, since we are looking for probable suppliers who are indeed engage in the trade and ready to execute deliveries. Lack of the required said certificates may lead to failure to</p>

<p>manufacturing process alone, according to your specifications, followed by safety testing and the FDA-TCCA notification process, would take a considerable amount of time. This scenario favors those who might have had advance notice of these requirements. We strongly recommend that this requirement be either removed or imposed only on the lowest calculated bidder before delivery can commence.</p>	<p>execute the contract leading to unfavorable circumstances for DepEd when suppliers have no surety of obtaining such government requirements.</p>
<p><b>14. Section III. Bid Data Sheet Clause 5.3:</b> Can we maintain the original requirement that Similar Contracts must have been completed within a period of ten (10) years?</p> <p>We recommend that the original completion period of ten (10) years for similar contracts be maintained. This requirement should be included in the Bid Bulletin.</p>	<p>Retained.</p>
<p><b>15. Section III. Bid Data Sheet Clause 19.5:</b> How will DepEd verify and authenticate SLCC and NFCC documents originating from foreign countries that are used by local bidders through a Joint Venture?</p> <p>We recommend that bidders found to have used falsified, fabricated, or fraudulent documents in this bidding process, as well as in previous tenders, be dealt with accordingly.</p>	<p>During detailed Bid Evaluation, documents submitted by foreign bidders should have an apostille. Please refer to Section 24.1(b) of RA 9184 and its IRR which states that:</p> <p><i>“Class “B” Document For goods, valid joint venture agreement (JVA), in case the joint venture is already in existence. Each partner of the joint venture shall submit the legal eligibility documents. The submission of technical and financial eligibility documents by any of the joint venture partners constitutes compliance.”</i></p>
<p><b>16. Section I. Invitation to Bid:</b> Can the bid submission and bid opening be postponed to a later date?</p>	<p>Please refer to the Bid Bulletin No. 2.</p>
<p><b>17. Section VII. Technical Specifications:</b> The inclusion of a BPA-Free certification requirement, typically associated with plastic products, is puzzling in the context of procuring wooden block toys. The cost for obtaining this certification from local laboratories in the Philippines is almost one million pesos. Was this requirement carefully evaluated during the market survey and pre-procurement planning?</p>	<p>Retained. The BPA-Free certification was part of the components in the market survey.</p>

<p>Moreover, this cost does not account for other necessary laboratory tests and safety certifications mandated by the FDA and the Philippine National Standards for Toys and Children Articles (TCCA).</p>	
<p><b>18. Section I. Invitation to Bid:</b> The tight scheduling of the posting, pre-bid conference, and bid opening dates poses significant challenges for prospective bidders, particularly in preparing the necessary documents and certifications for a project of this scale. Completing the procurement process for a project valued at 2.9 billion pesos within less than 30 days seems highly ambitious. We are compelled to question whether this is a standard procedure for DepEd's major projects, or if there are preferred bidders who have had the advantage of preparing for this project well in advance.</p>	<p>DepEd is compliant to the prescribed timeline indicated in Annex C of the RA 9184 and its IRR.</p>
<p><b>19. Section VII. Technical Specifications:</b> What parameters will you use to check and make sure that the wooden block toys are "kiln-dried wood"? What unit standards are you looking at? And what specific tools or test will you use? Are they wood-industry accepted?</p>	<p>The documents and samples will be evaluated during bid evaluation, while the moisture and flammability tests will be done during post-qualification.</p>
<p><b>20. Section III. Bid Data Sheet:</b> Will actual samples in quantity, measurement, form, size, colors, and functions be checked during the bid opening?</p>	<p>(Yes, only the quantity of submitted samples) Bidder/s will submit at least two (2) samples per item during the Opening of Bids. The quantity per set, measurement/size per items, colors will be checked during detailed bid evaluation.</p>
<p><b>21. Section III. Bid Data Sheet Clause 20.1:</b> Considering the amendments by the GPPB in the year 2019, we respectfully request that the BAC remove outdated requirements and update the authentication standards for documents translated into English to align with the latest GPPB issuance.</p>	<p>Please refer to Bid Bulletin No. 2.</p>
<p><b>22. Section III. Bid Data Sheet Clause 15:</b> Please clarify or state that discrepancies between the content of the USB and the hardcopy will not be grounds for disqualification.</p>	<p>ITB Clause 15 of the Bidding Documents states that "Any discrepancy between the hard/paper copies and the copies contained and as presented in the USB Flash Drive, the hard/paper copies will prevail."</p>

<p><b>23. Section VII. Technical Specifications:</b> There has been a proposal by one prospective bidder regarding the removal of the requirement for PNS ISO 8124, with the argument that it is redundant with the Product Notification for toys issued by the FDA. While the FDA's Product Notification ensures that toys meet certain safety standards, PNS ISO 8124 provides a comprehensive set of international safety guidelines specifically designed to protect children. We believe that these two certifications complement each other and together provide a higher level of assurance regarding the safety and quality of toys. Removing the PNS ISO 8124 requirement may inadvertently lower the safety standards. Therefore, we seek your clarification on whether maintaining both requirements would be more beneficial for ensuring the safety of educational materials.</p>	<p>Requirements must be submitted during Bid Opening.</p>
<p><b>24. Section VII. Technical Specifications – Item 8 Shape Lacing Cards (wood):</b> Trapezoid: The current specification lists the height as 3mm, which seems to be a typographical error. We propose that the height should instead be 3 inches to match the other dimensions and maintain consistency across the set. Moreover, the thickness of the trapezoid should be 4mm, aligning with the thickness of similar shapes. This consistency in thickness would enhance the durability and uniformity of the lacing cards, making them more practical for repeated use.</p>	<p>Amendment: Trapezoid: 3.5" upper base, 7" lower base, and 4mm thickness</p>
<p><b>25. Section VII. Technical Specifications – Item 5 Shape Sorter (wood):</b> Pentagon: Given that the width of the five-sided pentagon is 1.25 inches, it follows that the proportional height should be approximately 1.92 inches, rather than the specified 2 inches. This adjustment would ensure the shape maintains its geometric integrity, making it easier for children to recognize and work with.</p>	<p>Amendment: Pentagon: 1.25" each side, 1.92" height and 0.5" thickness.</p>

<p><b>26. Section VII. Technical Specifications – Item 9 Picture Puzzle 10 Kinds (wood):</b> Regarding the picture puzzle, since the material used is wood, the current requirement for "Full UV" coating is not the most appropriate option for this type of material. Full UV is more appropriate to Cardboard material. Instead, we recommend using a "Top Coated Varnish/Paint Coating" as it provides suitable protection for wooden surfaces, ensuring longevity and safety.</p>	<p>Amendment:  The front side of the Board Picture Puzzle must have Top Coated Varnish/Paint Coating or UV coating.</p>
<p><b>27.</b> We suggest the inclusion of the following documents in line with Memorandum DM-CT-2024-152:</p> <ol style="list-style-type: none"> <li>1. BIR Certificate of Registration - with Line of Business - Sub Class 46900 (Non-Specialized Wholesale Trade)</li> <li>2. Manufacturer's Certificate</li> <li>3. Reseller's Certificate</li> </ol> <p>These documents would help verify the legitimacy and compliance of the bidders with the requirements for participation in the bidding process.</p>	<p>Retained with what is stated in the Technical Specifications</p>
<p><b>28. Section VII. Technical Specification:</b> Would you consider Fiberboard materials?</p>	<p>Retained.</p>
<p><b>29. Section VII. Technical Specification:</b> Would you allow other materials like plastic or stainless steel as long as they are non-toxic materials?</p>	<p>Retained.</p>
<p><b>30. Section VII. Technical Specification:</b> Is Beech wood is acceptable?</p>	<p>Retained.</p>
<p><b>31. Section VII. Technical Specification:</b></p> <ol style="list-style-type: none"> <li>1. What are the specific requirements for the aging and corrosion resistance of coatings?</li> <li>2. What are the specific requirements for the coating process?</li> <li>3. What is the thickness requirement for the varnish/coating?</li> </ol>	<p>The front side of the Board Picture Puzzle must have Top Coated Varnish/Paint Coating or UV coating.</p> <p>But other items will be retained.</p>
<p><b>32. Section VII. Technical Specification:</b></p>	<p>Requirement is retained but NO Brand.</p>



<p>1. Are there specific requirements for the brand of coatings? If so, which brands, or specification are expected?</p> <p>2. What are the requirements for the detection of color difference of coatings? Is it tested by the manufacturer? Or is it commissioned by the tenderer to conduct the detection by a third party?</p>	
<p><b>33. Section VII. Technical Specification:</b> Does the storage box need to be varnished?</p>	<p>YES.</p>
<p><b>34. Section VII. Technical Specification:</b> What are the specific requirements for the detection of chemical substances (especially harmful substances) in toys or as long as it passes FDA requirements then it is approved?</p>	<p>Retained.</p>
<p><b>35. Section VII. Technical Specification:</b> Wooden toys will expand to a certain extent when they are damp. What is the expansion coefficient allowed for this project?</p>	<p>Refer to Section VII Technical Specification.</p>
<p><b>36.</b> Environmental testing: What are the requirements for refrigerator testing? What are the requirements for oven testing?</p>	<p>Refer to Section VII Technical Specification.</p>
<p><b>37. Section VII. Technical Specification:</b></p> <p>1. Kindly state the weight of combined blocks and storage box.</p> <p>2. Is there a maximum weight of storage box?</p>	<p>Table blocks must be packed in appropriate boxes or appropriate wrap with any protective cover or wrapper. No specific weight required. i.e. Bubble Wrap</p>
<p><b>38.</b> Since some toys need to be bonded, what are the specific requirements for the bonding glue?</p>	<p>None.</p>
<p><b>39. Section VII. Technical Specification:</b> What are the specific requirements for the waterproofness of toys?</p>	<p>Refer to Section VII Technical Specification.</p>
<p><b>40. Section VII. Technical Specification:</b></p> <p>1. May we kindly request for the exact color per item, particularly the shades. For example, the specific color of Blue – is it Royal Blue, Navy Blue, Light Blue or Sky Blue?</p> <p>2. Please provide the exact sample of colors for the toys.</p>	<p>Same shades of colors based indicated on the Technical Specifications.</p>

<p><b>41. Section VII. Technical Specification:</b> May we request for the sample of the Instructional Manual/Teacher's Guide and maintenance tips in English and Filipino? Is it in a printed form or it can be in electronic format that can be viewed thru a URL?</p>	<p>Printed form.</p>
<p><b>42. Section VII. Technical Specification:</b> For the sample items; are different dimensions and colors acceptable?</p>	<p>Refer to Section VII Technical Specification.</p>
<p><b>43. Section V. Special Conditions of Contract GCC Clause 5:</b> May we kindly know the comprehensive warranty you are referring and the scope of the after sales services needed?</p>	<p>As stated in Section V. Special Conditions of Contract GCC Clause 5</p>
<p><b>44.</b> Are there any specific educational outcomes or skills that the toys should target (e.g., STEM, language development, social skills)?</p>	<p>Retained.</p>
<p><b>45.</b> Is there a preferred theme or curriculum alignment for the educational toys? Should they be tailored to specific subjects or grade levels?</p>	<p>Kindergarten.</p>
<p><b>46. Section VII. Technical Specification:</b> Should the storage boxes be lacquer-finished?</p>	<p>Refer to Section VII Technical Specification.</p>
<p><b>47. Section VII. Technical Specification:</b> Do the items need to be blister-packaged or plastic-sealed inside the box during delivery?</p>	<p>Table blocks must be packed in appropriate boxes or appropriate wrap with any protective cover or wrapper. No specific weight required.  i.e., Bubble Wrap</p>
<p><b>48. Section VII. Technical Specifications:</b> Are there specific guidelines or templates for the Instructional Manual/Teacher's Guide, particularly in terms of content and formatting for both English and Filipino versions?</p>	<p>None.</p>
<p><b>49. Section VII. Technical Specifications:</b> Should the box containers hide the wood grain?</p>	<p>Refer to Section VII Technical Specification.</p>
<p><b>50.</b> What are the key criteria that will be used to evaluate bids? How will price, quality, educational value, and supplier qualifications be weighted?</p>	<p>Please refer to the RA 9184 and its IRR (RA 12009).</p>

<b>51.</b> Can you outline the process and timeline for evaluating bids and selecting the winning supplier?	Please refer to the RA 9184 and its IRR (RA 12009).
<b>52.</b> Is there a scoring rubric or evaluation matrix that will be used in the selection process?	Please refer to the RA 9184 and its IRR (RA 12009).
<b>53.</b> Will there be opportunities for bidders to present their products in person or demonstrate their educational value?	Please refer to the RA 9184 and its IRR (RA 12009).
<b>54.</b> With regards to the safety standards or certifications that the educational toys must comply with, do these refer to the manufacturer?	Refer to Section VII Technical Specification.
<b>55.</b> Do the toys need to comply with specific Philippine educational standards or align with the Department of Education's existing curriculum?	Refer to Section VII Technical Specification.
<b>56. Section VI. Schedule of Requirements:</b> Will there be specific delivery locations across the Philippines, and if so, can you provide a list of these locations?	Please refer to the Allocation List.
<b>57. Section VII. Technical Specifications:</b> Could you provide more details on the packaging requirements? Specifically, are there guidelines for eco-friendly or sustainable packaging that must be adhered to?	Refer to Section VII Technical Specification.
<b>58. Section V. Special Conditions of the Contract:</b> What are the penalties or consequences for delayed deliveries or failure to meet the specified requirements?	Liquidated Damages.
<b>59.</b> Can you provide a draft of the contract terms and conditions that will apply to the winning bidder?	Please refer to the Bidding documents.
<b>60. Section V. Special Conditions of the Contract:</b> What are the payment terms for this project? Is there an option for progress payments based on milestones?	Refer to GCC Clause 2.2
<b>61. Section V. Special Conditions of the Contract:</b> Is there a warranty or service requirement for the educational toys? If so, what are the specifics?	Please refer to GCC Clause 5 on Warranty Provision
<b>62. Section VII. Technical Specifications:</b> Are there any provisions for price adjustments due to	None.

inflation or changes in material costs during the contract period?	
<b>63. Section V. Special Conditions of Contract:</b> What are the dispute resolution mechanisms in case of disagreements between the Department of Education and the supplier?	Please refer to GCC Clause 5
<b>64.</b> Can you provide any past case studies or examples of similar projects to understand the Department's expectations better?	Please refer to DBM-PS Procurement on Supply and Delivery of Manipulative Toys for Department of Education
<b>65. Section VIII. Checklist of Financial and Technical Documents Clause 9:</b> Who will be the main point of contact for any clarifications or questions during the bidding process?	Please refer to ITB
<b>66.</b> Are there any upcoming bidder conferences or information sessions where we can ask additional questions and gain further insights into the project?	None. Maybe in the future projects.
<b>67.</b> Is there a preferred or required brand or manufacturer for the educational toys, or are bidders allowed to propose equivalent alternatives?	None.
<b>68. Section III. Bid Data Sheet Clause 19.5:</b> Regarding the Audited Financial Statements requirement, can you clarify if there are any specific financial ratios or metrics that the Department of Education will be evaluating as part of the bid? 33. Is there a specific format or template that should be used for presenting the Net Financial Contracting Capacity (NFCC) and other financial documents?	Please refer to the prescribed format for NFCC.
<b>69.</b> If the financial documents are stamped "RECEIVED" by an authorized institution other than the BIR, what additional documentation or verification is required?	None.
<b>70.</b> Are there specific criteria or a scoring system that will be used to evaluate the bids? If so, can you provide details on how technical, financial, and compliance aspects will be weighted?	Please refer to Section VIII. Checklist of the bidding documents.
<b>71.</b> In the event that remote or difficult-to-access locations are part of the delivery destinations, are there	Please refer to the Bidding documents

additional resources or requirements that the supplier needs to account for?	
<b>72. Section V. Special Conditions of Contract Clause 5:</b> Could you clarify the process for handling warranty claims, especially in remote areas? Who will be responsible for coordinating and managing these claims?	Please refer to the Bidding documents
<b>73. Section V. Special Conditions of Contract Clause 2.2:</b> What are the acceptable forms of the Special Bank Guarantee? Are there specific banks or financial institutions approved by DepEd to issue these guarantees?	Form issued by the bank is acceptable.
<b>74. Section V. Special Conditions of Contract Clause 5:</b> How will the replacement of rejected goods be managed, particularly if the goods are in remote or far-flung areas? Is there a preferred logistics partner or method for such replacements?	The awarded supplier should rectify the rejected goods.
<b>75. Section V. Special Conditions of Contract Clause 5:</b> For the comprehensive one-year warranty, is there a specified response time for addressing any issues or defects reported by the recipient schools?	Immediately upon receipt of notice of rejection.
<b>76. Section V. Special Conditions of Contract Clause 1:</b> Regarding Intellectual Property Rights, are there any specific patents or trademarks that the Department of Education expects the educational toys to comply with or avoid infringing upon?	None, bidders are expected to comply with IP law.
<b>77. Section V. Special Conditions of Contract Clause 1:</b> What documentation is required to prove that the educational toys do not infringe on third-party intellectual property rights?	None, bidders are expected to comply with IP law.
<b>78.</b> Can you provide more details on the liability clause in case of intellectual property infringement claims? How will disputes be handled, and what are the consequences for the supplier?	Pls. refer to IP law and its related rules.
<b>79.</b> Is there an opportunity for a site visit or a pre-bid conference where prospective bidders can ask questions in person and view sample materials or packaging?	Pre-bid is already done.

<p><b>80.</b> Where applicable for goods to be delivered, shall be conducted by DepEd through the duly designated Inspectorate Team. The inspection or PDI shall be made upon notice to the DepEd of the readiness of the goods for inspection.</p>	<p>During Pre-Delivery Inspection.</p>
<p><b>81.</b> If a bidder submits a bid that is lower than the book value of the goods being offered, how should they account for potential tax liabilities, such as the Donor's Tax?</p>	<p>The BAC will evaluate the financial bids based solely on the indicated offer of the bidder. As reflected in the Price Schedule, all taxes shouldered or paid by the bidder are incorporated in the bid, rendering no liability to the procuring entity.</p>
<p><b>82. Section III. Bid Data Sheet Clause 9:</b> In case of any amendments or updates to the Bidding Documents after questions have been submitted, how will these be communicated to the prospective bidders?</p>	<p>Please refer to the Bid Bulletin No. 2.</p>
<p><b>83. Section VI. Schedule of Requirements – Contract Duration:</b> After the contract is awarded, what is the timeline for the commencement of the delivery of goods?</p>	<p>After receipt of Notice to Proceed.</p>
<p><b>84. Section V. Special Conditions of the Contract Clause 4:</b> Will there be any post-delivery evaluations or inspections conducted by DepEd? If so, what criteria will be used, and how should suppliers prepare for these inspections?</p>	<p>Technical Inspection and Acceptance Team Please refer to DepEd 004 S. 2023</p>
<p><b>85. Section V. Special Conditions of the Contract Clause 1:</b> In the event of project delays caused by external factors (e.g., natural disasters, logistical challenges), how should the supplier communicate and manage these with DepEd?</p>	<p>Please refer to DepEd 004 S. 2023</p>
<p><b>86. Section VII. Technical Specifications:</b> Can you confirm whether the Certificate of Product Notification for Toys &amp; Childcare Articles issued by the FDA – LTO is required at the time of bid submission, or can it be obtained post award?</p>	<p>During Bid Opening.</p>
<p><b>87. Section VII. Technical Specifications:</b> Regarding international quality control product standards, can you specify if there is a</p>	<p>None.</p>

<p>preference for certain certifications (e.g., CE, ASTM, EN71) over others, or if any of the listed standards will be equally accepted?</p>	
<p><b>88. Section VII. Technical Specifications:</b> Will the FDA License to Operate (LTO) as TCCA be required for all consortium members if the bid is submitted by a consortium, or only for the lead bidder?</p>	<p>Section 24.1(b) of the RA 9184 states that “For goods, valid joint venture agreement (JVA), in case the joint venture is already in existence. xxx Each partner of the joint venture shall submit the legal eligibility documents. The submission of technical and financial eligibility documents by any of the joint venture partners constitutes compliance.”</p>
<p><b>89.</b> What level of detail is required for the drawings and technical specifications to demonstrate conformity with the tender requirements? Can you provide an example or template?</p>	<p>Please refer to Bidding documents.</p>
<p><b>90. Section III. Bid Data Sheet – Submission of Samples:</b> Regarding the submission of a complete set of sample items, what are the criteria for evaluation? Will these samples be returned after the evaluation process?</p>	<p>Amendment:</p> <p>The bidder may provide a sample of better or superior quality, which, if accepted, shall be the reference for award, contract, prospection and eventual delivery.</p> <p>These samples shall be subjected to evaluation during Bid evaluation, The TWG shall evaluate the said samples to determine compliance with the required technical specifications</p> <p>These samples should not be part of the units to be delivered.</p>
<p><b>91. Section VII. Technical Specifications:</b> For compliance with RA 10620 (Toy and Game Safety Labeling Act of 2013), are there specific labeling guidelines that must be followed, or will adherence to general standards suffice?</p>	<p>Refer to Section VII Technical Specification.</p>
<p><b>92. Section VII. Technical Specifications:</b> Can you confirm whether a manufacturer's ISO certifications (9001:2015, 14001:2015, 45001:2018) need to be current and valid at the time of bid submission, or is there a grace period for renewal if they are close to expiration?</p>	<p>It must be valid at the time of bid opening.</p>

<p><b>93. Section VII. Technical Specifications:</b> Are manufacturers required to submit certificates of compliance for PNS/BHDT ISO 8124-1,2,3:2008, or is an equivalent certification accepted without further justification? If equivalency is claimed, what documentation will be required to prove it?</p>	<p>Yes. Subject to verification during post qualification</p>
<p><b>94. Section VII. Technical Specifications:</b> Is there a specific process or agency that will verify the international quality control product markings (e.g., CE, ASTM) locally in the Philippines, or will DepEd accept foreign certifications as-is?</p>	<p>Subject to verification during post qualification</p>
<p><b>95. Section VII. Technical Specifications:</b> Can you clarify the extent to which environmental and occupational safety standards (ISO 14001 and ISO 45001) will be audited or evaluated during the contract period?</p>	<p>Subject to verification during post qualification</p>
<p><b>96. Section VII. Technical Specifications:</b> What is the required testing process or documentation for confirming that materials are BPA-free, and are there specific tests or certifying bodies that DepEd prefers?</p>	<p>The bidder shall provide BPA Free Certification from a local or internationally recognized testing center.</p>
<p><b>97.</b> After the contract is awarded, what is the timeline for submitting any additional compliance documents, such as updated ISO certificates or FDA notifications?</p>	<p>Refer to Section VII Technical Specification must be submitted during the bid opening</p>
<p><b>98.</b> How will DepEd handle the verification of compliance with the Toy and Game Safety Labeling Act during delivery inspections?</p>	<p>Refer to Section VII Technical Specification.</p>
<p><b>99. Section V. Special Conditions of the Contract Clause 4:</b> If there are discrepancies between the submitted samples and the actual delivered items, what is the procedure for addressing these issues, particularly concerning compliance with product standards?</p>	<p>Refer to the bidding documents.</p>
<p><b>100. Section I. Invitation to Bid:</b> The dates for the posting, pre-bid conference, and bid opening are scheduled too closely together, leaving prospective bidders with insufficient</p>	<p>Refer to DBM PS Experience on Procurement of Supply and Delivery of Manipulative Toys for the Department of Education</p>



<p>time to prepare the necessary documents and certifications required for a large-scale project such as this within the Department of Education. Completing the procurement process for a project valued at 2.9 billion pesos within less than 30 days is highly challenging. We are compelled to ask: Is this the standard procedure for DepEd's major projects, such as the DepEd Computerization Program (DCP) and Learning Resources procurement? Or are there preferred bidders who have had the advantage of preparing for this project months, if not years, in advance?</p>	
<p><b>101. Section V. Special Conditions of the Contract:</b> The designated delivery sites, as per DDP, are stated to be at the "Public Schools District Offices." Does this imply that deliveries will be made exclusively to the District Offices and not directly to the individual public schools within those districts? Kindly confirm.</p>	<p>We will provide allocation list per district.</p>
<p><b>102. Section VII. Technical Specification:</b> The FDA-TCCA notifications are required per unique item, which varies based on measurement, color, and Stock Keeping Unit (SKU) number. The timeline for manufacturing according to your specifications, followed by the safety testing and FDA-TCCA notification process, significantly disadvantages bidders who were only made aware of these requirements upon the bid posting. This stands in stark contrast to those who may have had advance notice and were able to submit exact items for testing months ago. We strongly urge that this requirement be either removed or only imposed on the lowest calculated bidder before delivery can commence.</p>	<p>Refer to Section VII Technical Specification.</p>
<p><b>103. As per consultation with the toys manufacturers with regards to the detailed Technical Specifications:</b></p> <p><b>For items 2&amp;3:</b>  Pattern blocks and Lacing beads (Wood); we noticed that the sizes of the figures are too small at 1"x1" to 1.25" that are dangerous for Kindergarten students if swallowed.</p>	<p>Retained minimum technical specifications due to the following reasons:</p> <ul style="list-style-type: none"> <li>- A similar project was previously procured twice without problems following the same minimum technical specifications.</li> <li>- Changes in the technical specifications will entail additional testing process, may delay the procurement.</li> </ul>

**For items 6&7:**

Uppercase and lowercase alphabets; if all uppercase (except N and NG - larger) and lowercase letters a, c, e, m, n, o, r, s, u, v, w, x, z have a minimum size of 1.5" x 1.5" and the remaining lowercase letters: b, d, f, g, h, i, j, k, l, ñ, ng, p, q, t, y will have larger sizes - what will be the minimum size of b, d, f, g, h, i, j, k, l, ñ, ng, p, q, t, y? If it will be larger than 1.5" x 1.5" - the sizes are not proportion to the rest of the uppercase and lowercase. May we request for a detailed answer and dimensions on this matter.

**For items 8&9:**

Shape Lacing Cards and Picture Puzzle 10 Kinds; may we suggest using plywood in the Shape Lacing Cards and Picture Puzzles instead of a kiln-dried solid wood. Cutting a solid wood with a thickness of 4mm or 0.15inch in puzzle sizes (irregular shapes) and lacing cards will result to more wastage due to prone of wood breakage and it will incur expensive costing. Plywood is more durable to use in this kind of shapes and puzzle because of its binding materials. Plywood can be easily shaped and cut by the machine for mass production and not solid woods.