



Bids and Awards Committee VI

SUBJECT : **BID BULLETIN No. 2**

PROJECT NO. : **2024-AdmS7(001)-BVI-CB-002**

PROJECT : **Procurement of Security Services for DepEd Central Office, DepEd Baguio Teacher's Camp, DepEd Bagabag, DepEd Taguig, DepEd NEAP and DepEd Nasuli, Malaybalay, Bukidnon**

DATE : **December 5, 2023**

This Bid Bulletin is hereby issued for the information and guidance of all prospective bidders and shall form an integral part of the bidding documents issued earlier for the above project.

1. Section I. Invitation to Bid, Item 1, page 7 is amended as follows:

Original Provision	Provision as Amended
Description	
Procurement of Security Services for DepEd Central Office, DepEd Baguio Teacher's Camp, DepEd Bagabag, Nueva Vizcaya, DepEd Taguig	Procurement of Security Services for DepEd Central Office, DepEd Baguio Teacher's Camp, DepEd Bagabag, Nueva Vizcaya, DepEd Taguig, and DepEd NEAP (Baguio)
DepEd NEAP and DepEd Nasuli, Malaybalay, Bukidnon	DepEd NEAP and DepEd Nasuli, Malaybalay, Bukidnon

2. Section I. Invitation to Bid, Item 5.b., page 8 is amended as follows:

Interested Bidders may signify their intent to purchase the Bidding Documents through email at depedcentral.bacsecretariat@deped.gov.ph by accomplishing a bidder's information sheet (**Annex "A" "H"**). Upon receipt of the bidder's information sheet, the BAC Secretariat Division will send through email the details of the DECS OSEC Trust Fund Account for payment. Upon payment, bidders may send through email the proof of payment before the deadline for submission of bids. Upon receipt of proof of payment, the BAC Secretariat will send the electronic copy of the Bidding Documents.

3. Section V. Special Conditions of Contract, GCC 1, page 30, is amended as follows:

Performance, Delivery and Documents

The Security Agency shall render services for a period of Nine (9) months and Nine (9) days for Lot 1 and Eleven (11) months for Lot 2., which shall commence ~~a day after at the time of receipt of Notice to Proceed (NTP) by the winning Security Agency. on January 1, 2024, whichever is earlier, provided that the GAA is passed into law before January 1, 2024.~~ xxx

4. **Section VI. Schedule of Requirements, Item 7, page 67 is amended as follows:**

Delivery of Service Period: a day after at the time of receipt of Notice to Proceed (NTP) by the winning service provider. January 1, 2024, whichever comes earlier (provided the GAA is passed into law before January 1, 2024.

5. **Annex A, Item XIV. Termination, is amended as follows:**

XIV. Termination

1. The contract shall terminate at the lapse of period or duration in accordance with the Security Contract.

However, the contract may be renewed, in accordance with GPPB Resolution No. 06-2022, dated 12 September 2022.¹

The End-User shall evaluate the performance of the service provider for possible renewal of its contract based on the performance criteria provided below, and other criteria set by the Procuring Entity, viz:

¹ Prescribing the Guidelines on renewal of Regular and Recurring Services.



Performance Criteria		Weight
I	Conformity to Technical Requirements	(25)
II	Timeliness in the Delivery of Services	(25)
III	Behavior of Personnel (Courteous, Professional, and Knowledgeable)	(20)
IV	Response to Complaints	(20)
V	Compliance with set office policies for such services	(10)
Performance Rating		


2. xxx

6. Attached, as amended Annex “I”, are the Price Schedule Forms.

7. Attached, as “Appendix A”, is the list of issues and concerns raised by prospective bidders.

All other provisions not herein modified shall remain in full force and effect.

For your information and guidance.

SGD.
ATTY. RESTY C. OSIAS
 Director IV and Chairperson 

LIST OF ISSUES & CONCERNS

Appendix "A"

	Prospective Bidder		Provision	Description	Specification	Appeals/Requests	End-User and TWG's RESPONSE and/or RECOMMENDATIONS	For Bid Bulletin Y/N
1	Lockheed Global Security & Investigation Services, Inc.	1	Section III. Bid Data Sheet	ITB Clause 20.1	A notarized Undertaking that the bidder complies with Labor Laws and Standards and other Social Legislation such as those of the DOLE, SSS, PhilHealth, and Pag-Ibig as specified under GPPB Circular No. 01-2008.	Is it mandatory for prospective bidders to ADHERE STRICTLY to the specified 20% Administrative fee outlined in DOLE Department Order 150-16 and R.A. 11917? Should a bidder submit a financial bid with an administrative fee below the stipulated 20%, does this result in automatic disqualification?	<p>RA 11917, which took effect on July 30, 2022, is the current law that governs the operations of private security agencies. Prior to this, RA 5487 regulated the organization and operation of the same private agencies.</p> <p>Unlike in RA 5487, the provision that states "administrative fee that may be charged by Private Security Agencies to its clients shall not be less than twenty per cent (20%) of the total contract cost" is found only in RA 11917 (Sec. 9); and in its IRR (Sec. 372).</p> <p>Meanwhile, GPPB issued an Opinion (NPM No. 120-2016 dated December 6, 2016) in reference to Section 4 of DOLE DO No. 150-16 and Section 9(b)(ii) of DOLE DO No. 18-A dated November 14, 2011, wherein it declared that both issuances, with respect to the imposition of minimum administrative fee of 20% of the total contract cost for Service Agreement for security services; and administrative fee of 10% of the total contract cost for all Service Agreements, respectively, to be violative of Article IX, Section 31 of RA 9184. Therefore, the GPPB Opinion pertains to executive issuances.</p> <p>Since RA 11917 now explicitly prohibits charging of administrative fee LESS THAN 20% OF THE TOTAL CONTRACT COST, it would appear that Security Agencies are bound to comply therewith. However, the GPPB Opinion invokes as its basis the pertinent provision of RA 9184 as to ceiling for bid prices wherein it states that there shall be no lower limit to the amount of the award. A Supreme Court decision (G.R. No. 183260 dated July 4, 2012) was even cited by the GPPB to bolster its stand.</p> <p>All told, I am of the position that since the law (RA 11917) now makes mandatory the 20% of the total amount of contract as minimum administrative fee, all Security Agencies must, therefore, adopt the same in its bids. Absent any judicial pronouncement as to its invalidity vis-a-vis RA 9184, the same must prevail. Therefore, the GPPB Opinion is now irrelevant in resolving the issue.</p>	