Bid Bulletin No. 1
14 March 2023

PUBLIC BIDDING NO. 23-005-5

SUPPLY AND DELIVERY OF AIR FRESHENER FOR THE PROCUREMENT SERVICE

Issued pursuant to Sec. 22.5 of the IRR of R.A. 9184 to clarify and/or amend certain provisions in the Bidding Documents issued for this project, considering the issues raised and clarifications made by prospective bidders during the **Pre-Bid Conference** held on **07 March 2023**, likewise, respond to bidders' written queries received within the prescriptive period for filing.

A. AMENDMENTS

I. SECTION III. Bid Data Sheet

REFERENCE	BASES FOR AMENDMENT
ITB Clause 20.2 **Page 22** xxx ~~4. Valid Test Result conducted not earlier than six (6) months prior to the deadline of submission of bids, issued by the government laboratory testing center or government accredited private laboratory testing center or third party laboratory testing center, in case the government and government accredited private laboratory centers are not available.~~ 4. Material Safety Data Sheet for all scents being offered. 5. Valid FDA Certificate of Product Registration/ Product Notification 6. Valid FDA Certificate of License to Operate (LTO) ~~5.~~ 7. For bidder declared as LCB/SCB: Product sample as evidence of verification as stated in Section VII Technical Specifications. xxx	To specifically clarify that items under this bidding do not require test reports. To require the following documents during post-qualification.

II. SECTION V. Special Condition of Contract

REFERENCE	BASES FOR AMENDMENT
GCC Clause 4 **Page 30** xxx xxx xxx xxx xxx **TESTING & EVALUATION** xxx xxx xxx xxx See Evidence and Verification in the Technical Specifications (Section VII); ~~and government laboratory testing center or government accredited private laboratory testing center or third-party laboratory testing center, in case the government and government accredited private laboratory center are not available.~~ xxx xxx xxx xxx xxx xxx xxx xxx xxx	To specifically clarify that items under this bidding do not require test reports.

III. SECTION VIII. Checklist of Technical and Financial Documents

REFERENCE	BASES FOR AMENDMENT
ANNEX D FRAMEWORK AGREEMENT **Page 53** xxx Item No. | Item | Brand/Model | Maximum Qty/ Unit | Unit Price | Total Price xxx	To include in the Framework Agreement Form the Brand and model of the offered item. Please refer and use the attached **Appendix 1** for the prescribed and updated format for FRAMEWORK AGREEMENT.

B. CLARIFICATIONS

The Procurement Service-Department of Budget and Management (PS-DBM), Bids and Awards Committee hereby clarify prospective bidders' concerns and queries:

ITEM	CONCERN	REFERENCE	CLARIFICATION/ RESOLUTION
During Pre-bid Conference			
1	The TWG representative	*Section III. BDS Clause 20.2* *xxx*	For the purpose of this bidding, prospective bidders shall submit their Latest Value

	mentioned to the attendees the issuance of BIR RMC No. 5-2023 by the Bureau of Internal Revenue.	2. Latest Value Added Tax Returns (Forms 2550M and 2550Q) or Percentage Tax Returns (Form 2551M). For this requirement, the latest VAT or Percentage tax returns shall cover the previous six (6) months prior to the deadline for submission of bids. For those with less than six (6) months of operations, this refers to the monthly business tax returns filed to date. *xxx*	Added Tax Returns (Forms 2550M and 2550Q) of Percentage Tax Returns (Form 2551M) covering 6 months prior to the Opening of Bids. However, in view of BIR RMC No. 5-2023, taxpayers are no longer required to file their Monthly Value Added Tax Declaration or Form 2550M beginning January 3, 2023, hence, those with Quarter ending January 2023 to March 2023 shall submit the applicable forms pursuant to said BIR Memorandum. See attached BIR RMC No. 5-2023 for reference.
2	A prospective bidder queried on the validity of bank guarantee to be submitted as a form of bid security.	*Section III. BDS Clause 14. 1*	A bank guarantee is issued specific to the project only. However, the bidder has the option to submit other form of bid security. Please refer to BDS ITB clause 14.1.
CONSUMER CARE PRODUCTS, INCORPORATED[1]			
3	No standard template of Bid Security in the form of Bank Guarantee or Irrevocable Letter of Credit indicated in the Bidding Documents. The BAC advise that any template issued by the Bank will be accepted and valid as long as the necessary details such as Project Name, Amount of Bid Security & validity will be included. With this, we are seeking the approval of PS BAC V if the attached template of Irrevocable Letter of Credit from BPI will be accepted prior to processing the	*Section III. Bid Data Sheet, BDS ITB Clause 14.1*	The bid security to be submitted must have the conditions stated in Sections 27 and 69 of IRR of RA 9184 and in accordance with Clause 14, Section II. Instruction to Bidders of the Bidding Documents.

[1] *Letter of Clarification received on March 8, 2023*

	document or can we use the old template of PS-DBM for Bid Security. (See attached format		
4	What specific kind of Testing are the PS requiring for Air Freshener which should be done on any government or third party Testing center? This is contrary to the evidence & verification under Section VII. Technical Specifications which only mentioned In-house testing to be done by the TWG Team.	*Section V. Special Conditions of Contract* xxx *Clause 4 – Testing & Evaluation- Government laboratory Testing center or government accredited private laboratory testing centered or third party laboratory testing center, in case the government and government accredited private laboratory center are not available. Confirmatory test will be conducted on the first (1st) tranche of delivery.* xxx	Please refer to Amendment No. 1.
5	We recommend to change the Calendar Days to Working Days as we normally received the Call-Off from Procurement Division every Friday (4:00 pm- 5:00pm) near end of working hours which already counted as Day 1 and continuously counting including the weekends (Day 2 -3) where operations of both parties (PS & Supplier) are closed. With this, only few days are left for the Supplier to process, request for Inspection (subject for availability of Inspector) & processing of PS documents for direct deliveries (PSDR & TOS). Therefore, we suggest a 15 workings days for PS-Warehouse Paco Manila delivery & 20 working days for	*Section VI. Schedule of Requirements* xxx *Delivery Period – Within fifteen (15) calendar days upon receipt of Call-Off for PS-Warehouse, Paco Manila & for direct-delivery to end-user agencies.* xxx	The requirements shall be retained.

	Direct delivery based on our previous experienced with PS-DBM.		
6	This project is under a Framework Agreement where the PS has the option to purchase or not to purchase the goods from the awarded Supplier. What will happen to the 10% revolving stocks for undelivered quantity if PS has decided to stop purchasing the item to the Supplier? The Supplier cannot offer it to other accounts due to special packaging exclusive for PS considering of its additional sticker tagged as "For Government Use Only". We recommend that the Sales & Marketing Division & Procurement Division will release a notice to the Supplier once they chose to discontinue ordering beforehand and in turn, it will not create loss sales.	*Section VI. Schedule of Requirements* xxx *Revolving Stocks – Suppliers are advised to maintain revolving stocks at least 10% of undelivered quantity up to the last tranche of exhaustion.* xxx	The 10% revolving stocks is the standard requirement of PS-DBM. Likewise, PS-DBM may or may not purchase the total quantity as this project is under a Framework agreement.
7	With the FDA product registration, the Air Freshener Category was deregulated in 2015. Since then, Consumer Care Products, Inc. are not required to register or renew previous Product Notification of Air Freshener. In 2021, there was a move from FDA to reinstate/regulate that product category. On the same year, the FDA issued a guideline "FDA	*Section VII. Technical Specifications* xxx *Evidence and Verification – Valid FDA Certificate of Product Registration / Product Notification.* xxx	Pursuant to FDA Circular No. 2021-011-A, submission of Valid FDA Certificate of Product Registration/ Product Notification is not required until December 31, 2023. See attached FDA Circular No. 2021-011-A for reference.

	Circular No. 2021-011-A stating a 2-year extension of transitory period in the application of HUHS products from January 1, 2022 to December 31, 2023 which allow to continue offering HUHS product without CPR".		

By Rules, all other related provisions in the Bidding Documents correspondingly affected by these amendments are likewise deemed amended to conform to this Bid Bulletin.

SIGNATURE REDACTED

JULIUS M. SANTOS
Chairperson, Bids and Awards Committee V

For the purpose of this Bulletin and for better understanding of its contents, the following rules shall apply: (a) Double Strike out – denotes deletion; (b) Underline – denotes inclusion or new item/requirement; and "xxx" – denotes separation of phrase/s being amended from the rest of the main text.

"Appendix 1"
Annex D

2023 Procurement Service Framework Agreement for the Supply and Delivery of [Project] for the Procurement Service under Public Bidding No. 23-005-5

2023-FA0001-PDX

Framework Agreement For the [Title of Project]

KNOW ALL MEN BY THESE PRESENTS:

This Agreement made and entered into this_____day of_____2023, by and between:

PROCUREMENT SERVICE – DEPARTMENT OF BUDGET AND MANAGEMENT, a government agency duly organized and existing under the laws of the Republic of the Philippines having its principal office at PS Complex, Cristobal Street, Paco, Manila, represented by **[NAME], [Position],** hereinafter referred to "**PS-DBM**";

and

[COMPANY NAME] with principal address at [Address], represented by **[NAME], [Position]** hereinafter referred to as the "**Supplier**";

WITNESSETH, that:

WHEREAS, the **PROCURING ENTITY**, decided to use Framework Agreement on its procurement project Supply and Delivery of [Project] for the Procurement Service;

WHEREAS, this Agreement is for the option to purchase the goods determined to be necessary and desirable to address and satisfy the needs of **PS-DBM** as the central source of commonly used supplies and equipment of the Philippine Government, but by its nature, use or characteristic, the quantity and exact time of need cannot be accurately pre-determined, viz:

Item No.	Item	Brand/ Model	Maximum Qty/Unit	Unit Price	Total Price

WHEREAS, PS-DBM has the option to purchase the items provided in the Framework Agreement List, attached and made an integral part of this Agreement as provided in Article I, on a date and time to be determined in the Call-Off to be issued for such purpose by **PS-DBM**; and

WHEREAS, the **Supplier** which passed the eligibility screening conducted by **PS-DBM**, shall maintain and update the eligibility requirements during the period of this Agreement and shall honor all obligations under this Framework Agreement.

NOW, THEREFORE, the parties hereby agree as follows:

Article I
GENERAL CONSIDERATIONS

1. This Framework Agreement is an option contract. **PS-DBM** is given the option to either purchase the identified items in the Framework Agreement or not to purchase at all. The discretion to exercise the option falls solely with **PS-DBM** as the Procuring Entity. The **Supplier** may not require or demand for the latter to purchase the items in the Framework Agreement List.

2. In this Framework Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract as reflected in the Bid Documents attending the procurement and made and integral part of this Agreement;

3. The following documents shall be deemed to form and be read and construed as part of this Agreement:

    a. the Supplier's Bid, including the Technical and Financial Proposals, and all other documents/statements submitted (*e.g.* bidder's response to clarifications on the bid), including corrections to the bid resulting from the Procuring Entity's bid evaluation;
    b. the Framework Agreement List and the Technical Specifications;
    c. the Bid Documents, including the Supplemental Bid Bulletins issued;
    d. the Performance Security or Performance Securing Declaration;
    e. the Procuring Entity's Notice to Execute Framework Agreement; and
    f. Call-Offs.

Article II
DURATION

The term of this Agreement shall be one (1) year from the date of execution unless sooner revoked by both parties or until the full exhaustion of the maximum quantities;

Article III
CONSIDERATION

For the consideration of one peso (Php 1.00), **PS-DBM** has the option to purchase any or all of the items in the Framework Agreement List through the issuance of Call-off and the **Supplier** commits to deliver the goods and perform the services subject to the conditions of the Call-off.

Article IV
PERFECTION OF PROCUREMENT CONTRACT

The Framework Agreement being an option contract, a procurement contract is perfected only when the Procuring Entity exercises the option to procure any item from the Framework Agreement List through the issuance of a Call-off.

Article V
OBLIGATION TO ANSWER A CALL-OFF

Once **PS-DBM** issues a Call-off, the **Supplier** is bound to deliver the goods or perform the services identified at the time and date specified in the Call-off. All rules and guidelines governing the implementation of procurement contracts under RA No. 9184 and its revised IRR shall be applicable.

Failure on the part of the **Supplier** to deliver goods or perform the services shall warrant the forfeiture of performance security or performance securing declaration and imposition of liquidated damages as provided for in the Guidelines on the use of Framework Agreement by all Procuring Entities without prejudice to all other applicable sanctions.

Article VI
TERMS AND CONDITIONS

The terms and conditions of this Framework Agreement shall be governed by Guidelines on the Use of Framework Agreement by all Procuring Entity and all relevant issuance of the GPPB.

IN WITNESS whereof, the parties hereto have caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines, on the day and year first above written.

PROCUREMENT SERVICE

By signing this Agreement, I also confirm that I am authorized to sign on behalf of PS-DBM.

[Name]
Director IV, Operations Group

[COMPANY]

By signing this Agreement, I also confirm that I am authorized to sign on behalf of [the Company].

[Name]
Authorized Representative

WITNESSES

[Name]
Director IV, Procurement Group
Procurement Service

[NAME]
Representation

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES
} CITY OF MANILA } S.S

BEFORE ME, a Notary Public for and in the City of Manila this__day of _____ 2023 appeared the following persons presenting to me their respective identifications, to wit:

Name	Competent Evidence of Identity	Date of Issue	Place of Issue

known to me and to me known to be the same persons who executed and voluntarily signed the foregoing FRAMEWORK AGREEMENT which they acknowledged before me as their own free and voluntary act and deed and with full authority to sign in that capacity.

This instrument refers to the FRAMEWORK AGREEMENT FOR THE _____ and consists of (_) pages including this page where the Acknowledgment is written, duly signed by the parties and their instrumental witnesses thereof.

WITNESS MY HAND AND SEAL on the date and placeabove-written.

Doc. No._;
Page No.__;
Book No.__;
Series of 20

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE

03 January 2023

REVENUE MEMORANDUM CIRCULAR NO. 5 -2023

SUBJECT: **Providing Transitory Provisions for the Implementation of the Quarterly Filing of VAT Returns Starting January 1, 2023 Pursuant to Section 114(A) of the National Internal Revenue Code of 1997 (Tax Code), as Amended by Republic Act (R.A.) No. 10963, Otherwise Known as the "Tax Reform for Acceleration or Inclusion" or the "TRAIN Law"**

TO : All Internal Revenue Officers and Others Concerned

This is in line with Section 37 of R.A. No. 10963 or the "TRAIN Law," amending certain provisions of Section 114(A) of the Tax Code of 1997, as amended, and as implemented under Section 4-114-1(A) of Revenue Regulations (RR) No. 13-2018, which provided that *"beginning January 1, 2023, the filing and payment required under this Subsection shall be done within twenty-five (25) days following the close of each taxable quarter."* In this regard, VAT-registered taxpayers are no longer required to file the Monthly Value-Added Tax Declaration (BIR Form No. 2550M) for transactions starting January 1, 2023 but will instead file the corresponding Quarterly Value-Added Tax Return (BIR Form No. 2550Q) within twenty-five (25) days following the close of each taxable quarter when the transaction transpired.

In order to avoid confusion during the initial implementation thereof, particularly for taxpayers that are under fiscal period of accounting, the following transitory provisions are hereby provided:

Quarter Ending	Transactions Covering the Month of			Filing of 2550Q for the Quarter Ending		
	December 2022	January 2023	February 2023	December 2022	January 2023	February 2023
January 31, 2023	Required to file 2550M not later than January 20, 2023	Not applicable	Not Required to File 2550M	Not applicable	Required to file 2550Q not later than February 27, 2023*	Not applicable
February 28, 2023	Required to file 2550M not later than January 20, 2023	Not Required to File 2550M	Not applicable	Not applicable	Not applicable	Required to file 2550Q not later than March 27, 2023*
March 31, 2023	Not applicable	Not Required to File 2550M	Not Required to File 2550M	Required to file 2550Q not later than January 25, 2023	Not applicable	Not applicable

Note: * - Note that the 25th day deadline falls on a Saturday

All concerned are hereby enjoined to be guided accordingly and give this Circular as wide a publicity as possible.

ROMEO D. LUMAGUI, JR.
Commissioner of Internal Revenue

Republic of the Philippines
Department of Health
FOOD AND DRUG ADMINISTRATION

21 JAN 2022

FDA CIRCULAR
No. 2021-011-A

SUBJECT : **Extension of Transitory Period and Provision of Interim Guidelines for Product Registration, including the Labeling Requirements, for Household Urban/Hazardous Substances**

I. RATIONALE

On 24 May 2021, the Food and Drug Administration (FDA) issued FDA Circular No. 2021-011 with subject, Extension of Transitory Period for the Implementation of FDA Circular No. 2020-025, "Implementing Guidelines for Administrative Order No. 2019-0019" wherein the Household/Urban Hazardous Substances (HUHS) industry was given until 31 December 2021 to comply with the new licensing and registration requirements for covered HUHS establishments and products, respectively. However, as the current transitory period draws to an end, appeals had been made by the HUHS industry and other concerned stakeholders for the FDA to give them a longer compliance period within which the covered HUHS establishments can secure the appropriate marketing authorization for their HUHS products as required by FDA Circular No. 2020-025.

In view of the foregoing and in consideration of the economic challenges brought about by the current state of calamity in the country due to COVID-19, the FDA recognizes the need to extend the current transitory period and assist the HUHS industry as they comply with the registration requirements of FDA Circular No. 2020-025.

II. OBJECTIVES

This Circular aims to:

A. Establish a 2-year transitory period extension for HUHS product registration; and,
B. Establish an interim guideline for product registration as well as product labeling during the transitory period.

III. SCOPE

This issuance shall apply to products classified as Categories III and IV of HUHS as defined in Republic Act No. 9711 and categorized in FDA Circular No. 2020-025, and the establishments engaged or intending to engage in their manufacture, importation, exportation, distribution, sale, offer for sale, transfer, promotion, advertising and/or sponsorship. The covered Categories III and IV HUHS products shall be those intended for consumer or institutional use only and shall not covered those intended for industrial use.

IV. GUIDELINES

A. Two (2) - Year Transitory Period Extension

The 2-year transitory period extension shall start on 01 January 2022 and end on 31 December 2023.

1. License to Operate (LTO)

The 2-year transitory period extension shall not apply to the licensing of HUHS establishments. Hence, effective 01 January 2022, a LTO as HUHS establishment shall be mandatory for all establishments engaged or intending to engage in HUHS-related activities.

2. Certificate of Product Registration (CPR)

The 2-year transitory period extension shall apply to the registration of HUHS products. Hence, from 01 January 2022 to 31 December 2023, HUHS establishments may continue to distribute their HUHS products without a CPR from the FDA. However, effective 01 January 2024, a CPR shall be mandatory for all HUHS products distributed in the market.

Further, the 2-year transitory period extension shall serve as the exhaustion period within which the HUHS establishments may deplete the remaining stocks of HUHS products with labels that are not compliant with the labeling requirements set forth in Annex J of FDA Circular No. 2020-025 including the GHS label elements.

As such, for the purposes of HUHS product registration, the FDA shall accept complete, loose artwork of existing labels of all packaging sizes of the product, as applicable, regardless of compliance to Annex J of FDA Circular No. 2020-025 as this shall be the basis for the additional conditions that the HUHS establishment must comply with at the end of the transitory period upon implementation of the full labeling requirements. Notwithstanding the acceptance of loose artwork of existing HUHS product labels, all product claims reflected on said labels shall be substantiated by sufficient documentation during product registration.

3. Other authorizations including Customs Clearances, Sales and Promo Permit and Certificate of Free Sale (CFS)

Securing Sales and Promo Permits for products covered by this Circular are not mandatory, including Customs Clearances as the issuance of the said permits require a valid CPR. For the purposes of conducting advertising and sales promotions activities and customs-related concerns, a copy of this Circular together with a copy of the valid LTO of the HUHS establishment may be presented to government and non-government entities in lieu of a valid FDA-issued CPR.

B. Post-Marketing Surveillance (PMS) of HUHS Products

PMS shall be in accordance with FDA Circular No. 2020-025 during and after the transitory period extension. This does not preclude this Office from issuing subsequent orders it may deem necessary and appropriate, particularly on labeling to ensure consumer protection and prevent misleading claims on labeling and should there be findings of any violation of the company to the existing laws, rules, and regulations.

C. Reiteration/Adoption of Other Provisions in FDA Circular No. 2020-025
The Responsibilities of Marketing Authorization Holder (MAH) including all other clauses or parts stipulated in FDA Circular No. 2020-025 remains valid and shall be enforced.

D. After the 2-Year Transitory Period Extension

1. CPR shall be mandatory for all HUHS products distributed in the market.
2. Sales and Promo Permit shall be mandatory for all companies conducting promotional activities with participating HUHS products.
3. Labels of HUHS products shall be fully compliant with Annex J of FDA Circular No. 2020-025, including the GHS Label Elements.
4. Any requests for exhaustion of remaining stocks of non-compliant labels or HUHS products with non-compliant labels shall no longer be granted.

V. REPEALING CLAUSE

This Circular hereby amends relevant provisions in FDA Circular Nos. 2020-025 and 2021-011.

VI. SEPARABILITY CLAUSE

The provisions of this Circular are hereby declared separable and in the event of any such provision/s is/are declared invalid or unenforceable, the validity of enforceability of the remaining portions or provisions which are not affected, shall remain in full force and in effect.

VII. EFFECTIVITY

This Circular shall take effect fifteen (15) days following the completion of the publication in a newspaper of general circulation and filing with the University of the Philippines Law Center Office of the National Administrative Register.

FRANCISCO T. DUQUE III, MD, MSc.
Secretary of Health