

## PROJECT: VARIOUS ICT RESOURCES

## I. QUERIES/CLARIFICATIONS RAISED DURING THE PRE-BID CONFERENCE

	Query/Clarifications	TWG/BAC Reply
1	Regarding the product key list, the current products box now are installed with sticker wherein the product key list is previously found. The former is not exposed now unlike before so we may not comply for that specific requirement.	Sticker OR embedded in the UEFI/BIOS are acceptable.
2	When can we have the detailed addresses?	The addresses of SSS Branch Offices can be found at:  <a href="https://member.sss.gov.ph/members/showBranchDirectory.action">https://member.sss.gov.ph/members/showBranchDirectory.action</a>
3	The proposed laptop as your requirement will be from the top 3 brand, may you consider the laptop from top 5 brand worldwide?	The requirement in Section VII, Technical Specifications, Item 5., ADDITIONAL REQUIREMENTS FOR ALL LAPTOPS, f., stating "The proposed laptops must be from the top three (3) brands worldwide, based on shipment numbers and market share as of year 2023", has been removed.  This amends Section VII, Technical Specifications.
4	The awarding for this project is for 1 Lot only?	Yes, this is a one (1) Lot project broken down into two (2) items.
5	Clarification regarding the integrated graphics. Is this a dedicated graphics not a shared graphics?	Integrated. 4GB memory is shared with the system memory.
6	Is the USB required in the external display connection different from the USB required in the USB Port?  So, we will have 2 USB Type-C?	Yes, it is separated.  Yes.
7	Regarding the statement "the winning bidder shall deliver the goods to the SSS Office Service Department (OSD) for initial inspection of OSD and SSS Authorize Inspectors". It is a bit confusing because in section 6 there is a statement wherein it stated that we need to allocate a space for	This amends Section V, Special Conditions of Contract, GCC Clause 4, Item B, During Product Delivery, as follows:  <u>From:</u> Within one hundred twenty (120) calendar days upon receipt of Notice to Proceed and Signed Contract, the Winning Bidder shall

	SSS personnel for the configuration and labeling of the items. The question is, why there is a need for the delivery in the main office for the initial inspection?	<p>deliver the goods to the SSS Office Services Department (OSD), for initial inspection by OSD and SSS Authorized Inspectors.</p> <p><u>To:</u>  Within one hundred twenty (120) calendar days upon receipt of Notice to Proceed and Signed Contract, the Winning Bidder shall deliver the goods to the Bidder provided "Working Area for SSS Project Team", for initial inspection by the SSS Office Services Department, and SSS Authorized Inspectors.</p>
8	Regarding the RAM specifications, may we request that instead of 3200MHz may you consider 3200MTs?	No, the requirement is 3200Mhz, but proposals having a 5600MTs are acceptable.
9	What is the required warranty for the accessories/peripherals?	It will be 1-year warranty.
10	Are you requiring a list of Nationwide Service Centers?	No. As a requirement, the winning bidder shall provide support on site to the SSS branches if ever there is a problem.
11	Regarding the Processor, both the 4.4 Ghz and 4.7Ghz requirement is referring to the maximum turbo frequency?	It is the Maximum Turbo Frequency.
12	<p>Regarding the security slot, nowadays the Kensington brand does not reflect as is. Are you not particular regarding that?</p> <p>Currently, there are different type of lock slot like the nano lock slot and the wedge lock slot. Our concern is it might not fit to your current lock lot.</p>	<p><u>From:</u>  Security Slot – Kensington Security Slot</p> <p><u>To:</u>  Security Slot – Can be either Kensington, Nano, Wedge, or any other newly introduced security slot available on the market.</p> <p>This amends Section VII, Technical Specifications, Common Features/Specifications of 1,969 units Laptops, item q:</p> <p><u>From:</u>  Item 4.e, Security Slot Compatibility: Kensington Security Slot</p> <p><u>To:</u>  Item 4.e, Security Slot Compatibility: Compatible with the security slot of the proposed Laptop units.</p> <p>Item 4.g, Security: 4-digit combination, with resettable combination.</p> <p>This amends Section VII, Technical Specifications,</p>

		“Capable of one-handed engagement” for the Laptop Lock means that users can easily secure or release the lock with one hand, allowing for quick and convenient operation, such as in the case of a combination lock method.
13	Clarification regarding the microphone headset, is it up and out or up and down? Usually, it is up and down.	This is just a representation, we meant to say that the microphone headset should be adjustable.

## II. WRITTEN QUERIES:

	Query/Clarifications	TWG/BAC Reply
<b>A.</b>		
1	Item No. 2, bullet C. <ul style="list-style-type: none"> <li>We would like to clarify whether you will allow or consider a Microsoft Windows Operating System Logo sticker or certification from the manufacturer as proof of operating system legitimacy. This is because an operating system bundled or supplied by the manufacturer no longer has the OS product key printed on the machine, and it may not be visible if it is injected at the BIOS level.</li> </ul>	Yes.
2	Item 1.1, bullet A and Item 1.2, bullet a. <ul style="list-style-type: none"> <li>We would like to clarify whether the listed processor frequencies of 4.7 GHz and 4.4 GHz refer to the turbo frequency of the processor? This is because no laptop processor can achieve these speeds as their base clock frequency.</li> </ul>	Please refer to Item I.11 above.
3	Bullet M under common features: <ul style="list-style-type: none"> <li>We would like to request whether you would consider adding a second Type-C slot that supports external display/monitor functions, even without Thunderbolt 3 or 4 features. This is because the latest generation Type-C not only supports data transfer but is also capable of supporting power delivery and display functions.</li> </ul>	No. But the proposal having an additional USB Type-C without Thunderbolt 3 / 4, but capable of supporting data transfer, power delivery, and display functions is acceptable.
4	Bullet Q under common features: <ul style="list-style-type: none"> <li>May we request the omission of 'Kensington' under the security slot category? This is because PC manufacturers no longer label their laptops with 'Kensington' and instead</li> </ul>	Please refer to Item I.12 above.

	<p>use the term 'security slot.' Additionally, they now adopt different types of security slots, such as nano type or wedge type.</p> <ul style="list-style-type: none"> <li>○ These new security lock slots are not interchangeable with, nor do they support, the old Kensington T-Bar type.</li> </ul>	
5	<p>Bullet S</p> <ul style="list-style-type: none"> <li>○ We would like to request whether you would allow or consider a mousepad that is not the same brand as the PC</li> </ul>	Yes.
6	<p>Item 3 Headset</p> <ul style="list-style-type: none"> <li>○ Letter B Last Bullet <ul style="list-style-type: none"> <li>• We would like to clarify whether you would also consider or allow a headset with a microphone that can rotate up and down.</li> </ul> </li> <li>○ Letter D. Cable length <ul style="list-style-type: none"> <li>• May we request whether you would allow or consider the manufacture/s standard for cable length? This is because most headset manufacturers have their own designs and typically provide cables that are at least 1.5 meters long.</li> </ul> </li> </ul>	<p>Yes.</p> <p><u>From:</u> Minimum two (2) meters.</p> <p><u>To:</u> At least 1.5 meters.</p> <p>Yes. This amends Section VII, Technical Specifications, Item 3.d, Cable Length.</p>
7	<p>Item 4 Laptop Lock</p> <ul style="list-style-type: none"> <li>○ Bullet e. <ul style="list-style-type: none"> <li>• May we request the omission of 'Kensington' under security slot compatibility? This is because manufacturers no longer label their security slots as 'Kensington.' Our bundled security cable is compatible with the security slot of the laptop we offer.</li> </ul> </li> <li>○ Letter F. <ul style="list-style-type: none"> <li>• We would like to clarify what you mean by 'capable of one-handed engagement? This is because a user may need to use both hands to hold the lock and the key to unlock or lock the security cable, similar to unlocking a padlock with the supplied key.</li> </ul> </li> </ul>	Please refer to Item 1.12 above.

<b>B.</b>		
1	<p>We would like to address the technical specifications that states, <i>“The proposed laptop must be from the top three (3) brands worldwide”</i>. We respectfully request that this specification be amended to read, <b>“TOP 5 WORLDWIDE or TOP 3 BRANDS IN THE PHILIPPINES.”</b></p> <p>Given that the procurement is being conducted in the Philippines, we believe that including the top 3 brands in the country will encourage broader participation. These brands are competitive and highly regarded in the local market, ensuring that local suppliers, who are equally competitive, are given a fair chance. This adjustment will promote greater transparency and competition, both of which are essential to maintaining the integrity of the bidding process.</p>	Please refer to Item I.3 above.
<b>C.</b>		
1	<p>Graphics Card - 4GB Integrated HD Graphics</p> <p>- Is this shared or dedicated graphics? May we kindly suggest making it integrated shared HD graphics only because if 4GB dedicated HD graphics it might be over the budget.</p>	Please refer to Item I.5 above.
2	<p>Must include the following accessories/peripherals:</p> <ul style="list-style-type: none"> <li>• Laptop Lock</li> <li>• Headset</li> <li>• USB Optical Mouse with Mouse pad (must be same brand as laptop)</li> <li>• Laptop bag</li> </ul> <p>- May we kindly request to relax the warranty from three (3) years to one (1) year only and not on-site warranty in SSS provincial branches</p>	One-year warranty is required for all peripherals. Warranty shall be on-site.
<b>D.</b>		
1	<p>... Section 3 of the rules unequivocally provides, among others:</p> <p><i>“The procurement of the GoP shall be governed by these principles: XXX b) Competitiveness by extending equal opportunity to enable private contracting parties who are eligible and qualified to participate in competitive bidding.”</i> (Emphasis ours.)</p>	Please refer to Item II.B.1

Similar international directives provide:  
*“Contacting parties shall treat economic operators equally and without discrimination and shall act in a transparent and proportionate manner. The design of the procurement shall not be made with the intention of excluding it from the scope of this Directive or of artificially narrowing competition. Competition shall be considered to be artificially narrowed where the design of the procurement is made with the intention of unduly favoring or disadvantaging certain economic operators.”*

... we are in a quandary because one of the additional requirement is “The proposed laptops must be from the top three (3) brands worldwide, based on shipment numbers and market share as of year 2023.”

The above mentioned requirement in the bid limits the bidding to non-Philippine brands and products or goods made in the Philippines. It is my honest belief that the said specification/term of reference in said bid violates existing executive issuance and laws and discriminates Philippine goods.

Section 1 of Commonwealth Act No. 138, also known as “An Act To Give Native Products And Domestic Entities The Preference In The Purchase Of Articles For The Government”, provides, to wit:

*Section 1. The Purchase and Equipment Division (now Supply Coordination Office) of the Government of the Philippines and other officers and employees of the municipal and provincial governments and the Government of the Philippines and of chartered cities, boards, commissions, bureaus, departments, offices, agencies, branches and bodies of any description, including government-owned companies, authorized to requisition, purchase, or contract or make disbursements for articles, materials, and supplies for public use, public biddings or public works, shall give preference to materials and supplies produced, made and manufactured in the Philippines or in the United States, and to domestic entities, subject to the conditions herein below specified.”*

“Further, Section 3 of Commonwealth Act No. 138 provides, to wit:

*Section 3. Only unmanufactured articles, materials, or supplies of the growth or production of the Philippines or the United States, and only such manufactured articles, materials or supplies as*

*have been manufactured in the Philippines or in the United States, substantially from articles, materials, or supplies of the growth, production or manufacture, as the case may be, of the Philippines or of the United States, shall be purchased for public use xxx”.*

Administrative Order No. 227, issued on May 27, 2008, by former President Gloria Macapagal-Arroyo specifically states:

*Sec. 1. Coverage – All Heads of Departments, Bureaus, Offices and Agencies of the National Government, including Local Government Units (LGUs); Government-Owned and/or Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), State Universities and Colleges, and Military and Police Units shall give preference in the procurement of materials and supplies, produced, made and manufactured in the Philippines that meet the specified or desired quality in accordance with the provisions of existing laws and treaties or international agreements.”*

Sec. 3 of said administrative order also provides:

*“Sec. 3. Procurement of Imported Goods. – The procurement of imported goods may be allowed if local products, materials and supplies are not manufactured domestically in sufficient quantity or comparable quality and at reasonable prices.”*

Lastly, Sec. 5 of said administrative order provides:

*“Sec. 5. Penalties. – Any violation of the provisions of this Administrative Order shall be dealt with administratively, civilly and criminally under existing laws, rules and regulations.”*

Finally, Section 18 of the 2016 Revised IRR of RA 9184 specifically prohibits reference of brand names in the bidding. Specifications shall only be based on relevant characteristics, functionality and/or performance requirements. In the herein case, even though brand names of computers will not be clearly indicated in the specification or term of reference but the result of the top three (3) PC brands in the IDC would still reveal the name of five brands of computers (clearly the preferred brands are Lenovo, HP and Dell only). In doing so, the above mentioned specification or term of reference is an attempt to circumvent what the law prohibits.

	<p>In line with the Government Procurement Policy Board's NPM 116-2016 the provision that the "proposed laptops must be in the top three (3) specifically pertains to the completion and reference to brand names. (See attached NPN No. 116-2016). It is also a violation of the provisions of Commonwealth Act 138 and Administrative Order No. 227, issued on May 27, 2008 and the 2016 Revised IRR of RA 9184. It also in effect prefers foreign goods and discriminates local products. Commonwealth Act 138 and is still a validly existing law specifically on the provision of domestic preference of local products or goods in case of procurements made by the Government, including government owned and controlled corporations of which the Department of Agriculture is included. Administrative Order No. 227 is still valid and has not been repealed until now.</p> <p>In view of the above discussions and to avoid legal complications, I am earnestly requesting that the technical specification requirement would not be "The proposed laptops must be from the top three (3) brands worldwide, based on shipment numbers and market share as of year 2023" so that local bidders who produce or manufacture local goods such as computers be able to participate or be given the chance to participate in the Various ICT Resources for the SOCIAL SECURITY SYSTEM</p> <p>Foregoing considered; we appeal to the SOCIAL SECURITY SYSTEM, through the Honorable Members of the BAC, as one of the few remaining trusted sentinels of good governance, to uphold fairness and safeguard competitive conditions.</p>	
<b>E.</b>		
1	<p>We would like to raise our clarification for Social Security System's bid tender with project name Procurement of GOODS-VARIOUS ICT RESOURCES (ITB-SSS-GOODS-2024-078). For the following items stated in the terms of reference:</p>	Please refer to Item I.8 above.



<p>1/ page 34- b. Memory - 32 GB DDR4 3200MHz (2 x 16 GB)  2/ page 34- b. Memory - 16 GB 3200MHz DDR4, (2 x 8 GB)</p> <p>We would like to request to change the measurement to MT/s instead of MHz. MT/s measures the actual data transfer rate which provides a more accurate representation of the effective data rate of DDR SDRAM. In this regard, we would like to request for SSS to consider the following MT/s:</p> <p>For 1,955 units - 32 GB: 2 x 16 GB, DDR5, 5600 MT/s  For 14 units- 16 GB: 2 x 8 GB, DDR5, 5200 MT/s</p>	
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### III. OTHER AMENDMENTS

Revision on Section V. Special Conditions of the Contract

#### C. PRIOR TO PRODUCT ACCEPTANCE

##### 1. Performance Evaluation Test.

- The delivered goods shall undergo a Performance Evaluation Test (PET) for a period of **twenty (20)** working days, commencing immediately after the Supplier submits the Notice of Complete Delivery **for each delivery of at least 450 units**, and it has been duly acknowledged by the ITRMD.
- **All delivered** units shall undergo said PET. It shall include startup and shutdown procedures, connection/disconnection to SSS Wi-Fi **and/or** Local Area Network, continuous running for at least **eight (8)** hours using 220V AC power, and for at least **four (4)** hours using battery power while running **all the** installed SSS applications/software, **for at least three (3) consecutive working days**.
- Other peripherals, such as the webcam, headset, and USB optical mouse, **shall be connected to the laptop units while undergoing PET**.
- **SSS shall provide the PET criteria to the Supplier during the Project Implementation Planning Sessions**.
- Immediately upon successful completion of the PET, SSS shall notify the Supplier in writing of the product's acceptance and issue the Certificate of Final Acceptance to authorize payment, subject to the applicable COA rules and regulations.

- If successful completion of the PET is not achieved within **twenty (20)** working days from the Notice of Complete Delivery and Installation by the Supplier, **SSS shall have the option to pre-terminate the contract** or continue the PET.
- However, in continuing the PET, a daily penalty of 1/10 of 1% of the contract price shall be imposed on the Supplier until successful PET is achieved and duly accepted by SSS. **The option for SSS to pre-terminate the contract shall remain in effect until successful completion of the PET is attained.**
- Upon cancellation of the contract, SSS shall forfeit the performance security, and the contract may be awarded to the next bidder with the Lowest Calculated and Responsive Bid.
- When awarding the contract to the bidder with the next Lowest Calculated and Responsive Bid, the forfeited performance security will be applied to cover the difference in the bid price. If the forfeited performance security is insufficient, the bidder whose bond was forfeited shall be responsible for covering the remaining difference in cost.