



SUPPLEMENTAL/BID BULLETIN NO. 1
For LBP-HOBAC-ITB-GS-20210126-01

PROJECT : **One (1) Year Subscription and Support for WebSphere Application Server Software Licenses**

IMPLEMENTOR : **Procurement Department**

DATE : **May 7, 2021**

This Supplemental/Bid Bulletin is issued to modify, amend and/or clarify certain items in the Bid Documents. This shall form an integral part of the Bid Documents.

Modifications, amendments and/or clarifications:

- 1) The bidder/s are encouraged to use the Bid Securing Declaration as Bid Security.
- 2) The Terms of Reference (Annex D), Technical Specifications (Section VII), Omnibus Sworn Statement (Form No. 6) and Checklist of Bidding Documents (Item Nos. 1, 12, 13 & 17 of the Eligibility and Technical Components) have been revised. Please see attached revised Annexes D-1 to D-3 and specific sections of the Bidding Documents.

ALWIN I. REYES
Assistant Vice President
Head, Procurement Department and
HOBAC Secretariat

Technical Specifications

Specification	Statement of Compliance Bidders must state below either "Comply" or "Not Comply" against each of the individual parameters of each Specification preferably stating the corresponding performance parameter of the product offered Statements of "Comply" or "Not Comply" must be supported by evidence in a Bidders Bid and cross-referenced to that evidence. Evidence shall be in the form of manufacturer's un-amended sales literature, unconditional statements of specification and compliance issued by the manufacturer, samples, independent test data etc., as appropriate. A statement that is not supported by evidence or is subsequently found to be contradicted by the evidence presented will render the Bid under evaluation liable for rejection. A statement either in the Bidders statement of compliance or the supporting evidence that is found to be false either during Bid evaluation, post-qualification or the execution of the Contract may be regarded as fraudulent and render the Bidder or supplier liable for prosecution subject to the applicable laws and issuances.
<p>One (1) Year Subscription and Support for WebSphere Application Server Software Licenses</p> <ol style="list-style-type: none">1. Scope of works and other requirements per attached Revised Annexes D-1 to D-3.2. The following documents shall be submitted in support of the compliance of the Bid to the Technical Specifications and other requirements:<ol style="list-style-type: none">2.1. Duly filled-out Terms of Reference signed in all pages by the authorized representative/s of the bidder.2.2. Certification from the distributor or principal that the bidder is a Platinum Partner/Reseller.2.3. List of at least two (2) existing local clients, other than LANDBANK for	<p>Please state here either "Comply" or "Not Comply"</p>

<p>WebSphere Application Server Software Licenses supported by copy of Purchase Order, Contract or Acceptance Documents.</p> <p>Non-submission of above documents may result to post-disqualification of the bidder.</p>	
--	--

Conforme:

Name of Bidder

Signature over Printed Name of
Authorized Representative

Position

Form No. 6**Omnibus Sworn Statement**

REPUBLIC OF THE PHILIPPINES)
 CITY/MUNICIPALITY OF _____) S.S.

AFFIDAVIT

I, [Name of Affiant], of legal age, [Civil Status], [Nationality], and residing at [Address of Affiant], after having been duly sworn in accordance with law, do hereby depose and state that:

1. Select one, delete the other:

If a sole proprietorship: I am the sole proprietor or authorized representative of [Name of Bidder] with office address at [address of Bidder];

If a partnership, corporation, cooperative, or joint venture: I am the duly authorized and designated representative of [Name of Bidder] with office address at [address of Bidder];

2. Select one, delete the other:

If a sole proprietorship: As the owner and sole proprietor, or authorized representative of [Name of Bidder], I have full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for [Name of the Project] of the Land Bank of the Philippines, as shown in the attached duly notarized Special Power of Attorney;

If a partnership, corporation, cooperative, or joint venture: I am granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for [Name of the Project] of the Land Bank of the Philippines, as shown in the attached [state title of attached document showing proof of authorization (e.g., duly notarized Secretary's Certificate, Board/Partnership Resolution, or Special Power of Attorney, whichever is applicable)];

3. [Name of Bidder] is not "blacklisted" or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board, by itself or by relation, membership, association, affiliation, or controlling interest with another blacklisted person or entity as defined and provided for in the Uniform Guidelines on Blacklisting;

4. Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;

5. [Name of Bidder] is authorizing the President and CEO of Land Bank of the Philippines or its duly authorized representative(s) to verify all the documents submitted;

6. Select one, delete the rest:

If a sole proprietorship: The owner or sole proprietor is not related to the following LANDBANK officers, employees and consultants: 1) members of the Board of Directors; 2) President and CEO; 3) members of the Head Office Bids and Awards Committee (HOBAC); 4) members of the Technical Working Group, if applicable; 5) personnel of Procurement Department; 6) personnel of the implementing unit or the end-user unit; and 7) project consultants, if applicable, by consanguinity or affinity up to the third level degree;'

If a partnership or cooperative: None of the officers, members, of [Name of Bidder] is related to the following LANDBANK officers, employees and consultants: 1) members of

the Board of Directors; 2) President and CEO; 3) members of the Head Office Bids and Awards Committee (HOBAC); 4) members of the Technical Working Group, if applicable; 5) personnel of Procurement Department; 6) personnel of the implementing unit or the end-user unit; and 7) project consultants, if applicable, by consanguinity or affinity up to the third civil degree;¹

If a corporation or joint venture: None of the officers, directors, controlling stockholders of [Name of Bidder] is related to the following LANDBANK officers, employees and consultants: 1) members of the Board of Directors; 2) President and CEO; 3) members of the Head Office Bids and Awards Committee (HOBAC); 4) members of the Technical Working Group, if applicable; 5) personnel of Procurement Department; 6) personnel of the implementing unit or the end-user unit; and 7) project consultants, if applicable, by consanguinity or affinity up to the third civil degree;¹

7. [Name of Bidder] has no unsatisfactory performance with its ongoing projects.
8. [Name of Bidder] complies with existing labor laws and standards; and
9. [Name of Bidder] is aware of and has undertaken the responsibilities as a Bidder in compliance with the Philippine Bidding Documents, which includes:
 - a) Carefully examine all of the Bidding Documents;
 - b) Acknowledging all conditions, local or otherwise, affecting the implementation of the Contract;
 - c) Making an estimate of the facilities available & needed for the contract to be bid, if any; and
 - d) Inquiring or securing Supplemental/Bid Bulletin(s) issued for the [Name of the Project].
10. [Name of Bidder] did not give or pay directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.
11. In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____, 20___ at _____, Philippines.

[Insert NAME OF BIDDER OR ITS AUTHORIZED REPRESENTATIVE]
[Insert signatory's legal capacity]
Affiant

SUBSCRIBED AND SWORN to before me this ___ day of _____, in _____, Affiant/s is/are personally known to me and was/were identified by me through competent evidence of identity as defined in the 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC). Affiant/s exhibited to me his/her [insert type of government identification card used], with his/her photograph and signature appearing thereon, with no. _____ and his/her Community Tax Certificate No. _____ issued on ___ at _____.

Witness my hand and seal this ___ day of [month] [year].
Notary Public

Doc. No. _____;
Page No. _____;
Book No. _____;
S. of _____.

¹The names of specific LANDBANK officers, employees and consultants being referred to are shown in Annexes E-1.1 to E-1.2.

Checklist of Bidding Documents for Procurement of Goods and Services

The documents for each component should be arranged as per this Checklist. Kindly provide guides or dividers with appropriate labels.

Eligibility and Technical Components (PDF File)

- The Eligibility and Technical Component shall contain documents sequentially arranged as follows:

- **Eligibility Documents – Class “A”**

- Legal Eligibility Documents

1. Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages); or all of the following:

- Registration Certificate from Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives, or any proof of such registration as stated in the Bidding Documents;
- Valid and current mayor's/business permit issued by the city or municipality where the principal place of business of the prospective bidder is located, or equivalent document for Exclusive Economic Zones or Areas.

In cases of recently expired Mayor's/Business permits, it shall be accepted together with the official receipts as proof that the bidder has applied for renewal within the period prescribed by the concerned local government unit. *Provided*, That the renewed permit shall be submitted as a post-qualification requirement in accordance with Section 34.2 of this IRR.

For individual consultants not registered under a sole proprietorship, a BIR Certificate of Registration shall be submitted, in lieu of DTI registration and Mayor's/Business Permit; and

- Tax Clearance per Executive Order 398, Series of 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR).

Technical Eligibility Documents

2. Duly notarized Secretary's Certificate attesting that the signatory is the duly authorized representative of the prospective bidder, and granted full power and authority to do, execute and perform any and all acts necessary and/or to represent the prospective bidder in the bidding, if the prospective bidder is a corporation, partnership, cooperative, or joint venture or Original Special

Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder. (sample form - Form No. 7).

3. Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid, within the last five (5) years from the date of submission and receipt of bids. The statement shall include all information required in the sample form (Form No. 3).
4. Statement of the prospective bidder identifying its Single Largest Completed Contract (SLCC) similar to the contract to be bid within the relevant period as provided in the Bidding Documents. The statement shall include all information required in the sample form (Form No. 4).

Financial Eligibility Documents

5. The prospective bidder's audited financial statements, showing, among others, the prospective bidder's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission.
6. The prospective bidder's computation for its Net Financial Contracting Capacity (NFCC) following the sample form (Form No. 5), or in the case of Procurement of Goods, a committed Line of Credit from a Universal or Commercial Bank in lieu of its NFCC computation.

o **Eligibility Documents – Class "B"**

7. Duly signed valid joint venture agreement (JVA), in case the joint venture is already in existence. In the absence of a JVA, duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful shall be included in the bid. Failure to enter into a joint venture in the event of a contract award shall be ground for the forfeiture of the bid security. Each partner of the joint venture shall submit its legal eligibility documents. The submission of technical and financial eligibility documents by any of the joint venture partners constitutes compliance, provided, that the partner responsible to submit the NFCC shall likewise submit the statement of all its ongoing contracts and Audited Financial Statements.
8. For foreign bidders claiming by reason of their country's extension of reciprocal rights to Filipinos, Certification from the relevant government office of their country stating that Filipinos are allowed to participate in government procurement activities for the same item or product.

9. Certification from the DTI if the Bidder claims preference as a Domestic Bidder or Domestic Entity.

o **Technical Documents**

10. Bid Security (if in the form of a Surety Bond, submit also a certification issued by the Insurance Commission).
11. Section VI – Schedule of Requirements with signature of bidder's authorized representative.
12. **Revised Section VII** – Specifications with response on compliance and signature of bidder's authorized representative.
13. **Duly Notarized Revised Omnibus Sworn Statement (OSS)** (sample form - Form No.6).

o **Post-Qualification Documents – [The bidder may submit the following documents within five (5) calendar days after receipt of Notice of Post-Qualification]:**

14. Business Tax Returns per Revenue Regulations 3-2005 (BIR No.2550 Q) VAT or Percentage Tax Returns for the last two (2) quarters filed manually or through EFPS.
15. Latest Income Tax Return filed manually or through EFPS.
16. Original copy of Bid Security (if in the form of a Surety Bond, submit also a certification issued by the Insurance Commission).
17. **Original copy of duly notarized revised Omnibus Sworn Statement (OSS)** (sample form - Form No.6).

Financial Component (PDF File)

- **The Financial Component shall contain the documents sequentially arranged as follows:**
 1. Duly filled out Bid Form signed by the bidder's authorized representative (sample form - Form No.1).
 2. Duly filled out Schedule of Prices signed by the bidder's authorized representative (sample form - Form No.2).



LANDBANK PURCHASE OF ONE (1) YEAR WEBSHERE APPLICATION SERVER SOFTWARE LICENSES SUBSCRIPTION AND SUPPORT TERMS OF REFERENCE 2021

Instructions on responding to this Terms of Reference (TOR) document

- a. The vendor/bidder understands and agrees that the requirements specified in this document are deliverables for the proposed One (1) Year Websphere Application Server Software Licenses Subscription and Support.
- b. All deliverables, its specifications and functionalities, must be satisfied including its necessary prerequisites without additional cost to the Bank.
- c. The vendor/bidder must answer at the third column whether the proposed Websphere Application Server Software Licenses complies or not – answer must be **YES** or **NO**.
- d. The REMARKS column in the table is to be filled out according to the response in the third column:
 - d.1. If answer to the third column is YES: REMARKS column to be filled out with the complete and specific reference to the supporting document included in the bidding document to support answer/claim.
 - d.2. If the answer to the third column is NO: REMARKS column is to be filled out with the justifications why the proposed Websphere Application Server Software Licenses cannot meet the specified requirement; include the complete and specific reference to the supporting document included in the bidding document to support answer/claim.
- e. The supporting documents, cited references to the TOR should be indexed or labeled accordingly for easy identification and validation.

CAPABILITY	REQUIREMENT	WILL COMPLY? YES/NO	REMARKS
SCOPE OF WORK			
	One (1) Year Support and Subscription of the following WAS licenses of Land Bank of the Philippines: <ul style="list-style-type: none"> • 240 x WebSphere Application Server Network Deployment for Linux on System z Processor Value Unit (PVU) • 400 x WebSphere Application Server - Express Processor Value Unit (PVU) • 4320 x WebSphere Application Server Processor Value Unit (PVU) • 8960 x WebSphere Application Server Processor Value Unit (PVU) for Linux on System z 		

Revised Annex D-1


	Coverage period: Twelve (12) months from date of purchase		
RESPONSE CRITERIA			
	<p>Software subscription</p> <ul style="list-style-type: none"> download access to fixes, feature packs, new releases and new versions of your licensed software —via Passport Advantage Online <p>Product support</p> <ul style="list-style-type: none"> provide answers to deployment, migration, troubleshooting and code questions, access to Knowledge Centers and Redbooks and access to the Support Community to download fixes and open cases. rapid response to severity 1 technical support issues day or night 		
RESELLER QUALIFICATION			
	The bidder must be at least an Platinum Partner/Reseller, and must provide proof or documentation or certification issued by IBM Philippines, Inc.		
REFERENCE			
	The bidder must have at least two (2) existing contracts on local clients for Websphere Application Server (WAS) license other than LANDBANK, and must provide copy of Purchase Order (PO) or Contract or Acceptance Document		
SUPPORT SERVICES			
	Support must provide the services and remedy defects in conformity with the provisions of the existing Contract Agreement.		
REGULATORY COMPLIANCE			
	Contract Agreement between LANDBANK and the Winning Bidder must include provision allowing LANDBANK to cancel the contract by contractual notice of dismissal or extraordinary notice of cancellation if so required by the Bangko Sentral ng Pilipinas.		
	The Vendor must comply with the requirements in relation to Third Party/Vendor Assessment conducted by the Bank. Must submit [eg. Latest Financial Statement (FS), Business Continuity Plan (BCP) that are related to the Bank, and List of Updated Technical Support (include name, contact numbers and email address), etc.		
DELIVERY			
	Vendor must be able to deliver the paper license within thirty (30) calendar days upon receipt of Notice to Proceed (NTP)		

Revised Annex D-2

PAYMENT			
	Payment of the total amount is within thirty (30) calendar days after acceptance of invoice		

END of Terms of Reference

Noted / Approved by:


JOSIE M. CASTRO
Assistant Vice President, DCMD
