

SUPPLEMENTAL BID BULLETIN NO. 2022-08-002

**PROCUREMENT OF FUEL FOR OSG VEHICLES
THROUGH THE FLEET CARD SYSTEM
(OSG PR No. 022-07-115)**

TO ALL PROSPECTIVE BIDDERS:

This Supplemental/Bid Bulletin is issued to clarify, modify, and/or amend the following items in the Terms of Reference (TOR) for the Procurement of Fuel for OSG Vehicles through the Fleet Card System, following the discussions/clarifications made during the Pre-bid Conference held last July 25, 2022, as follows:

Items	Old Provision	New Provision
Article VI – Basis of Payment	1. The Supplier shall provide a Statement of Account (SOA) or Billing Statement as basis for the payment of actual consumption per billing cycle. The SOA should contain the following information: a. Date and Time of Purchase b. Vehicle Plate No. c. No. of liters d. Name of Driver e. Fuel Fleet Card No.	1. The Supplier shall provide a Statement of Account (SOA) or Billing Statement as basis for the payment of actual consumption per billing cycle. The SOA or its documentary attachments should contain the following information: a. Date and Time of Purchase b. Vehicle Plate No. c. No. of liters d. Name of Driver e. Fuel Fleet Card No.
Article VII – Scope of Services and Deliverables	1. Fuels to be supplied must conform to the Philippine National Standards on Fuel; i.e. Philippine National Standard 1131, with Research Octane Number (RON) of 93 minimum for gasoline; and Philippine National Standard 20 grade Automotive Diesel Oil (ADO) for diesel.	1. Fuels to be supplied must conform to the latest Philippine National Standards on Fuel, i.e., a) PNS/DOE QS 008:2018 , with Research Octane Number (RON) of 91 minimum for regular grade gasoline and RON of 95 for premium grade gasoline ; and b) PNS/DOE QS 004:2017 , with Automotive Diesel Oil (ADO) of 50 for diesel.

	<p>5. The Contractor/Supplier must provide OSG with a vehicle specific fuel fleet card containing the following information, among others:</p> <p>d. Product restriction (type of fuel; other services such as car wash, vulcanizing, etc.)</p>	<p>5. The Contractor/Supplier must provide OSG with a vehicle specific fuel fleet card containing the following information, among others:</p> <p>d. Type of fuel</p>
	<p>7. The Contractor/Supplier must:</p> <p>i. In case of doubt in the authenticity of the fleet card, it may reserve its right to refuse provision of fuel, and in such case, it must also inform the OSG immediately;</p> <p>j. Provide, under the fleet card program, whenever required, a 24-hour towing and roadside privilege service free of charge;</p> <p>xxx</p> <p>l. 24/7 availability in the provision of fuel requirements by the Contractor/Supplier's fuel stations, within the duration of the Contract.</p>	<p>7. The Contractor/Supplier must:</p> <p>i. In case of doubt in the authenticity of the fleet card, it may contest within a reasonable period of time the fleet card in question; reserve its right to refuse provision of fuel; and inform the OSG immediately on this matter;</p> <p>j. Provide, under the fleet card program, whenever required, a 24-hour towing and roadside privilege service free of charge, subject to the terms and conditions of the supplier's third-party agreement with towing partners/concessionaires, if applicable, and provided they are not contrary to law or detrimental to the best interest of the OSG;</p> <p>xxx</p> <p>l. Provide 24/7 availability in the provision of fuel requirements by the Contractor/Supplier's fuel stations, within the duration of the Contract and subject to any restriction that the national government or local governments may impose.</p>

Regarding the query of Petron Corporation, the following are the comments/response of the BAC and its TWG:

<p align="center">PETRON'S QUESTIONS/COMMENTS ON SELECTED PROVISIONS OF THE TOR</p>	<p align="center">BAC AND TWG'S COMMENTS</p>
<p>Section I. Rationale:</p> <ul style="list-style-type: none"> - Identify "related services" 	<p>The "related services" referred to in the rationale are those services provided by any regular gasoline station in the ordinary course of business or during an emergency, i.e., water, tire pressure, emergency tire change, etc.</p>
<p>Section VI. Basis of payment, No. 3:</p> <ul style="list-style-type: none"> - Details of the Statement of Account (SOA) or Billing Statement 	<p>Considering Petron's comment, the provision may be amended as follows:</p> <p><i>The Supplier shall provide a Statement of Account (SOA) or Billing Statement as basis for the payment of actual consumption per billing cycle. The SOA or its documentary attachments should contain the following information:</i></p> <ul style="list-style-type: none"> a. <i>Date and Time of Purchase</i> b. <i>Vehicle Plate No.</i> c. <i>No. of liters</i> d. <i>Name of Driver</i> e. <i>Fuel Fleet Card No.</i>
<p>Section VI. Basis of payment, No. 4:</p> <ul style="list-style-type: none"> - When will the 30-calendar day period for the OSG's settlement of its monthly obligation run 	<p>After consulting the Administrative Division and the Financial Management Service, the TWG insists on retaining this provision.</p>
<p>Section VII. Scope of Services and Deliverables, No. 1:</p> <ul style="list-style-type: none"> - Applicable Philippine National Standards (PNS) for Fuel 	<p>Upon research, the TWG notes that the PNS outlined in the TOR is already outdated. Considering Petron's comment, the provision may be amended as follows:</p> <p><i>1. Fuels to be supplied must conform to the latest Philippine National Standards on Fuel, i.e., a) PNS/DOE QS 008:2018, with Research Octane Number (RON) of 91 minimum for regular grade gasoline and RON of 95 for premium grade gasoline; and b) PNS/DOE QS 004:2017, with Automotive Diesel Oil (ADO) of 50 for diesel.</i></p>
<p>Section VII. Scope of Services and Deliverables, No. 5 (d):</p> <ul style="list-style-type: none"> - Car wash and vulcanizing services 	<p>Considering Petron's comment, the provision may be amended as follows:</p> <p><i>5. The Contractor/Supplier must provide OSG with a vehicle specific fuel fleet card containing the following information, among others:</i></p> <p align="center">d. Type of fuel</p>

<p>Section VII. Scope of Services and Deliverables, No. 7 (b):</p> <ul style="list-style-type: none"> - Odometer reading in transaction slips 	<p>After consulting the Administrative Division, the TWG does not see any conflict with the TOR if Petron imposes this condition.</p>
<p>Section VII. Scope of Services and Deliverables, No. 7 (g):</p> <ul style="list-style-type: none"> - Submission of an electronic SOA 	<p>An electronic SOA is considered compliant with this provision.</p>
<p>Section VII. Scope of Services and Deliverables, No. 7 (h):</p> <ul style="list-style-type: none"> - Card replacement fee 	<p>The TWG does not see any conflict with the TOR if Petron imposes this condition.</p>
<p>Section VII. Scope of Services and Deliverables, No. 7 (j):</p> <ul style="list-style-type: none"> - Partner towing company 	<p>In its Memorandum dated July 28, 2022, the TWG already proposed an amended provision based on Petron’s comment last Pre-bidding Conference. However, the TOR cannot expressly refer to Ibero Asistencia or its contract with Petron. This will violate the procurement law since it makes the TOR tailor-made for Petron.</p>
<p>Section VII. Scope of Services and Deliverables, No. 7 (l):</p> <ul style="list-style-type: none"> - 24/7 operability of fleet card stations 	<p>Considering Petron’s comment, the provision may be amended as follows:</p> <p><i>7. The Contractor/Supplier must:</i></p> <p><i>1. Provide 24/7 availability in the provision of fuel requirements by the Contractor/Supplier’s fuel stations, within the duration of the Contract and subject to any restriction that the national government or local governments may impose.</i></p>
<p>Section IX. Liquidated Damages:</p> <ul style="list-style-type: none"> - Applicability of Warranty and Retention 	<p>The TWG had already made its position clear on this matter in its Memorandum dated July 28, 2022. To repeat, a) the required warranties for the procurement of fleet card, while not expressly provided in the TOR, are expressly required under Republic Act (RA) No. 9184 and its Revised Implementing Rules and Regulations (IRR), plus the Civil Code; and b) for this reason, the required warranties for the Procurement of Fuel for OSG Vehicles through the Fleet Card System cannot be done away with.</p> <p>The TWG would also like to add that a) the subject of this procurement is a type of <u>expendable supply</u>, that is, petroleum for motor vehicles;¹ and b) the amount that will form the warranty for this procurement, which will be covered by either retention</p>

¹ Under Section 5 (m), Rule 1 of the IRR, expendable supplies are defined as “... articles which are normally consumed in use within one (1) year or converted in the process of manufacture or construction, or those having a life expectancy of more than one (1) year but which shall have decreased substantially in value after being put to use for only one (1) year (e.g., medicines, stationery, **fuel**, and spare parts) (emphasis supplied).”

	money or special bank guarantee, <u>will be returned to the contract awardee after consumption thereof and as long as the fuel supplies to be delivered under the contract are free from patent and latent defects and all the conditions imposed in the contract are fully met.</u> ²
Moving the deadline for submission of bids	Under the law, “[t]he deadline for the receipt of bids shall be fixed by the BAC, giving it sufficient time to complete the bidding process and giving the prospective bidders sufficient time to study and prepare their bids.” ³

This shall form an integral part of the Bid Documents. The unamended portion(s) of the bidding documents shall remain the same.

For your guidance and information. Please see the attached copy of the revised TOR for reference.

Makati City, August 1, 2022.


ASG SHARON E. MILLAN-DECANO
Chairperson


SSS AILEEN P. ESPINA-DALWATAN
Vice-Chairperson


SSS CHERYL ANGELINE M. ROQUE-JAVIER
Member


SSII LEANNE MAUREEN S. APOLINAR
Member


ASIII ALANNA GAYLE ASHLEY B. KHIO
Member


ASIII EMILE JUSTIN D. CEBRIAN
Member


DIR. BERNADETTE M. LIM
Member

² Rep. Act No. 9184 (2003), Art. IX, Sec. 62; IRR, Rule XIX, Sec. 62.1.

³ Rep. Act No. 9184 (2003), Art. VIII, Sec. 25.