PEOPLE'S TELEVISION
PARA SA BAYAN
People's Television Network, Inc
Broadcast Complex, Visayas Avenue, Diliman, Quezon City 1100
Telephone No. 3453-1097 /www.ptv.ph

BID BULLETIN NO. 2
31 October 2020

Lease Service Delivery of Eight Megahertz (8MHz – 4 MHz for Distribution and 4 MHz for Contribution) Standard C-Band Space Segment for the People's Television Network, Inc. (PTNI)
ITB NO. 2020-0021

This bulletin is being issued to revise/clarify certain portions of the bidding documents, address a number of concerns and questions. This shall form an integral part of the bidding document for the above-stated project.

Item No.	Comments/Queries/Concerns	Final Response
1	If the JV Partner cannot go to the Philippines to sign-off the JV Agreement and the Special Power of Attorney for authorizing the Partner's Representative to sign the documents, will it be possible that it will only bare e-signs and send it here in the philippine for notary public?	In the absence of JVA, duly notarized statements from all the potential joint venture partners should be included in the bid, stating that they will enter into and abide by the provisions of the JVA in the event that the bid is successful. Failure to enter into a joint venture in the event of a contract award shall be ground for the termination of contract and forfeiture of the bid security. In addition, In case of foreign bidders, the eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.(a) However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, as defined in Section 8.5.2 paragraph 4 of the 2016 revised IRR of RA No. 9184, except for

		countries identified by the DFA that will still require legalization (red ribbon) by the relevant Embassy or Consulate.
2	Is the Omnibus Sworn Statement must be made in the Philippines before a notary public in the Philippines? Can it be made in Hong Kong before a notary public in Hong Kong? If it can be made in Hong Kong, whether it should be legalized by the Philippine Consulate General in Hong Kong?	Bidders are required to use the prescribed Omnibus Sworn Statement form can be found here: https://www.gppb.gov.ph/assets/forms/Omnibus%20Sworn%20Statement(Revised).docx Please take note, 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 of its ongoing contracts and Audited Financial Statements. In addition, In a case of foreign bidders, the eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.(a) However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, as defined in Section 8.5.2 paragraph 4 of the 2016 revised IRR of RA No. 9184, except for countries35 identified by the DFA that will still require legalization (red ribbon) by the relevant Embassy or Consulate.

3	What is the meaning of "Joint venture" in Class "B" Documents of the Checklist of Technical and Financial Documents? Does it mean an independent corporation to be established by two partners in the Philippines or the cooperation relationship between two partners?	Section 23.4.1.1 (e) of RA 9184 states that: "Persons/entities forming themselves into a joint venture, i.e., a group of two (2) or more persons/entities that intend to be jointly and severally responsible or liable for a particular contract: Provided, however, That Filipino ownership or interest of the joint venture concerned shall be at least sixty percent (60%). For this purpose, Filipino ownership or interest shall be based on the contributions of each of the members of the joint venture as specified in their JVA."
4	In a JVA, do both partners need to submit PhilGEPS Certificate of Registration?	Section 23.1 b) Class "B" Documents "xxx Each partner of the joint venture shall submit their respective PhilGEPS Certificates of Registration in accordance with Section 8.5.2 of this IRR. 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 of its ongoing contracts and Audited Financial Statements."
5	Say a local entity, who has a PhilGEPS Platinum membership will form a JV with a foreign Satellite Service provider, who's a non-PhilGEPS member and doesn't have an existing business here locally, will the legal documents of the local entity suffice and fill the required document of their partner?	Section 23.1 b) Class "B" Documents and 23.4 of RA9184 states that " Section 23.1 xxx Each partner of the joint venture shall submit their respective PhilGEPS Certificates of Registration in accordance with Section 8.5.2 of this IRR. 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 of its ongoing contracts and Audited Financial Statements." In addition, In case of foreign bidders, the eligibility requirements or statements, the

		bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.(a) However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, as defined in Section 8.5.2 paragraph 4 of the 2016 revised IRR of RA No. 9184, except for countries35 identified by the DFA that will still require legalization (red ribbon) by the relevant Embassy or Consulate
6	If the satellite operator has filed for "Chapter 11 Bankruptcy", are they still eligible to participate in the bid ?	If the bidder has already filed for Chapter 11 Bankruptcy, they are no longer eligible to participate in the bidding.
7	Can we provide our existing and historical licenses in respect of operating and controlling satellites in Hong Kong as proof of our experience in providing satellite services. Whether such licenses are sufficient as "Track Record Certifications" as required in paragraph (f) of the Technical Documents of the Check List of Technical and Financial Documents?	Yes, accepted. Please take note that, If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.(a)

		However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, as defined in Section 8.5.2 paragraph 4 of the 2016 revised IRR of RA No. 9184, except for countries35 identified by the DFA that will still require legalization (red ribbon) by the relevant Embassy or Consulate.
8	In the context of the orbital location of asked Satellite. This specific clause is mentioned on page#36, under "detailed technical specifications". As per this specific clause, the PTNI is asking the bidder to offer the space segment on a Satellite within the orbital arc from 128.5 Degree East to 138 Degree East. As of today, within the specified orbital Arc, there are following Satellites – ● Laosat-1 (Orbital location 128.5 Degree East) : No Filipino cable neighborhood on this Satellite ● Chinasat-6C and 2D (Orbital location 130 Degree East) : No coverage over Philippines offered by this Satellite ● JCSAT-5A (Orbital location 132 Degree East) : No Filipino cable neighborhood on this Satellite ● Vinasat-1 & Vinasat-2 (Orbital location 132 Degree East) : No Filipino cable neighborhood on this Satellite ● Apstar-6C (Orbital location 134 Degree East) : No Filipino cable neighborhood on this Satellite ● Apstar-5C (Orbital location 138 Degree East) : Filipino cable neighborhood is available on this Satellite Since PTNI is a broadcaster, it is most important for PTNI to be on a Satellite who can offer best cable neighborhood, so that maximum number of cable operators can receive the signal in Philippines to provide maximum penetration. Unfortunately none of the Satellite in the specified orbital arc from 128.5 Degree East to 138 Degree East, can offer Filipino neighborhood, except your current Satellite Apstar-5C. In other words, this bidding will not help you to evaluate other Satellites who can offer better or equal Filipino neighborhood, if you restrict the orbital slot only from 128.5 Degree East to 138 Degree East only. There are many Satellites operating outside the 128.5 Degree East to 138 Degree East orbital slot and can offer very good Filipino cable neighborhood	PTNI has a strategic positioning of the antenna, if the procuring entity considers the degrees outside of the required arc (128.5 to 138 degree east) which is free from any obstruction for both main and provincial stations, there will be a huge movement of antenna to focus on the satellite. The satellites within the given arc covers the entire Philippine archipelago with high EIRP. EIRP LAOSAT-1 = 42 dB CHINASAT-6C AND 2D = ZERO JCSAT-5A = 38 dB VINASAT-1 = 40 dB VNASAT-2 = ZERO APSTAR-6C = 40 dB APSTAR-5C = 40 dB Neighborhood Cable is irrelevant on our end considering the signal reception requirement. What we after is the reliability of the Satellite Link. To sum it up, PTNI will stick to the required arc (128.5 to 138 degree east) and will not consider satellites that are outside of the required arc.

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	for equal or better distribution in the Philippines. Whether PTNI allow bidders to offer other Satellites outside the specified 128.5 Degree East to 138 Degree East arc? So that you can have more relevant options to find the best Satellite for distribution of your channel in Philippines? Rather than stuck with the same Satellite as today due to the restriction of orbital arc? You may wish to consider the orbital arc from 80 Degree East to 172 Degree East to include multiple Satellites for better evaluation.	
9	How much is the withholding tax for local company?	see annex "A"
10	How much is the withholding tax for the Joint venture of the local and foreign company?	see annex "A"
11	How much is the withholding tax for foreign company?	see annex "A"

All other information in the bidding document inconsistent with the above are hereby revised accordingly. All other provisions which are not affected shall remain in effect.

For further guidance and information of all concerned.

Thank you.

ATTY. JASON H. SALENDAB
Chairman
Bids and Awards Committee

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ANNEX "A"

-	Subject to Income Tax	Subject to VAT	Subject to Expanded Withholding Tax	Subject to Final Withholding Tax
NON-RESIDENT FOREIGN CORPORATION	30% (if services are performed in Philippines)	12% (Sales of Services performed in the Philippines)		
JOINT VENTURES :				
Share of NRAETB in the distributable net income after tax of a partnership (except GPPs) of which he is a partner, or share in the net income after tax of an association, joint account or a joint venture taxable as a corporation of which he is a member or a co-venturer				20%
Distributive share of individual partners in a taxable partnership, association, joint account or joint venture or consortium				10%
Local Taxes:				
Income Payment made by NGAs, LGU, & etc to its local/resident suppliers of goods other than those covered by other rates of withholding tax		12%	1%	5%
Income Payment made by NGAs, LGU, & etc to its local/resident suppliers of services other than those covered by other rates of withholding tax		12%	2%	5%