



BIDS AND AWARDS COMMITTEE
BAC Resolution No. 100-2023, Series of 2023

**DECLARING THE BID OF FIRST DATACORP FOR THE PROCUREMENT OF WEB
CLOUD HOSTING AS THE SINGLE CALCULATED AND RESPONSIVE BID AND
RECOMMENDING THE AWARD OF CONTRACT**

WHEREAS, the National Privacy Commission (NPC) is the agency mandated to administer and implement Republic Act No. 10173 or the Data Privacy Act of 2012 and to monitor and ensure compliance of the country with international standards set for data protection;

WHEREAS, to fulfill its mission and vision to be a world-class regulatory and enforcement agency that is committed to excellence, the Commission must be equipped with the necessary infrastructure, software solutions, and tools at its disposal. The Commission needs to strengthen its institutional capacity and re-design its structure to keep up with global standards, international commitments, digital revolution, international economic integration, paradigm shifts and other issues which are the driving forces for NPC;

WHEREAS, since 2016, the Commission has been using an online website as its primary repository of all information related to the Data Privacy Act of 2012, such as advisory opinions, advisories, circulars, news/press releases, and announcements;

WHEREAS, a cloud hosting platform must be procured to maintain the availability of the online website as well as other websites and other information systems;

WHEREAS, "Web Cloud Hosting" is under APP Item No. 2023-0002 with an approved budget of the Contract (ABC) amounting to Five Million Pesos (**Php5,000,000.00**);

WHEREAS, Web Cloud Hosting shall be procured through Competitive Bidding pursuant to Section 10 Rule IV of the Revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 (R.A. 9184);

WHEREAS, on 26 July 2023, the Invitation to Bid was posted in the PhilGEPS, the NPC websites, and the NPC bulletin board. The bidding documents were also made available on the same date. Invitations to observers were also sent in accordance with Section 13 of the RIRR of R.A. 9184;

WHEREAS, on 02 August 2023, the NPC - Bids and Awards Committee (NPC-BAC) conducted a pre-bid conference where the Bidding Documents were discussed and questions and concerns from prospective bidders were addressed;

WHEREAS, on 08 August 2023, the NPC-BAC posted Supplemental/Bid Bulletin No. 02-2023 to answer the clarificatory questions raised during the pre-bid conference;

WHEREAS, the NPC-BAC set the deadline of submission of documents on 15 August 2023 at 8:00 a.m., however, no bids were submitted and the NPC-BAC declared failure of bidding as evidenced by the BAC Resolution No. 060-2023, therein attached as Annex "A";

WHEREAS, after a mandatory review of the technical specifications, on 04 October 2023, the Invitation to Bid, together with the Bidding Documents, were reposted on the PhilGEPS website and the NPC Website, as well as on the NPC bulletin board. Invitations to Observers were also sent accordance with Section 13 of RIRR of RA 9184;

WHEREAS, the NPC-BAC set the deadline for submission of bidding documents on 25 October 2023, at 08:00A.M. The instruction on the adoption of the procedure for the electronic submission and receipt of eligibility documents in accordance with the NPC-BAC Guidelines on Electronic Submission and Receipt of Bids (Guidelines) was also provided in the Bidding Documents;

WHEREAS, on 13 October 2023, the second Pre-bid Conference was conducted where the procedure for the revised Technical Specification and the electronic submission and receipt of eligibility documents in accordance with the NPC-BAC Guidelines on Electronic Submission and Receipt of Bids (Guidelines) were discussed;

WHEREAS, on 24 October 2023 at 07:19PM, the NPC BAC Secretariat received from First DataCorp the following documents: (1) 1 Zip Folder containing the Financial Component; (2) 1 Zip Folder containing the Technical Component; (3) Proof of Scan; (4) Proof of Payment; and (5) Excel File with Hash Values;

WHEREAS, the NPC-BAC determined that First DataCorp submitted all the technical and financial requirements prescribed in the Invitation to Bid and the RIRR of RA 9184, as reflected in the Abstract of Bids attached herein as Annex "B". However, another prospective bidder, Crayon Software Experts Philippines, Inc. manifested its intention to file a Motion for Reconsideration;

WHEREAS, after resolving the Motion for Reconsideration, the NPC-BAC evaluated the bid documents submitted by First DataCorp on 17 November 2023;

WHEREAS, the NPC-BAC Technical Working Group (TWG) presented their bid evaluation report for Web Cloud Hosting, herein attached as Annex "C". The NPC BAC-TWG recommended that First DataCorp's bid be declared as the Single Calculated Bid (SCB) and be endorsed for Post-evaluation/qualification, in accordance with Rule X, Section 34 of the revised IRR of R.A. No. 9184;

WHEREAS, on 28 November 2023, the bid submitted by First DataCorp was subjected to post-qualification evaluation. The NPC BAC-TWG presented their post-qualification report, herein attached as Annex "D". the NPC BAC-TWG stated that, after verification and examination of First DataCorp's bid documents, they found that the submission of First DataCorp is compliant with the eligibility requirements (Legal, Financial and Technical) under the Revised IRR of R.A. 9184, and thus, passed the post-qualification evaluation. The NPC BAC-TWG recommended that the bid of First DataCorp be declared as the Single Calculated and Responsive Bid (SCRB);

NOW, THEREFORE, for and in consideration of the foregoing, WE, the members of the NPC-BAC, hereby RESOLVE, as it is hereby **RESOLVED**, that First Datacorp with the bid price of FOUR MILLION SIX HUNDRED THIRTY-TWO THOUSAND THREE HUNDRED TWENTY-EIGHT PESOS AND 31/100 (Php4,632,328.31) be declared as the Single Calculated and Responsive Bid (SCRB) and be recommended the award of contract for the procurement of Web Cloud Hosting.

RESOLVED this 28th day of November 2023, via combination on on-site and videoconference meeting.

ATTEST:


MS. ROBELYN M. CRUZ
ITO II, PIAD
End-user/Provisional Member

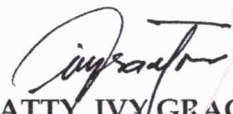

MR. MARLON RUBEN N. FABRICANTE
Chief, ASD
BAC Member

Digitally signed by
Fabricante Marlon
Ruben Natividad

On Official Business
MR. ERWIN D. ESPENILLA
HEA, OPC
BAC Member

On Leave
ATTY. MA. JOSEFINA E. MENDOZA
Attorney IV, LD
BAC Member

On Official Business
ATTY. RAINIER ANTHONY M. MILANES
Chief, CMD
BAC Member


ATTY. IVY GRACE T. VILLASOTO
Attorney V, PDD
BAC Vice Chairperson

Digitally signed
by Ivy Grace T.
Villasoto


ATTY. MARIA THERESITA E. PATULA
Director IV, LEO
BAC Chairperson

Digitally signed
by Patula Maria
Theresita Elnar

APPROVED:


ATTY. JOHN HENRY D. NAGA
Privacy Commissioner
Head of the Procuring Entity
Date: **DEC 13 2023**



Republic of the Philippines
NATIONAL PRIVACY COMMISSION
5th Floor, Philippine International Convention Center,
Vicente Sotto Avenue, Pasay City, Metro Manila 1307



NOTICE OF AWARD

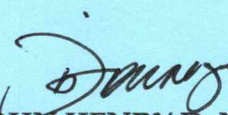
Date Issued: **DEC 13 2023**

[REDACTED]
FIRST DATACORP
3/F Citibank Center,
8741 Paseo de Roxas, Makati City

Dear [REDACTED]

Please be advised that upon the recommendation of the NPC Bids and Awards Committee, per BAC Resolution No. 100-2023 series of 2023, the contract for procurement of **WEB CLOUD HOSTING** amounting to **FOUR MILLION SIX HUNDRED THIRTY-TWO THOUSAND THREE HUNDRED TWENTY-EIGHT PESOS AND THIRTY-ONE CENTAVOS (PhP4,632,328.31)** VAT inclusive, is awarded to **FIRST DATACORP** consistent with Republic Act No. 9184 and its 2016 Revised Implementing Rules and Regulations.

Very truly yours,


ATTY. JOHN HENRY D. NAGA
Privacy Commissioner
Head of the Procuring Entity

 Digitally signed
by Maeda Jean
Theresa Caragay

DEC 13 2023 

Conforme:

[REDACTED]
FIRST DATACORP
3/F Citibank Center,
8741 Paseo de Roxas, Makati City
Date: December 13, 2023

PURCHASE ORDER NATIONAL PRIVACY COMMISSION

Entity Name

Supplier : FIRST DATACORP		P.O. No. : 2023- <u>12-0034</u>									
Address : 3/F Citibank Center, 8741 Paseo de Roxas, Makati City		Date : <u>27 DEC 2023</u>									
TIN : XXXXXXXXXX		Mode of Procurement : <u>Public Bidding/Competitive Bidding</u>									
Gentlemen: Please furnish this Office the following articles subject to the terms and conditions contained herein:											
Place of Delivery : MANILA		Delivery Term : Delivery shall be within 15 calendar days from receipt of PO/NTP									
Date of Delivery : Delivery shall be within 15 calendar days from receipt of PO/NTP		Payment Term : <u>LDDAP-ADA</u>									
Stock/ Property No.	Unit	Description	Quantity	Unit Cost	Amount						
	Lot	WEB CLOUD HOSTING	1	4,632,328.31	4,632,328.31						
		Specifications:									
	Item	Quantity	Unit Price	Sales and other Taxes	Total Price						
	Web Cloud Hosting (6QK-00001 Azure prepayment and W6T-00003 Azure Standard Support)	1	4,136,007.42	496,320.89	4,632,328.31						
		1. Specific Web Cloud Hosting - Azure General Requirements 2. Infrastructure Requirements 3. Security and Compliance Requirement 4. Cloud Resource Requirement - 5. Pricing Option 6. Service Level Agreement "Shall be in accordance with the attached Technical Specification "ANNEX A" DELIVERY: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Quantity</th> <th>Date of Delivery</th> <th>Supporting Documents</th> </tr> <tr> <td>1 lot (Nine (9) months or until the subscription amount has been fully utilized, whichever comes first, inclusive of tech support for the entire duration of the subscription)</td> <td>Issuance of Subscription ID within fifteen (15) calendar days from the receipt by the supplier of Notice to Proceed (NTP)/Purchase Order (PO)</td> <td>Azure Subscription ID, Sales Invoice/Statement of Account</td> </tr> </table> WARRANTY, SUPPORT AND DOCUMENTATION 1. Specification shall be in accordance with the attached "Annex A" PAYMENT: 1. Payment shall be made upon receipt of the billing statement/statement of account/sales invoice and delivery receipt from the supplier. 2. Payment shall be processed upon submission of correct and complete documents such as Certificate of Acceptance of Output, Supplier Evaluation Form and other documents provided by the end-user/IMISU.				Quantity	Date of Delivery	Supporting Documents	1 lot (Nine (9) months or until the subscription amount has been fully utilized, whichever comes first, inclusive of tech support for the entire duration of the subscription)	Issuance of Subscription ID within fifteen (15) calendar days from the receipt by the supplier of Notice to Proceed (NTP)/Purchase Order (PO)	Azure Subscription ID, Sales Invoice/Statement of Account
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(Total Amount in Words) FOUR MILLION SIX HUNDRED THIRTY TWO THOUSAND THREE HUNDRED TWENTY EIGHT PESOS AND THIRTY ONE CENTAVOS											
In case of failure to make the full delivery within the time specified above, a penalty of one-tenth (1/10) of one percent for every day of delay shall be imposed on the undelivered item/s. NOTICE TO PROCEED: Notice is hereby given that by conforming to this Purchase Order, the Service Provider/Supplier shall proceed with the delivery of the items in accordance with the terms and conditions specified herein to commence from the date of conformance hereunder indicated. <i>Contact Ms. Joan P. Del Mundo at (02)8234-2228 local 203 or email at asd@privacy.gov.ph for questions delivery and other concerns.</i>											
Conforme: XXXXXXXXXX Signature over Printed Name of Supplier <u>December 28, 2023</u> Date		Very truly yours, ATTY. JOHN HENRY D. NAGA Signature over Printed Name of Authorized Official Director IV, FAO									
Fund Cluster : <u>01</u> Funds Available : ₱ <u>4,632,328.61</u> JOHANA CARLA T. GOMEZ <i>as per PCSO No. 01742023</i> Signature over Printed Name of Chief Accountant/Head of Accounting Division/Unit		ORS/BURS No. : <u>02-101-2023-12-00472</u> Date of the ORS/BURS: <u>DECEMBER 27, 2023</u> Amount : ₱ <u>4,632,328.31</u>									