



BIDS AND AWARDS COMMITTEE
BAC Resolution No. 126-2023, Series of 2023

**RECOMMENDING THE APPROVAL OF THE CONTRACT RENEWAL FOR
INTERNET SERVICE PROVIDER (ISP)
(APP Item No. 2024-0001)**

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, the Interim Management Information Unit (IMISU), acting as the Information Technology Division of the Commission, is tasked in supporting, maintaining, implementing Information and Communications Technology (ICT);

WHEREAS, being mindful of its duty, the IMISU sought the procurement of an Internet Service Provider (ISP) that will provide high availability of internet access and will act as failover link or redundancy whenever the internet connectivity through GovNet encounters connectivity issues as well as provide 250 megabits per second (MBPS) bandwidth that will serve as a reliable backup internet connectivity to link users, servers, web applications, network services and endpoint devices;

WHEREAS, on 26 December 2022, the NPC Head of the Procuring Entity (HoPE) awarded the contract to Eastern Telecommunications Philippines Inc. declared as the Single Calculated and Responsive Bid through a BAC Resolution No. 155-2022 through Public Bidding;

WHEREAS, on 22 December 2023 a Certification of Availability of funds for the above-mentioned procurement amounting to One Million Pesos (Php1,000,000.00) chargeable against Internet Subscription Expenses (GAS-MOOE) under the National Expenditure Program for FY 2024, programmed in the NPC 2024 Indicative APP with Item No. 2024-0001 was issued;

WHEREAS, on Annex A of GPPB Resolution No. 019-2006 and on Appendix 21 of the Revised Implementing Rules and Regulations (RIRR) of R.A. 9184 Guidelines on Procurement of Water, Electricity, Telecommunications and Internet Service Providers;

WHEREAS, having found that the documents submitted by the end-user to be in order, the NPC Bids and Awards Committee (BAC) resolved to renew the contract for Internet Service Provider (ISP) with the Eastern Telecommunications Philippines Inc.;

NOW, THEREFORE, for and in consideration of the foregoing, WE, the members of the NPC-BAC, hereby RESOLVE, as it is hereby RESOLVED, to recommend the approval of the renewal of the contract for **Internet Service Provider (ISP)** of the NPC for one (1) year from 01 January 2024 to 31 December 2024, for a total contract price of One Million Pesos (Php1,000,000.00).

RESOLVED this 29th day of December 2023, via a combination of on-site and videoconference meeting.

ATTEST:


Digitally signed by
Plandor Lennard
Apora
MR. LENNARD A. PLANDOR
ITO II, IMISU
End-User/Provisional Member


Digitally signed by
Fabricante Marlon
Ruben Natividad
MR. MARLON RUBEN N. FABRICANTE
Chief, ASD
BAC Member

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


Digitally signed
by Milanes Rainier
Anthony Mabias
ATTY. RAINIER ANTHONY M. MILANES
Chief, CMD
BAC Member


Digitally signed
by Mendoza Ma
Josefina Eusebio
ATTY. MA. JOSEFINA E. MENDOZA
Attorney IV, LD
BAC Member


Digitally signed by
Ivy Grace T.
Villasoto
ATTY. IVY GRACE T. VILLASOTO
Attorney V, PDD
BAC Vice Chairperson


Digitally signed by
Patula Maria
Theresita Elnar
ATTY. MARIA THERESITA E. PATULA
Director IV, LEO
BAC Chairperson

APPROVED:


ATTY. JOHN HENRY D. NAGA
Privacy Commissioner
Head of the Procuring Entity
Date: DEC 29 2023

INTERNET SERVICE PROVIDER AGREEMENT

KNOW ALL PERSONS BY THESE PRESENTS:

This INTERNET SERVICES PROVIDER AGREEMENT (hereinafter referred to as the "Agreement") is made and entered into this 02 JAN 2024 in Metro Manila, Philippines, by and between:

The **NATIONAL PRIVACY COMMISSION**, a government agency mandated to administer and implement the Data Privacy Act of 2012, and to ensure compliance of the country with international standards set for data protection, with office address at the 5th Floor Delegation Building, PICC Complex, Vicente Sotto Avenue, Pasay City, Metro Manila, Philippines, represented herein by its Privacy Commissioner, **ATTY. JOHN HENRY D. NAGA** (hereinafter referred to as the "NPC");

- and -

EASTERN TELECOMMUNICATIONS PHILIPPINES INCORPORATED (ETPI), a corporation duly organized and existing under Philippine Laws, with principal office Telecom Plaza, 316 Gil Puyat Ave., Salcedo Village, Makati City, herein represented by its Sales Head, [REDACTED] (hereinafter referred to as the "SERVICE PROVIDER").

The NPC and ETPI shall hereinafter be referred to collectively as the "PARTIES."

WITNESSETH, that:

WHEREAS, NPC has expressed its requirement for a service provider that is authorized and capable to deliver an Internet Service Provider (ISP) that will provide high availability of internet access and will act as failover link or redundancy whenever the Internet connectivity through GovNet encounters connectivity issue and will provide 250 megabits per second (Mbps) bandwidth that will serve as a reliable backup internet connectivity to link users, servers, web applications, network services and endpoint devices;

WHEREAS, the NPC and the **SERVICE PROVIDER** entered into an Internet Service Provider Agreement (the "Agreement") on 30 January 2023 which was in force and effect until 31 December 2023. A copy of the Original Agreement is herein attached as **ANNEX "A"** and made an integral part of this Agreement;

WHEREAS, the Government Procurement Policy Board (GPPB) has issued Resolution No. 019-2006, as amended by GPPB Resolution No. 41-2017, adopting the guidelines on the procurement of water, electricity, telecommunications and internet service providers;

WHEREAS, GPPB Resolution Nos. 019-2006 and 41-2017 recognizes that changing ISPs yearly may prove to be more costly to the government;

WHEREAS, Section 3.3.1.2 of GPPB Resolution No. 41-2017 allows renewal of ISPs, provided that at the end of each year, the procuring entity must first assess the quality of services provided by its current ISP, compare the cost charged and the range of services it offers as against other service providers in the area, or consider new technologies that may prove less costly or those that are more advantageous to the government in terms of use, capacity and services offered, e.g. bandwidth, speed, platform, additional services, such as, but not limited to cloud computing, cloud storage, etc.;

WHEREAS, pursuant to the provisions of GPPB Resolution No. 019-2006 and 41-2017, the management of NPC saw it fit to renew the contract of its current ISP;

WHEREAS, the current service provider, ETPI, has submitted all the documentary requirements for renewal;

CONTRACT NO. 2024- 01-0002



WHEREAS, on 22 December 2023, the NPC Accountant issued Certificate of Availability of Funds (CAF) amounting to One Million Pesos (Php 1,000,000.00). A copy of the CAF is hereto attached as ANNEX "B" and made an integral part of this Agreement.

WHEREAS, on 29 December 2023, the Head of the Procuring Entity approved the NPC-BAC Resolution No. 126-2023, Series of 2023, recommending the Award of Contract for Internet Service Provider (ISP) to EASTERN TELECOMMUNICATIONS PHILIPPINES INCORPORATED;

WHEREAS, NPC has awarded above-mentioned project to ETPI and has confirmed award amounting to a total contract price of One Million Pesos (Php1,000,000.00) inclusive of all applicable taxes, duties, fees, levies and other charges imposed under applicable laws as stated in the BAC resolution No. 126-2023, Series of 2023;

NOW, THEREFORE, NPC and ETPI, in consideration of the mutual covenants hereinafter set forth agree as follows:

- 1. **SCOPE OF WORK.** The terms and conditions of the Original Agreement and all agreements related thereto, such as renewal contracts and extension contracts, shall be read and construed as part of this Agreement. Any and all parts of the Original Agreement which are not inconsistent with this Agreement shall remain unchanged and in full force and effect.
- 2. **DURATION.** The **Service Provider** shall supply, install, and deliver the Internet Service Connectivity to the National Privacy Commission located at 5th Floor and 4th Floor, Delegation Building, PICC Complex, Pasay City. This Agreement shall commence on 01 January 2024 until 31 December 2024, unless sooner terminated.
- 3. **CONTRACT PRICE.** In consideration of the SERVICES to be provided by ETPI, the total contract price shall be One Million Pesos (Php1,000,000.00), inclusive of all applicable taxes, duties, fees, levies and other charges imposed under applicable laws.
- 4. **PRE-TERMINATION OF AGREEMENT.** The NPC may immediately terminate this Agreement upon service and delivery of a notice of termination to the **SERVICE PROVIDER** on any of the following grounds: (1) failure to perform or materially breach, any of its obligations, covenants, or representations as set forth in the Original Agreement and all other agreements related thereto; (2) failure to produce a result that meets the specifications provided for in the Original Agreement and all other agreements related thereto; and (3) when the failure or breach is serious enough to materially harm or otherwise reduce the value of the Original Agreement, and all other agreements related thereto.

In the event of termination, payment of the contract price will be made to the **SERVICE PROVIDER** only for the services rendered up to the date of termination.

IN WITNESS WHEREOF, of the parties have caused this Agreement to be executed by and through their duly authorized representatives on 02 January 2024.

NATIONAL PRIVACY
COMMISSION

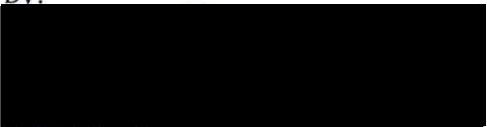
EASTERN TELECOMMUNICATIONS
PHILIPPINES INCORPORATED

By:



ATTY. JOHN HENRY D. NAGA
Privacy Commissioner

By:



Sales Head

Signed in the Presence of:



ATTY. RAINIER ANTHONY M. MILANES



ACKNOWLEDGMENT

Republic of the Philippines)
City of _____ **CITY OF MANILA**

JAN 02 2024

BEFORE ME, a Notary Public for and in the above jurisdiction on this _____
personally appeared:

NAME	VALID ID	DATE/PLACE ISSUED
ATTY. JOHN HENRY D. NAGA		

Known to me to be the same person who executed the foregoing Internet Service Provider Agreement for the entity that he represents and acknowledged to me that it is his free act and deed, consisting of only ____ (__) pages, including this page in which this Acknowledgement is written, duly signed by him and his instrumental witnesses on each and every page hereof.

WITNESS MY HAND AND SEAL this **JAN 02 2024** at **CITY OF MANILA** Philippines.

NOTARY PUBLIC

ATTY. ROLAND E. LAS PIÑAS
Notary Public - City of Manila
Notarial Commission No. 2023/016
Until Dec. 31-2024
240-C A.H. Lacson St., Samp. Mia.
Roll of Attorney No. 84035
PTR No. 1527811/JAY. 3, 2024/ MLA.
IEP Membership No. 392325/ 12/20/2023
MCLE Exempted G.B.O. 1s. 2008

Doc. No. 37:
Page No. 9:
Book No. 2611
Series of 2024.



ACKNOWLEDGMENT

Republic of the Philippines)
CITY OF MANILA)
MAKATI CITY (METRO MANILA) S.S.

JAN 02 2024

BEFORE ME, a Notary Public for and in the above jurisdiction on this _____ personally appeared:

NAME	VALID ID	DATE/PLACE ISSUED

Known to me to be the same person who executed the foregoing Internet Service Provider Agreement for the entity that he represents and acknowledged to me that it is his free act and deed, consisting of only _____ () pages, including this page in which this Acknowledgement is written, duly signed by him and his instrumental witnesses.

WITNESS MY HAND AND SEAL this JAN 02 2024 at CITY OF MANILA, Philippines.

NOTARY PUBLIC

Doc. No. 32;
Page No. 9;
Book No. kvly
Series of 2004.

ATTY. ROLANDE LASTIÑAS
Notary Public - City of Manila
Notarial Commission No. 2023/018
Until Dec. 31-2024
240-C.A.M. Lacson St., Samp. Mia.
Roll of Attorney No. 84035
PTR No. 1527811/JAN 3, 2024/ MLA.
IBP Membership No. 392325/ 12/20/2023
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