



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

BIDS AND AWARDS COMMITTEE
Resolution No. 158-2022, Series of 2022

**RECOMMENDING THE APPROVAL OF THE CONTRACT FOR OFFICE RENTAL -
EXTENSION (5TH & 4TH FLOOR)**

WHEREAS, the National Privacy Commission (NPC or Commission) 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 Office Rental (5th Floor) and Additional Office Rental (4th Floor) is the current office address of the NPC where all employees, properties and assets of the Commission are located;

WHEREAS, the contract with the Philippine International Convention Center for the Office Rental (5th Floor) and Additional Office Rental (4th Floor) commenced on 11 September 2022 and will end on 31 December 2022;

WHEREAS, in order to ensure the continuity of the services of the Commission, the Administrative Services Division (ASD), the end-user, requested for the extension of the existing contract reflecting the new rates/per sqm which will take effect on 1 January 2023;

WHEREAS, the period for extension shall commence from 1 January 2023 until 31 March 2023, or until the award of a new contract, whichever comes first;

WHEREAS, Section 4.0 of Appendix 24 (Revised Guidelines on the Extension of Contracts for General Support Services), of the Revised Implementing Rules and Regulations (IRR) of R.A. 9184, provides that procuring entities may extend the duration or effectivity of an ongoing contract about to expire, provided it complies with the conditions stated therein;

WHEREAS, this procurement has a Certificate of Availability of Funds (CAF) and has been confirmed to be existing in the FY 2023 Indicative Annual Procurement Plan (APP) under APP Item No. 2023-0017 chargeable against Rents – Building and Structures, and amounting to Six Million Nine Hundred Thirty-Seven Thousand Eight Hundred Twenty-Eight Pesos and Eighty Centavos (Php6,937,828.80);

WHEREAS, the supplier has not violated any of the provisions of the original contract that would preclude extension of the contract as evidenced by the Certification of Satisfactory Performance and the Supplier Evaluation Forms issued by the end-user, herein attached as Annex “A”;

WHEREAS, the supplier, through its [REDACTED] expressed its conformity to the requested extension;

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 extension of the contract for Office Rental (5th & 4th Floor) entered into with the **Philippine International Convention Center** from 1 January 2023 to 31 March 2023 or until the award of new contract is completed, whichever comes first, with a total cost of **Six Million Nine Hundred Thirty-Seven Thousand Eight Hundred Twenty-Eight Pesos and Eighty Centavos (Php6,937,828.80)** subject to the compliance of all relevant provisions of R.A. 9184 and its Revised IRR;

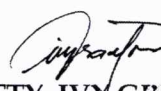
RESOLVED this 27th day of December 2022, via combination of on-site and videoconference meeting.

ATTEST:

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

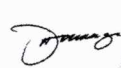

Digitally signed by
Mendoza Ma Josefina
Eusebio
ATTY. MA. JOSEFINA E. MENDOZA
Attorney IV, LD
BAC Member

On leave
JONATHAN RUDOLPH Y. RAGSAG
ITO II, DSTSD
BAC Member


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


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

Approved:


Digitally signed by
Naga John
Henry Du
ATTY. JOHN HENRY D. NAGA
Privacy Commissioner
Head of the Procuring Entity
Date: DEC 27 2022

**EXTENSION OF CONTRACT TO LEASE FOR THE OFFICE RENTAL (5TH Floor)
AND ADDITIONAL OFFICE RENTAL (4TH Floor)**

KNOW ALL MEN BY THESE PRESENTS:

This EXTENSION OF CONTRACT is made and entered into this 29 December 2022, 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 monitor and ensure compliance of the country with international standards set for data protection, with office address at 5th Floor Delegation Building, PICC Complex, Roxas Blvd., Pasay, Metro Manila, represented herein by its Privacy Commissioner, **Atty. JOHN HENRY D. NAGA**, (hereinafter referred to as the "**NPC or LESSEE**"),

- and -

The **PHILIPPINE INTERNATIONAL CONVENTION CENTER.**, a government corporation duly organized and existing pursuant to Presidential Decree No. 520 as amended, with office address at the Philippine International Convention Center, Cultural Center Complex, Roxas Boulevard, 1307 Pasay City herein represented by its [REDACTED] hereinafter referred to as the "**LESSOR**";

The **NPC or Lessee** and the **Lessor** shall hereinafter be referred to collectively as the "**PARTIES.**"

WITNESSETH, that:

WHEREAS, the **NPC or Lessee** and the **Lessor**, pursuant to NPC Bids and Awards Committee (BAC) Resolution No. 062-2022, series of 2022, entered into a Renewal Contract of Lease (5th Floor) on 31 August 2022 which was in force and effect until 31 December 2022. A copy of said Agreement is attached herein as "**ANNEX A**" and made an integral part of this Extension of Contract;

WHEREAS, the **NPC or Lessee** and the **Lessor**, pursuant to NPC Bids and Awards Committee (BAC) Resolution No. 050-2022, series of 2022, entered into a Contract to Lease (4th Floor) on 1 September 2022 which was in force and effect until 31 December 2022. A copy of said Agreement is attached herein as "**ANNEX B**" and made an integral part of this Extension of Contract;

WHEREAS, GPPB Resolution No. 003-2006 authorizes the extension of general services which are essential, indispensable, or necessary to support the operation;

WHEREAS, on 27 December 2022 the NPC Accountant issued Certificate of Availability of Funds (CAF) amounting to **Six Million Nine Hundred Thirty-Seven Thousand Eight Hundred Twenty-Eight Pesos and Eighty Centavos (PHP6,937,828.80)**. A Copy of the CAF is hereto attached as Annex "**C**" and made an integral part of this Agreement.

WHEREAS, on 27 December 2022, the NPC BAC deliberated on and resolved to approve the request of the end-user for an extension of aforementioned Office Rental (5th Floor & 4th Floor) from 1 January 2023 to 31 March 2023 as an emergency measure, given that the services rendered by the Lessor are essential, indispensable, and necessary for the daily operation of the NPC, and that the extension of the contract with the Lessor is vital.

WHEREAS, except when subsequently supplemented and amended by the **PARTIES**, all other terms and conditions set forth in the Contract to Lease shall remain in full force and effect;

WHEREAS, the following modifications is hereby adopted which redounds to the advantage of the government at no additional cost to the NPC:

NPC may immediately terminate this Contract of Lease Agreement upon service and delivery of a notice of the termination to the Lessor 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 Contract of Lease Agreement; (2) failure to produce a result that meets the specifications of provided for in the Contract of Lease Agreement; and, (3) when the failure or breach is serious enough to materially harm or otherwise reduce the value of the Contract of Lease Agreement.

In the event of termination, payment of the contract price will be made to the Lessor only for the leased period up to the date of termination.

NPC shall pay the Lessor a rate of Six Million Nine Hundred Thirty Seven Thousand Eight Hundred Twenty Eight Pesos and Eighty Centavos (PHP6,937,828.80) for the 5th & 4th Floor inclusive of all applicable taxes.

NOW, THEREFORE, for and in consideration of the foregoing premises, the **PARTIES** hereby agree to Renewal Contract dated August 31, 2022 and the Contract to Lease dated September 1, 2022 for a period of Three (3) months, commencing **January 1, 2023 and expiring March 31, 2023**.

IN WITNESS WHEREOF, the **PARTIES** hereto have signed this Extension Contract this 29TH day of December 2022 at Pasay City.

NATIONAL PRIVACY COMMISSION

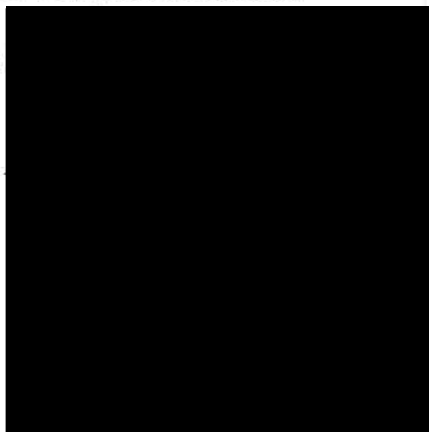
**PHILIPPINE INTERNATIONAL
CONVENTION CENTER**

By:

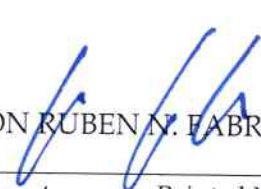

ATTY. JOHN HENRY D. NAGA
Privacy Commissioner


JENSEN JOY L. BALLICUD
Accountant III

By:



Signed in the Presence of:


MARLON RUBEN N. FABRICANTE

Signature over Printed Name

Signature over Printed Name

ACKNOWLEDGMENT

BEFORE ME, a Notary Public for and in the City of Pasay, Philippines, personally appeared the following:

NAME	GOVERNMENT-ISSUED ID/ Date issued/ Expiring Date
ATTY. JOHN HENRY D. NAGA	

Known to me to be the same persons who executed the foregoing extension to the Contract to Lease Agreement. They acknowledged that the same is their true act and voluntary will and deed as well as the true will and deed of the entities they represent. The foregoing instrument consists of ~~THREE~~ (3) pages, including this page where the acknowledgment is written, and has been signed by the authorized representatives of the parties on the space above their names and on all pages at their margins, including their witnesses.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this ____ day of 27 JAN 2023 at the City of Pasay, Metro Manila, Philippines.

Doc. No. 71 ;
Page No. 16 ;
Book No. I ;
Series of 2023.

NOTARY PUBLIC
[Signature]
HILDA A. SACAY - CLAVE
NOTARY PUBLIC FOR LAS PINAS CITY
COMMISSION NO. LP-22-038
UNTIL DECEMBER 31, 2024
ROLL NO. 31181
IBP LM NO.015566/1-04-17/MANILA IV
PTR NO.12459467/1-03-23/LAS PINAS CITY