



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

BIDS AND AWARDS COMMITTEE
BAC Resolution No. 010-2023, Series of 2023

**RECOMMENDING THE APPROVAL OF THE EXTENSION OF CONTRACT FOR
TELEPHONE-LANDLINE**

WHEREAS, the National Privacy Commission (NPC) is the agency mandated to enforce data privacy protection;

WHEREAS, telephone-landline service is essential, indispensable, and necessary for the daily operations of the offices of the Commission, so as not to disrupt the provision of public services;

WHEREAS, the NPC has an existing contract with PLDT Inc. with a total contract amount of Php 464,743.44, inclusive of VAT, from 1 April 2022 to 31 December 2022;

WHEREAS, the procurement of Telephone-Landline for CY 2023 is still on-going and is expected to be completed beyond 31 December 2022;

WHEREAS, in view of the foregoing, the Administrative Services Division (ASD), the end-user, requested for the extension of the existing contract under the same terms and conditions of the original contract, in order to ensure continuity in the provision of telephone-landline services while the procurement of the regular contract is still being undertaken;

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, the NPC Bids and Awards Committee (BAC) in BAC Resolution No. 162-2022, Series of 2022, recommended the approval of the extension of contract for Telephone-Landline from January 1 to 31, 2023 for a contract cost of Php 52,000.00;

WHEREAS, this extension was later on approved by the Head of the Procuring Entity;

WHEREAS, pursuant to the provisions of Appendix 24, the ASD saw it fit to request an extension of the contract of NPC's current telephone-landline services to PLDT Inc., with the extension covering the period from 01 February 2023 to 28 February 2023 for a contract cost of Fifty-Two Thousand Pesos (Php52,000.00);

WHEREAS, the procurement of Telephone-Landline for CY 2023 is still on-going and is expected to be completed beyond 31 January 2023;

WHEREAS, this procurement has a Certification of Availability of Funds (CAF) with an Approved Budget for the Contract of Fifty-Two Thousand Pesos (Php52,000.00) chargeable against Telephone Expenses-Landline (GAS-MOOE) under the General Appropriations Act FY 2022 (RA 11639), programmed in the Work and Financial Plan (WFP) of ASD;

WHEREAS, the NPC has substantially undertaken the procurement activities required prior to award of the new contract and the extension of the original contract is merely an emergency measure to maintain status quo in the operations of the NPC;

WHEREAS, the current service provider has not violated any of the provisions of the original contract, with the end-user evaluating the performance of the current service provider, and finding the same to be acceptable, having mostly met the expectations of the end-user, a copy of the Certification of Satisfactory Performance is herein attached as Annex "A";

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

WHEREAS, the terms and conditions of the original contract shall apply during the extension period of the contract for Telephone-Landline;

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 **Telephone-Landline** entered into with **PLDT Inc.** from **01 February 2023 to 28 February 2023**, with a total contract cost of Fifty-Two Thousand Pesos (Php52,000.00), subject to compliance to all relevant provisions of R.A. 9184 and its Revised IRR.

RESOLVED this 30th day of January 2023, via combination of on-site and videoconference meeting.

ATTEST:


MR. MARLON RUBEN N. FABRICANTE
Chief, ASD
BAC Member, End-User


Digitally signed by
Esenilla
Erwin Dejucos
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

The original of this document (containing only the BAC member's signature) is in digital format
Ref No.: BAC-23-00078 NPC_BAC_RESO-V1.0, R0.0, 05 May 2021

5th Floor, Philippine International Convention Center, Vicente Sotto Avenue, Pasay City, Metro Manila 1307
URL: <https://www.privacy.gov.ph> Email Add: info@privacy.gov.ph Tel No. 8234-2228



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: JAN 31 2023

The original of this document (containing only the BAC member's signature) is in digital format

Ref No.: BAC-23-00078

NPC_BAC_RESO-V1.0, R0.0, 05 May 2021

5th Floor, Philippine International Convention Center, Vicente Sotto Avenue, Pasay City, Metro Manila 1307

URL: <https://www.privacy.gov.ph> Email Add: info@privacy.gov.ph Tel No. 8234-2228

EXTENSION OF CONTRACT FOR TELEPHONE-LANDLINE

KNOW ALL MEN BY THESE PRESENTS:

This EXTENSION OF CONTRACT is made and entered into this 31 January 2023, 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 the 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";

- and -

The **PLDT, INC.**, a corporation duly organized and existing under and by virtue of Philippine laws, with principal office at Ramon Cojuangco Building, Makati Ave., Makati City, herein represented by its [REDACTED] hereinafter referred to as the "SERVICE PROVIDER");

The NPC and the **SERVICE PROVIDER** shall hereinafter be referred to collectively as the "PARTIES."

WITNESSETH, that:

WHEREAS, the NPC and the **SERVICE PROVIDER**, pursuant to NPC Bids and Awards Committee (BAC) Resolution No. 013-2022, series of 2022, entered into a Telephone-Landline Renewal Agreement on 1 April 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 and the Service Provider, pursuant to NPC Bids and Awards Committee (BAC) Resolution No. 162-2022, series of 2022, entered into a Telephone-Landline extension Agreement on 29 December 2022 which was in force and effect on 1 January 2023 until 31 January 2023.

WHEREAS, on 30 January 2023 the NPC Accountant issued Certificate of Availability of Funds (CAF) amounting to **Fifty Two Thousand Pesos (PHP52,000.00)**. A Copy of the CAF is hereto attached as Annex "B" and made an integral part of this Agreement.

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, pursuant to the provisions of Appendix 24, the ASD saw it fit to request the extension of the original contract of its current telephone-landline services to PLDT Inc., with the extension covering the period from 01 February 2023 to 31 February 2023 or until the award of new contract is completed, whichever comes first.

WHEREAS, on 30 January 2023, the NPC BAC deliberated on and resolved to approve the request of the end-user for extension of aforementioned Telephone-Landline Renewal Agreement from 1 February 2023 to 28 February 2023 as an emergency measure, given that the services rendered by the **SERVICE PROVIDER** are essential, indispensable, and necessary for the daily

CONTRACT No. 2023-01-0004



operation of the NPC, and that the extension of the contract with the **SERVICE PROVIDER** is vital.

WHEREAS, the terms and conditions of the Telephone-Landline Renewal Agreement dated 1 April 2022 shall be read and construed as part of this Agreement, and all terms and conditions of the Original Contract which are not inconsistent with this Agreement shall remain unchanged and in full force and effect;

WHEREAS, except when subsequently supplemented and amended by the **PARTIES**, all other terms and conditions set forth in the Telephone-Landline Renewal Agreement 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 Telephone - Landline Renewal Agreement upon service and delivery of a notice of the 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 Telephone-Landline Agreement; (2) failure to produce a result that meets the specifications of provided for in the Telephone-Landline Agreement; and, (3) when the failure or breach is serious enough to materially harm or otherwise reduce the value of the Telephone-Landline Agreement.

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

NPC shall pay the Service Provider a monthly rate of Fifty-Two Thousand Pesos (PHP52,000.00) inclusive of all applicable taxes.

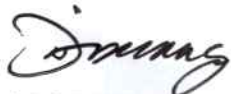
NOW, THEREFORE, for and in consideration of the foregoing premises, the **PARTIES** hereby agree to extend aforementioned Telephone-Landline Renewal Agreement from 1 February to 28 February 2023.

IN WITNESS WHEREOF, the **PARTIES** hereto have signed this Extension Contract this _____ day of JAN 31 2023 at Pasay City.

**NATIONAL PRIVACY
COMMISSION**

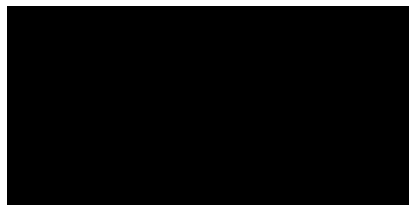
PLDT, INC.

By:



ATTY. JOHN HENRY D. NAGA
Privacy Commissioner

By:



JENSEN JOY L. BALLICUD
Accountant III

Signed in the Presence of:

MARLON RUBEN N. FABRICANTE

Signature over Printed Name

Signature over Printed Name

ACKNOWLEDGMENT

BERORE 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 Telephone Landline Renewal 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 _____ () 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 15 day of February 2023 at the City of Pasay, Metro Manila, Philippines.

NOTARY PUBLIC

Doc. No. 342
Page No. 22;
Book No. 23;
Series of 2023.

ATTY. HENRY D. ADASA
NOTARY PUBLIC, CITY OF MANILA
APPOINTMENT NO. 1897/12/31/2023 MANILA
IBP NO. 181139 / 01/03/2023
PTR N. 0861145 / 01/03/2023
ROLL NO. 29579, TIN NO. 172-528-620
MCLE COMP. NO. VII-0000165 VALID UNTIL APRIL 14, 2025
1411 TAYUMAN ST., STA. CRUZ, MANILA