



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

BIDS AND AWARDS COMMITTEE
BAC Resolution No. 012-2022, Series of 2022

**RECOMMENDING THE APPROVAL OF THE SECOND EXTENSION OF CONTRACT
FOR INTERNET SERVICE PROVIDER (ISP)**

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

WHEREAS, internet service/subscription is essential, indispensable and necessary for the daily operations of the offices, most especially on delivering critical services to the public, such as email, research, report submissions, and other support services needed in dispensing with the Commission's functions and mandate;

WHEREAS, the contract with Converge Information & Communications Technology Solutions, Inc., with a total contract amount of Php691,558.56, inclusive of VAT, commenced on 1 February 2021 and ended on 31 December 2021;

WHEREAS, the procurement of Internet Service Provider (ISP) for CY 2022 is still on-going and is expected to be completed on the third or last week of March 2022;

WHEREAS, the Interim Management Information Unit (IMISU), 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 internet 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, in Resolution No. 194-2021, Series of 2021, the NPC Bids and Awards Committee (BAC) recommended the approval of the extension of said contract until 31 March 2022;

WHEREAS, the iMISu requested for another extension for the period of 01 April 2022 to 31 May 2022;

WHEREAS, pursuant to the provisions of Appendix 24, the IMISU saw it fit to request the extension of the original contract of its current ISP to *Converge Information & Communications Technology Solutions, Inc.*, with the extension covering the period from 01 April 2022 to 31 May 2022, or until the award of new contract is completed, whichever comes first, and for a contract cost of One Hundred Twenty-Five Thousand Seven Hundred Thirty-Seven Pesos and Ninety-Two Centavos (Php 125,737.92);

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Ref No.: 012-2022

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

WHEREAS, the NPC has substantially undertaken the procurement activities required prior to award of new contract and the extension of the original contract is merely an emergency measure to maintain status quo in the operations of the NPC and is undertaken due to circumstances beyond the NPC's control, especially with the ongoing pandemic, and thus, cannot award a new contract prior to the expiration of the first extension;

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 Authorized Representative, [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 ISP;


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 ISP entered into with **Converge Information & Communications Technology Solutions, Inc.** from April 1, 2022 to May 31, 2022 or until the award of new contract is completed, whichever comes first, with a total contract cost of **One Hundred Twenty-Five Thousand Seven Hundred Thirty-Seven Pesos and Ninety-Two Centavos (Php 125,737.92)** subject to compliance to all relevant provisions of R.A. 9184 and its Revised IRR;

RESOLVED this 30th day of March 2022, via combination on on-site and videoconference meeting.

ATTEST:


Digitally signed by Ragsag
Jonathan Rudolph Yandari
JONATHAN RUDOLPH Y. RAGSAG
OIC-Chief, DSTSD
BAC Member


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


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

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


Digitally signed by Patula Maria
Theresita Elnar
Date: 2022.03.31 15:30:13
+08'00'
ATTY. MARIA THERESITA E. PATULA
Director IV, LEO
BAC Chairperson

APPROVED:

 Digitally signed
by Naga John
Henry Du

ATTY. JOHN HENRY DU NAGA
Privacy Commissioner
Head of the Procuring Entity
Date: 31 March 2022

Ref No.: 012-2022

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

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

EXTENSION OF CONTRACT FOR INTERNET SERVICE PROVIDER

KNOW ALL MEN BY THESE PRESENTS:

This EXTENSION OF CONTRACT is made and entered into this APR 01 2022, in Metro Manila, Philippines, by and between:

The **NATIONAL PRIVACY COMMISSION**, a national government agency created by virtue of Republic Act No. 10173 or the Data Privacy Act of 2012, with office address at the 5th Floor Delegation Building Philippine International Convention Center, Vicente Sotto Street, Pasay City, Metro Manila, Philippines, herein represented by its Privacy Commissioner, **ATTY. JOHN HENRY D. NAGA** (hereinafter referred to as the "NPC");

- and -

The **CONVERGE INFORMATION & COMMUNICATIONS TECHNOLOGY SOLUTION, INC.**, a corporation duly organized and existing under and by virtue of Philippine laws, with principal office at [REDACTED] herein represented by its Unit Head, [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. 008-2021, series of 2021, entered into an Internet Service Provider Agreement on 1 February 2021 which was in force and effect until 31 December 2021. 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. 194-2021, series of 2021, entered into an Internet Service Provider Agreement on 31 December 2021 which was in force and effect until 31 March 2022. A copy of said Agreement is attached herein as "ANNEX B" and made an integral part of this Extension of Contract;

WHEREAS, on 29 March 2022 the NPC Accountant issued Certificate of Availability of Funds (CAF) amounting PHP 125,737.92. A Copy of the CAF is hereto attached as Annex "C" and made an integral part of this Agreement.

WHEREAS, on 30 March 2022 the NPC BAC deliberated on and resolved to approve the request of the end-user for an extension of aforementioned Internet Services Agreement from APRIL 1, 2022 to MAY 31, 2022, as an emergency measure, given that the services rendered by the SERVICE PROVIDER are essential, indispensable, and necessary for the daily operation of the NPC, and that the extension of the contract with the SERVICE PROVIDER is vital in delivering critical services to the public such as email, research, report submissions and other support services needed in dispensing the NPC's functions and mandate;

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, Section 3.3 of GPPB Resolution No. 003-2006 authorizes the extension of contracts of general services which are essential, indispensable, or necessary to support the operation of the procuring entity or for the enhancement of the welfare of its personnel;

[Handwritten signature]

WHEREAS, the terms and conditions of the Internet Service Provider Agreement dated 01 February 2021 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, 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 Internet Service Provider 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 Internet Service Provider Agreement; (2) failure to produce a result that meets the specifications of provided for in the Internet Service Provider Agreement; and, (3) when the failure or breach is serious enough to materially harm or otherwise reduce the value of the Internet Service Provider Agreement.

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

NPC shall pay the Service Provider a total rate of **One Hundred Twenty-Five Thousand Seven Hundred Thirty-Seven Pesos and Ninety-Two Centavos** (Php 125,737.92) inclusive of all applicable taxes.

NOW, THEREFORE, for and in consideration of the foregoing premises, the PARTIES hereby agree to extend aforementioned Internet Service Provider Agreement from **01 April 2022 to 31 May 2022**.

Except when subsequently supplemented and amended by the PARTIES, all other terms and conditions set forth in the Internet Services Provider Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the PARTIES hereto have signed this Extension Contract this 14 day of April 2022 at Pasay City.

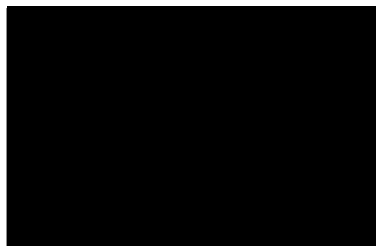
NATIONAL PRIVACY COMMISSION

CONVERGE INFORMATION &
COMMUNICATIONS TECHNOLOGY
SOLUTION, INC.,

By:


ATTY. JOHN HENRY D. NAGA
Privacy Commissioner

By:




JENSEN JOY L. BALLICUD
Accountant II

Signed in the Presence of:



KELVIN S. MAGTALAS
Signature over Printed Name

Signature over Printed Name

ACKNOWLEDGMENT


PASIG CITY

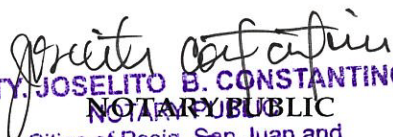
BERORE ME, a Notary Public for and in the City of Pasay, Philippines, personally appeared the following:

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 Internet Service Provider 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 _____ day of **APR 19 2022** at the City of **PASIG CITY** Metro Manila, Philippines.

Doc. No. 341;
Page No. 70;
Book No. XVI;
Series of 2022. 


ATTY. JOSELITO B. CONSTANTINO
NOTARY PUBLIC
Cities of Pasig, San Juan and
in the Municipality of Pateros, Metro Manila
Until December 31, 2022
PTR No. 7870581 / 01 - 03 - 2022
IBP No. 171404 01-03-2022 For Year 2022 / RSM
MCLE No. VI- 0008017 April 14, 2022
S. C. Roll No. 31102 / 05 - 04- 1981
TIN NO. 232-590-923-000
G/F Pasig Cityhall Brgy. San Nicolas, Pasig City
Appointment No.55 (2021- 2022)
CONTACT NO. 09273112426-09499240131