



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

BIDS AND AWARDS COMMITTEE
BAC Resolution No. 053-2023, Series of 2023

RECOMMENDING THE EXTENSION OF CONTRACT FOR SECURITY SERVICES

WHEREAS, the National Privacy Commission (NPC) is the agency mandated to administer and implement Republic Act 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, Security Services is essential, indispensable and necessary for the operations of the NPC, so as not to disrupt the provision of services, to ensure the protection of the employees and the clients, and to safeguard the properties and assets of the Commission;

WHEREAS, the Head of Procuring Entity (HoPE) of the NPC approved BAC Resolution No. 024-2023 dated 28 March 2023, in recommending the extension of the contract for Security Services awarded to NPC's current supplier, Grand Meritus Security Agency, Inc. from 1 April 2023 to June 2023 in order to ensure continuity in the provision of security services while the procurement of the regular contract is still pending;

WHEREAS, the Administrative Services Division (ASD), the end-user, in a Memorandum dated 13 June 2023, herein attached as "Annex A," requested for another extension of the above-mentioned services for a period of three (3) months from 01 July 2023 to 30 September 2023;

WHEREAS, this procurement has a Certification of Availability of Funds amounting to Six Hundred Forty Five Thousand Nine Hundred Ninety Pesos and Ninety Cents (Php 645,990.90) for a period of three (3) months from 1 July to 30 September 2023;

WHEREAS, GPPB Resolution 23-007 authorizes the extension of contracts of general support services which are essential, indispensable, or necessary to support the operations of the procuring entity for the enhancement of the welfare of its personnel, including janitorial and security services;

WHEREAS, the same guidelines provide that the extension of the contract may be undertaken if the original contract subject of the extension was awarded in accordance with the provisions of Republic Act No. 9184 and its Implementing Rules and Regulations;

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 the status quo in the operations of the NPC and undertaken due to circumstances beyond the NPC's control;

WHEREAS, the current service provider has not violated any provisions of the original contract, with the end-user evaluating the performance of the current service provider, and finding the same to be satisfactory and in accordance with the requirement specified in the Terms of Reference and the contract entered between the company and the NPC, a copy of the "Certification of Grand Meritus Security Agency Inc." is herein attached as Annex "B";

WHEREAS, the terms and conditions of the original contract shall apply during the extension period of the contract of Security Services;

NOW, THEREFORE, for and in consideration of the foregoing, WE, the members of the NPC Bids and Awards Committee (NPC-BAC), hereby RESOLVE, as it is hereby RESOLVED, to recommend the extension of the contract for Security Services from 1 July 2023 to 30 September 2023 with a total contract price of PhP 645, 990.90;

RESOLVED this 20th day of June 2023 via combination of videoconference meeting.

ATTEST:

Digitally signed by
Fabricante Marlon
Ruben Natividad

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

MR. ERWIN D. ESPENILLA
HEA, OPC
BAC Member

On official business

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

ATTY. MA. JOSEFINA E. MENDOZA
Attorney IV, LD
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:

ATTY. JOHN HENRY D. NAGA
Privacy Commissioner
Head of the Procuring Entity
Date: JUN 22 2023

EXTENSION OF CONTRACT FOR SECURITY SERVICES

KNOW ALL MEN BY THESE PRESENTS:

This EXTENSION OF CONTRACT is made and entered into this **23 June 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 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 -

The **GRAND MERITUS SECURITY AGENCY, INC.**, a corporation duly organized and existing under and by virtue of Philippine laws, with principal office at 12 Xavierville Avenue, Quezon City, 1108 Metro Manila, Philippines, 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, on 26 January 2022, NPC and the SERVICE PROVIDER entered into a Security Services Agreement which was in force and effect from 1 March 2022 until 31 December 2022. A copy of the said Original Contract is herein attached as "ANNEX A" and made an integral part of this Agreement;

WHEREAS, NPC renewed the Original Contract on 29 December 2022 and 30 March 2023, respectively. The copies of the Extension Contracts are attached as "ANNEX B" and "ANNEX C" and made an integral part of this Agreement.

WHEREAS, on 20 June 2023 the NPC Accountant issued Certification of Availability of Funds (CAF) amounting to **Six Hundred Forty-Five Thousand Nine Hundred Ninety Pesos and Ninety Centavos (PHP645,990.90)**. A Copy of the CAF is herein attached as ANNEX "D" and made an integral part of this Agreement;

WHEREAS, the *Revised Guidelines on the Extension of Contracts for General Support Services*¹ provides that procuring entities may extend the duration of an ongoing contract about to expire for a period not to exceed one (1) year, provided that the procuring entity has substantially undertaken the procurement activities required prior to award of the new contract and that the current service provider has not violated any provisions of the original contract. *Provided further*, that the extension is merely an emergency measure to maintain status quo in the operations of the procuring entity and to avoid interruption of service, and that the terms and conditions of the original contract shall not be changed or modified except when advantageous to the government without additional cost to the procuring entity;

WHEREAS, on 20 June 2023, the NPC BAC deliberated on and resolved to approve the request of the end-user for an extension of aforementioned Security Services Agreement from **1 July 2023 to 30 September 2023** 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

¹ Revised Implementing Rules and Regulations of RA 9184, [October 13, 2022].

CONTRACT NO. 2023- 06 - 0011

that the extension of the contract with the **SERVICE PROVIDER** is vital to maintain security and orderly office environment in the Commission.

WHEREAS, the terms and conditions of the Security Services Agreement dated 26 January 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, 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 Security Service 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 Security Services Agreement; (2) failure to produce a result that meets the specifications of provided for in the Security Services Agreement; and, (3) when the failure or breach is serious enough to materially harm or otherwise reduce the value of the Security Services Agreement.

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

NPC shall pay the **SERVICE PROVIDER** a monthly rate of **Two Hundred Fifteen Thousand Three Hundred Thirty Pesos and Thirty Centavos** (Php215,330.30) equivalent to a total rate of **Six Hundred Forty-Five Thousand Nine Hundred Ninety Pesos and Ninety Centavos (PHP645,990.90)** for three months inclusive of all applicable taxes.

NOW, THEREFORE, for and in consideration of the foregoing premises, the **PARTIES** hereby agree to extend aforementioned Security Services Agreement from 1 July 2023 to 30 September 2023.

IN WITNESS WHEREOF, the **PARTIES** hereto have signed this Extension of Contract this 23 day of June 2023 at Pasay City.

NATIONAL PRIVACY COMMISSION

GRAND MERITUS SECURITY SERVICES, INC.

By:


ATTY. JOHN HENRY D. NAGA
Privacy Commissioner


JOHANA CARLA T. GOMEZ
Accountant II


MARLON RUBEN N. FABRICANTE

Signature over Printed Name

Signed in the Presence of:

Signature over Printed Name

ACKNOWLEDGMENT

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

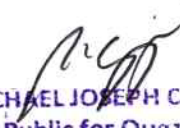
NAME	GOVERNMENT-ISSUED ID/ Date issued
ATTY. JOHN HENRY D. NAGA	

Known to me to be the same persons who executed the foregoing extension to the Security Services 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 **JUN 23 2023** at the City of Pasay, Metro Manila, Philippines.

NOTARY PUBLIC

Doc. No. 125
Page No. 33
Book No. 114
Series of 20 23


ATTY. MICHAEL JOSEPH C. CAPINPIN
Notary Public for Quezon City
Valid Until December 31, 2023
PTR No. 3915671 / 01-03-2023
ISP Life Time No. 8330
Roll No. 56499
MCLE Compliance No. VII-0018874
Valid Until April 14, 2025
Adm. Matter NP 119 (2022-2023)
101 Malakas Lane Brgy. Central Q.C