



BIDS AND AWARDS COMMITTEE
BAC Resolution No. 129-2023, 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 Php244,160.00, inclusive of VAT, from 01 March 2023 to 31 December 2023;

WHEREAS, the procurement of Telephone-Landline for CY 2024 is still ongoing and is expected to be completed beyond 31 January 2023;

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, 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 January 2024 to 31 January 2024 or until the award of new contract is completed, whichever comes first, and for a contract cost of Twenty-Five Thousand Pesos (Php25,000.00);

WHEREAS, this procurement has a Certification of Availability of Funds (CAF) with an Approved Budget for the Contract of Twenty-Five Thousand Pesos (Php25,000.00) chargeable against Telephone Expenses-Landline (GAS-MOOE) under the General Appropriations Act FY 2023 (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 and is undertaken due to circumstances beyond the NPC's control, especially with the ongoing pandemic, and thus,

cannot award a new contract within a month after expiration of the term of the original contract;

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 letter requesting an 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 January 2024 to 31 January 2024**, with a total contract cost of Twenty-Five Thousand Pesos (Php25,000.00), subject to compliance to all relevant provisions of R.A. 9184 and its Revised IRR.

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

ATTEST:



Digitally signed by
Fabricante Marlon
Ruben Natividad

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

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**

EXTENSION OF CONTRACT FOR TELEPHONE-LANDLINE

KNOW ALL PERSONS BY THESE PRESENTS:

This EXTENSION OF CONTRACT is made and entered into this 29 DEC 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 Philippine International Convention Center, 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 **PLDT, INC.**, a corporation duly organized and existing under and by virtue of Philippine laws, with principal office at Ramon Cojuangco Bldg., Makati Ave., Makati City, herein represented by its duly authorized representative, [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. 011-2023, series of 2023, entered into a Telephone-Landline Renewal Agreement on 28 February 2023 which was in force and effect until 31 December 2023. A copy of said Agreement is attached herein as "**ANNEX A**" and made an integral part of this Extension of Contract;

WHEREAS, on 29 December 2023, the NPC Accountant issued Certificate of Availability of Funds (CAF) amounting to **Twenty Five Thousand Pesos (Php25,000.00)**. 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 January 2024 to 31 January 2024 or until the award of new contract is completed, whichever comes first.

WHEREAS, on 29 December 2023, the NPC BAC deliberated on and resolved to approve the request of the end-user for extension of aforementioned Telephone-Landline Agreement from 01 January 2024 to 31 January 2024 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.

WHEREAS, the terms and conditions of the Telephone-Landline Renewal Agreement dated 28 February 2023 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;

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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 Twenty-Five Thousand Pesos (PHP25,000.00) inclusive of all applicable taxes.

NOW, THEREFORE, for and in consideration of the foregoing premises, the **PARTIES** hereby agree to extend aforementioned Telephone-Landline Agreement from 01 January 2024 to 31 January 2024.

IN WITNESS WHEREOF, the **PARTIES** hereto have signed this Extension Contract this _____ day of 29 DEC 2023 at Pasay City.

NATIONAL PRIVACY COMMISSION

PLDT, INC.

By:

By:

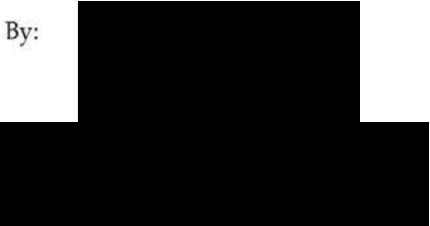

ATTY. JOHN HENRY D. NAGA
Privacy Commissioner


JOHANA CARLA T. GOMEZ
Accountant II

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 _____ day of 29 DEC 2023 20__ at the City of Pasay, Metro Manila, Philippines.

NOTARY PUBLIC

Doc. No. 86;
Page No. 20;
Book No. 11;
Series of 2023


ATTY. FELIPE M. IBARRA
Notary Public for Quezon City Until Dec. 31, 2024
Roll No. 80835
PTR No. 5452394D, 01/02/2024, O.C.
IBP No. 254794, December 28, 2022
MCLE Comp. No. VIII-0000973 / until April 14, 2025
ADM Matter No. NP-223 / (2023-2024)
Lot 27 Block VI, No. 1160 Quirino Highway
Brgy. Kaligayahan, Quezon City