



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

BIDS AND AWARDS COMMITTEE
BAC Resolution No. 005-2022, Series of 2022

**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, so as not to disrupt the provision of services;

WHEREAS, the contract with PLDT Inc. with a total contract amount of Six Hundred Twenty Pesos (Php 620,000.00,) inclusive of VAT, which commenced on 13 January 2021 ended on 31 December 2021;

WHEREAS, the procurement of Telephone-Landline for FY 2022 is still on-going and is expected to be completed beyond 31 December 2021;

WHEREAS, 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, in Resolution No. 195-2021, Series of 2021, the NPC Bids and Awards Committee (BAC) recommended the approval of the extension of said contract until 31 January 2022;

WHEREAS, in a letter dated 26 January 2022, the ASD requested for another extension for the period of February 1 to 28, 2022;

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., for a contract cost of Fifty-One Thousand Six Hundred Thirty-Eight and 16/100 Pesos Only (Php51,638.16);

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

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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 [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 further extension of the contract for Telephone-Landline entered into with PLDT Inc. from February 1, 2022 to February 28, 2022, with a total contract cost of Fifty-One Thousand Six Hundred Thirty-Eight and 16/100 Pesos Only (Php51,638.16), subject to compliance to all relevant provisions of R.A. 9184 and its Revised IRR;

RESOLVED this 27th day of January 2021, via videoconference meeting.

ATTEST:


Digitally signed
by Milanes
Rainier Anthony
Mabias
**ATTY. RAINIER ANTHONY M.
MILANES**
OIC-Director IV, DASCO
BAC Member

On official business
JONATHAN RUDOLPH Y. RAGSAG
OIC-Chief, DSTSD
BAC Member


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


Digitally signed by
Villasoto Ivy Grace
Torres
Date: 2022.01.28
18:48:24 +08'00'
ATTY. IVY GRACE T. VILLASOTO
OIC-Director, PPO
BAC Vice Chairperson

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Digitally signed by Patula
Maria Theresita Elnar
Date: 2022.01.28 15:00:00
+08'00'

ATTY. MARIA THERESITA E. PATULA

*Director IV, LEO
BAC Chairperson*

Approved:

Naga John
Henry Du

Digitally
signed by
Naga John
Henry Du

ATTY. JOHN HENRY D. NAGA

*Privacy Commissioner
Head of the Procuring Entity*
Date: 31 Jan 2022

EXTENSION OF CONTRACT FOR TELEPHONE-LANDLINE

KNOW ALL MEN BY THESE PRESENTS:

This EXTENSION OF CONTRACT is made and entered into this 31 January 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 PLDT, INC., a corporation duly organized and existing under and by virtue of Philippine laws, with principal office at [REDACTED] 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. 013-2021, series of 2021, entered into a Telephone- Landline Agreement on 13 January 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 SERVICE PROVIDER, pursuant to NPC Bids and Awards Committee (BAC) Resolution No. 195-2021, series of 2021, entered into a extension of contract for Telephone-Landline Agreement on 31 December 2021 which was in force and effect until 31 January 2022. A copy of said Agreement is attached herein as "ANNEX B" and made an integral part of this Extension of Contract;

WHEREAS, on 26 January 2022 the NPC Accountant issued Certificate of Availability of Funds (CAF) amounting PHP51,638.16. A Copy of the CAF is hereto attached as Annex "C" and made an integral part of this Agreement.

WHEREAS, on 27 January 2022, the NPC BAC deliberated on and resolved to approve the request of the end-user for an additional extension of aforementioned Telephone-Landline Agreement from 1 February to 28 February 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.

WHEREAS, GPPB Resolution No. 41-2017 authorizes the renewal/extension of telecommunications services if result of assessment continue to favor the existing service provider;

WHEREAS, the terms and conditions of the Telephone-Landline Agreement dated 13 January 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, except when subsequently supplemented and amended by the PARTIES, all other terms and conditions set forth in the Telephone-Landline 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 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 work performed up to the date of termination.

NPC shall pay the Service Provider a monthly rate of Fifty One Thousand Six Hundred Thirty Eight Pesos and 16/100 Pesos (PHP51,638.16) 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 1 February 2022 to 28 February 2022.

IN WITNESS WHEREOF, the PARTIES hereto have signed this Extension Contract this 31 day of January 2022 at Pasay City.

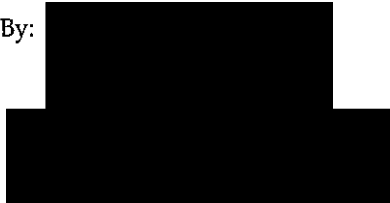
NATIONAL PRIVACY
COMMISSION


PLDT, INC.

By:

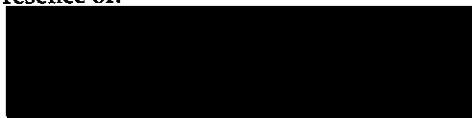

ATTY. JOHN HENRY D. NAGA
Privacy Commissioner

By:




JENSEN JOY L. BALLICUD
Accountant II

Signed in the Presence of:



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 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 _____²⁰ at the City of Pasay, Metro Manila, Philippines

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ATTY. ROCCO J. BOLIVAR
NOTARY PUBLIC

Commission No. Adm. Matter No. NP 204 (2021-2022)
IBP O.R. No. 132134 MD 2021 & IBP O.R. No. 133076 MD 2022
PTR O.R. No. 2463255D 1/3/22 / Roll No. 33832 / TIN# 129-871-009
MCLE No. VI-0029583 valid from 12/16/19 valid until 04/14/22