



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

**NOTICE FOR NEGOTIATED PROCUREMENT DUE TO
TWO-FAILED BIDDINGS FOR
*Penetration Testing and Forensic Software***

1. The *National Privacy Commission* through the *FY 2022 Continuing Appropriations under Republic Act No. 11639 (FY 2022 GAA)* intends to apply the sum of *Four Million Forty Thousand Pesos only (Php 4,040,000.00)* being the *Approved Budget of Contract (ABC)* to payments under the contract for *Penetration Testing and Forensic Software – APP Item No. 2022-0038*. Bids received in excess of the ABC shall be automatically rejected.
2. In view of the two (2) consecutive failed public biddings in the procurement of *Penetration Testing and Forensic Software*, the *National Privacy Commission* now invites offers for the above Procurement Project in accordance with Section 53.1 of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (R.A.) No. 9184, otherwise known as the “Government Procurement Reform Act.”
3. The *National Privacy Commission* will hold a Pre-Negotiation Conference on *31 March 2023, 2:00 PM*. through video conferencing *via Microsoft Teams*, which shall be open to all suppliers or contractors.
4. The service providers/suppliers must submit the following requirements/documents:
 - ✓ Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages) in accordance with Section 8.5.2 of the IRR and GPPB Resolution No. 15-2021;
 - ✓ Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; and
 - ✓ Statement of the bidder’s Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided for in Sections 23.4.1.3 and 23.4.2.4 of the 2016 revised IRR of RA No. 9184, within the relevant period as provided in the Bidding Documents; and
 - ✓ Original copy of Bid Security. If in the form of a Surety Bond, submit also a certification issued by the Insurance Commission or Original copy of Notarized Bid Securing Declaration;

- ✓ Conformity with the Schedule of Requirements¹ and Technical Specifications², which may include production/delivery schedule, manpower requirements, and/or after-sales/parts, if applicable;
 - ✓ Original duly signed Omnibus Sworn Statement (OSS) and if applicable, Original Notarized Secretary's Certificate in case of a corporation, partnership, or cooperative; or Original Special Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder;
 - ✓ The prospective bidder's computation of Net Financial Contracting Capacity (NFCC) or a committed Line of Credit from a Universal or Commercial Bank in lieu of its NFCC computation.
 - ✓ Original of duly signed and accomplished Financial Bid Form; and
 - ✓ Original of duly signed and accomplished Price Schedule(s).
5. Eligibility documents and offers must be duly received by the BAC Secretariat through *electronic submission via electronic mail to bacsecretariat@privacy.gov.ph on or before 13 April 2023, 10:00 A.M.* Late offers shall not be accepted.
6. Opening of eligibility documents, technical proposal, and best and final offer shall be on *13 April 2023 2:00 PM through videoconferencing via Microsoft Teams*. Offers will be opened in the presence of the suppliers' representatives who choose to attend the activity. Late offers shall not be opened.
7. The *National Privacy Commission* reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Sections 35.6 and 41 of the 2016 revised IRR of RA No. 9184, without thereby incurring any liability to the affected bidder or bidders.
8. For further information, please refer to:
- Bids and Awards Committee Secretariat
West Banquet Hall, 5th Floor Delegation Building,
Philippine International Convention Center, Pasay City
bacsecretariat@privacy.gov.ph
(02) 8234-2228 local 127
www.privacy.gov.ph*
- Note: Due to the alternative work arrangement being adopted by the National Privacy Commission, please communicate through the e-mail address provided.*
9. You may visit the following websites:
For downloading of Documents: www.privacy.gov.ph

25 March 2023

*Atty. Maria Theresita E. Patula
Chairperson, Bids and Awards Committee*

¹ See Annex "A"

² See Annex "B"

Schedule of Requirements

The delivery schedule expressed as weeks/months stipulates hereafter a delivery date which is the date of delivery to the project site.

A. Date of Delivery

Item	Quantity	Date of Delivery	Supporting Documents
1. Digital Forensic Investigation Software (EnCase with Training, Examination and Certification)	1 License	Delivery for software licenses shall be made within twenty-five (25) calendar days from receipt of Purchase Order (PO) / Notice to Proceed (NTP); and complete delivery/ conduct of certification training and other trainings shall be made within sixty (60) calendar days receipt of Notice to Proceed.	<ol style="list-style-type: none"> 1. Instruction manual, 2. Training Certificate, 3. Warranty certificate, 4. Billing Statement/Sales Invoice/Statement of Account, 5. Delivery Receipt
2. Mobile Forensic Investigation Device License (Device license and software license only) (Cellebrite)	1 License		
3. Cloud-based Service Analyzer Software (Cellebrite)	1 License		
4. Web Application Vulnerability Assessment Software (BurpSuite Pro)	3 Licenses good for 3 Years		

B. Place of Delivery

National Privacy Commission, 5th Floor, Delegation Building, Philippine International Convention Center, Vicente Sotto Avenue, Pasay City, Metro Manila 1307

C. Payment

80% payment shall be made upon delivery of the software licenses and 20% upon delivery of training certificates in accordance with the signed contract and instructions and upon issuance of Inspection and Acceptance Report by the Inspection and Acceptance Committee and by the End-User.

I hereby undertake to comply and deliver all the above requirements.

Company Name

Name and Signature of Authorized Representative

Date

Technical Specifications

*[Bidders must state here either "Comply" or "Not Comply" against **each of the individual parameters of each Specification** stating the corresponding performance parameter of the equipment offered. Statements of "Comply" or "Not Comply" must be supported by evidence in a Bidders Bid and cross-referenced to that evidence. Evidence shall be in the form of manufacturer's un-amended sales literature, unconditional statements of specification and compliance issued by the manufacturer, samples, independent test data etc., as appropriate. A statement that is not supported by evidence or is subsequently found to be contradicted by the evidence presented will render the Bid under evaluation liable for rejection. A statement either in the Bidder's statement of compliance or the supporting evidence that is found to be false either during Bid evaluation, post-qualification or the execution of the Contract may be regarded as fraudulent and render the Bidder or supplier liable for prosecution subject to the applicable laws and issuances.]*

Qty	Item	Specifications	Statement of Compliance
1	Digital Forensic Investigation Software (EnCase with Training, Examination and Certification)	<p>The procurement of the Commission's Digital Forensic Investigation Software License SHOULD MEET THE FOLLOWING SPECIFICATIONS:</p> <p>Software licenses must be compatible with the current/existing digital forensic investigation software.</p> <p>Inclusive of One (1) Year Maintenance Systems</p> <p>Capable of acquiring data in a forensically sound manner using software accepted by courts worldwide.</p> <p>Capable of investigating and analyzing data from multiple platforms such as Windows, Linux, AIX, OS X, Solaris, and more – using a single tool.</p> <p>Capable of finding information despite hidden, cloaked, or deleted data</p> <p>Capable of easily managing large volumes of computer evidence,</p>	<p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p>

		<p>viewing all relevant files, including deleted files, file slack, and unallocated space</p> <p>Capable of creating exact duplicates of original data and verifying by hash and error check</p> <p>Capable of transferring evidence files directly to law enforcement or legal representatives</p> <p>Capable of providing review options that allow non-investigators, such as attorneys, to review evidence with ease</p> <p>Capable of providing reporting options for quick report preparation.</p> <p>Supplier should provide the Training, Examination and Certification for two (2) personnel of the End-User.</p>	- - - - -
Qty	Item	Specifications	
1	<p>Mobile Forensic Investigation Device License (Device License and Software License Only) (Cellebrite)</p>	<p>The procurement of the Commission's Mobile Forensic Investigation Device License SHOULD MEET THE FOLLOWING SPECIFICATIONS:</p> <p>Software licenses must be compatible with the current/existing mobile forensic investigation device software.</p> <p>Inclusive of One (1) Year Maintenance Systems</p> <p>Inclusive of decoding, analysis and report generation software license</p> <p>Capable of Bypassing pattern, password or PIN locks.</p> <p>Capable of displaying and visualizing data in a unified format to build timelines and maps and</p>	- - - - -

		<p>more easily see relevant connections</p> <p>Can generate easy-to-read reports available in different formats like PDF for entire data sets or filtered information.</p> <p>Supplier should provide End-user training on the use of the software with certification of training as proof.</p>	- -
Qty	Item	Specifications	
1	Cloud-based Service Analyzer Software (Cellebrite)	<p>The procurement of the Commission's Cloud-based Services Analyzer License SHOULD MEET THE FOLLOWING SPECIFICATIONS:</p> <p>Software licenses must be compatible with the current/existing mobile forensic cloud analyzer system software</p> <p>Inclusive of One (1) Year Maintenance Systems</p> <p>Software shall allow gathering user data from popular social media and cloud- based sources.</p> <p>Able to collect and hash digital evidence from HTML-based web pages</p> <p>Can enable the user to view user search history and gather geo-location data</p> <p>Able to normalize and sort data into different formats</p> <p>Can generate easy-to-read reports available in different formats like PDF for entire data sets or filtered information</p> <p>Support reporting of extracted data from the cloud to a machine-readable format so it can be digested by other analysis systems</p>	- - - - - - -

		Supplier should provide End-user training on the use of the software with certification of training as proof.	-
Qty	Item	Specifications	
3	Web Application Vulnerability Assessment Software (BurpSuite Pro)	<p>The procurement of the Commission's Web Application Vulnerability Assessment Software SHOULD MEET THE FOLLOWING SPECIFICATIONS:</p> <p>Software licenses must be compatible with the current/existing vulnerability assessment software, and should be good for three (3) years.</p> <p>Inclusive of One (1) Year Maintenance Systems</p> <p>Capable of operating 100% on-premises. Scan results should always be available on premises. Describe the solution's architecture. Detail all components and modules required to deliver the complete solution.</p> <p>Must be offered as either Software Product or Software as a Service</p> <p>Must support at least the below mentioned supported platforms as OS: Ubuntu Linux LTS, Microsoft Windows Server, Microsoft Windows and Red Hat Enterprise Linux Server</p> <p>Can be set to run scans on a daily, weekly, or monthly basis</p> <p>Capable of performing variety of scans, such as fast crawl or critical vulnerability audit, with ease</p>	- - - - - -

		<p>Capable of displaying graphical dashboards that allows viewing of bugs by severity or type.</p> <p>Can be configured to specify maximum link depth, reported vulnerabilities, fast versus exhaustive results, and more</p> <p>Can be tailored to export HTML reports which includes any level of detail, severity and confidence as required</p> <p>Supplier must provide three (3) user licenses for this software</p> <p>Supplier should provide End-user training on the use of the software with certification of training as proof.</p>	<p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p>
	<p>Supplier's Qualification</p>	<p>Must provide a certificate or proof being the duly authorized provider of the said Software(s)</p> <p>Inclusive of One (1) Year Maintenance Systems per software as stipulated on Section (III)(A), unless explicitly stated</p> <p>Provider must provide basic training for all software subscriptions for at least sixteen (16) number of hours to at least ten (10) number of participants/users, which should be conducted and completed sixty (60) calendar days from receipt Notice to Proceed.</p> <p>Supplier should have a local partner to provide immediate post-sales support.</p> <p>Supplier should have Manufacturer's Authorization to supply and support the renewal of software licenses.</p>	<p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p>

I hereby undertake to comply and deliver all the above requirements.

Company Name

Name and Signature of Authorized Representative

Date

Bidding Forms