



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

BIDS AND AWARDS COMMITTEE
BAC Resolution No. 162-2022, Series of 2022

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

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 May 2022 will end on 31 December 2022;

WHEREAS, the procurement of Internet Service Provider (ISP) for CY 2023 is still on-going and is expected to be completed on the third or last week of March 2023;

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, 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 January 2023 to 31 March 2023, or until the award of new contract is completed, whichever comes first, and for a contract cost of Three Hundred Thirty-three Thousand Three Hundred Thirty-three Pesos and Thirty-three centavos (P 333,333.33);

WHEREAS, the NPC has substantially undertaken the procurement activities required prior to award of new contract, 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, Mr. Patrick Paul Gatchalian, 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 January 1, 2023 to March 31, 2023 or until the award of new contract is completed, whichever comes first, with a total contract cost of Three Hundred Thirty-three Thousand Three Hundred Thirty-three Pesos and Thirty-three centavos (P 333,333.33), subject to compliance to all relevant provisions of R.A. 9184 and its Revised IRR;

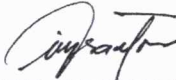
RESOLVED this 28th day of December 2022, via combination of on-site and videoconference meeting.

ATTEST:

On leave
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

On leave
JONATHAN RUDOLPH Y. RAGSAG
ITO II, DSTSD
BAC Member


Digitally signed by
Ivy Grace T.
Villasoto
ATTY. IVY GRACE T. VILLASOTO
Chief, PDD
BAC Vice Chairperson


Digitally signed by
Patula Maria Theresito
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 28 2022 

The original of this document (containing only the BAC member's signature) is in digital format
Ref No.: BAC-22-00957 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 **29 December 2022**, 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 monitor and 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 **CONVERGE INFORMATION & COMMUNICATIONS TECHNOLOGY SOLUTIONS, 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 - Wholesale and Enterprise Sales, **EVANGELINE E. AQUINO** (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. 024-2022, series of 2022, entered into a Renewal Agreement for Dedicated Internet Access (DIA) subscription on 29 April 2022 which was in force and effect until 31 December 2022. A copy of said Agreement is attached herein as "ANNEX A" and made an integral part of this Extension of Contract;

WHEREAS, on 27 December 2022, the NPC Accountant issued Certificate of Availability of Funds (CAF) amounting to THREE HUNDRED THIRTY-THREE THOUSAND THREE HUNDRED THIRTY-THREE PESOS AND THIRTY-THREE CENTAVOS (PHP 333,333.33). A Copy of the CAF is herein attached as Annex "B" and made an integral part of this Agreement.

WHEREAS, on 28 December 2022 the NPC BAC deliberated on and resolved to approve the request of the end-user for an extension of aforementioned Renewal Agreement for Dedicated Internet Access (DIA) subscription from January 1, 2023 to March 31, 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 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 Annex "A" of the Revised Guidelines on the Extension of Contracts for General Support Services provides that procuring entities may extend the duration or effectivity of an ongoing contract about to expire for a period not to exceed one (1) year, provided that the current service provider has not violated any provisions of the original contract, 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, 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;

WHEREAS, the terms and conditions of the Renewal Agreement for Dedicated Internet Access (DIA) subscription dated 29 April 2022 shall be read and construed as part of this Extension of Contract, and all terms and conditions of the Original Contract which are not inconsistent with this extension 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 Extension of Contract for Internet Service Provider 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 Original Contract for Dedicated Internet Access; (2) failure to produce a result that meets the specifications of provided for in the Original Contract for Dedicated Internet Access; and, (3) when the failure or breach is serious enough to materially harm or otherwise reduce the value of the Original Contract for Dedicated Internet Access.

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

NPC shall pay the Service Provider a monthly rate of One Hundred Eleven Thousand One Hundred Eleven Pesos and Eleven Centavos (Php111,111.11) with a total rate of Three Hundred Thirty Three Thousand Three Hundred Thirty Three Pesos and Thirty Three Centavos (Php333,333.33) for three (3) months, inclusive of all applicable taxes.

NOW, THEREFORE, for and in consideration of the foregoing premises, the PARTIES hereby agree to extend aforementioned Renewal Agreement for Dedicated Internet Access (DIA) subscription from **01 January 2023 to 31 March 2023, or until the effectivity of the new contract, whichever is earlier.**

IN WITNESS WHEREOF, the PARTIES hereto have signed this Extension of Contract this 29th day of December 2022 at Pasay City.


NATIONAL PRIVACY COMMISSION

**CONVERGE INFORMATION &
COMMUNICATIONS TECHNOLOGY
SOLUTION, INC.,**

By:

By:


ATTY. JOHN HENRY D. NAGA
Privacy Commissioner


EVANGELINE E. AQUINO
Unit Head - Wholesale and
Enterprise Sales


JENSEN JOY L. BALLICUD
Accountant III

Signed in the Presence of:


ATTY. IVIN RONALD D.M. ALZONA
Signature over Printed Name


MA. CRISTINA RIZ M. JUAN
Signature over Printed Name

ACKNOWLEDGMENT

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

NAME	GOVERNMENT-ISSUED ID/ Date issued/ Expiring Date
ATTY. JOHN HENRY D. NAGA	[REDACTED]
EVANGELINE E. AQUINO	

Known to me to be the same persons who executed the foregoing Extension of Contract for Internet Service Provider. 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 ~~DEC 29 2022~~ 20____ at the City of Pasay, Metro Manila, Philippines.
^{Pasig City}

NOTARY PUBLIC

Doc. No. 124 ;
 Page No. 26 ;
 Book No. XVI ;
 Series of 20 22

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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. VII-0019927 April 14, 2025
 S.C. Roll No. 31102 / 05-04-1981
 TIN No. 232-590-923-000
 G/F Pasig City Hall Brgy. San Nicolas, Pasig City
 Appointment No. 55- (2021- 2022)
 CONTACT No. 09273112426 - 09499240131

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