



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

BIDS AND AWARDS COMMITTEE
Resolution No. 162-2022, 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 PhP464,743.44, inclusive of VAT, which commenced on 1 April 2022, will end on 31 December 2022;

WHEREAS, the procurement of Telephone-Landline for CY 2023 is still on-going and is expected to be completed beyond the 31 December 2022;

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, 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 2023 to 31 January 2023 or until the award of new contract is completed, whichever comes first, and for a contract cost of Fifty-two Thousand Pesos (P52,000.00);

WHEREAS, this procurement has a Certification of Availability of Funds (CAF) with an Approved Budget for the Contract of Fifty-Two Thousand Pesos (P52,000.00) under the General Appropriations Act FY 2022 (RA 11639), programmed in the Work and Financial Plan of the ASD and pursuant to the National Expenditure Program (NEP) for FY2023;

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 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;

The original of this document (containing only the BAC member's signature) is in digital format

Ref No.: BAC-22-00951

NPC_BAC_RESO-V1.0, R0.0, 05 May 2021

5th Floor, Philippine International Convention Center, Vicente Sotto Avenue, Pasay City, Metro Manila 1307

URL: <http://privacy.gov.ph> Email Add: info@privacy.gov.ph Tel No. 8234-2228

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 Assistant Vice-President, Mr. William N. Batac, 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 extension of the contract for **Telephone-Landline** entered into with **PLDT Inc. from January 1, 2023 to January 31, 2023**, with a total contract cost of Fifty-Two Thousand Pesos (P52,000.00), subject to compliance to all relevant provisions of R.A. 9184 and its Revised IRR.

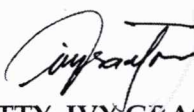
RESOLVED this 27th day of December 2022, via combination of on-site and videoconference meeting.


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
Theresita Elnar
ATTY. MARIA THERESITA E. PATULA
Director IV, LEO
BAC Chairperson

Approved:


Digitally
signed by
Naga John
Henry Du
ATTY. JOHN HENRY D. NAGA
Privacy Commissioner
Head of the Procuring Entity
Date: DEC 27 2022

Ref No.: BAC-22-00951 *The original of this document (containing only the BAC member's signature) is in digital format*
NPC_BAC_RESO-V1.0, R0.0, 05 May 2021

5th Floor, Philippine International Convention Center, Vicente Sotto Avenue, Pasay City, Metro Manila 1307
URL: <http://privacy.gov.ph> Email Add: info@privacy.gov.ph Tel No. 8234-2228

EXTENSION OF CONTRACT FOR TELEPHONE-LANDLINE

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 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 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 Assistant Vice President, **WILLIAM N. BATAAC** (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. 013-2022, series of 2022, entered into a Telephone-Landline Renewal Agreement on 1 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 **Fifty Two Thousand Pesos (PHP52,000.00)**. A Copy of the CAF is hereto attached as Annex "B" and made an integral part of this Agreement.

WHEREAS, on 27 December 2022, the NPC BAC deliberated on and resolved to approve the request of the end-user for extension of aforementioned Telephone-Landline Renewal Agreement from 1 January to 31 January 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.

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 Renewal Agreement dated 1 April 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, 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 Fifty Two Thousand Pesos (PHP52,000.00) inclusive of all applicable taxes.

NOW, THEREFORE, for and in consideration of the foregoing premises, the **PARTIES** hereby agree to extend aforementioned Telephone-Landline Renewal Agreement from 1 January to 31 January 2023.

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

**NATIONAL PRIVACY
COMMISSION**

PLDT, INC.

By:

By:


ATTY. JOHN HENRY D. NAGA
Privacy Commissioner


WILLIAM N. BATAC
Assistant Vice President


JENSEN JOY L. BALLICUD
Accountant III

Signed in the Presence of:


MARLON RUBEN N. FABRICANTE

Signature over Printed Name


ELPIDIO M. JUAN, JR

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	[REDACTED]
WILLIAM N. BATAAC	[REDACTED]

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 DEC 29 2022 20__ at the City of Manila City of Pasay, Metro Manila, Philippines.

NOTARY PUBLIC

ATTY. HENRY D. ADASA
NOTARY PUBLIC, CITY OF MANILA
NOTARIAL COMMISSION 2020-097 / 12/31/2022
IBP NO 178598 01/03/2022, PASIG
PTR NO 0060197 01/03/2022, MLA
ROLL NO 29679, TIN: 172 528-620
CLE COMPL NO. VII-0000165 6/26/2019 Valid April 14, 2025
URBAN DECA HOMES MANILA, 8-2, UNIT 355, TONDOL, MLA (25)

Doc. No. 477
Page No. 94 ;
Book No. XXXXX
Series of 2022.