



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

BIDS AND AWARDS COMMITTEE
BAC Resolution No. 011-2023, Series of 2023

RECOMMENDING THE AWARD 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 public services;

WHEREAS, the Government Procurement Policy Board (GPPB) has issued Resolution No. 019-2006 adopting the guidelines on the procurement of water, electricity, telecommunications and internet service providers;

WHEREAS, GPPB Resolution Nos. 019-2006 and 41-2017 recognizes that changing telecommunications provider yearly may prove to be more costly to the government;

WHEREAS, Appendix 21 of the 2016 Revised Implementing Rules and Regulations (RIRR) of RA 9184 also acknowledges that telephone lines are critical in the day-to-day pursuit of public business and their continuity ensures proper coordination within the organization and efficient delivery of public service;

WHEREAS, for these reasons, renewal of telecommunication services is allowed provided that the procuring entity must first assess the quality of services provided by its current supplier, and compare the cost charged and the range of services it offers as against other service providers in the area;

WHEREAS, upon assessment, NPC's current service provider, PLDT Inc. continues to display highly acceptable quality of service and did not commit any violation of the contract as evidenced by the Assessment/Justification for the Continued Subscription to PABX and Landline Telephone Services provided by PLDT Inc., herein attached as Annex "A."

WHEREAS, upon assessment, it was also found that it is more advantageous for the NPC to renew its contract with the current provider than engage the service of a new one;

WHEREAS, pursuant to the provisions of GPPB Resolution No. 019-2006 and 41-2017, NPC saw it fit to renew the contract of its current service provider, PLDT, Inc., with the contract commencing from 01 March 2023 until 31 December 2023;

WHEREAS, a Certification of Availability of Funds was issued for this purpose, for APP Item No. 2023-0012 with an Approved Budget of Contract for Php 620,000.00 for a ten-month contract commencing from 01 March to 31 December 2023;

WHEREAS, on 2 February 2023, a Request for Quotation was sent to PLDT Inc.;

The original of this document (containing only the BAC member's signature) is in digital format
Ref No.: BAC-23-00106 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: <https://www.privacy.gov.ph> Email Add: info@privacy.gov.ph Tel No. 8234-2228

WHEREAS, pursuant to this, PLDT Inc., submitted all documentary requirements necessary for the renewal of its services;

WHEREAS, upon due assessment, the NPC Bids and Awards Committee (BAC) determined that PLDT Inc. has complied with the technical, legal, and financial requirements mandated under R.A. 9184;

NOW, THEREFORE, for and in consideration of the foregoing, WE, the members of the NPC Bids and Awards Committee (NPC-BAC), hereby RESOLVE, as it is hereby RESOLVED, to recommend the award of contract for **TELEPHONE - LANDLINE (APP No. 2023-0012)**, through renewal, in accordance with GPPB Resolution Nos. 019-2006 and 41-2017 with PLDT, Inc. for a total contract price of Two Hundred Forty-Four Thousand One Hundred Sixty Pesos (Php 244, 160.00) for a period of ten months from 01 March to 31 December 2023.

RESOLVED this 9th day of February 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 and End-User



Digitally
signed by
Espenilla
Erwin Dejucos

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:

Ref No.: BAC-23-00106 *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: <https://www.privacy.gov.ph> Email Add: info@privacy.gov.ph Tel No. 8234-2228



ATTY. JOHN HENRY DU NAGA

Privacy Commissioner

Head of the Procuring Entity

Date: ~~FEB 22 2023~~



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

NOTICE OF AWARD

FEB 22 2023

MR. WILLIAM N. BATAAC

Assistant Vice President

Authorized Representative

PLDT, Inc.

8/F MGO Bldg. Dela Rosa Street,

Brgy. San Lorenzo, Makati City

Dear **Mr. Bataac**,

Please be advised that upon the recommendation of the NPC Bids and Awards Committee, per BAC Resolution No. 011-2023, series of 2023, the contract for procurement of **Telephone-Landline** amounting to a total of **Two Hundred Forty-Four Thousand One Hundred Sixty Pesos (Php 244,160.00)** for a contract period of **ten (10) months from 1 March 2023 until 31 December 2023**, is hereby awarded to **PLDT, Inc.**, consistent with Republic Act No. 9184 and its 2016 Revised Implementing Rules and Regulations.

Very truly yours,

ATTY. JOHN HENRY D. NAGA

Privacy Commissioner

Head of the Procuring Entity

Date: FEB 22 2023

Digitally signed
by Medalla Joan
Therese Caragay

Conforme:

Mr. William N. Bataac

Authorized Representative

PLDT, Inc.

8/F MGO Bldg. Dela Rosa Street,

Brgy. San Lorenzo, Makati City

Date: FEB 28 2023

Ref No.: BAC-23-00113

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

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

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



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

NOTICE TO PROCEED

Date Issued: MAR 01 2023

PLDT INC.

Provider

Ramon Conjuangco Bldg,
Makati Avenue,
Makati City, Metro Manila

Dear Mr. Batac:

Notice is hereby given to **PLDT Inc.** for the commencement of the procurement for the **Telephone Landline** for the National Privacy Commission at the Philippine International Convention Center (PICC) in accordance with the terms and conditions of the attached Contract.

Kindly acknowledge receipt and acceptance of this notice by signing both the copies in the space provided below. Keep one (1) copy and return the other to the NPC within three (3) days upon receipt of this notice.

Very truly yours,

ATTY. JOHN HENRY D. NAGA
Head of the Procuring Entity/
Privacy Commissioner

I acknowledge receipt of this notice on MAR 01 2023
Name of the authorized representative of the Bidder MR. WILLIAM N. BATAC
Signature of the authorized representative

Ref No.: ASD-23-00320

NPC_FAO_ASD_NTP-V1.0, R0.0, 19 August 2021

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

LANDLINE SERVICES RENEWAL AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This LANDLINE SERVICES RENEWAL AGREEMENT (hereinafter referred to as the "Agreement") is made and entered into this FEB 28 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, 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 -

PLDT INC., a corporation duly organized and existing under Philippine Laws, with principal office at Ramon Cojuangco Bldg., Makati Avenue, Makati City, herein represented by its duly authorized and designated representative, WILLIAN N. BATAAC, (hereinafter to as the "SERVICE PROVIDER").

The NPC and SERVICE PROVIDER shall hereinafter be referred to collectively as the "PARTIES."

WITNESSETH, that:

WHEREAS, on 28 December 2018, NPC and the SERVICE PROVIDER entered into a 12-month contract ("Original Contract") for Trunkline and Managed Private Automatic Branch Exchange (PABX) subscription (the "Existing Services"). A copy of the Original Contract is attached and made an integral part of this Agreement as ANNEX "A";

WHEREAS, NPC has last renewed the Original Contract on 01 April 2022 and remained effective until 31 December 2022 ("Renewal Contract") which, in turn, was extended until 28 February 2023 ("Extension Contract"). Copies of the Renewal Contract and Extension Contract are attached and made an integral part of this Agreement as ANNEXES "B" and "C", respectively;

WHEREAS, the Government Procurement Policy Board (GPPB) has issued Resolution No. 019-2006, as amended by GPPB Resolution No. 41-2017, adopting the guidelines on the procurement of water, electricity, telecommunications and internet service providers;

WHEREAS, GPPB Resolution Nos. 019-2006 and 41-2017 recognizes that changing telecommunications provider yearly may prove to be more costly to the government;

WHEREAS, Section 3.3.1.2 of GPPB Resolution No. 41-2017 allows renewal of telecommunication services, provided that at the end of each year the procuring entity must first assess the quality of services provided by its current supplier, compare the cost charged and the range of services it offers as against other service providers in the area;

WHEREAS, pursuant to the provisions of GPPB Resolution No. 019-2006 and 41-2017, the management of NPC saw it fit to renew the contract of its current service provider;

WHEREAS, the current service provider, PLDT INC., has submitted all the documentary requirements for renewal;

WHEREAS, on 26 January 2023, the NPC Accountant issued Certificate of Availability of Funds (CAF) amounting to SIX HUNDRED TWENTY THOUSAND PESOS ONLY (Php 620,000.00). A

CONTRACT NO. 2023- 07 - 0005

copy of the CAF is hereto attached as ANNEX "D" and made an integral part of this Agreement;

WHEREAS, on 22 February 2023, the Head of the Procuring Entity approved the NPC-BAC Resolution No. 011-2023, Series of 2023, recommending the Award of Contract for TELEPHONE-LANDLINE to PLDT INC.;

WHEREAS, NPC has awarded above-mentioned project to PLDT INC. and has confirmed award amounting to a total contract price of TWO HUNDRED FORTY-FOUR THOUSAND ONE HUNDRED SIXTY PESOS ONLY (Php244,160.00) inclusive of all applicable taxes, duties, fees, levies and other charges imposed under applicable laws. A copy of the Notice of Award is hereto attached as ANNEX "E" and made an integral part of this Agreement;

NOW, THEREFORE, NPC and SERVICE PROVIDER in consideration of the mutual covenants hereinafter set forth agree as follows:

1. **SCOPE OF WORK.** The terms and conditions of the Original Contract and all agreements related thereto, such as renewal contracts and extension contracts, shall be read and construed as part of this Agreement. Any and all parts of the Original Contract which are not inconsistent with this Agreement shall remain unchanged and in full force and effect.
2. **DURATION.** The SERVICE PROVIDER shall supply, install, and deliver the Telephone-Landline to the National Privacy Commission located at 5th Floor, Delegation Building, PICC Complex, Pasay City. The Contract will begin from March 1,2023 and continue until 31 December 2023.
3. **CONTRACT PRICE.** In consideration of the SERVICES to be rendered by the SERVICE PROVIDER, the total contract price shall be TWO HUNDRED FORTY-FOUR THOUSAND ONE HUNDRED SIXTY PESOS ONLY (Php244,160.00), inclusive of all applicable taxes, duties, fees, levies, and other charges imposed under applicable laws.
4. **PRE-TERMINATION OF AGREEMENT.** The NPC may immediately terminate this Agreement upon service and delivery of a notice of 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 and all other agreements related thereto; (2) failure to produce a result that meets the specifications provided for in the Original Contract and all other agreements related thereto; and (3) when the failure or breach is serious enough to materially harm or otherwise reduce the value of the Original Contract, and all other agreements related thereto.

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.

The NPC shall pay the SERVICE PROVIDER a monthly rate of TWENTY FOUR THOUSAND FOUR HUNDRED SIXTEEN PESOS (Php24,416.00) inclusive of all applicable taxes.

IN WITNESS WHEREOF, of the parties have caused this Agreement to be executed by and through their duly authorized representatives on FEB 28, 2023.


NATIONAL PRIVACY COMMISSION

By:


ATTY. JOHN HENRY D. NAGA
Privacy Commissioner

PLDT INC.

By:


WILLIAN N. BATAc
Assistant Vice President and Center
Head of CRM Public Sector

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JENSEN JOY L. BALLICUD
Accountant III

Signed in the Presence of:


MARLON RUBEN N. FABRICANTE
Signature over Printed Name


ELPIDIO M. JUAN
Signature over Printed Name

[Acknowledgment page follows.]



ACKNOWLEDGMENT

Republic of the Philippines)
City of Pasay) SS.

BERORE ME, a Notary Public for and in the above jurisdiction, personally appeared the following:

| NAME | VALID ID | DATE/PLACE ISSUED |
|--------------------------|------------|-------------------|
| ATTY. JOHN HENRY D. NAGA | [REDACTED] | [REDACTED] |
| WILLIAM N. BATAAC | | |

Known to me to be the same persons who executed the foregoing 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 instrument consists of _____ () pages, including this page where this 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.

MAR 28 2023

NOTARY PUBLIC
ATTY. ROGELIO J. BOLIVAR
NOTARY PUBLIC

Valid For Until 2023-2024

Commission No. Adm. Matter No. NP 204 (2023-2024)

IBP O.R. No. 132174 MD 2023 & IBP O.R. No. 133076 MD 2023

FIR O.R. No. 2463255 D 12/31/2023 Roll No. 33832 TIN# 129-871-009

MCLE No. VI-0029580 valid until 12/31/23

Doc. No. 302;
Page No. 01;
Book No. 0;
Series of 2023.

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