

Republic of the Philippines
NATIONAL PRIVACY COMMISSION

BIDS AND AWARDS COMMITTEE
BAC Resolution No. 151-2022, Series of 2022

**DECLARING THE BID OF FIRST DATACORP FOR THE PROCUREMENT OF WEB
CLOUD HOSTING (APP ITEM NO. 2022-0035) AS THE
SINGLE CALCULATED AND RESPONSIVE BID AND RECOMMENDING THE
AWARD OF CONTRACT**

WHEREAS, the National Privacy Commission (NPC or Commission) is an independent body mandated to administer and implement Republic Act No. 10173 of the Data Privacy Act of 2012 and to monitor and ensure compliance of the country with international standards set for data protection;

WHEREAS, to fulfill its mission and vision to be a world-class regulatory and enforcement agency that is committed to excellence, the Commission must be equipped with the necessary infrastructure, software solutions, and tools at its disposal. the Commission needs to strengthen its institutional capacity and re-design its structure to keep up with global standards, international commitments, digital revolution, international economic integration, paradigm shifts, and other issues which are the driving forces for NPC;

WHEREAS, since 2016, the Commission has been using an online website as its primary repository of all information related to the Data Privacy Act of 2012, such as advisory opinions, advisories, circulars, news/press releases, and announcements.

WHEREAS, a cloud hosting platform must be procured to maintain the availability of the online website as well as other websites and other information systems;

WHEREAS, "Web Cloud Hosting" is under APP Item No. 2022-0035 with an approved budget for contract (ABC) amounting to **Php2,508,508.60**;

WHEREAS, Web Cloud Hosting shall be procured through Competitive Bidding pursuant to Section 10 Rule IV of the Revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 (R.A. 9184);

WHEREAS, on 18 October 2022, the Invitation to Bid was posted in the PhilGEPS, the NPC websites, and the NPC bulletin board. The Bidding documents were also made available on the same date. Invitations to observers were also sent in accordance with Section 13 of the RIRR of R.A. 9184;

WHEREAS, on 25 October 2022, the NPC - Bids and Awards Committee (NPC-BAC) conducted a pre-bid conference where the Bidding Documents were discussed and questions and concerns from prospective bidders were addressed;

The original of this document (containing only the BAC member's signature) is in digital format
Ref No.: BAC-22-00903 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, on 30 October 2022, the NPC-BAC posted Supplemental/Bid Bulletin No. 002-2022 to answer the clarificatory questions raised during the pre-bid conference;

WHEREAS, the NPC-BAC set the deadline of submission of documents on 7 November 2022, however, no bids were received and the NPC-BAC declared failure of bidding as evidenced by NPC-BAC Resolution No. 129-2022, herein attached as Annex "A";

WHEREAS, on 21 November 2022, a second Invitation to Bid, together with the Bidding Documents, were posted on the PhilGEPS website and the NPC website, as well as on the NPC bulletin board. Invitation to Observers were also sent in accordance with Section 13 of RIRR of RA 9184;

WHEREAS, the NPC-BAC set the deadline for submission of bidding documents on 12 December 2022, at 8:00 a.m. The instructions on the adoption of the procedure for the electronic submission and receipt of bids and eligibility documents in accordance with the NPC-BAC Guidelines on Electronic Submission and Receipt of Bids (Guidelines) was also provided in the Bidding Documents;

WHEREAS, on 28 November 2022, the second Pre-bid Conference was conducted where the procedure for the electronic submission and receipt of eligibility documents in accordance with the Guidelines was discussed;

WHEREAS, on 9 December 2022 at 8:43 p.m., First DataCorp submitted its bidding documents;

WHEREAS, on 12 December 2022 at 9:00 a.m., the Opening of Bids was conducted and was attended to by First DataCorp, through its representatives: Christine Joy Chua and Maria Abegael Avila, in accordance with Section 24.4 of the Revised IRR of R.A. 9184;

WHEREAS, on the same day, the NPC-BAC determined that First DataCorp submitted all the technical and financial requirements prescribed in the Bidding Documents and the RIRR of RA 9184, as reflected in the Abstract of Bids attached herein as Annex "B";

WHEREAS, on 15 December 2022, the NPC-BAC evaluated the bid document submitted by First DataCorp;

WHEREAS, the NPC-BAC Technical Working Group (TWG) presented their bid evaluation report for Web Cloud Hosting, herein attached as Annex "C." The NPC BAC-TWG recommended that First DataCorp's bid be declared as the Single Calculated Bid (SCB) and be endorsed for post-evaluation/qualification, in accordance with Rule X, Section 34 of the revised IRR of R.A. No. 9184;

WHEREAS, on 20 December 2022, the bid submitted by First DataCorp was subjected to post-qualification evaluation. The NPC-BAC-TWG presented their post-qualification report, herein attached as Annex "D". The NPC-BAC-TWG stated that, after verification and examination of First DataCorp's bid documents, they found that the submission of First DataCorp is compliant with the eligibility requirements (Legal, Financial and Technical) under the Revised IRR of R.A. 9184, and thus, passed the post-qualification evaluation. The NPC-BAC-TWG recommended that the bid of First DataCorp be declared as the Single Calculated and Responsive Bid (SCRB);

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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, that First DataCorp with the bid amounting to TWO MILLION FOUR HUNDRED TWENTY-EIGHT THOUSAND PESOS (Php 2,428,000.00) be declared as the Single Calculated and Responsive Bid and be recommend the award of contract for the procurement of Web Cloud Hosting.

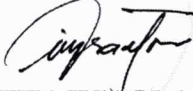
RESOLVED this 20th day of December 2022 via combination of on-site and videoconference meeting.

ATTEST:


Digitally signed by
Milanes Rainier
Anthony Mabias
ATTY. RAINIER ANTHONY M. MILANES
*Chief, CMD
BAC Member*

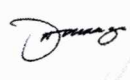

Digitally signed by
Mendoza Ma Josefina
Eusebio
ATTY. MA. JOSEFINA E. MENDOZA
*Attorney IV, LD
BAC Member*


Digitally signed by Ragsag
Jonathan Rudolph Yandan
JONATHAN RUDOLPH Y. RAGSAG
*Information Technology Officer II, DSTSD
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:


Digitally
signed by
Naga John
Henry Du

ATTY. JOHN HENRY D. NAGA
*Privacy Commissioner
Head of the Procuring Entity*
Date: DEC 23 2022



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

NOTICE OF AWARD

DEC 23 2022

MS. CHRISTINE JOY O. CHUA

First DataCorp

3F, Citibank Center, 8741 Paseo de Roxas,
Makati, 1226 Kalakhang Maynila

Dear **Ms. Chua**:

Please be advised that upon the recommendation of the NPC Bids and Awards Committee, per BAC Resolution No. 151-2022, series of 2022, the contract for the procurement of **WEB CLOUD HOSTING (APP ITEM NO. 2022-0035)** amounting to TWO MILLION FOUR HUNDRED TWENTY-EIGHT THOUSAND PESOS (Php 2,428,000.00), VAT inclusive, is awarded to **First DataCorp**, consistent with Republic Act No. 9184 and its 2016 Revised Implementing Rules and Regulations.

Very truly yours,

Digitally
signed by
Naga John
Henry Du

ATTY. JOHN HENRY D. NAGA

Privacy Commissioner

Head of the Procuring Entity

Date: DEC 23 2022

Digitally signed
by Naga John Henry Du
DN: cn=Naga John Henry Du, o=NPC

Conforme:

MS. CHRISTINE JOY O. CHUA

DEC 27 2022

First DataCorp

3F, Citibank Center, 8741 Paseo de Roxas,
Makati, 1226 Kalakhang Maynila

**PURCHASE ORDER
NATIONAL PRIVACY COMMISSION**

Entity Name

Supplier : FIRST DATACORP	P.O. No. : 2022- 12-0061
Address : 3F, Citibank Center, 8741 Paseo de Roxas, Makati, 1226 Kalakhang Maynila	Date : DEC 27 2022
TIN : _____	Mode of Procurement : Competitive Bidding

Gentlemen:

Please furnish this Office the following articles subject to the terms and conditions contained herein:

Place of Delivery : NPC OFFICE

Delivery Term : Delivery shall be completed within Fifteen (15) calendar days from receipt of Notice to Proceed/Purchase Order

Date of Delivery : Delivery shall be completed within Fifteen (15) calendar days from receipt of Notice to Proceed/Purchase Order

Payment Term : LDDAP-ADA

Stock/ Property No.	Unit	Description	Quantity	Unit Cost	Amount
	Lot	<p align="center">WEB CLOUD HOSTING</p> <p align="center"><i>(6 months subscription or as the subscription on amount has been fully consumed, inclusive of tech support for the entire duration of the subscription)</i></p> <p>Specifications: The specifications shall be in accordance with the attached Technical Requirements/ Specifications "Annex A"</p> <p>Delivery: Delivery shall be completed within Fifteen (15) calendar days from receipt of Notice to Proceed/Purchase Order</p> <p>WARRANTY, SUPPORT AND DOCUMENTATION shall be in accordance with the attached ANNEX A.</p> <p>Payment: 1. Payment shall be processed upon issuance of Certificate of Acceptance by the end-user 2. Payment shall be made through send bill arrangement and shall be processed upon receipt of the Statement of Account/Billing statement/invoice and Delivery Receipt issued by the supplier.</p>	1	2,428,000.00	2,428,000.00

(Total Amount in Words)


TWO MILLION FOUR HUNDRED TWENTY EIGHT THOUSAND PESOS ONLY

In case of failure to make the full delivery within the time specified above, a penalty of one-tenth (1/10) of one percent for every day of delay shall be imposed on the undelivered item/s.


NOTICE TO PROCEED: Notice is hereby given that by conforming to this Purchase Order, the Service Provider/Supplier shall proceed with the delivery of the items in accordance with the terms and conditions specified herein to commence from the date of conformance hereunder indicated.

Contact Mr. Joel Pagtulingan Jr. at (02)8234-2228 local 123 or email at asd@privacy.gov.ph for questions delivery and other concerns.

Conforme:

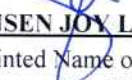

MS. CHRISTINE JOY O. CHUA
Signature over Printed Name of Supplier
JAN 5 2023
Date

Very truly yours,


ATTY. JOHN HENRY D. NAGA
Signature over Printed Name of Authorized Official
Privacy Commissioner

Fund Cluster : 01

Funds Available : ₱ 2,428,000.00


JENSEN JOY L. BALLECID
Signature over Printed Name of Chief Accountant/Head of
Accounting Division/Unit

ORS/BURS No. : 02-101-2022-12-0603

Date of the ORS/BURS: DECEMBER 29, 2022

Amount : ₱ 2,428,000.00