



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

BIDS AND AWARDS COMMITTEE
BAC Resolution No. 044-2023, Series of 2023

**RECOMMENDING THE AWARD OF CONTRACT TO MAXCOR INTER-VENTURES,
CO. AS THE SINGLE CALCULATED AND RESPONSIVE BIDDER FOR THE
PROCUREMENT OF PENETRATION TESTING AND FORENSIC SOFTWARE
(APP Item No. 2022-0038)**

WHEREAS, the National Privacy Commission (NPC) is the agency mandated to enforce the provisions of R.A. 10173 otherwise known as the Data Privacy Act of 2012 (DPA);

WHEREAS, one of the functions of the NPC outlined in Section 7 of the DPA is to receive complaints, institute investigations, facilitate or enable settlement of complaints through the use of alternative dispute resolution processes, adjudicate, award indemnity on matters affecting any personal information, prepare reports on disposition of complaints and resolution of any investigation it initiates, and in cases it deems appropriate, publicize any such report;

WHEREAS, in order to effectively perform this mandate, the Complaints and Investigation Division (CID) of the NPC needs a digital forensic laboratory;

WHEREAS, in this regard, the CID proposed the procurement of Penetration Testing and Forensic Software (APP Item No. 2022-0038) programmed under the 2022 Continuing APP;

WHEREAS, this procurement has a Certification of Availability of Funds (CAF) in the amount of Four Million Forty Thousand Pesos (Php4,040,000.00);

WHEREAS, the mode of procurement for this is Competitive Bidding, pursuant to the Revised Implementing Rules and Regulations (RIRR) of RA 9184;

WHEREAS, on 11 November 2022, the Invitation to Bid and the Bidding Documents were posted in the PhilGEPS, the NPC website, and the NPC bulletin board;

WHEREAS, on 18 November 2022, the NPC Bids and Awards Committee (BAC) conducted a pre-bid conference where the Bidding Documents were discussed;

WHEREAS, the NPC-BAC set the deadline of submission of eligibility on 1 December 2022 at 8:00AM;

WHEREAS, on 1 December 2022, no bidder submitted financial and technical bid documents;

WHEREAS, the NPC-BAC, in BAC Resolution No. 133-2022, resolved to declare a failure of bidding, and to immediately repost the Invitation to Bid and the Bidding Documents;

The original of this document (containing only the BAC member's signature) is in digital format
Ref No.: BAC-23-00362 NPC_BAC_RESO-V1.0, R0.0, 05 May 2021

WHEREAS, on 5 December 2022, the Invitation to Bid and the Bidding Documents were reposted in the PhilGEPS, the NPC website, and the NPC bulletin board. The invitations to observers were also sent in accordance with Section 13 of the RIRR of RA 9184;

WHEREAS, on 12 December 2022, the NPC-BAC conducted a pre-bid conference where the Guidelines on Electronic Submission and Receipt of Bids (Guidelines, the Bidding Documents, and all inquiries from prospective bidders were discussed;

WHEREAS, the deadline of electronic submission of eligibility documents was scheduled on 26 December 2022, 10:00AM. An instruction on adoption of the procedure for the electronic submission and receipt of technical and financial bid documents in accordance with the Guidelines was also provided in the Bidding Documents;

WHEREAS, on 26 December 2022, 10:00 A.M., no bidder submitted technical and financial bid documents. Pursuant to Section 35.1 (a) of the RIRR of RA 9184, the BAC resolved to declare a failure of bidding relative to the procurement of Penetration Testing and Forensic Software;

WHEREAS, Section 53.1 of the RIRR of Republic Act 9184 allows recourse to Negotiated Procurement due to Two (2) Failed Biddings, where there has been a failure of competitive bidding for the second time as provided in Section 35 of the Act and its IRR;

WHEREAS, in Resolution No. 009-2023 dated 27 January 2023, the NPC-BAC resolved to recommend that the procurement of Penetration Testing and Forensic Software (APP Item No. 2022-0038) be conducted through Negotiated Procurement due to Two (2) Failed Biddings in accordance with Section 53.1 of the RIRR of RA 9184;

WHEREAS, after conduct of mandatory review of the terms, conditions, specifications and cost estimates, the Notice for Negotiated Procurement due to Two-Failed Biddings for Penetration Testing and Forensic Software was posted in the PhilGEPS, the NPC website, and the NPC bulletin board on 25 March 2023;

WHEREAS, in addition to the posting, the request was sent to: (1) Forensic Computers, Inc.; (2) Maxcor Inter-Ventures, Co., and (3) Next Generation Technologies Global, Inc.;

WHEREAS, on 31 March 2023, the NPC-BAC conducted a Pre-Negotiation Conference to discuss the technical and financial requirements of the project for the prospective suppliers to be able to submit a responsive quotation or proposal;

WHEREAS, by the deadline set on 13 April 2023, only Maxcor Inter-Ventures, Co., submitted its best and final offer based on the Technical and Financial Requirements for the procurement of Penetration Testing and Forensic Software;

WHEREAS, on 13 April 2023, the NPC-BAC proceeded to evaluate and inspect the first proposal envelope (Technical Component) submitted by Maxcor Inter-Ventures, Co., and has determined that the latter passed all the eligibility and legal requirements prescribed in accordance with the provisions of the IRR of R.A. 9184;

WHEREAS, immediately upon determining compliance with the requirements in the first

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

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envelope, the NPC-BAC opened the second envelope (Financial Proposal) of the eligible and technically complying bidder, Maxcor Inter-Ventures, Co., and determined that it passed all the financial requirements, and is now recommended for bid evaluation relative to the procurement of Penetration Testing and Forensic Software with a bid price of Four Million Thirty Thousand Nine Hundred Ninety Nine Pesos (Php4,030,999.00), which is within the ABC;

WHEREAS, the Bids and Awards Committee - Technical Working Group (BAC-TWG) submitted a Bid Evaluation Report on Penetration Testing and Forensic Software dated 14 April 2023 recommending that the bid submitted by Maxcor Inter-Ventures, Co., be declared as the Single Calculated Bid and be endorsed for post qualification evaluation in accordance with Rule X, Section 34 of the Revised IRR of RA 9184 to determine whether the bidder has complied with and is responsive to all the requirements and conditions as specified in the bidding documents;

WHEREAS, in accordance with the above, the NPC-BAC recommended on 20 April 2023 that the bid of Maxcor Inter-Ventures, Co., be declared as the Single Calculated Bid and be endorsed for post-qualification in accordance with Rule X - Post Qualification under Section 34 of the Revised IRR of RA 91784 to determine whether the bidder has complied with and is responsive to all the requirements and conditions as specified in the bidding documents;


WHEREAS, on 5 May 2023, the NPC-BAC proceeded to review the Post-Qualification Report submitted by the BAC-TWG attached as **Annex "A"**, declaring that Maxcor Inter-ventures, Co. passed the post-qualification evaluation conducted and is recommended to be declared the Single Calculated and Responsive Bid;

WHEREAS, noting no issues in the BAC-TWG Post Qualification Report, it was moved and seconded to adopt the same and declare the bid by Maxcor Inter-ventures, Inc. as the Single Calculated and Responsive Bid;

NOW, THEREFORE, for and in consideration of the foregoing, WE, the members of the NPC-BAC, hereby RESOLVE, as it is hereby **RESOLVED**, to declare that the bid submitted Maxcor Inter-Ventures, Co., as the SINGLE CALCULATED AND RESPONSIVE BID amounting to **FOUR MILLION THIRTY THOUSAND NINE HUNDRED NINETY-NINE PESOS (Php4,030,999.00)**, and be recommended for the award of contract for the procurement of Penetration Testing and Forensic Software.

RESOLVED this 5th day of May 2023, via combination of on-site and videoconference meeting.

ATTEST:


Digitally signed by
Santos Michael
Reyes

ATTY. MICHAEL R. SANTOS
Chief, CID
End User, Provisional BAC Member

On official business
MR. ERWIN D. ESPENILLA
HEA, OPC
BAC Member



Digitally signed
by Milanes
Rainier Anthony
Mabias

ATTY. RAINIER ANTHONY M. MILANES
Chief, CMD
BAC Member



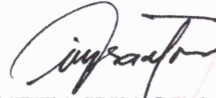
Digitally signed
by Mendoza Ma
Josefina Eusebio

ATTY. MA. JOSEFINA E. MENDOZA
Attorney IV, LD
BAC Member



Digitally signed by
Fabricante Marlon
Ruben Natividad

MR. MARLON RUBEN N. FABRICANTE
Chief, ASD
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:



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

Date: ~~MAY 18 2023~~



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Republic of the Philippines
NATIONAL PRIVACY COMMISSION

NOTICE OF AWARD


~~MAY 18 2023~~

MR. NOE C. CERENO
Authorized Representative
MAXCOR INTER-VENTURES, CO.,
105 Engineering Road, Araneta University Village,
Potrero, Malabon City

Dear **Mr. Cereno**,


Please be advised that upon the recommendation of the NPC Bids and Awards Committee, per BAC Resolution No. 044-2023, series of 2023, the contract for procurement of **Penetration Testing and Forensic Software** amounting to a total of **Four Million Thirty Thousand Nine Hundred Ninety-Nine Pesos (Php4,030,999.00)** is hereby awarded to **Maxcor Inter-Ventures, Co.** consistent with Republic Act No. 9184 and its 2016 Revised Implementing Rules and Regulations.

Very truly yours,

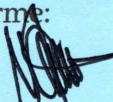

ATTY. JOHN HENRY D. NAGA

Privacy Commissioner
Head of the Procuring Entity

Date: MAY 18 2023


Digitally signed
by Medalla Joan
Therese Caragay

Conforme:


MR. NOE C. CERENO
Authorized Representative
MAXCOR INTER-VENTURES, CO.,
105 Engineering Road, Araneta University Village,
Potrero, Malabon City

Date: MAY 19 2023

**PURCHASE ORDER
NATIONAL PRIVACY COMMISSION**

Entity Name

Supplier : MAXCOR INTER-VENTURES, CO.	P.O. No. : 2023- <u>05-0015</u>
Address : 105 Engineering Road, Araneta University Village, Malabon City	Date : <u>MAY 31 2023</u>
TIN : 006-581-588-000	Mode of Procurement : <u>Negotiated Procurement</u>

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

Place of Delivery : <u>NPC OFFICE</u>	Delivery Term : Delivery of software shall be made within 25 calendar days from receipt of PO/NTP Delivery/Conduct of certification training shall be made within 60 calendar days from receipt of PO/NTP
Date of Delivery : Delivery of software shall be made within 25 calendar days from receipt of PO/NTP Delivery/Conduct of certification training shall be made within 60 calendar days from receipt of PO/NTP	Payment Term : <u>LDDAP-ADA</u>

Stock/ Property No.	Unit	Description	Quantity	Unit Cost	Amount																														
	Lot	PENETRATION TESTING AND FORENSIC SOFTWARE	1	4,030,999.00	4,030,999.00																														
		Specifications: <i>The specifications shall be in accordance with the attached Technical Specification "Annex A"</i>																																	
		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Item</th> <th>Quantity</th> <th>Price</th> <th>Sales and Other Taxes Payable (12%)</th> <th>Unit Price</th> <th>Total Price</th> </tr> </thead> <tbody> <tr> <td>Digital Forensic Investigation Software (EnCase with Training, Examination and Certification)</td> <td align="center">1</td> <td align="right">1,607,142.86</td> <td align="right">192,857.14</td> <td align="right">1,800,000.00</td> <td align="right">1,800,000.00</td> </tr> <tr> <td>Mobile Forensic Investigation Device License (Device License and Software License Only) (Cellebrite)</td> <td align="center">1</td> <td align="right">535,714.29</td> <td align="right">64,285.71</td> <td align="right">600,000.00</td> <td align="right">600,000.00</td> </tr> <tr> <td>Cloud-based Service Analyzer Software (Cellebrite)</td> <td align="center">1</td> <td align="right">491,071.43</td> <td align="right">58,928.57</td> <td align="right">550,000.00</td> <td align="right">550,000.00</td> </tr> <tr> <td>Web Application Vulnerability Assessment Software (BurpSuite Pro)</td> <td align="center">3</td> <td align="right">321,725.89</td> <td align="right">38,607.11</td> <td align="right">360,333.00</td> <td align="right">1,080,999.00</td> </tr> </tbody> </table>	Item	Quantity	Price	Sales and Other Taxes Payable (12%)	Unit Price	Total Price	Digital Forensic Investigation Software (EnCase with Training, Examination and Certification)	1	1,607,142.86	192,857.14	1,800,000.00	1,800,000.00	Mobile Forensic Investigation Device License (Device License and Software License Only) (Cellebrite)	1	535,714.29	64,285.71	600,000.00	600,000.00	Cloud-based Service Analyzer Software (Cellebrite)	1	491,071.43	58,928.57	550,000.00	550,000.00	Web Application Vulnerability Assessment Software (BurpSuite Pro)	3	321,725.89	38,607.11	360,333.00	1,080,999.00			
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		<p>Payment:</p> <ol style="list-style-type: none"> 80% Payment shall be processed upon delivery of software licenses Remaining 20% Payment shall be processed upon delivery of training certificates Payment shall be processed upon issuance of Inspection and Acceptance Report by the Inspection and Acceptance Committee and end-user. Payment shall be made through send bill arrangement and shall be processed upon receipt of the Statement of Account/Sales Invoice/Billing Statement, Instruction Manual, Warranty Certificate and Delivery Receipt issued by the supplier 																																	


(Total Amount in Words) FOUR MILLION THIRTY THOUSAND NINE HUNDRED NINETY NINE 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 Ms. Joan P. Del Mundo at (02)8234-2228 local 203 or email at asd@privacy.gov.ph for questions delivery and other concerns.

Conforme:



MR. NOE C. CERENO
Signature over Printed Name of Supplier

Date

Very truly yours,


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

Fund Cluster : 01
Funds Available : ₱ 4,030,999.00 ✓


JOHANA CARLA T. GOMEZ
JENSEN JOY L. BALLICUD
Signature over Printed Name of Chief Accountant/Head of Accounting Division/Unit

ORS/BURS No. : 02-102-2023-05-00051
Date of the ORS/BURS: MAY 31, 2023
Amount : ₱ 4,030,999.00 ✓