

# **BIDDING DOCUMENTS**

# **DISTRIBUTED DENIAL OF SERVICE (DDoS) PROTECTION SUBSCRIPTION**



**BAGONG PILIPINAS**  
NATIONAL  
PRIVACY  
COMMISSION  
Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

## **EARLY PROCUREMENT ACTIVITY FY 2024**

**November 2023**

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# *Glossary of Acronyms, Terms, and Abbreviations*

**ABC** – Approved Budget for the Contract.

**BAC** – Bids and Awards Committee.

**Bid** – A signed offer or proposal to undertake a contract submitted by a bidder in response to and in consonance with the requirements of the bidding documents. Also referred to as *Proposal* and *Tender*. (2016 revised IRR, Section 5[c])

**Bidder** – Refers to a contractor, manufacturer, supplier, distributor and/or consultant who submits a bid in response to the requirements of the Bidding Documents. (2016 revised IRR, Section 5[d])

**Bidding Documents** – The documents issued by the Procuring Entity as the bases for bids, furnishing all information necessary for a prospective bidder to prepare a bid for the Goods, Infrastructure Projects, and/or Consulting Services required by the Procuring Entity. (2016 revised IRR, Section 5[e])

**BIR** – Bureau of Internal Revenue.

**BSP** – Bangko Sentral ng Pilipinas.

**Consulting Services** – Refer to services for Infrastructure Projects and other types of projects or activities of the GOP requiring adequate external technical and professional expertise that are beyond the capability and/or capacity of the GOP to undertake such as, but not limited to: (i) advisory and review services; (ii) pre-investment or feasibility studies; (iii) design; (iv) construction supervision; (v) management and related services; and (vi) other technical services or special studies. (2016 revised IRR, Section 5[i])

**CDA** - Cooperative Development Authority.

**Contract** – Refers to the agreement entered into between the Procuring Entity and the Supplier or Manufacturer or Distributor or Service Provider for procurement of Goods and Services; Contractor for Procurement of Infrastructure Projects; or Consultant or Consulting Firm for Procurement of Consulting Services; as the case may be, as recorded in the Contract Form signed by the parties, including all attachments and appendices thereto and all documents incorporated by reference therein.

**CIF** – Cost Insurance and Freight.

**CIP** – Carriage and Insurance Paid.

**CPI** – Consumer Price Index.

**DDP** – Refers to the quoted price of the Goods, which means “delivered duty paid.”

**DTI** – Department of Trade and Industry.

**EXW** – Ex works.

**FCA** – “Free Carrier” shipping point.

**FOB** – “Free on Board” shipping point.

**Foreign-funded Procurement or Foreign-Assisted Project**– Refers to procurement whose funding source is from a foreign government, foreign or international financing institution as specified in the Treaty or International or Executive Agreement. (2016 revised IRR, Section 5[b]).

**Framework Agreement** – Refers to a written agreement between a procuring entity and a supplier or service provider that identifies the terms and conditions, under which specific purchases, otherwise known as “Call-Offs,” are made for the duration of the agreement. It is in the nature of an option contract between the procuring entity and the bidder(s) granting the procuring entity the option to either place an order for any of the goods or services identified in the Framework Agreement List or not buy at all, within a minimum period of one (1) year to a maximum period of three (3) years. (GPPB Resolution No. 27-2019)

**GFI** – Government Financial Institution.

**GOCC** – Government-owned and/or –controlled corporation.

**Goods** – Refer to all items, supplies, materials and general support services, except Consulting Services and Infrastructure Projects, which may be needed in the transaction of public businesses or in the pursuit of any government undertaking, project or activity, whether in the nature of equipment, furniture, stationery, materials for construction, or personal property of any kind, including non-personal or contractual services such as the repair and maintenance of equipment and furniture, as well as trucking, hauling, janitorial, security, and related or analogous services, as well as procurement of materials and supplies provided by the Procuring Entity for such services. The term “related” or “analogous services” shall include, but is not limited to, lease or purchase of office space, media advertisements, health maintenance services, and other services essential to the operation of the Procuring Entity. (2016 revised IRR, Section 5[r])

**GOP** – Government of the Philippines.

**GPPB** – Government Procurement Policy Board.

**INCOTERMS** – International Commercial Terms.

**Infrastructure Projects** – Include the construction, improvement, rehabilitation, demolition, repair, restoration or maintenance of roads and bridges, railways, airports, seaports, communication facilities, civil works components of information technology projects, irrigation, flood control and drainage, water supply, sanitation, sewerage and solid waste management systems, shore protection, energy/power and electrification facilities, national

buildings, school buildings, hospital buildings, and other related construction projects of the government. Also referred to as *civil works or works*. (2016 revised IRR, Section 5[u])

**LGUs** – Local Government Units.

**NFCC** – Net Financial Contracting Capacity.

**NGA** – National Government Agency.

**PhilGEPS** - Philippine Government Electronic Procurement System.

**Procurement Project** – refers to a specific or identified procurement covering goods, infrastructure project or consulting services. A Procurement Project shall be described, detailed, and scheduled in the Project Procurement Management Plan prepared by the agency which shall be consolidated in the procuring entity's Annual Procurement Plan. (GPPB Circular No. 06-2019 dated 17 July 2019)

**PSA** – Philippine Statistics Authority.

**SEC** – Securities and Exchange Commission.

**SLCC** – Single Largest Completed Contract.

**Supplier** – refers to a citizen, or any corporate body or commercial company duly organized and registered under the laws where it is established, habitually established in business and engaged in the manufacture or sale of the merchandise or performance of the general services covered by his bid. (Item 3.8 of GPPB Resolution No. 13-2019, dated 23 May 2019). Supplier as used in these Bidding Documents may likewise refer to a distributor, manufacturer, contractor, or consultant.

**UN** – United Nations.

# ***Section I. Invitation to Bid***



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

## INVITATION TO BID FOR DISTRIBUTED DENIAL OF SERVICE (DDOS) PROTECTION SUBSCRIPTION

1. The *National Privacy Commission* through the *FY 2024 National Expenditure Program (NEP)* intends to apply the sum of *Two Million Five Hundred Thousand Pesos (Php 2,500,000.00)* being the ABC to payments under the contract for *Distributed Denial of Service (DDOS) protection subscription – APP Item No. 2024-0006*. Bids received in excess of the ABC shall be automatically rejected at bid opening.
2. The *National Privacy Commission* now invites bids for the above Procurement Project. Full delivery of the Goods is required *on or before March 31, 2024*. Bidders should have completed, within *three (3) years* from the date of submission and receipt of bids, a contract similar to the Project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II (Instructions to Bidders).
3. Bidding will be conducted through open competitive bidding procedures using a non-discretionary “*pass/fail*” criterion as specified in the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.
  - a. Bidding is restricted to Filipino citizens/sole proprietorships, partnerships, or organizations with at least sixty percent (60%) interest or outstanding capital stock belonging to citizens of the Philippines, and to citizens or organizations of a country the laws or regulations of which grant similar rights or privileges to Filipino citizens, pursuant to RA No. 5183.
4. Prospective Bidders may obtain further information from *National Privacy Commission* and inspect the Bidding Documents at the address given below during *Monday to Friday, 9:00 AM to 4:00 PM*. *Due to alternative work arrangement being adopted by the Commission, please set an appointment first with the NPC-BAC Secretariat through the email address given below.*

*For the processing of payment of the Bidding Documents, please be reminded to bring the following documents:*

- a) *Copy of the Invitation to Bid;*
- b) *Original or Certified True Copy of Letter of Intent*
- c) *Copy of company ID; and*
- d) *For check payments, check should be issued to the Bureau of the Treasury*
- e) *For cash payments, copies of the cash with visible serial number.*

Please send an advanced copy of the abovementioned documents to the BAC Secretariat at: [bacsecretariat@privacy.gov.ph](mailto:bacsecretariat@privacy.gov.ph) before your scheduled appointment to facilitate the preparation of payment documents.

5. A complete set of Bidding Documents may be acquired by interested Bidders on 24 November 2023 from the given address and website(s) below *and upon payment of the applicable fee for the Bidding Documents, pursuant to the latest Guidelines issued by the GPPB, in the amount of Five Thousand Pesos (P 5,000.00)* The Procuring Entity shall allow the bidder to present its proof of payment for the fees *in person, or through electronic means.*
6. The *National Privacy Commission* will hold a Pre-Bid Conference<sup>1</sup> on 04 December 2023, 01:00 PM through video conferencing *via Microsoft Teams*, which shall be open to prospective bidders.
7. Bids must be duly received by the BAC Secretariat through *electronic submission* via *electronic mail* to [bacsecretariat@privacy.gov.ph](mailto:bacsecretariat@privacy.gov.ph) on or before 15 December 2023 8:00 AM. Late bids shall not be accepted.
8. All Bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in **ITB** Clause 14.
9. Bid opening shall be on 15 December 2023 1:00 PM through *videoconferencing via Microsoft Teams*. Bids will be opened in the presence of the bidders' representatives who choose to attend the activity.
10. Procedure for the conduct of electronic submission and receipt of bids shall be in accordance with the NPC-BAC Guidelines on Electronic Submission and Receipt of Bids.  
*If you wish to join the pre-bid conference and the bid opening through video conferencing via Microsoft Teams, please coordinate with the NPC-BAC Secretariat through the email address given below.*
11. The *National Privacy Commission* reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Sections 35.6 and 41 of the 2016 revised IRR of RA No. 9184, without thereby incurring any liability to the affected bidder or bidders.
12. For further information, please refer to:  
*Bids and Awards Committee Secretariat*  
*West Banquet Hall, 5<sup>th</sup> Floor Delegation Building,*  
*Philippine International Convention Center, Pasay City*  
[bacsecretariat@privacy.gov.ph](mailto:bacsecretariat@privacy.gov.ph)  
(02) 8234-2228 local 127  
[www.privacy.gov.ph](http://www.privacy.gov.ph)



Note: Due to the alternative work arrangement being adopted by the National Privacy Commission, please communicate through the e-mail address provided.

13. You may visit the following websites:

For downloading of Bidding Documents: [www.privacy.gov.ph](http://www.privacy.gov.ph)

24 November 2023



Digitally signed by  
Patula Maria Theresita  
Elnar

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*Atty. Maria Theresita E. Patula*  
*Chairperson, Bids and Awards Committee*

## ***Section II. Instructions to Bidders***

*IMPORTANT NOTE: In compliance with the Government Procurement Policy Board (GPPB) Resolution Nos. 09-2020 and 12-2020 approving measures for the efficient conduct of procurement activities and prescribing the form of the certification required for the conduct of electronic submission and receipt of bids by a procuring entity, the NPC Bids and Awards Committee (NPC-BAC) in a Resolution dated 03 August 2021, approved and adopted the “Guidelines on Electronic Submission and Receipt of Bids”, herein attached, for the efficient execution of its procurement activities, particularly the competitive biddings lined up for the year.*

*Please refer to the said guidelines for instructions on the proper preparation of your bids to be submitted electronically via e-mail to [bacsecretariat@privacy.gov.ph](mailto:bacsecretariat@privacy.gov.ph)*

## 1. Scope of Bid

The Procuring Entity, *National Privacy Commission* wishes to receive Bids for the *Distributed Denial of Service (DDOS) protection subscription*, with identification number *APP Item No. 2024-0006*.

## 2. Funding Information

2.1. The GOP through the source of funding as indicated below for *FY 2024 National Expenditure Program (NEP)* in the amount of *Two Million Five Hundred Thousand Pesos (Php 2,500,000.00)*

2.2. **The source of funding is the NGA, the National Expenditure Program (NEP) for FY 2024.**

## 3. Bidding Requirements

The Bidding for the Project shall be governed by all the provisions of RA No. 9184 and its 2016 revised IRR, including its Generic Procurement Manuals and associated policies, rules and regulations as the primary source thereof, while the herein clauses shall serve as the secondary source thereof.

Any amendments made to the IRR and other GPPB issuances shall be applicable only to the ongoing posting, advertisement, or **IB** by the BAC through the issuance of a supplemental or bid bulletin.

The Bidder, by the act of submitting its Bid, shall be deemed to have verified and accepted the general requirements of this Project, including other factors that may affect the cost, duration and execution or implementation of the contract, project, or work and examine all instructions, forms, terms, and project requirements in the Bidding Documents.

## 4. Corrupt, Fraudulent, Collusive, and Coercive Practices

The Procuring Entity, as well as the Bidders and Suppliers, shall observe the highest standard of ethics during the procurement and execution of the contract. They or through an agent shall not engage in corrupt, fraudulent, collusive, coercive, and obstructive practices defined under Annex "I" of the 2016 revised IRR of RA No. 9184 or other integrity violations in competing for the Project.

## 5. Eligible Bidders

5.1. Only Bids of Bidders found to be legally, technically, and financially capable will be evaluated.

5.2.1 Foreign ownership limited to those allowed under the rules may participate in this Project.

- 5.3. Pursuant to Section 23.4.1.3 of the 2016 revised IRR of RA No.9184, the Bidder shall have an SLCC that is at least one (1) contract similar to the Project the value of which, adjusted to current prices using the PSA's CPI, must be at least equivalent to:
- a. For the procurement of Expendable Supplies: The Bidder must have completed a single contract that is similar to this Project, equivalent to at least twenty-five percent (25%) of the ABC.
- 5.4. The Bidders shall comply with the eligibility criteria under Section 23.4.1 of the 2016 IRR of RA No. 9184.

## **6. Origin of Goods**

There is no restriction on the origin of goods other than those prohibited by a decision of the UN Security Council taken under Chapter VII of the Charter of the UN, subject to Domestic Preference requirements under **ITB** Clause 18.

## **7. Subcontracts**

7.1. Subcontracting is not allowed.

## **8. Pre-Bid Conference**

The Procuring Entity will hold a pre-bid conference for this Project on the specified date and time through videoconferencing as indicated in paragraph 6 of the **IB**.

## **9. Clarification and Amendment of Bidding Documents**

Prospective bidders may request for clarification on and/or interpretation of any part of the Bidding Documents. Such requests must be in writing and received by the Procuring Entity, either at its given address or through electronic mail indicated in the **IB**, at least ten (10) calendar days before the deadline set for the submission and receipt of Bids.

## **10. Documents comprising the Bid: Eligibility and Technical Components**

*IMPORTANT NOTE: In compliance with the Government Procurement Policy Board (GPPB) Resolution Nos. 09-2020 and 12-2020 approving measures for the efficient conduct of procurement activities and prescribing the form of the certification required for the conduct of electronic submission and receipt of bids by a procuring entity, the NPC Bids and Awards Committee (NPC-BAC) in a Resolution dated 03 August 2021, approved and adopted the "Guidelines on Electronic Submission and Receipt of Bids", herein attached, for the efficient execution of its procurement activities, particularly the competitive biddings lined up for the year.*

**For the submission of the PhilGEPS Platinum Membership and Registration, please refer to GPPB Resolution No. 15-2021, on the ift the suspension on the**

**implementation of mandatory submission of the PhilGEPS Certificate of Platinum Registration and Membership, and the mandatory submission of the revised PhilGEPS Certificate reflecting the four (4) caveats mentioned in the said Resolution.**

Please refer to the said guidelines for instructions on the proper preparation of your bids to be submitted electronically via e-mail to [bacsecretariat@privacy.gov.ph](mailto:bacsecretariat@privacy.gov.ph)

Also note that, once declared the lowest/single calculated bid and endorsed for post-qualification, you will be required to submit hard copies of the bids, sealed, and marked in accordance with the instruction in this bidding documents.

- 10.1. The first envelope shall contain the eligibility and technical documents of the Bid as specified in **Section VIII (Checklist of Technical and Financial Documents)**.
- 10.2. The Bidder's SLCC as indicated in **ITB** Clause 5.3 should have been completed within *three (3) years* prior to the deadline for the submission and receipt of bids.
- 10.3. If the eligibility requirements or statements, the bids, and all other documents for submission to the BAC are in foreign language other than English, it must be accompanied by a translation in English, which shall be authenticated by the appropriate Philippine foreign service establishment, post, or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines. Similar to the required authentication above, for Contracting Parties to the Apostille Convention, only the translated documents shall be authenticated through an apostille pursuant to GPPB Resolution No. 13-2019 dated 23 May 2019. The English translation shall govern, for purposes of interpretation of the bid.

## **11. Documents comprising the Bid: Financial Component**

*IMPORTANT NOTE: In compliance with the Government Procurement Policy Board (GPPB) Resolution Nos. 09-2020 and 12-2020 approving measures for the efficient conduct of procurement activities and prescribing the form of the certification required for the conduct of electronic submission and receipt of bids by a procuring entity, the NPC Bids and Awards Committee (NPC-BAC) in a Resolution dated 03 August 2021, approved and adopted the "Guidelines on Electronic Submission and Receipt of Bids", herein attached, for the efficient execution of its procurement activities, particularly the competitive biddings lined up for the year.*

Please refer to the said guidelines for instructions on the proper preparation of your bids to be submitted electronically via e-mail to [bacsecretariat@privacy.gov.ph](mailto:bacsecretariat@privacy.gov.ph)

Also note that, once declared the lowest/single calculated bid and endorsed for post-qualification, you will be required to submit hard copies of the bids, sealed, and marked in accordance with the instruction in this bidding documents.

- 11.1. The second bid envelope shall contain the financial documents for the Bid as specified in **Section VIII (Checklist of Technical and Financial Documents)**.
- 11.2. If the Bidder claims preference as a Domestic Bidder or Domestic Entity, a certification issued by DTI shall be provided by the Bidder in accordance with Section 43.1.3 of the 2016 revised IRR of RA No. 9184.
- 11.3. Any bid exceeding the ABC indicated in paragraph 1 of the **IB** shall not be accepted.
- 11.4. For Foreign-funded Procurement, a ceiling may be applied to bid prices provided the conditions are met under Section 31.2 of the 2016 revised IRR of RA No. 9184.

## **12. Bid Prices**

- 12.1. Prices indicated on the Price Schedule shall be entered separately in the following manner:
  - a. For Goods offered from within the Procuring Entity's country:
    - i. The price of the Goods quoted EXW (ex-works, ex-factory, ex-warehouse, ex-showroom, or off-the-shelf, as applicable);
    - ii. The cost of all customs duties and sales and other taxes already paid or payable;
    - iii. The cost of transportation, insurance, and other costs incidental to delivery of the Goods to their final destination; and
    - iv. The price of other (incidental) services, if any, listed in the **BDS**.
  - b. For Goods offered from abroad:
    - i. Unless otherwise stated in the **BDS**, the price of the Goods shall be quoted delivered duty paid (DDP) with the place of destination in the Philippines as specified in the **BDS**. In quoting the price, the Bidder shall be free to use transportation through carriers registered in any eligible country. Similarly, the Bidder may obtain insurance services from any eligible source country.
    - ii. The price of other (incidental) services, if any, as listed in the **BDS**.

## **13. Bid and Payment Currencies**

- 13.1. For Goods that the Bidder will supply from outside the Philippines, the bid prices may be quoted in the local currency or tradeable currency accepted by the BSP at the discretion of the Bidder. However, for purposes of bid evaluation, Bids denominated in foreign currencies, shall be converted to Philippine currency based on the exchange rate as published in the BSP reference rate bulletin on the day of the bid opening.

13.2. Payment of the contract price shall be made in: *Philippine Pesos*.

## **14. Bid Security**

- 14.1. The Bidder shall submit a Bid Securing Declaration<sup>2</sup> or any form of Bid Security in the amount indicated in the **BDS**, which shall be not less than the percentage of the ABC in accordance with the schedule in the **BDS**.
- 14.2. The Bid and bid security shall be valid until *120 calendar days from the date of the opening of bid, which is on 19 April 2024*. Any Bid not accompanied by an acceptable bid security shall be rejected by the Procuring Entity as non-responsive.

## **15. Sealing and Marking of Bids**

*IMPORTANT NOTE: In compliance with the Government Procurement Policy Board (GPPB) Resolution Nos. 09-2020 and 12-2020 approving measures for the efficient conduct of procurement activities and prescribing the form of the certification required for the conduct of electronic submission and receipt of bids by a procuring entity, the NPC Bids and Awards Committee (NPC-BAC) in a Resolution dated 03 August 2021, approved and adopted the "Guidelines on Electronic Submission and Receipt of Bids", herein attached, for the efficient execution of its procurement activities, particularly the competitive biddings lined up for the year.*

*Please refer to the said guidelines for instructions on the proper preparation of your bids to be submitted electronically via e-mail to [bacsecretariat@privacy.gov.ph](mailto:bacsecretariat@privacy.gov.ph)*

*Also note that, once declared the lowest/single calculated bid and endorsed for post-qualification, you will be required to submit hard copies of the bids, sealed, and marked in accordance with the instruction in the bidding documents.*

Each Bidder shall submit one copy of the first and second components of its Bid.

The Procuring Entity may request additional hard copies and/or electronic copies of the Bid. However, failure of the Bidders to comply with the said request shall not be a ground for disqualification.

If the Procuring Entity allows the submission of bids through online submission or any other electronic means, the Bidder shall submit an electronic copy of its Bid, which must be digitally signed. An electronic copy that cannot be opened or is corrupted shall be considered non-responsive and, thus, automatically disqualified.

## **16. Deadline for Submission of Bids**

- 16.1.** The Bidders shall submit on the specified date and time and either at its physical address or through online submission as indicated in paragraph 7 of the **IB**.

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<sup>2</sup> In the case of Framework Agreement, the undertaking shall refer to entering into contract with the Procuring Entity and furnishing of the performance security or the performance securing declaration within ten (10) calendar days from receipt of Notice to Execute Framework Agreement.

## 17. Opening and Preliminary Examination of Bids

- 17.1. The BAC shall open the Bids in public at the time, on the date, and at the place specified in paragraph 9 of the **IB**. The Bidders' representatives who are present shall sign a register evidencing their attendance. In case videoconferencing, webcasting or other similar technologies will be used, attendance of participants shall likewise be recorded by the BAC Secretariat.

In case the Bids cannot be opened as scheduled due to justifiable reasons, the rescheduling requirements under Section 29 of the 2016 revised IRR of RA No. 9184 shall prevail.

- 17.2. The preliminary examination of bids shall be governed by Section 30 of the 2016 revised IRR of RA No. 9184.

## 18. Domestic Preference

- 18.1. The Procuring Entity will grant a margin of preference for the purpose of comparison of Bids in accordance with Section 43.1.2 of the 2016 revised IRR of RA No. 9184.

## 19. Detailed Evaluation and Comparison of Bids

- 19.1. The Procuring Entity's BAC shall immediately conduct a detailed evaluation of all Bids rated "*passed*," using non-discretionary pass/fail criteria. The BAC shall consider the conditions in the evaluation of Bids under Section 32.2 of the 2016 revised IRR of RA No. 9184.
- 19.2. If the Project allows partial bids, bidders may submit a proposal on any of the lots or items, and evaluation will be undertaken on a per lot or item basis, as the case maybe. In this case, the Bid Security as required by **ITB** Clause 14 shall be submitted for each lot or item separately.
- 19.3. The descriptions of the lots or items shall be indicated in **Section VII (Technical Specifications)**, although the ABCs of these lots or items are indicated in the **BDS** for purposes of the NFCC computation pursuant to Section 23.4.2.6 of the 2016 revised IRR of RA No. 9184. The NFCC must be sufficient for the total of the ABCs for all the lots or items participated in by the prospective Bidder.
- 19.4. The Project shall be awarded as follows: One Project having several items that shall be awarded as one contract.
- 19.5. Except for bidders submitting a committed Line of Credit from a Universal or Commercial Bank in lieu of its NFCC computation, all Bids must include the NFCC computation pursuant to Section 23.4.1.4 of the 2016 revised IRR of RA No. 9184, which must be sufficient for the total of the ABCs for all the lots or items participated in by the prospective Bidder. For bidders submitting the committed Line of Credit, it must be at least equal to ten percent (10%) of the ABCs for all the lots or items participated in by the prospective Bidder.



## **20. Post-Qualification**

- 20.1. Within a non-extendible period of five (5) calendar days from receipt by the Bidder of the notice from the BAC that it submitted the Lowest Calculated Bid, the Bidder shall submit its latest income and business tax returns filed and paid through the BIR Electronic Filing and Payment System (eFPS) and other appropriate licenses and permits required by law and stated in the **BDS**.

## **21. Signing of the Contract**

- 21.1. The documents required in Section 37.2 of the 2016 revised IRR of RA No. 9184 shall form part of the Contract. Additional Contract documents are indicated in the **BDS**.

## ***Section III. Bid Data Sheet***

# Bid Data Sheet

ITB Clause	
5.3	<p>For this purpose, contracts similar to the Project shall be:</p> <ul style="list-style-type: none"> <li>a. <i>Contracts for the supply and delivery of Distributed Denial of Service (DDOS) protection subscription.</i></li> <li>b. <i>completed within 3 years prior to the deadline for the submission and receipt of bids.</i></li> </ul>
7.1	<i>Not applicable.</i>
12	The price of the Goods shall be quoted DDP <i>National Privacy Commission</i> or the applicable International Commercial Terms (INCOTERMS) for this Project.
14.1	<p>The bid security shall be in the form of a Bid Securing Declaration, or any of the following forms and amounts:</p> <ul style="list-style-type: none"> <li>a. The amount of not less than <u><i>P 125,000.00</i></u>, if bid security is in Cash or Letter of Credit</li> <li>b. The amount of not less than <u><i>P 250,000.00</i></u>, if bid security is in Bank guarantee</li> <li>c. The amount of not less than <u><i>P 750,000.00</i></u> if bid security is in Surety Bond.</li> </ul>
15	<p><b><i>IMPORTANT NOTE: In compliance with the Government Procurement Policy Board (GPPB) Resolution Nos. 09-2020 and 12-2020 approving measures for the efficient conduct of procurement activities and prescribing the form of the certification required for the conduct of electronic submission and receipt of bids by a procuring entity, the NPC Bids and Awards Committee (NPC-BAC) in a Resolution dated 03 August 2021, approved and adopted the “Guidelines on Electronic Submission and Receipt of Bids”, herein attached, for the efficient execution of its procurement activities, particularly the competitive biddings lined up for the year.</i></b></p> <p><i>Please refer to the said guidelines for instructions on the proper preparation of your bids to be submitted electronically via e-mail to <a href="mailto:bacsecretariat@privacy.gov.ph">bacsecretariat@privacy.gov.ph</a></i></p> <p><i>Also note that, once declared the lowest/single calculated bid and endorsed for post-qualification, you will be required to submit hard copies of the bids, sealed, and marked in accordance with the instruction here in this bidding documents.</i></p> <p><i>The bidder who has the lowest/single calculated bid shall submit one (1) original copy and one (1) readable hard copy of the first (technical) and second (financial) components of its bid. Documents to be submitted shall be properly tabbed and labeled.</i></p>

19.3	<i>Not applicable.</i>
20.2	<i>Not applicable.</i>
21.2	<i>Not applicable.</i>

## ***Section IV. General Conditions of Contract***

## 1. **Scope of Contract**

This Contract shall include all such items, although not specifically mentioned, that can be reasonably inferred as being required for its completion as if such items were expressly mentioned herein. All the provisions of RA No. 9184 and its 2016 revised IRR, including the Generic Procurement Manual, and associated issuances, constitute the primary source for the terms and conditions of the Contract, and thus, applicable in contract implementation. Herein clauses shall serve as the secondary source for the terms and conditions of the Contract.

This is without prejudice to Sections 74.1 and 74.2 of the 2016 revised IRR of RA No. 9184 allowing the GPPB to amend the IRR, which shall be applied to all procurement activities, the advertisement, posting, or invitation of which were issued after the effectivity of the said amendment.

Additional requirements for the completion of this Contract shall be provided in the **Special Conditions of Contract (SCC)**.

## 2. **Advance Payment and Terms of Payment**

2.1. Advance payment of the contract amount is provided under Annex “D” of the revised 2016 IRR of RA No. 9184.

2.2. The Procuring Entity is allowed to determine the terms of payment on the partial or staggered delivery of the Goods procured, provided such partial payment shall correspond to the value of the goods delivered and accepted in accordance with prevailing accounting and auditing rules and regulations. The terms of payment are indicated in the **SCC**.

## 3. **Performance Security**

Within ten (10) calendar days from receipt of the Notice of Award by the Bidder from the Procuring Entity but in no case later than the signing of the Contract by both parties, the successful Bidder shall furnish the performance security in any of the forms prescribed in Section 39 of the 2016 revised IRR of RA No. 9184.

## 4. **Inspection and Tests**

The Procuring Entity or its representative shall have the right to inspect and/or to test the Goods to confirm their conformity to the Project specifications at no extra cost to the Procuring Entity in accordance with the Generic Procurement Manual. In addition to tests in the **SCC, Section VII (Technical Specifications)** shall specify what inspections and/or tests the Procuring Entity requires, and where they are to be conducted. The Procuring Entity shall notify the Supplier in writing, in a timely manner, of the identity of any representatives retained for these purposes.

All reasonable facilities and assistance for the inspection and testing of Goods, including access to drawings and production data, shall be provided by the Supplier to the authorized inspectors at no charge to the Procuring Entity.

## **5. Warranty**

- 5.1 In order to assure that manufacturing defects shall be corrected by the Supplier, a warranty shall be required from the Supplier as provided under Section 62.1 of the 2016 revised IRR of RA No. 9184.
- 5.2 The Procuring Entity shall promptly notify the Supplier in writing of any claims arising under this warranty. Upon receipt of such notice, the Supplier shall, repair or replace the defective Goods or parts thereof without cost to the Procuring Entity, pursuant to the Generic Procurement Manual.

## **6. Liability of the Supplier**

The Supplier's liability under this Contract shall be as provided by the laws of the Republic of the Philippines.

If the Supplier is a joint venture, all partners to the joint venture shall be jointly and severally liable to the Procuring Entity.

## *Section V. Special Conditions of Contract*



## Special Conditions of Contract

GCC Clause	
	<p><b>TECHNICAL REQUIREMENTS / SPECIFICATIONS</b></p> <ul style="list-style-type: none"> <li>• <b>One (1)-year subscription</b></li> <li>• 2 Root Domains (TLDs) with unlimited subdomains</li> <li>• Unlimited DDoS mitigation, No overage charges.</li> <li>• DDOS attack mitigation and Enhanced security with Web Application Firewall (WAF) with unlimited custom rulesets for NPC domain and subdomains</li> <li>• Global Content Delivery Network (CDN)</li> <li>• SSL Custom Certificates</li> <li>• Image optimization and Mobile optimization</li> <li>• Included, access to raw log traffic from the network edge</li> <li>• Included, role and permission-based access. Each user is given set permissions, individual API keys, and optional two-factor authentication.</li> <li>• User-friendly Management/User Interface feature, DNS Management, Bot management, Audit Log, Under Attack Mode Feature, Development Mode Feature, Manage Caching and Analytics/Reporting for Web Traffic, Security and Performance.</li> <li>• Network prioritization. Enterprise web assets are placed on dedicated IP ranges, providing prioritized routing and protection to ensure maximum speed and availability.</li> <li>• 24/7/365 support - email, chat, and phone support hotline.</li> <li>• 100% Uptime Guaranteed</li> </ul>
	<p><b>Delivery and Documents –</b></p> <p>For purposes of the Contract, “EXW,” “FOB,” “FCA,” “CIF,” “CIP,” “DDP” and other trade terms used to describe the obligations of the parties shall have the meanings assigned to them by the current edition of INCOTERMS published by the International Chamber of Commerce, Paris. The Delivery terms of this Contract shall be as follows:</p>
	<p>“The delivery terms applicable to this Contract are delivered <i>at the National Privacy Commission 5th Floor, Delegation Building, Philippine International Convention Center, Vicente Sotto Avenue, Pasay City, Metro Manila 1307</i>. Risk and title will pass from the Supplier to the Procuring Entity upon receipt and final acceptance of the Goods at their final destination.”</p> <p>Delivery of the Goods shall be made by the Supplier in accordance with the terms specified in Section VI (Schedule of Requirements).</p> <p>For purposes of this Clause the Procuring Entity’s Representative at the Project Site are <i>Ms. Kimberly Ann M. Medina/Mr. Joel T. Pagtulingan</i>.</p>

	<p><b>Incidental Services –</b></p> <p>The Supplier is required to provide all of the following services, including additional services, if any, specified in Section VI. Schedule of Requirements:</p> <ul style="list-style-type: none"> <li>a. performance or supervision of on-site assembly and/or start-up of the supplied Goods;</li> <li>b. furnishing of tools required for assembly and/or maintenance of the supplied Goods;</li> <li>c. furnishing of a detailed operations and maintenance manual for each appropriate unit of the supplied Goods;</li> <li>d. performance or supervision or maintenance and/or repair of the supplied Goods, for a period of time agreed by the parties, provided that this service shall not relieve the Supplier of any warranty obligations under this Contract; and</li> </ul>
	<p><b>Intellectual Property Rights –</b></p> <p>The Supplier shall indemnify the Procuring Entity against all third-party claims of infringement of patent, trademark, or industrial design rights arising from use of the Goods or any part thereof.</p>
2.2	<p>The terms of payment shall be as follows: <i>Payment shall be made when the Goods and Services have been delivered in accordance with the signed contract/purchase order and instructions and upon issuance of Certificate of Acceptance by the End-User.</i></p>
4	<p>The inspections and tests that will be conducted are: <i>The inspections and tests will be conducted by the Inspection and Acceptance Committee of the National Privacy Commission and the end-user.</i></p>

## *Section VI. Schedule of Requirements*

The delivery schedule expressed as weeks/months stipulates hereafter a delivery date which is the date of delivery to the project site.

<b>Item Number</b>	<b>Description</b>	<b>Quantity</b>	<b>Total</b>	<b>Delivered, Weeks/Months</b>	<b>Supporting Documents</b>
1	<p><b>Distributed Denial of Service (DDOS) protection subscription</b></p> <p><i>(See Section VII Technical Specifications for further details)</i></p>	1 year subscription	1	Full delivery on or before March 31, 2024.	Order fulfillment, Certificate of Acceptance signed by the Inspection Committee and End-User.

*I hereby undertake to comply and deliver all the above requirements.*

\_\_\_\_\_  
*Company Name*

\_\_\_\_\_  
*Name and Signature of Authorized Representative*

\_\_\_\_\_  
*Date*

## ***Section VII. Technical Specifications***

# Technical Specifications

*[Bidders must state here either “Comply” or “Not Comply” against each of the individual parameters of each Specification stating the corresponding performance parameter of the equipment offered. Statements of “Comply” or “Not Comply” must be supported by evidence in a Bidders Bid and cross-referenced to that evidence. Evidence shall be in the form of manufacturer’s un-amended sales literature, unconditional statements of specification and compliance issued by the manufacturer, samples, independent test data etc., as appropriate. A statement that is not supported by evidence or is subsequently found to be contradicted by the evidence presented will render the Bid under evaluation liable for rejection. A statement either in the Bidder's statement of compliance or the supporting evidence that is found to be false either during Bid evaluation, post-qualification or the execution of the Contract may be regarded as fraudulent and render the Bidder or supplier liable for prosecution subject to the applicable laws and issuances.]*

Item	Specification	Statement of Compliance
1	<p><b>TECHNICAL REQUIREMENTS / SPECIFICATIONS</b></p> <ol style="list-style-type: none"> <li>1. One (1)-year subscription</li> <li>2. At least two (2) Root Domains (TLDs) with unlimited subdomains.</li> <li>3. Unlimited DDoS mitigation, no overage charges</li> <li>4. DDoS attack mitigation and Enhanced security with Web Application Firewall (WAF) with at least a minimum of 20 to 1,000 custom rulesets for NPC domain and subdomains.</li> <li>5. Global Content Delivery Network (CDN)</li> <li>6. SSL Custom Certificates</li> <li>7. Image optimization and Mobile optimization</li> <li>8. Included access to raw log traffic from the network edge.</li> <li>9. Included role and permission-based access. Each user is given set permissions, individual API keys, and optional two-factor authentication.</li> <li>10. User-friendly Management/User Interface feature, DNS Management, Bot management, Audit Log, Under Attack Mode Feature, Development Mode Feature, Manage Caching and Analytics/Reporting for Web Traffic, Security and Performance.</li> <li>11. Network prioritization. Enterprise web assets are placed on dedicated IP ranges providing prioritized routing and protection to ensure maximum speed and availability.</li> <li>12. 24/7/365 support – email, chat, and phone support hotline.</li> <li>13. 100% Uptime Guaranteed.</li> </ol>	

<b>Payment and Delivery</b>			
Delivery shall be consistent with the following schedule of requirements:			
Item	Quality	Date of Delivery	Supporting Documents
Distributed Denial of Service (DDoS) protection subscription	1 year subscription	Full delivery on or before March 31, 2024	Order fulfillment, Certificate of Acceptance signed by the Inspection Committee and End-User
<p><b>Place of Delivery:</b> NPC, 5th Floor, Delegation Building, Philippine International Convention Center, Vicente Sotto Avenue, Pasay City, Metro Manila 1307</p> <p>Payment shall be made when the Goods and Services have been delivered in accordance with the signed contract / purchase order and instructions and upon issuance of Certificate of Acceptance by the End-User.</p>			

*I hereby undertake to comply and deliver all the above requirements.*

\_\_\_\_\_  
*Company Name*

\_\_\_\_\_  
*Name and Signature of Authorized Representative*

\_\_\_\_\_  
*Date*

## ***Section VIII. Checklist of Technical and Financial Documents***

### **Notes on the Checklist of Technical and Financial Documents**

The prescribed documents in the checklist are mandatory to be submitted in the Bid, but shall be subject to the following:

- a. GPPB Resolution No. 09-2020 on the efficient procurement measures during a State of Calamity or other similar issuances that shall allow the use of alternate documents in lieu of the mandated requirements; or
- b. Any subsequent GPPB issuances adjusting the documentary requirements after the effectivity of the adoption of the PBDs.

The BAC shall be checking the submitted documents of each Bidder against this checklist to ascertain if they are all present, using a non-discretionary “pass/fail” criterion pursuant to Section 30 of the 2016 revised IRR of RA No. 9184.

**IMPORTANT NOTE:** Aside from these mentioned in the Bidding Documents, bidders are also reminded to comply with Government Procurement Policy Board Resolution No. 16-2020 Approving Circular 04-2020 (Guidelines in the Preparation of the Simplified Philippine Bidding Documents for Goods and Infrastructure Projects and the Submission of the Required Forms to be included in the Procurement of Goods, Infrastructure Projects, and Consulting Services) issued on 16 September 2020.

As such, bidders are reminded to use and submit the revised Bid Securing Declaration, Bid Form, Price Schedule, and Omnibus Sworn Statement, among others, as can be found in: <https://www.gppb.gov.ph/downloadables.php>



# Checklist of Technical and Financial Documents

## I. TECHNICAL COMPONENT ENVELOPE

### *Class “A” Documents*

#### Legal Documents

- (a) Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages) **in accordance with Section 8.5.2 of the IRR and GPPB Resolution No. 15-2021**.

#### Technical Documents

- (b) Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; **and**
- (c) Statement of the bidder’s Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided for in Sections 23.4.1.3 and 23.4.2.4 of the 2016 revised IRR of RA No. 9184, within the relevant period as provided in the Bidding Documents; **and**
- (d) Original copy of Bid Security. If in the form of a Surety Bond, submit also a certification issued by the Insurance Commission **or** Original copy of Notarized Bid Securing Declaration; **and**
- (e) Conformity with the Technical Specifications, which may include production/delivery schedule, manpower requirements, and/or after-sales/parts, if applicable; **and**
- (f) Original duly signed Omnibus Sworn Statement (OSS) **and** if applicable, Original Notarized Secretary’s Certificate in case of a corporation, partnership, or cooperative; or Original Special Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder.

#### Financial Documents

- (g) The prospective bidder’s computation of Net Financial Contracting Capacity (NFCC) **or** A committed Line of Credit from a Universal or Commercial Bank in lieu of its NFCC computation.

### *Class “B” Documents*

- (h) If applicable, a duly signed joint venture agreement (JVA) in case the joint venture is already in existence **or** duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful.

## II. FINANCIAL COMPONENT ENVELOPE

- (i) Original of duly signed and accomplished Financial Bid Form; **and**
- (j) Original of duly signed and accomplished Price Schedule(s).

#### Other documentary requirements under RA No. 9184 (as applicable)

- (k) *[For foreign bidders claiming by reason of their country’s extension of*

*reciprocal rights to Filipinos]* Certification from the relevant government office of their country stating that Filipinos are allowed to participate in government procurement activities for the same item or product.

- (1) Certification from the DTI if the Bidder claims preference as a Domestic Bidder or Domestic Entity.





Republic of the Philippines  
**NATIONAL PRIVACY COMMISSION**

**BIDS AND AWARDS COMMITTEE**

**Guidelines on Electronic Submission and Receipt of Bids**

Pursuant to the GPPB Resolution No. 09-2020 issued to provide measures for the efficient conduct of all procurement activities during a State of Calamity, or implementation of community quarantine or similar restrictions, the NPC Bids and Awards Committee (NPC-BAC) hereby adopts these guidelines to allow the online or electronic submission and receipt of bids until such time as the online bidding facility under the modernized Philippine Government Electronic Procurement System (mPhilGEPS) becomes fully operational.

**I. Submission of Bids**

**A. Preparation of Eligibility Document**

Each bidder shall submit one (1) original of the first (technical), second (financial) components of its bid in PDF in cases of procurement of Good and Services or Infrastructure Projects and shall submit eligibility documents, technical proposal and financial proposal in PDF in cases of procurement of Consulting Services, through electronic mail.

**B. Scanning and Encrypting of the Documents**

Each PDF file and Zip folder must bear a unique combination of Password. Same password for all files is not allowed. Bidders are required to encrypt using AES-256. For details on how to assign password or encrypt file using AES-256, please see file attached as "Annex A". To maintain the integrity of the Zip folder and to ensure that no alterations or revisions are made, Bidders are also required to generate the hash value of the file and submit to the BAC together with the documents.

**1. Good and Services and Infrastructure Projects**

**a. Technical Component Envelope**

The bidder shall prepare one (1) zip file containing all the legal, technical and financial documents in accordance with the following instructions:

- i. Scan each original copy of the Legal, Technical and Financial Documents and save as an individual PDF file, each document shall be assigned with its own file name in this format: "NPC (Item Name); APP Item No.\_\_\_\_; (Name of Bidder); (Type of Legal, Technical or Financial Document)"

*SAMPLE: NPC Janitorial Services; APP Item No. 2020-0040; AAA Janitorial Services Inc.; PhilGeps Platinum Registration Certificate*

- ii. Place/set a password on each PDF files.
- iii. Save the password-protected PDF files to a ZIP file.
- iv. Place/set password on the ZIP file.
- v. Name the password-protected Zip file in this format, avoid using spaces: "NPC-(Item Name)-APPItemNo\_(\_\_\_\_)-(Name of Bidder)-Technical Component Envelope"

*SAMPLE: NPC-JanitorialServices-APPItemNo\_2020-0040-NameOfCompany-TechnicalComponentEnvelope.zip*

- vi. Generate the hash value of the Zip file, copy and save in an excel spreadsheet. In generating the hash value, please use *SHA-256 hash algorithm*. Refer to "Annex B" for instructions on how to generate hash values.

## **b. Financial Component Envelope**

The bidder shall prepare one (1) Zip file containing all the financial documents in accordance with the following instructions:

- i. Scan each original copy of the Financial Component Documents and save as an individual PDF file, each document shall be assigned with its own file name in this format: "NPC (Item Name); APP Item No.\_\_\_\_; (Name of Bidder); (Type of Financial Component Document)"

*SAMPLE: NPC Janitorial Services; APP Item No. 2020-0040; AAA Janitorial Services Inc.; Financial Bid Form*

- ii. Place/set a password on each PDF files.
- iii. Save the password-protected PDF files to a ZIP file.
- iv. Place/set password on the ZIP file.
- v. Name the password-protected Zip file in this format, avoid using spaces: "NPC-(Item Name)-APPItemNo\_(\_\_\_\_)-(Name of Bidder)-Financial Component Envelope"

*SAMPLE: NPC-JanitorialServices-APPItemNo\_2020-0040-NameOfCompany-FinancialComponentEnvelope.zip*

- vi. Generate the hash value of the Zip file, copy and save in an excel spreadsheet. In generating the hash value, please use *SHA-256 hash algorithm*. Refer to “Annex B” for instructions on how to generate hash values.

## **2. Consulting Services**

For procurement of Consulting Services where eligibility documents, technical proposal and financial proposal is required to be submitted, the documents shall be prepared in accordance with the following instructions:

### **a. Eligibility Check Documents**

- i. Scan each original copy of the Legal, Technical and Financial Documents and save as an individual PDF file, each document shall be assigned with its own file name in this format: “NPC (Item Name); APP Item No.\_\_\_\_; (Name of Bidder); (Type of Legal, Technical and Financial Documents)”

*SAMPLE: NPC Conduct of Privacy Survey; APP Item No. 2020-0040; AAA Inc.; PhilGeps Platinum Registration Certificate*

- ii. Place/set a password on each PDF files.
- iii. Save the password-protected PDF files to a ZIP file.
- iv. Place/set password on the ZIP file.
- v. Name the password-protected Zip file in this format, avoid using spaces: “NPC-(Item Name)-APPItemNo\_(\_\_\_\_)-(Name of Bidder)-EligibilityDocumentEnvelope”

*SAMPLE: NPC-ConductofPrivacySurvey-APPItemNo\_2020-0040-AAA Inc.-EligibilityDocumentEnvelope.zip*

- vi. Generate the hash value of the Zip file, copy and save in an excel spreadsheet. In generating the hash value, please use *SHA-256 hash algorithm*. Refer to “Annex B” for instructions on how to generate hash values.

### **b. Technical Proposal Envelope**

- i. Scan each original copy of the Technical Proposal Documents and save as an individual PDF file, each document shall be assigned

with its own file name in this format: "NPC (Item Name); APP Item No.\_\_\_\_; (Name of Bidder); (Type of Technical Document)"

*SAMPLE: NPC Conduct of Privacy Survey; APP Item No. 2020-0040; AAA Inc.; Bid Security*

- ii. Place/set a password on each PDF files.
- iii. Save the password-protected PDF files to a ZIP file.
- iv. Place/set password on the ZIP file.
- v. Name the password-protected Zip file in this format, avoid using spaces: "NPC-(Item Name)-APPItemNo\_(\_\_\_\_)-(Name of Bidder)-TechnicaProposalEnvelope"

*SAMPLE: NPC-ConductofPrivacySurvey-APPItemNo\_2020-0040-AAA Inc.-TechnicalProposalEnveloper.zip*

- vi. Generate the hash value of the Zip file, copy and save in an excel spreadsheet. In generating the hash value, please use *SHA-256 hash algorithm*. Refer to "Annex B" for instructions on how to generate hash values.

### **c. Financial Proposal Envelope**

- i. Scan each original copy of the Financial Documents and save as an individual PDF file, each document shall be assigned with its own file name in this format: "NPC (Item Name); APP Item No.\_\_\_\_; (Name of Bidder); (Type of Financial Document)"

*SAMPLE: NPC Conduct of Privacy Survey; APP Item No. 2020-0040; AAA Inc.; Financial Proposal Submission Form*

- ii. Place/set a password on each PDF files.
- iii. Save the password-protected PDF files to a ZIP file.
- iv. Place/set password on the ZIP file.
- v. Name the password-protected Zip file in this format, avoid using spaces: "NPC-(Item Name)-APPItemNo\_(\_\_\_\_)-(Name of Bidder)-FinancialProposalEnvelope"

*SAMPLE: NPC-ConductofPrivacySurvey-APPItemNo\_2020-0040-AAA Inc.-FinancialProposalEnveloper.zip*

- vi. Generate the hash value of the Zip file, copy and save in an excel spreadsheet. In generating the hash value, please use *SHA-256 hash algorithm*. Refer to "Annex B" for instructions on how to generate hash values.

### **C. Bidding Documents' Proof of Payment**

Scan original copy of the official receipt or proof of payment of the Bidding Documents and save as a PDF file assigned with the file name in this format: "NPC (Item Name); APP Item No.\_\_\_\_; (Name of Bidder); Bidding Document Proof of Payment"

*SAMPLE: NPC Janitorial Services; APP Item No. 2020-0040; AAA Janitorial Services Inc.; Bidding Document Proof of Payment*

Failure to attach copy of the official receipt or proof of payment, will result to non-issuance of the Bid Receipt Document. The BAC Secretariat shall notify the bidder of its non-submission and shall instruct them to re-send the bid together with the proof of scan, provided, that the period for submission of bid has not yet expired. Failure to do so before deadline of submission, despite notice, shall result to non-issuance of the Bid Receipt Document which is equivalent to non-acceptance of the Bidding Documents.

### **D. Proof of Malware, Virus or any Malicious Threat Scan**

The attachments or the files shall be free from malwares, viruses or any malicious threats. The bidder shall scan the files for these threats and the result of the scan must be captured as proof. The captured proof of scan shall also show the date and time when the scan was made which must be immediately prior to the date and time of its submission via e-mail to the BAC-Secretariat. For instructions on how to scan for threats, please refer to attached "Annex C".

The proof of scan shall be submitted together with the eligibility documents with the file name in this format: "NPC (Item Name); APP Item No.\_\_\_\_; (Name of Bidder); Proof of Virus Scan"

*SAMPLE: NPC Janitorial Services; APP Item No. 2020-0040; AAA Janitorial Services Inc.; Proof of Virus Scan*

Failure to scan for threats or attach captured proof of the scan, and/or submission of files corrupted with virus or malwares, will result to non-issuance of the Bid Receipt Document. The BAC Secretariat shall notify the bidder of its non-submission and shall instruct them to re-send the bid together with the proof of scan, provided, that the period for submission of bid has not yet expired. Failure to do so before deadline of submission, despite notice, shall result to non-issuance of the Bid Receipt Document which is equivalent to non-acceptance of the Bidding Documents.

### **E. Submission of Documents**



For Goods and Services or Infrastructure Projects, submit your bids consisting of two (2) zip folders (Technical and Financial Component Envelopes), one (1) proof of payment, one (1) proof of scan, and one (1) excel file with the hash values of the Zip folders via electronic mail to [bacsecretariat@privacy.gov.ph](mailto:bacsecretariat@privacy.gov.ph) on or before the scheduled deadline for bid submission.

For Consulting Services, submit one (1) zip file (Eligibility Documents), one (1) proof of scan, and one (1) excel file with the hash values of the Zip folder via electronic mail to [bacsecretariat@privacy.gov.ph](mailto:bacsecretariat@privacy.gov.ph) on or before the scheduled eligibility check and short listing. Upon being short-listed, submit two (2) zip folders (Technical and Financial Proposal Envelopes), one (1) proof of payment, one (1) proof of scan, and one (1) excel file with the hash values of the Zip folders via electronic mail to [bacsecretariat@privacy.gov.ph](mailto:bacsecretariat@privacy.gov.ph) on or before the scheduled deadline for bid submission.

## **F. Bid Receipt Document**

Upon receipt before the deadline, of the email containing the bid submissions, the BAC Secretariat shall send an email of acknowledgement with attached Bid Receipt Document which can be saved or printed by the bidder, as proof of the official time of receipt of bids. Late Bids shall not be accepted and shall no longer be included in the opening of bids.

The email acknowledgement shall also contain a link to the registration form to be filled out by the bidder's authorized representative who shall attend the bid opening.

In case of non-receipt of the acknowledgment within one (1) hour after submission, the bidder shall re-submit the bid to the same electronic mail address. If no acknowledgment is still received, the bidder shall call the Bids and Awards Committee Secretariat (02) 8234-2228 local 127 to confirm whether the submission was received, and if so, request for the acknowledgment of receipt of the submitted bid.

Non-issuance of the Bid Receipt Document is equivalent to non-acceptance of the Bidding Documents.

## **G. Modification of Bids**

Bidders may modify or withdraw their Bid at any time before the deadline for the submission and receipt of bids. Where a bidder modifies its Bid, it shall not be allowed to retrieve its original Bid and shall only be allowed to submit another. The time indicated in the latest Bid receipt page generated shall be the official time of submission. Bids submitted after the deadline shall not be accepted.

Bidders shall send another Bid (containing all the required Technical and Financial Documents – not just the modified document/s) equally secured, properly identified, and labelled as a “modification” of the one previously submitted on or before the deadline. The bidder shall use the following file names for each PDF file and Zip files of the modified bid:

**Goods and Services and Infrastructure Project:**

- a. “NPC (Item Name); APP Item No.\_\_\_\_; (Name of Bidder); (Type of Legal, Technical or Financial Document) - Modification”
- b. “NPC-(Item Name)-APPItemNo\_(\_\_\_\_)-(Name of Bidder)-TechnicalComponentEnvelope-Modification”
- c. “NPC (Item Name); APP Item No.\_\_\_\_; (Name of Bidder); (Type of Financial Component Document) - Modification
- d. “NPC-(Item Name)-APPItemNo\_(\_\_\_\_)-(Name of Bidder)-FinancialComponentEnvelope-Modification”

**Consulting Services**

- a. “NPC (Item Name); APP Item No.\_\_\_\_; (Name of Bidder); (Type of Legal, Technical and Financial Documents) - Modification”
- b. “NPC-(Item Name)-APPItemNo\_(\_\_\_\_)-(Name of Bidder)-EligibilityDocumentEnvelope-Modification”
- c. “NPC (Item Name); APP Item No.\_\_\_\_; (Name of Bidder); (Type Technical Document) - Modification”
- d. “NPC-(Item Name)-APPItemNo\_(\_\_\_\_)-(Name of Bidder)-TechnicaProposalEnvelope-Modification”
- e. “NPC (Item Name); APP Item No.\_\_\_\_; (Name of Bidder); (Type Financial Document) - Modification”
- f. “NPC-(Item Name)-APPItemNo\_(\_\_\_\_)-(Name of Bidder)-FinancialProposalEnvelope-Modification”

The Secretariat shall record the last document submitted by the prospective bidder as the official document for the opening of bids, provided it is submitted on or before the deadline.

**H. Registration of Bidders**

Bidders must register through MS Forms upon submission of the bidding documents and receipt of acknowledgement email from the BAC Secretariat.

The pre-registration is required for the BAC Secretariat to monitor the persons allowed to enter in the video teleconference and for records purposes. The BAC Secretariat shall send the link to the registration form together with the acknowledgement e-mail. The following information shall be disclosed upon registration:

- a. Name of the Company
- b. Name of owner/ representative
- c. E-mail address used to submit the bid
- d. Official mobile number
- e. PhilGEPs registered office/company address
- f. Authority to represent the company (special power of attorney [SPA] or secretary's certificate)

Only those suppliers duly registered shall be allowed to attend. In case there will be more than one (1) representative for each prospective bidder, the names of each representative and their respective e-mail addresses shall be listed in the registration form.

The BAC Secretariat, after the deadline of submission of bids and prior to the bid opening, will send an e-mail to the bidders via the official e-mail address used to submit the bid with the instructions on how and when to disclose the passwords and hash value of the zip files.

## **I. Download of Submitted Bids**

The completely submitted bid files shall be downloaded by the BAC Secretariat to the BAC's official issued laptop/desktop so that the audit trail shall be preserved.

Upon download, the Zip files will be scanned for virus, malwares or other malicious threats. The bidder who shall submit a file corrupted with virus shall not be issued a Bid Receipt Document, instead the BAC Secretariat shall notify the bidder of the case and shall require it to re-submit, provided, that the period for bid submission has not yet expired.

Each bidder will be assigned one (1) file folder named after the Company Name of the bidder. Each file folder will have sub-folders for the Technical Component, Financial Component, and Eligibility Document (for Consulting Services).

The Secretariat Head shall designate the official representative of the BAC Secretariat as the Bid Opener and an alternate who are the only personnel allowed to access the said password protected files for safekeeping and record purposes during the Bid Opening.

## **II. Eligibility Check and/or Bid Opening Process**

The BAC, with the assistance of the BAC Secretariat and Technical Working Group (TWG), shall conduct the bid opening via Microsoft Teams. Bidders are

encouraged to attend the bid opening online. The passwords for the zip folders and the files shall be disclosed by the bidders only during the bid opening.

The BAC Secretariat will be the sole administrator in Microsoft Teams and only the appointed person from the BAC Secretariat can allow the entry of the participants in the bid opening. The video conference via Microsoft Teams will be recorded and minutes of the meeting will also be prepared.

On the date and time set for the eligibility check and shortlisting and/or opening of the bids, the following procedure shall be observed.

#### **A. Videoconference via Microsoft Teams**

The bidder shall access the Microsoft Teams meeting link provided by the BAC Secretariat prior to the bid opening date and enter the meeting by clicking **“Join Now”**. Bidder shall allow access to the microphone and the camera and wait in the meeting lobby for the BAC Secretariat to allow them entry to the meeting room.

The bidder’s representative shall state their Company Name and their Name in the meeting chatbox so their attendance can be recognized. Bidders are expected to observe proper meeting decorum, open their device camera and keep their microphone on mute unless called to speak.

#### **B. Opening of Bids**

Upon instruction, the designated Bid Opener, using the BAC’s official desktop/laptop, shall open the bids in accordance with the order it was received. The BAC Secretariat during the actual access of the bidding document files, shall share the screen of the designated Bid Opener in the MS Teams meeting.

##### **a. 1<sup>st</sup> Zip Folder**

When prompted, the bidder shall disclose the password and the hash value of their 1<sup>st</sup> Zip folder in accordance with the instruction previously provided.

The Bid Opener shall access the 1<sup>st</sup> Zip folder and shall check the hash value of the said file and compare it to the hash value recorded in the excel file previously submitted by the Bidder together with their Bidding Documents. If both hash values are the same, the Bid Opener upon confirming that the files were not altered will proceed to open the Zip folder with the password provided and extract the files contained in the Zip folder. It is strongly advised that the bidder shall ensure the accuracy of the submitted zip files and its passwords and hash values to avoid

disqualification. Upon access to the 1<sup>st</sup> Zip folder, the BAC Secretariat will prompt the bidder to disclose the passwords for each PDF document extracted.

The bidders are given a minimum of five (5) minutes to respond. Should the bidder fail to respond with the password when prompted, the BAC shall move on to the next bid, if there is any. If there are no other bids to be considered, the Secretariat shall ask again for the password and the bidder is given another five (5) minutes to respond. Should the bidder fail to respond within the allotted time, the submitted bid or specific document will no longer be considered.

**Under no circumstances should the bidder disclose the passwords BEFORE being prompted to do so on the scheduled bid opening**

Only **three (3) attempts** are given to disclose the password per Zip folder or PDF file to open the documents. Should the bidder fail to provide the correct password after the third attempt, the submitted bids shall **NOT** be accepted during the bid opening.

**b. 2<sup>nd</sup> Zip Folder**

Except in cases of procurement of Consulting Service, immediately after determining compliance with the requirements in the first envelope, the BAC shall open the second bid envelope of each remaining eligible and technically complying bidder whose submitted technical bid including eligibility requirements were rated “passed.”

The bidder will be prompted to disclose the password for the 2<sup>nd</sup> Zip folder containing the Financial Component. The Bid Opener shall access the 2<sup>nd</sup> Zip folder and shall check the hash value of the said file and compare it to the hash value recorded in the excel file previously submitted by the Bidder together with their Bidding Documents. If both hash values are the same, the Bid Opener upon confirming that the files were not altered will proceed to open the Zip folder with the password provided and extract the files contained in the Zip folder. Subsequently the BAC shall prompt for the passwords of the PDF documents contained therein, and the files will be accessed in the same manner as the procedure described for the 1<sup>st</sup> Zip Folder.

**Under no circumstances should the bidder disclose the passwords BEFORE being declared eligible and technically complying bidder based on the evaluation of the technical bid including eligibility requirements and before being prompted to do so.**

Only **three (3) attempts** are given to disclose your password per Zip folder and PDF files to open the documents. Should the bidder fail to provide the correct password after the third attempt, the submitted bids shall **NOT** be accepted during the bid opening.

The BAC Secretariat shall take and print a screenshot of such inquiries and responses to form part of the records and all incidents should be recorded in the minutes.

**c. Saving a Copy**

The Bid Opener shall save the bid files received in the bidder's designated file folder in BAC's One Drive as copy.

**III. Submission of Original Physical Copy**

The Single/Lowest Calculated Bidder or the Single/Highest Rated Bidder in case of procurement for Consulting Services is required to submit one (1) physical copy of the original bidding documents for the conduct of post-qualification.



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

ANNEX A

How to Use 7-Zip to Encrypt Files and Folders

7-Zip is an open source software used to compress or zip files secured with encryption.

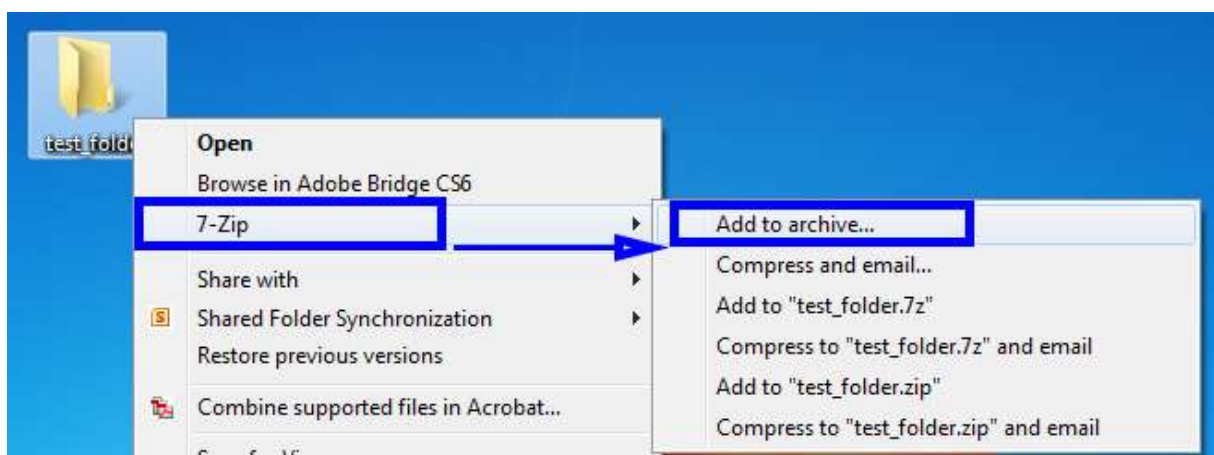
When you send or transfer files that contain Personal Identifiable Information (PII) or other confidential and sensitive data, the files must be encrypted to ensure they are protected from unauthorized disclosure.

7-Zip, like WinZip, creates a container called archive that holds the files to be protected. That archive can be encrypted and protected with a password. 7-Zip is a free software that creates Zip files that can be opened with WinZip or other similar programs.

To obtain a copy of 7-Zip, please see <http://www.7-zip.org/> and select the appropriate Download link. Once the software is installed, please follow these steps to encrypt a file or folder.

**Step 1:** Right click on the file / folder to be encrypted.

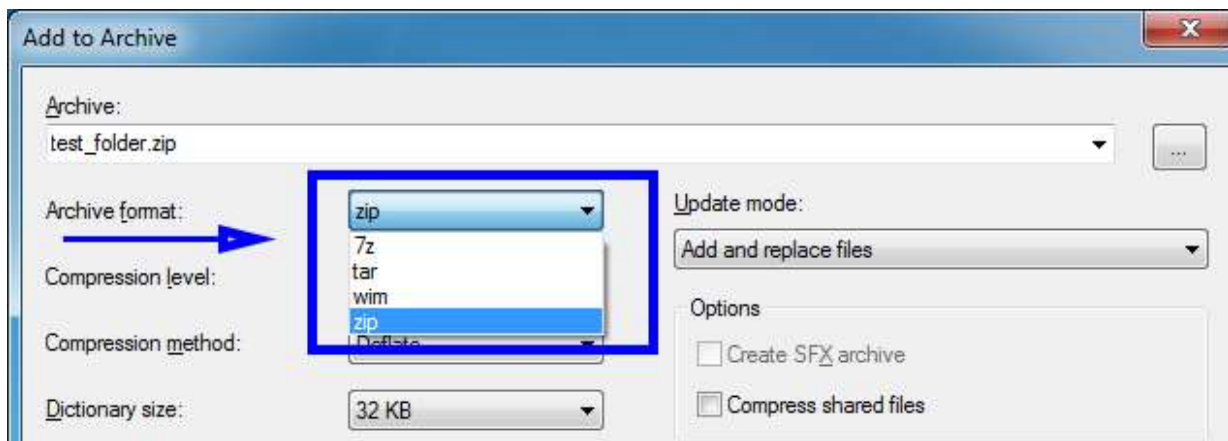
**Step 2:** Select “7-Zip” then “Add to archive...”



**Step 3:** In the Add to Archive window change the name of the archive you wish to create.



**Step 4:** Change the Archive format to "Zip".

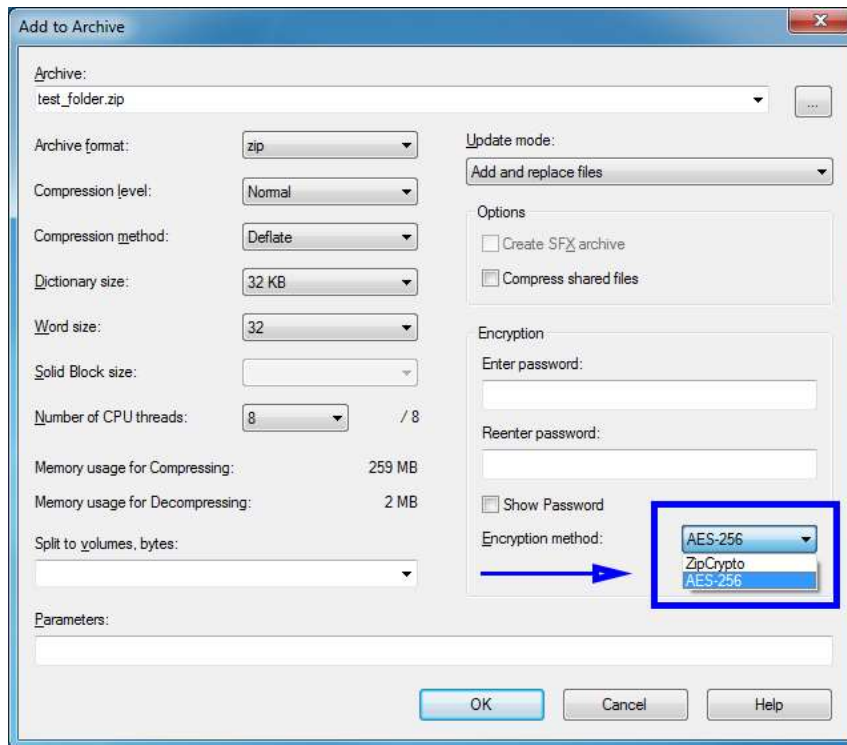


**Step 5:** Change the Encryption Method to "AES-256".

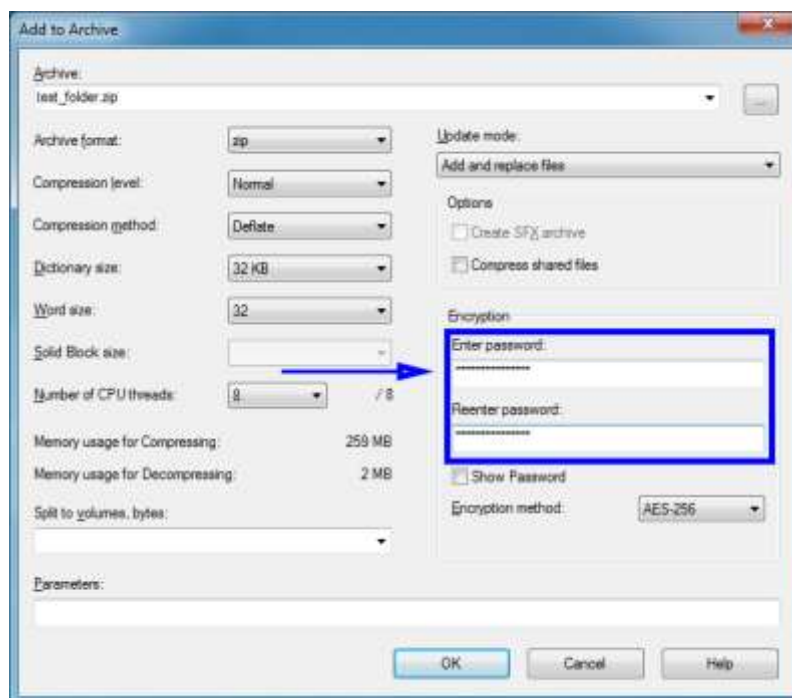
There is a trade-off between using AES-256 and ZipCrypto. AES-256 is proven much more secure than ZipCrypto, but if you select AES-256 the recipient of the zip file may have to install 7-zip or another zip program to read the file contents. Selecting ZipCrypto may allow users to open the zip file in Windows without a zip program, but it does not provide adequate protection against attackers with modern cracking tools.

It is strongly recommended to use AES-256 to protect sensitive and confidential data.





**Step 6:** Enter a Password. Use a strong password with at least 8 characters containing upper and lowercase letters, and a minimum of one number.



**Step 7:** Select “Ok” to create the encrypted archive file. The new archive file will be located in the same folder as the original.



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ANNEX B

How to Generate SHA-256 Hash Values for .ZIP Archives

In Windows,

1. To open the Command window, hold down the Windows key and then press R on the keyboard.

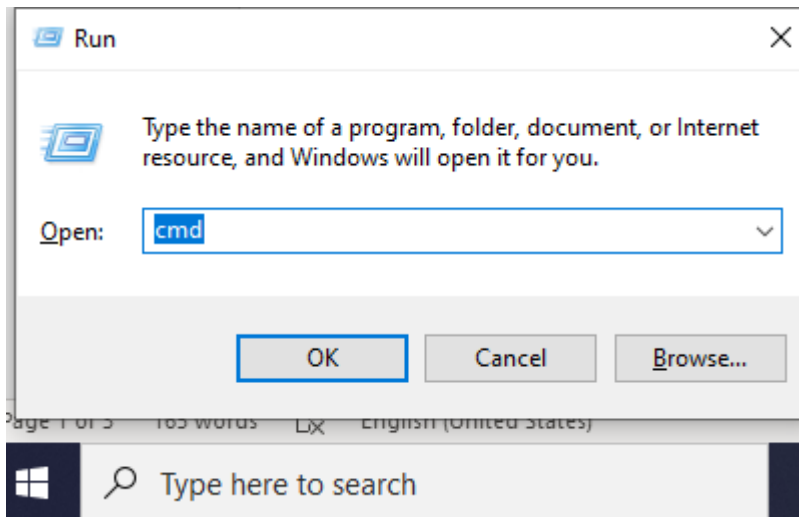
Visit the link for other ways to open command prompt window:

<https://www.digitalcitizen.life/run-window-windows-7-why-use-it-anymore/>



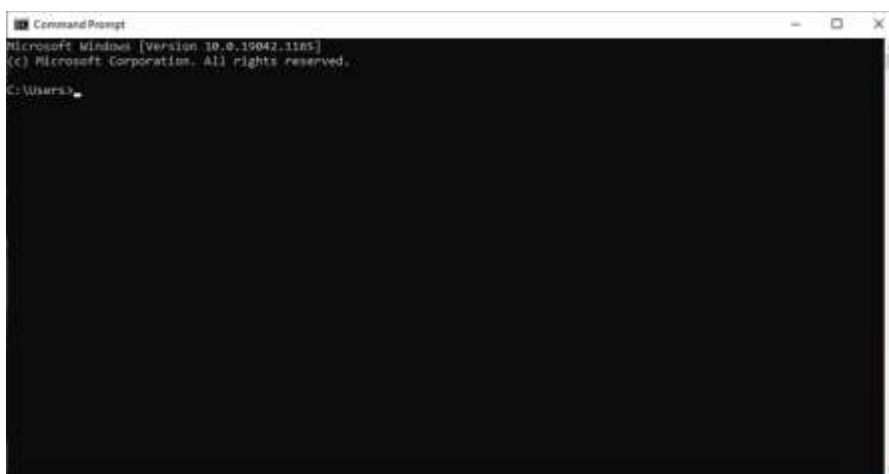
Figure 1. Keyboard with Windows Key button

2. The Run window will be displayed on the lower left corner of the screen.
3. Type **cmd** in the text box.



**Figure 2. Run window**

4. The Command prompt window will be displayed.



**Figure 3. Command prompt window**

5. Type the following in the Microsoft Windows Command Prompt:

**certutil -hashfile <PATH-TO-FILENAME> <SHA256>**

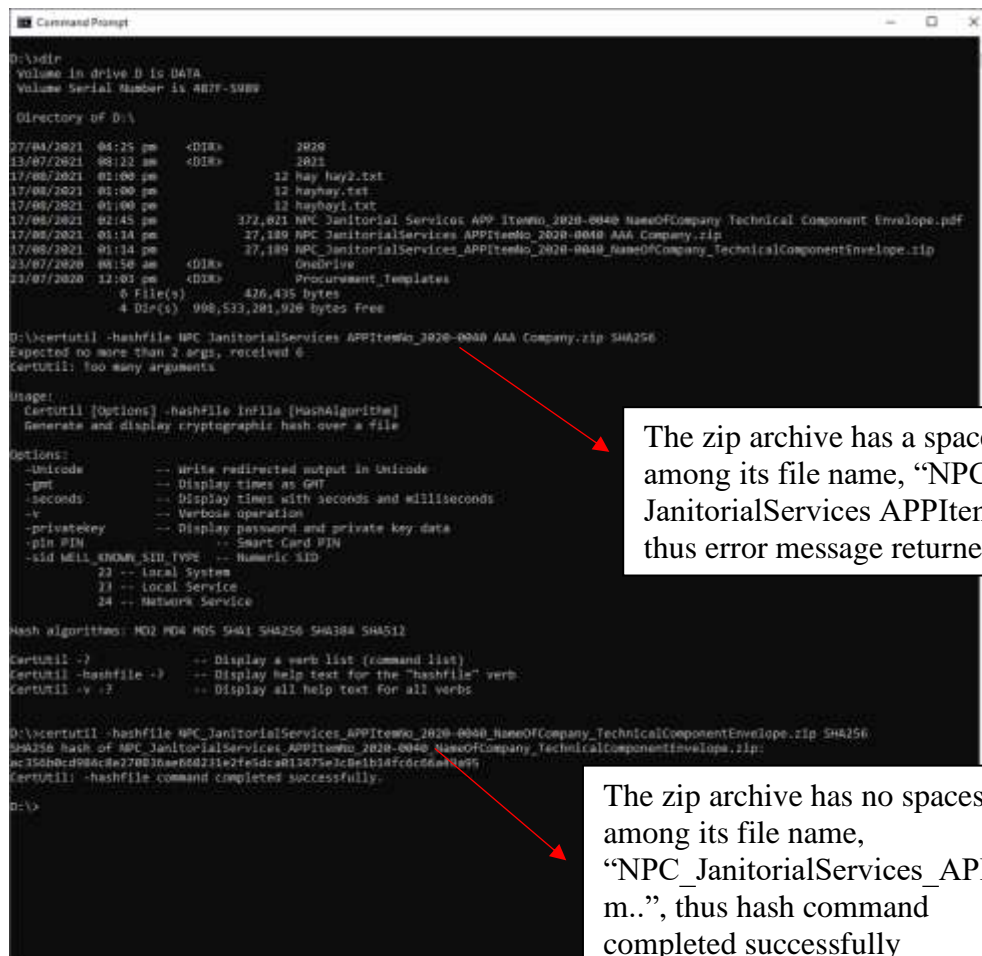
Example: **certutil -hashfile NPC\_JanitorialServices\_APPItemNo\_2020-0040\_NameOfCompany\_TechnicalComponentEnvelope.zip SHA256**



Hash Value you need to copy

Figure 4. Hashfile command in Command Prompt

Note: Avoid putting spaces among the file name of the final zip archive, as this may cause problems (windows recognizes spaces as another directory), see Figure 5.

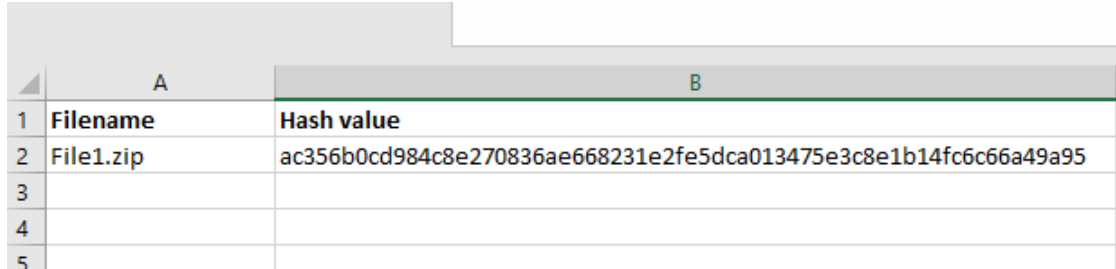


The zip archive has a space among its file name, "NPC JanitorialServices APPItem.." thus error message returned

The zip archive has no spaces among its file name, "NPC\_JanitorialServices\_APPItem..", thus hash command completed successfully

Figure 5. Error due to archive file name spaces

6. Copy and paste the hash value generated and save in an excel spreadsheet. See Figure 6.



	A	B
1	<b>Filename</b>	<b>Hash value</b>
2	File1.zip	ac356b0cd984c8e270836ae668231e2fe5dca013475e3c8e1b14fc6c66a49a95
3		
4		
5		

**Figure 6. Filename and hash value in excel spreadsheet**

## In Mac OS,

1. To open the terminal window, please open the link below:  
<https://support.apple.com/en-ph/guide/terminal/apd5265185d-f365-44cb-8b09-71a064a42125/mac>

2. Type the following in the Terminal command line:

**openssl sha256 <PATH-TO-FILE>**

Example: openssl sha256 File1.zip



```
user@user-mbp Desktop % openssl sha256 File1.zip
SHA256(File1.zip)= ac356b0cd984c8e270836ae668231e2fe5dca013475e3c8e1b14fc6c66a49a95
user@user-mbp Desktop %
```

**Figure 7. Mac OS terminal screenshot**

3. Copy and paste the hash value generated and save in an excel spreadsheet, see figure 6 above.



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

ANNEX C

**How to Scan for Virus, Malware or Other Malicious Threats**

**Step 1.** Use virus scanner software or program.

**Step 2.** Scan the Zip folders and PDF files based on the instructions provided by the scanner used.

**Step 3.** Take a screenshot of the scan results and make sure to capture the date and time of scan, which must be prior to the date and time the documents will be e-mailed to the BAC-Secretariat.

Protection for your device against threats.

 **Current threats**

No current threats.

Last scan: 09/08/2021 1:47 pm (quick scan)

0 threats found.

Scan lasted 1 minutes 7 seconds

18856 files scanned.

Quick scan

**Step 4.** Rename the capture proof of scan according to the instructions and e-mail together with the bidding documents to the BAC Secretariat.

**Omnibus Sworn Statement (Revised)**  
*[shall be submitted with the Bid]*

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REPUBLIC OF THE PHILIPPINES )  
CITY/MUNICIPALITY OF \_\_\_\_\_ ) S.S.

**AFFIDAVIT**

I, [Name of Affiant], of legal age, [Civil Status], [Nationality], and residing at [Address of Affiant], after having been duly sworn in accordance with law, do hereby depose and state that:

1. *[Select one, delete the other:]*

*[If a sole proprietorship:]* I am the sole proprietor or authorized representative of [Name of Bidder] with office address at [address of Bidder];

*[If a partnership, corporation, cooperative, or joint venture:]* I am the duly authorized and designated representative of [Name of Bidder] with office address at [address of Bidder];

2. *[Select one, delete the other:]*

*[If a sole proprietorship:]* As the owner and sole proprietor, or authorized representative of [Name of Bidder], I have full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for [Name of the Project] of the [Name of the Procuring Entity], as shown in the attached duly notarized Special Power of Attorney;

*[If a partnership, corporation, cooperative, or joint venture:]* I am granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for [Name of the Project] of the [Name of the Procuring Entity], as shown in the attached [state title of attached document showing proof of authorization (e.g., duly notarized Secretary's Certificate, Board/Partnership Resolution, or Special Power of Attorney, whichever is applicable)];

3. [Name of Bidder] is not "blacklisted" or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board, **by itself or by relation, membership, association, affiliation, or controlling**



**interest with another blacklisted person or entity as defined and provided for in the Uniform Guidelines on Blacklisting;**

4. Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;
5. [Name of Bidder] is authorizing the Head of the Procuring Entity or its duly authorized representative(s) to verify all the documents submitted;
6. *[Select one, delete the rest:]*

*[If a sole proprietorship:]* The owner or sole proprietor is not related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

*[If a partnership or cooperative:]* None of the officers and members of [Name of Bidder] is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

*[If a corporation or joint venture:]* None of the officers, directors, and controlling stockholders of [Name of Bidder] is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

7. [Name of Bidder] complies with existing labor laws and standards; and
8. [Name of Bidder] is aware of and has undertaken the responsibilities as a Bidder in compliance with the Philippine Bidding Documents, which includes:
  - a. Carefully examining all of the Bidding Documents;
  - b. Acknowledging all conditions, local or otherwise, affecting the implementation of the Contract;
  - c. Making an estimate of the facilities available and needed for the contract to be bid, if any; and
  - d. Inquiring or securing Supplemental/Bid Bulletin(s) issued for the [Name of the Project].

9. *[Name of Bidder]* did not give or pay directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.

10. **In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code.**

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_ day of \_\_, 20\_\_ at \_\_\_\_\_, Philippines.

*[Insert NAME OF BIDDER OR ITS AUTHORIZED REPRESENTATIVE]*

*[Insert signatory's legal capacity]*

Affiant

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ at \_\_\_\_\_, affiant having exhibited to me his/her \_\_\_\_\_ issued on/valid until \_\_\_\_\_.

Doc. No.: \_\_\_\_\_

Page No. \_\_\_\_\_

Book No.: \_\_\_\_\_

Series of 20\_\_\_\_\_

## **Bid Securing Declaration Form**

*[shall be submitted with the Bid if bidder opts to provide this form of bid security]*

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REPUBLIC OF THE PHILIPPINES)  
CITY OF \_\_\_\_\_) S.S.

### **BID SECURING DECLARATION** **Project Identification No.: *[Insert number]***

To: *[Insert name and address of the Procuring Entity]*

I/We, the undersigned, declare that:

1. I/We understand that, according to your conditions, bids must be supported by a Bid Security, which may be in the form of a Bid Securing Declaration.
2. I/We accept that: (a) I/we will be automatically disqualified from bidding for any procurement contract with any procuring entity for a period of two (2) years upon receipt of your Blacklisting Order; and, (b) I/we will pay the applicable fine provided under Section 6 of the Guidelines on the Use of Bid Securing Declaration, within fifteen (15) days from receipt of the written demand by the procuring entity for the commission of acts resulting to the enforcement of the bid securing declaration under Sections 23.1(b), 34.2, 40.1 and 69.1, except 69.1(f), of the IRR of RA No. 9184; without prejudice to other legal action the government may undertake.
3. I/We understand that this Bid Securing Declaration shall cease to be valid on the following circumstances:
  - a. Upon expiration of the bid validity period, or any extension thereof pursuant to your request;
  - b. I am/we are declared ineligible or post-disqualified upon receipt of your notice to such effect, and (i) I/we failed to timely file a request for reconsideration or (ii) I/we filed a waiver to avail of said right; and
  - c. I am/we are declared the bidder with the Lowest Calculated Responsive Bid, and I/we have furnished the performance security and signed the Contract.

IN WITNESS WHEREOF, I/We have hereunto set my/our hand/s this \_\_\_\_ day of *[month]* *[year]* at *[place of execution]*.

*[Insert NAME OF BIDDER OR ITS AUTHORIZED  
REPRESENTATIVE]*

*[Insert signatory's legal capacity]*

Affiant

### **[Jurat]**

*[Format shall be based on the latest Rules on Notarial Practice]*