



BIDS AND AWARDS COMMITTEE
BAC Resolution No. 074-2023, Series of 2023

RECOMMENDING THE EXTENSION OF CONTRACT FOR OFFICE RENTAL

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

WHEREAS, in order to sustain its daily operations and ensure uninterrupted public service, it currently has its offices at the Philippine International Convention Center (PICC);

WHEREAS, such procurement is covered by an approved Multi-Year Obligational Authority (MYOA) until 31 August 2022;

WHEREAS, on 1 September 2022, the NPC Head of the Procuring Entity (HoPE) awarded another contract to PICC covering an additional area of 502.42 sqm. located at the 4th Floor of the Delegation Building, and at the same time awarded a renewed contract (hereinafter "Contracts") covering the 5th Floor office spaces of the NPC, covering the period from 1 September to 31 December 2022;

WHEREAS, on 27 December 2022, the NPC and PICC agreed to extend the Contracts for a period of three (3) months, from 1 January 2023 to 31 March 2023;

WHEREAS, on 17 March 2023, the NPC-BAC resolved to award the contract for Office Rental (APP Item No. 2023-0017) for a period of five (5) months from April 1 to August 31, 2023 to the Philippine International Convention Center, Inc. through BAC Resolution No. 019-2023 dated 17 March 2023. The HoPE subsequently approved such Resolution;

WHEREAS, in a Memorandum dated 11 August 2023, the end-user, the Administrative Services Division (ASD) issued a Memorandum requesting for the extension of contract for office rental from September 1 to 30, 2023. The same Memorandum was approved by the Head of the Procuring Entity;

WHEREAS, on 15 August 2023, the NPC-BAC resolved to recommend the extension of the contract for Office Rental from 01 September 2023 to 30 September 2023 through BAC Resolution No. 061-2023, Series of 2023;

WHEREAS, on 13 September 2023, the NPC and PICC agreed to extend the Contracts for a period of one (1) month, from 1 October 2023 to 31 October 2023;

WHEREAS, the ASD issued a Memorandum dated 26 September 2023 requesting for the extension of contract for office rental from 1 October 2023 to 31 October 2023. The same memorandum was approved by the Head of the Procuring Entity;

WHEREAS, a Certification of Availability of Funds (CAF) was issued certifying that funds are available to cover the cost for one (1) month extension of office rental covering the period

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

from October 1 to 31, 2023 amounting to Two Million Three Hundred Twelve Thousand Six Hundred Nine Pesos and Sixty Centavos (Php2,312,609.60) chargeable against Rents - Building and Structures (GAS-MOOE), programmed in the Work and Financial Plan (WFP) of Administrative Services Division;

WHEREAS, Section 53.5 of the Revised Implementing Rules and Regulations (RIRR) of R.A. 9184 recognizes negotiated procurement through Agency-to-Agency as an alternative mode of procurement, where the procuring entity directly negotiates a contract for the procurement of goods, or services, or to undertake infrastructure projects, and consulting services with another agency;

WHEREAS, the same RIRR and the GPPB Implementing Guidelines on Agency-To-Agency Agreements provide certain conditions that the end-user must comply with to justify that the resort to Agency-to-Agency is more efficient and economical to the government;

WHEREAS, in accordance with the process indicated in Annex "H" of the RIRR of R.A. 9184, the end-user, the ASD, also secured a certificate from the relevant officer of the proposed Servicing Agency that the latter complied with the conditions specified in the same guidelines;

WHEREAS, having found that the documents submitted by the end-user to be in order, the NPC Bids and Awards Committee (BAC) resolved to extend the contract for office rental with the PICC;

NOW, THEREFORE, for and in consideration of the foregoing, WE, the members of the NPC-BAC, hereby RESOLVE, as it is hereby RESOLVED, to recommend the extension of the contract for **Office Rental** with the Philippine International Convention Center, Inc. from 01 October 2023 to 31 October 2023.

RESOLVED this 28th day of September 2023, via combination of on-site and videoconference meeting.

ATTEST:



Digitally signed by
Fabricante Marlon
Ruben Natividad

MR. MARLON RUBEN N. FABRICANTE

*Chief, ASD / End-user
BAC Member*



Digitally signed
by Milanes Rainier
Anthony Mabias

ATTY. RAINIER ANTHONY M. MILANES

*Chief, CMD
BAC Member*

On Official Business

MR. ERWIN D. ESPENILLA

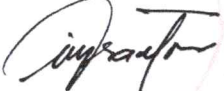
*HEA, OPC
BAC Member*



Digitally signed
by Mendoza Ma
Josefina Eusebio


ATTY. MA. JOSEFINA E. MENDOZA


*Attorney IV, LD
BAC Member*

 Digitally signed
by Ivy Grace T.
Villasoto
ATTY. IVY GRACE T. VILLASOTO
*Attorney V, PDD
BAC Vice Chairperson*

 Digitally signed by
Patula Maria Theresita
Elnar
ATTY. MARIA THERESITA E. PATULA
*Director IV, LEO
BAC Chairperson*

APPROVED:



ATTY. JOHN HENRY D. NAGA
*Privacy Commissioner
Head of the Procuring Entity*
Date: **SEP 28 2023** 

EXTENSION OF LEASE CONTRACT FOR OFFICE RENTAL

KNOW ALL PERSONS BY THESE PRESENTS:

SEP 29 2023

This **EXTENSION OF CONTRACT** is made and entered into this _____, in Metro Manila, Philippines, by and between:

The **NATIONAL PRIVACY COMMISSION**, a government agency mandated to administer and implement the Data Privacy Act of 2012, and to monitor and ensure compliance of the country with international standards set for data protection, with office address at 5th Floor Delegation Building, PICC Complex, Vicente Sotto Avenue, Pasay City, Metro Manila, represented herein by its Privacy Commissioner, **ATTY. JOHN HENRY D. NAGA**, (hereinafter referred to as the "**NPC or LESSEE**"),

- and -

The **PHILIPPINE INTERNATIONAL CONVENTION CENTER, INC.**, a government corporation duly organized and existing pursuant to Presidential Decree No. 520 as amended, with office address at the Philippine International Convention Center, Cultural Center Complex, Roxas Boulevard, 1307 Pasay City herein represented by its General Manager, **ATTY. RENATO B. PADILLA** (hereinafter referred to as the "**LESSOR**");

The **NPC or LESSEE** and the **LESSOR** shall hereinafter be referred to collectively as the "**PARTIES**."

WITNESSETH, that:

WHEREAS, the **NPC** and the **LESSOR**, pursuant to NPC Bids and Awards Committee (BAC) Resolution No. 019-2023, series of 2023, entered a Contract of Lease on 30 March 2023 which was in force and effect until 31 August 2023. A copy of said Agreement is attached herein as "**ANNEX A**" and made an integral part of this Extension Contract;

WHEREAS, the **NPC** and the **LESSOR**, pursuant to NPC Bids and Awards Committee (BAC) Resolution No. 061-2023, series of 2023, entered into an extension of contract for office rental on 31 August 2023 which was in force and effect until 30 September 2023. A copy of said Agreement is attached herein as "**ANNEX B**" and made an integral part of this Extension Contract;

WHEREAS, Appendix 24 (Revised Guidelines on the Extension of Contracts for General Support Services) of the 2016 Revised Implementing Rules and Regulations (IRR) of R.A. 9184 as of 03 July 2023, provides that procuring entities may extend the duration or effectivity of an ongoing contract about to expire for a period not to exceed one (1) year, provided it complies with the conditions stated therein;

WHEREAS, on 26 September 2023 the NPC Accountant issued Certification of Availability of Funds (CAF) amounting to **Two Million Three Hundred Twelve Thousand Six Hundred Nine Pesos and Sixty Centavos (PHP2,312,609.60)**. A Copy of the CAF is herein attached as "**ANNEX C**" and made an integral part of this Agreement;

WHEREAS, the **LESSEE** has proposed to the **LESSOR** that the Contract of Lease be extended for one (1) month, covering the period of **01 October 2023 to 31 October 2023** under the same terms and conditions as the original lease. The **LESSOR** has agreed to such extension. A copy of the said letter-request is attached herein as "**ANNEX D**" and made an integral part of this Extension Contract;

CONTRACT NO. 2023- 09 - 00 14



WHEREAS, on 27 SEP 2023, the NPC BAC deliberated on and resolved to approve the request of the end-user for an extension of the Contract of Lease for Office Rental from **01 October 2023 to 31 October 2023**, given that it is essential, indispensable, and necessary for the operations of the National Privacy Commission;

WHEREAS, the terms and conditions of the Contract of Lease dated 30 March 2023 shall be read and construed as part of this Agreement, and all terms and conditions of the Original Contract which are not inconsistent with this Agreement shall remain unchanged and in full force and effect;

WHEREAS, the following modifications is hereby adopted which redounds to the advantage of the government at no additional cost to the NPC:

NPC may immediately terminate this Contract of Lease Agreement upon service and delivery of a notice of the termination to the Lessor on any of the following grounds: (1) failure to perform or materially breach, any of its obligations, covenants, or representations as set forth in the Contract of Lease Agreement; (2) failure to produce a result that meets the specifications of provided for in the Contract of Lease Agreement; and, (3) when the failure or breach is serious enough to materially harm or otherwise reduce the value of the Contract of Lease Agreement.

In the event of termination, payment of the contract price will be made to the Lessor only for the leased period up to the month of the date of termination.

NPC shall pay the Lessor a rate of **Two Million Three Hundred Twelve Thousand Six Hundred Nine Pesos and Sixty Centavos (PHP2,312,609.60)**, VAT Inclusive for the Office Rental.

NOW, THEREFORE, for and in consideration of the foregoing premises, the **PARTIES** hereby agree to the extension of Contract of Lease dated 30 March 2023 for a period of one (1) month, commencing on **01 October 2023 to 31 October 2023**.

SEP 29 2023

IN WITNESS WHEREOF, the **PARTIES** hereto have signed this Extension Contract this _____ day of _____ 2023 at Pasay City.

NATIONAL PRIVACY COMMISSION

PHILIPPINE INTERNATIONAL CONVENTION CENTER, INC.

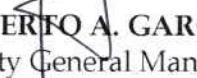
By:


ATTY. JOHN HENRY D. NAGA
Privacy Commissioner

By:


ATTY. RENATO B. PADILLA
General Manager


JOHANA CARLA T. GOMEZ
Accountant II


ROBERTO A. GARCIA
Deputy General Manager

Signed in the Presence of:


MARLON RUBEN N. FABRICANTE
Signature over Printed Name


DOMINGO GLENN FULGENCIO L. PELONIO
Signature over Printed Name

ACKNOWLEDGMENT

BERORE ME, a Notary Public for and in the City of Pasay, Philippines, personally appeared the following:

MAKATI CITY

Name	Government Issued ID Number	Date of Expiry
ATTY. JOHN HENRY D. NAGA		
ATTY. RENATO B. PADILLA		

[Handwritten signature]

Known to me to be the same persons who executed the foregoing Extension of Lease Contract for Office Rental. They acknowledged that the same is their true act and voluntary will and deed as well as the true will and deed of the entities they represent. The foregoing instrument consists of _____ () pages, including this page where the acknowledgment is written, and has been signed by the authorized representatives of the parties on the space above their names and on all pages at their margins, including their witnesses.

SEP 29 2023

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this _____ day of _____ 20__ at the City of Pasay, Metro Manila, Philippines.

MAKATI CITY

ATTY. JOEL FERRER FLORES

Notary Public City of Makati
Under (RA 9292)
NOTARY PUBLIC
Appointment No. M-115
ROLL NO 77376

MCLE COMPLIANCE NO 0001393 Jan. 03, 2023 Until Apr. 14, 2028
PTR No 9893564 / Jan. 3, 2023 / Makati City
IBP No 2019947 Jan. 03, 2023 Pasig City
1107 BATAAN ST. GUADALUPE NUEVO, MAKATI CITY

Doc. No. 196;
Page No. 41;
Book No. 15;
Series of 2023

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