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**BIDS AND AWARDS COMMITTEE**  
BAC Resolution No. 085-2023, Series of 2023

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**RECOMMENDING THE APPROVAL OF THE EXTENSION OF OFFICE RENTAL**

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**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**, to sustain its daily operations and ensure uninterrupted public service, the NPC procured and awarded to the Philippine International Convention Center, Inc. (PICC) the lease contract covering office spaces with 1,685.78 sqm. floor area located at the 5<sup>th</sup> Floor Delegation Building;

**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 Procuring Entity (HOPE) awarded another contract to PICC covering an additional area of 502.42 sqm. located at the 4<sup>th</sup> floor of the same building, and at the same time awarded a renewed contract covering the 5<sup>th</sup> Floor office spaces of the NPC (hereinafter "Contracts") covering the period of 1 September to 31 December 2022;

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

**WHEREAS**, on 17 March 2023 the NPC through a Resolution of its Bids and Awards Committee resolved to award the contract of Office Rental for a period of five (5) months from 1 April 2023 to 31 August 2023 to PICC through Agency-to-Agency procurement for the amount of Php11, 563,048.00 or Php2,312,609.60 per month;

**WHEREAS**, this contract was approved for extension of one (1) month from 1 September 2023 to 30 September 2023 and a second extension from 1 October 2023 to 31 October 2023;

**WHEREAS**, in a Memorandum dated 11 October 2023, the end-user, the Administrative Services Division (ASD) requested for an extension of this contract subject to the availability of funds;

**WHEREAS**, the ASD noted that the Office Rental is essential, indispensable, and necessary for the operations of the NPC as it is the current office address of the Commission where all employees, properties and assets of the Commission are located;

**WHEREAS**, a Certification of Availability of Funds was issued covering the payment for the procurement of One Month Extension of Office Rental from November 1-30, 2023, amounting to Two Million Three Hundred Twelve Thousand Six Hundred Nine Pesos and Sixty Cents (Php 2,312,609.60);


**WHEREAS**, the PICC, through its General Manager, Atty. Renato B. Padilla expressed its conformity to extend the contract for a period of one month, from 1 November 2023 to 30 November 2023;


**NOW, THEREFORE**, for and in consideration of the foregoing, WE, the members of the NPC Bids and Awards Committee (NPC-BAC), hereby RESOLVE, as it is hereby RESOLVED, to recommend the approval of the extension of Office Rental of the NPC for one month from 01 November to 30 November 2023 for a total contract price of Two Million Three Hundred Twelve Thousand Six Hundred Nine Pesos and Sixty Cents (Php 2,312,609.60).


**RESOLVED** this 23<sup>rd</sup> day of October 2023 via combination of on-site and videoconference meeting.

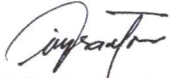
**ATTEST:**

*On Official Business*  
**MR. ERWIN D. ESPENILLA**  
HEA, OPC  
BAC Member

  
**MR. MARLON RUBEN N. FABRICANTE**  
Chief, ASD  
BAC Member, End-User


  
**ATTY. RAINIER ANTHONY M. MILANES**  
Chief, CMD  
End-User/BAC Member

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

  
**ATTY. IVY GRACE T. VILLASOTO**  
Attorney V, PDD  
BAC Vice Chairperson

  
**ATTY. MARIA THERESITA E. PATULA**  
Director IV, LEO  
BAC Chairperson

**APPROVED:**

  
**ATTY. JOHN HENRY D. NAGA**  
Privacy Commissioner  
Head of the Procuring Entity  
Date: OCT 26 2023 *gde*

EXTENSION OF LEASE CONTRACT FOR OFFICE RENTAL

KNOW ALL PERSONS BY THESE PRESENTS:

This EXTENSION OF CONTRACT is made and entered into this 31 OCT 2023 in Metro Manila, Philippines, by and between:

The NATIONAL PRIVACY COMMISSION, a government agency mandated to administer and implement the Data Privacy Act of 2012, and to monitor and ensure compliance of the country with international standards set for data protection, with office address at 5<sup>th</sup> 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");

*Handwritten signature*  
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-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, the NPC and the LESSOR, pursuant to NPC-BAC Resolution No. 074-2023, series of 2023, entered into a 2nd extension of contract for office rental on 29 September 2023 which was in force and effect until 31 October 2023. A copy of said Agreement is attached herein as "ANNEX C" 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 19 OCT 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 D" 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 November 2023 to 30 November 2023** under the same terms and conditions as the original lease. The LESSOR has agreed to such extension. A copy of

CONTRACT NO. 2023- 10 - 0016

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*Handwritten signature*

the said letter-request is attached herein as "ANNEX E" and made an integral part of this Extension Contract;

WHEREAS, on 23 OCT 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 November 2023 to 30 November 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 November 2023 to 30 November 2023**.

IN WITNESS WHEREOF, the PARTIES hereto have signed this Extension Contract this 31 day of OCT 2023 at Pasay City.

**NATIONAL PRIVACY COMMISSION**


By:

  
**ATTY. JOHN HENRY D. NAGA**  
Privacy Commissioner

  
**JOHANA CARLA T. GOMEZ**  
Accountant II

**PHILIPPINE INTERNATIONAL CONVENTION CENTER, INC.**

By:

  
**ATTY. RENATO B. PADILLA**  
General Manager

  
**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:

QUEZON CITY

Name	Government Issued ID Number	Date of Expiry
ATTY. JOHN HENRY D. NAGA	[REDACTED]	[REDACTED]
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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this \_\_\_\_\_ day of DEC 06 2023 at the City of Pasay, Metro Manila, Philippines.

QUEZON CITY

NOTARY PUBLIC

Doc. No. 179;  
Page No. 37;  
Book No. LV1;  
Series of 20 23

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ATTY. ROGERIO ESPILVAR  
NOTARY PUBLIC IN QUEZON CITY  
Commission No. Adm. Matter No. NP 158 (2023-2024)  
IBP O.R. No. 180815 2023 & IBP O.R. No. 180816 2024  
P.T.R.O.R. No. 3916009 0 01/03/2023 / Roll No. 33832 / TIN # 129-871-009-000  
MCLE No. 7 & 8 FROM APRIL 15, 2023 UNTIL APRIL 14, 2025  
Address: 31-F Harvard St. Cubao, Q.C.

*Handwritten signature*

*Handwritten signature*