



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

SUPPLEMENTAL/BID BULLETIN NO. 2018-01 (RCMS)

DATE : 14 September 2018

SUBJECT : **One (1) Lot Procurement of Automation of the National Privacy Commission Registration System and Complaints Management System**

After considering the clarifications and recommendations made during the Pre-Bid Conference dated 05 September 2018, for the abovementioned subject, the National Privacy Commission – Bids and Awards Committee (NPC-BAC) hereby issues this Supplemental/Bid Bulletin amending certain provisions in the Bidding Documents, to wit:

PARTICULARS	CLARIFICATION/ QUESTION	AMENDMENT/ ANSWER
Submission and Opening of Bids		The deadline for the submission and the opening of bids shall be moved to 21 September 2018 (Friday) at 12:00 NN and 2:00 P.M. , respectively, to give ample time to the prospective bidders for the preparation of their bidding documents.
Requirement for Submission of Letter of Intent (LOI)		The submission of LOI is no longer required for procurement activities. Prospective bidders, after purchasing the Bidding Documents, shall submit their eligibility requirements with the

		technical and financial tender on or before the deadline for submission and receipt of bids. ¹
Bid Data Sheet <i>Bid validity and security</i>		Bids will be valid until 19 January 2019 (120 calendar days from the opening of bids). The bid security shall be valid until 19 January 2019 (120 calendar days from the opening of bids).
Eligibility Requirements		
PhilGEPS Certification of Registration	<p>We would like to get clarification on your eligibility requirements.</p> <p>SRA (Australian) is a PhilGEPS Platinum Member and we intend to enter into a 40/60 joint venture with a local company, Greenlogik, which is a Red Member. We are concerned that Greenlogik might not be able to obtain its Platinum Membership prior to bid submission due to the various Certifications needed, particularly from BIR.</p> <p>During the Pre-Bid Conference, we are apprised the BAC Chair mentioned that perhaps only one Platinum Member would be required among the JV partners to be eligible. Could we get clarification on this? If otherwise, would you be amenable to other arrangements such as making it a</p>	<p>Section 23.1 (b) of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 provides that “each partner of the joint venture shall submit their respective PhilGEPS Certificates of Registration in accordance with Section 8.5.2 of this IRR. The submission of technical and financial eligibility documents by any of the joint venture partners constitutes compliance: Provided, That the partner responsible to submit the NFCC shall likewise submit the Statement of all of its ongoing contracts and Audited Financial Statements.”</p> <p>Further, the Government Procurement Policy Board (GPPB) issued Circular No. 07-2017 informing all procuring entities about the deferment of the implementation of the mandatory submission of the PhilGEPS Certificate of Registration to provide prospective bidders with additional time to register under the Platinum Membership category.</p> <p>As stated in the Circular, prospective bidders may now opt to submit their PhilGEPS Certificate of Registration or their Class “A” Eligibility Documents, or a combination thereof, during the bid submission. In case a bidder opted to submit their Class “A” Eligibility Documents, the Certificate of PhilGEPS Registration (Platinum Membership) shall</p>

¹ GPPB Resolution No. 27-2012 and Non-Policy Opinions 2015-10-09

	<p>requirement prior to issuance of the Notice to Proceed?</p>	<p>remain as a post qualification requirement to be submitted in accordance with Section 34.2 of the same revised IRR. Said Circular was published on 18 August 2017 and shall take effect 15 days after its publication.</p> <p>Thus, pursuant to Section 23.1 (b), both SRA and Greenlogik shall submit their respective PhilGEPS Certificates of Registration (Platinum Membership). However, Greenlogik may submit proof such as documents showing stamped “received” and official receipt that indeed Greenlogik submitted its application for registration of platinum certification.</p> <p>As regards to your query if NPC is amenable making the Certificate of PhilGEPS Registration (Platinum Membership) a requirement prior to issuance of the Notice to Proceed, we reply in the negative. Based on the abovementioned Circular, Greenlogik may submit its Class “A” Eligibility Documents during the bid submission, while the Certificate of PhilGEPS Registration (Platinum Membership) shall be submitted or shown subsequently during site inspection as part of the post-qualification process.</p>
<p>Section VII Terms of Reference</p>		
<p>Notification portion</p>	<p>Would it be online or via text messaging or any other platform</p>	<p>The bigger functionality we require would be online, but we also do multi-factor authentication, so text messaging is also part.</p>
	<p>Is the term “annual renewal” referring to the contract or registration of Data Protection Officers (DPOs)?</p>	<p>When we say renewal, it’s for the renewal of their registration (organizations). Currently, there are two (2) phases in our compliance registration, first is the registration of DPO and the Personal Information Controller or Processor, which may be a natural person or organization. Part of it is submitting all required supporting documents for validation. Required documents are different for</p>

		individual and for organization. Next phase would be the registration of Data Processing Systems. All forms and details are published in our website. You may refer to NPC Circular 17-01 for details.
		The access to the system would be on the web, on mobile app, thru email (for complaints), and social media (preferably). If the potential bidders want a simulation of the registration, you can email Atty. Rejyl Siang (<i>rejyl.siang@privacy.gov.ph</i>). <i>Note: Kindly identify yourself like use" biddertest" as your DPO name. So, we can track your inputs.</i>
	When you say mobile app, is it native or mobile friendly?	It would be a mobile friendly system. Which means it's not an app but a web solution that can load on a mobile phone.
	There is an existing system, and this will be decommissioned once a new system would be put in place. And so, migration of current database is part of the project scope?	Yes, and migration of current database would be part of the deliverables.
	There is an on-premise requirement and given the observation that the area of the office is accessible to non-authorized personnel and since the building structure of PICC will not ensure the protection of a data center, is there any data center to secure an on-premise requirement?	The NPC is still in the process of constructing our data center and putting up our IT infrastructure. The ideal storage would be on premise. For back-up or for business continuity, our back-up system would be on cloud.
	What is the preference of NPC, is it cloud or on premise? Should the consultant shoulder the subscription of cloud services?	Cloud is the back-up. In terms of cloud subscription, NPC shall shoulder the obligation for the database.

	On the technical side, would you accept proposal such as the use of PHP as the programming language?	PHP has lots of vulnerabilities, so it's a big no.
	Is NPC open for other front-end stacks like other javascript frameworks (angular, js, etc) and also for back-end?	The contents of the TOR are generally preferred. But we are open to suggestions.
	In terms of security, what kind of encryption do you prefer?	For encryption, minimum would be AES 256. Please refer to NPC Circular 16-01 for the encryption standards.
	For the 6 months contract, are you expecting a fully customized system that would be owned by NPC or are you open for an open-based subscription?	We're flexible, it could be a subscription, but it should cover minimum of 12-month period, or it could be something that we can own or customized.
	Do the systems need to undergo Privacy Impact Assessment, even it is not included in the TOR?	Yes, both systems must be subject or undergo Privacy Impact Assessment before production.
On the data and the existing systems	What's the current record volume of the system that needs to be migrated into?	There is an estimated 35,000 DPO records.
	In terms of byte size (MB), how big is the database of NPC?	The Registration System is the only system online. Very rough estimate is 1-2 GB.
	How many documents are stored in this database? What is the average file size of these documents?	For now, there is no document stored in the database but in the future, there is a plan to have the documents stored in the database. The average size of a document is 25MB.

	<p>Moving forward, what is the expected number of transactions per month? Are there any volume peaks?</p>	<p>The average transaction per month is at least 5,000 and yes there are peak volumes where we receive more than 7,000 in a single month. Q1 of the year will most likely become peak months moving forward as March is our current deadline for registration renewal. If the Commission determines that a different deadline for the renewal of registration is necessary, the peak months will also change.</p>
	<p>What is your projected number of end-users (DPO, PIC, PIP, Data Subjects, NPC)?</p>	<p>We are looking at the following numbers who <i>might</i> interface with the online portal.</p> <p>Private sector (SEC registered): ~700,000 organizations Private sector (DTI registered): ~550,000 organizations Public sector (LGUs, NGAs, etc): 45,000 Data Subjects – ~100 million Filipinos.</p> <p>We say “might” because not all organizations are required to register but these are maximum numbers if you need directional figures. Data subjects are not required to register but that’s the universe from which complaints may come from.</p>
<p>Offering our solution as a Software as a Service (SaaS):</p>	<p>To confirm: we can offer our proposed solution as an SaaS, is that correct? If yes:</p> <ol style="list-style-type: none"> a. We'd like to re-confirm that required duration of the subscription of the services is for 12-month, minimum; is that correct? b. Will the ABC be the same for the 12-month subscription for the 2 systems? 	<p>Yes.</p> <p>Yes.</p>

	<p>c. Does NPC have any preferred cloud provider? Is Amazon Web Services acceptable?</p> <p>d. Do we still need to provide the source codes of our system?</p> <p>e. Is the service going to be needed 24x7?</p>	<p>There is no preferred Cloud provider. Yes, AWS is acceptable.</p> <p>Not necessarily, especially for SaaS. A source code analysis, however, is preferred.</p> <p>Yes, the system needs to run 24/7.</p>
On the Bid Document	In TOR VII Functional Requirement A & B states "For email and chat, automation is preferred for faster turnaround, accuracy and efficiency." Can NPC clarify how email and chat will be used for accessing the Registration System? Will it just be a means of sending a link only?	Email and chat will be used for sending the link and other correspondence related to clarifying, validating inputs to the Registration.
	When will a closed complaint be archived?	It will be archived when the decision becomes final and executory and the time to file an appeal have lapsed.
	In the TOR VIII Documentation, do we need to submit all the stated documentations if we're offering SaaS?	<p>The following documentation are required to be submitted:</p> <p>a. Design documents: Design proposal which includes functional specifications, technical specifications, security specifications, operational specifications, environmental specifications, network topology, proposed work program and schedule supported by Gantt charts and capacity planning guide, and other such design documents determined in the Inception Report.</p> <p>b. Technical documents: Installation and Configuration manual, operations manual, user's manual, developer's documentation, API references, training materials, security management manual,</p>

		database maintenance manual, network administration manual and program source code, and other such technical documents determined in the Inception Report.
	In TOR IX Training, do we need to conduct in detail some of the topics mentioned if we're offering SaaS?	<p>A Training Plan shall be submitted which includes the course design and method of delivery, specific topics to be covered and the corresponding date and times for each topic. The plan must also indicate the recommended minimum qualifications of the participants. Training shall be provided to at least ten (10) selected personnel within thirty (30) days from the date of issuance of Certificate of User Acceptance or on the date and time as set by the National Privacy Commission for such purpose. At a minimum, the training must include:</p> <p>Discussion of the System Design and Architecture (at least 8 hours per system) Administration of the developed systems (at least 24 hours per system) Network, systems and database maintenance of the systems (at least 24 hours per system).</p> <p>Proof of completion of required training to be conducted shall be the issuance of training certificates to the participants.</p> <p>The bidder must be available for consulting following Philippine local time and business hours. References to date and time shall be based on Philippine Standard Time.</p>
	In Section 13.1 of the Bid Data Sheet, please clarify for how many years of General Information Sheet (GIS) should we submit? Will we attach them in the envelopes for Financial Documents?	Three (3) years. The GIS shall be included in the envelopes of Financial Documents.

	Through the use of the new system, how does NPC intend to validate the correctness and validity of the submitted documents?	In the future, we will be using AI, OCR or machine learning to check the submitted documents, but currently, we will verify it manually as needed.
	Does NPC do data indexing on the submitted supporting documents? Can we provide this data indexing as additional service in our proposed solution even if it's not in the scope of work, but still within the ABC? Will this be given additional merit?	Yes, you can add that solution to your proposal and this will be an additional merit.
	It was mentioned during the pre-bid conference that NPC will shoulder the cost of the cloud subscription. But it was specified in the Scope of the Services includes: A. Supply cloud infrastructure for the Registration and Complaints Management System. Please clarify.	NPC database storage is for the account of NPC.
	Is NPC open to the use of a NoSQL database management system?	NoSQL databases has a lot of benefits such as simple database design (without schema), but we are concerned about the security of this type of database. If you could provide better security and other benefits than with the RDBMS, then Yes. We are open to that idea.
	How can we access their existing registration app for "practice"/familiarization as NPC mentioned that they will allow the prospective bidders to submit test entries/documents?	You can access the registration system by following the instructions below: <ol style="list-style-type: none"> 1. Go to this link: https://register.privacy.gov.ph/ 2. Click Sign in 3. Username: conrad.delacruz@privacy.gov.ph Password: Compliance_123

Attached are the Flowcharts of Internal Processes based on the Citizen's Charter and on *Sua Sponte* of the Complaints and Investigation Division as Annexes "A" and "B" respectively, for reference.

The foregoing shall form an integral part of the One (1) Lot Procurement of Automation of the National Privacy Commission Registration System and Complaints Management System. Any provision inconsistent herewith is hereby amended and superseded accordingly.

No further written and oral clarifications will be entertained by the BAC.

For the information and guidance of all concerned.

Prepared by:

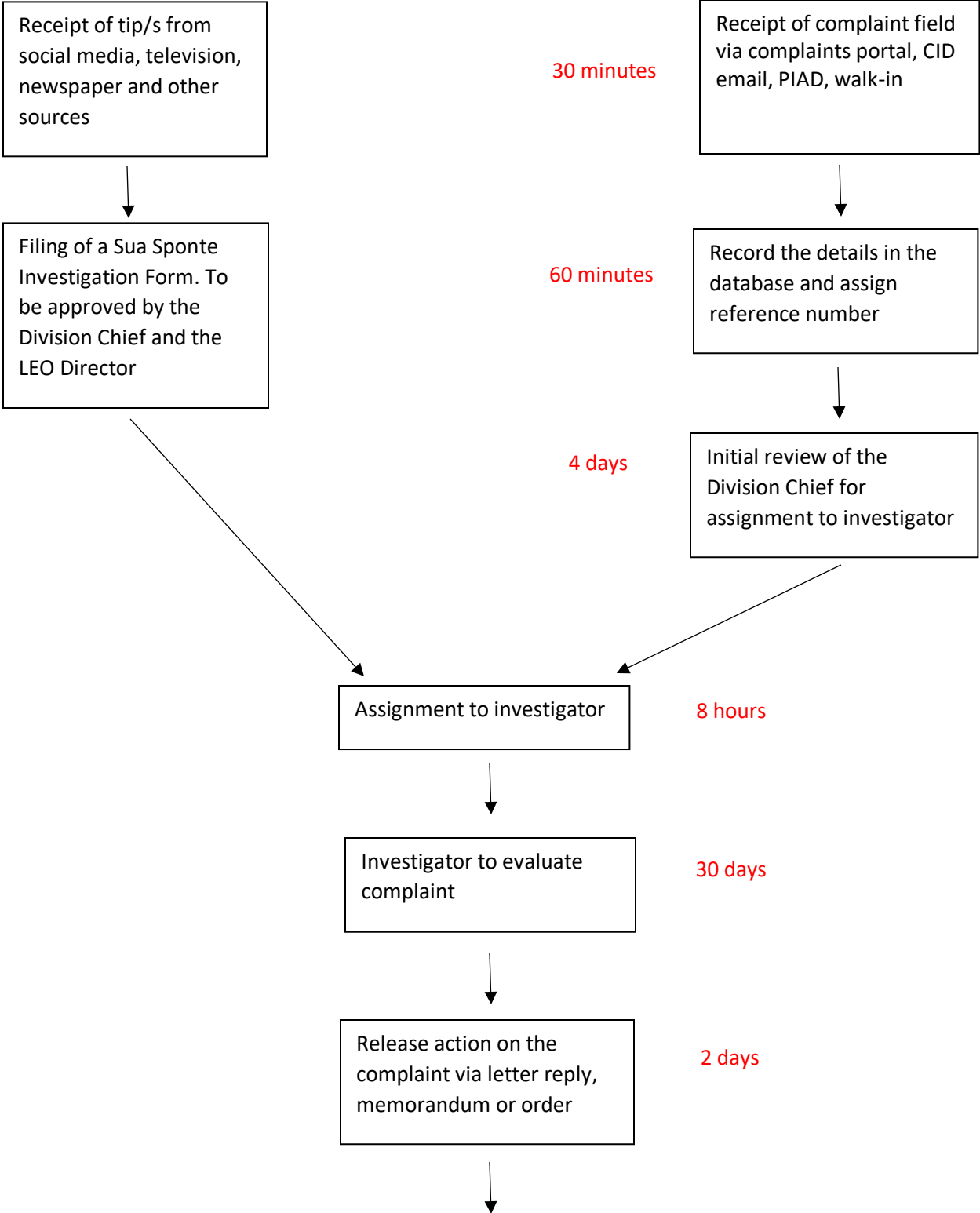
[Sgd.]
ATTY. GELLE D. BALIGOD
Secretariat Head
Bids and Awards Committee

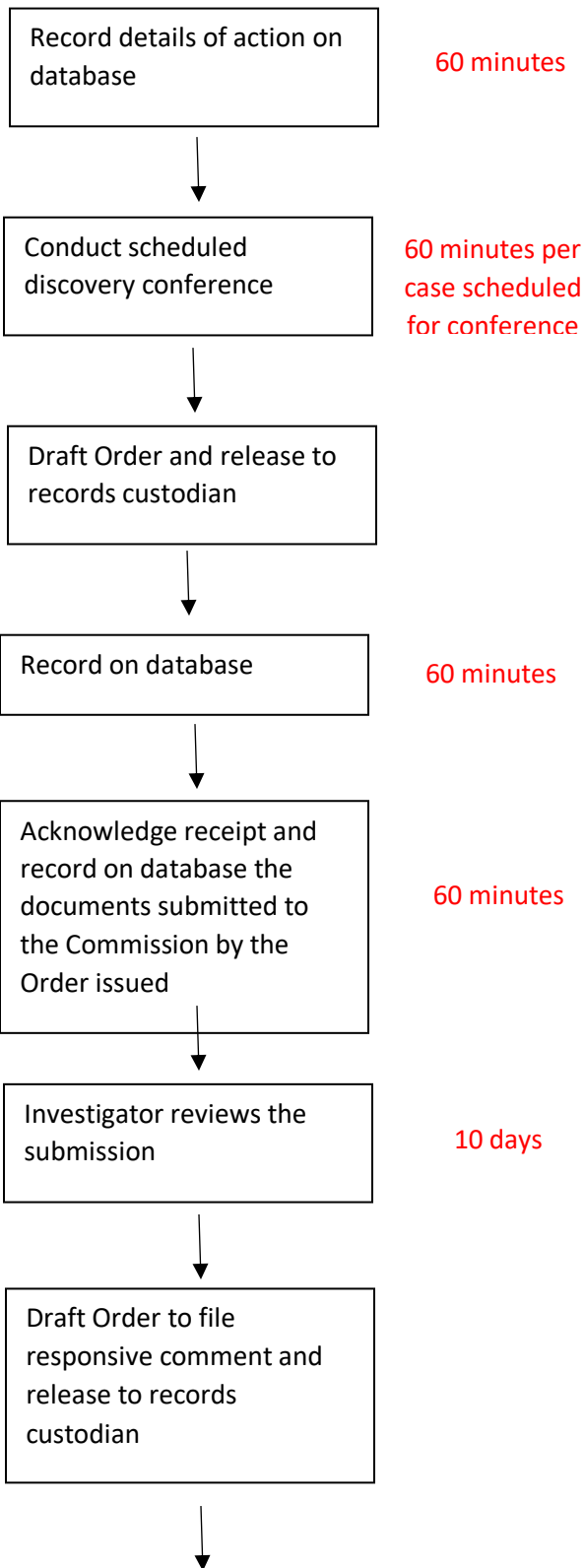
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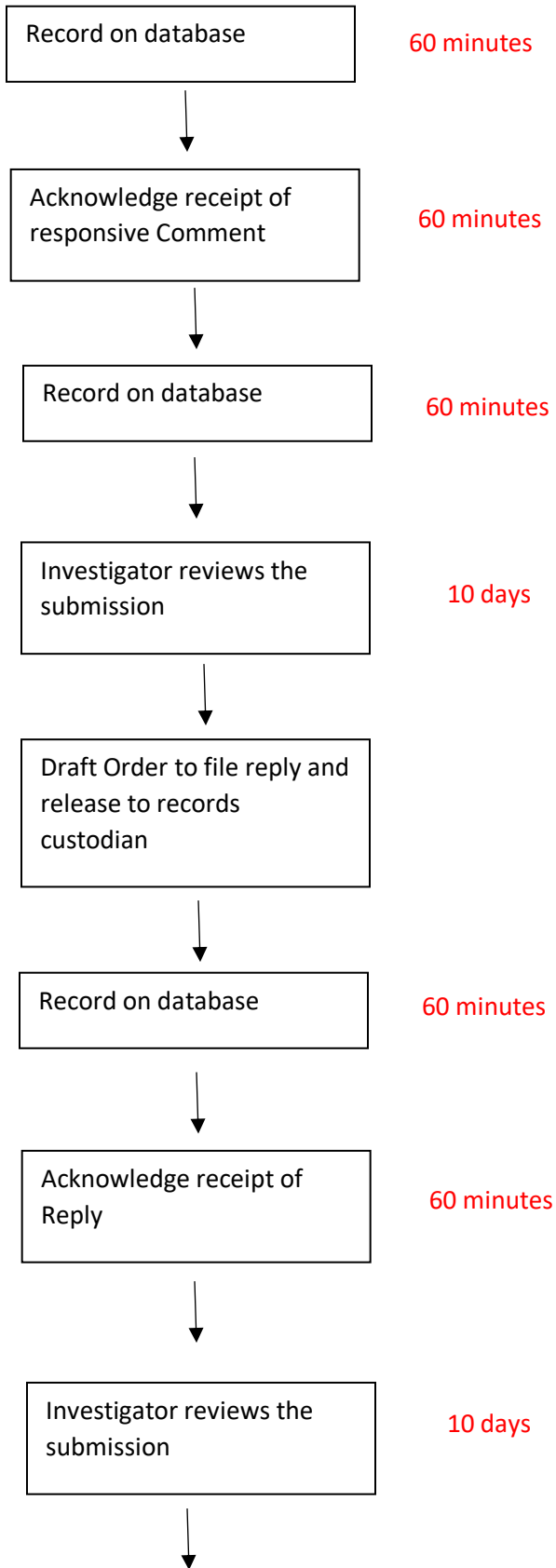
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ATTY. GILBERT V. SANTOS
Chairperson
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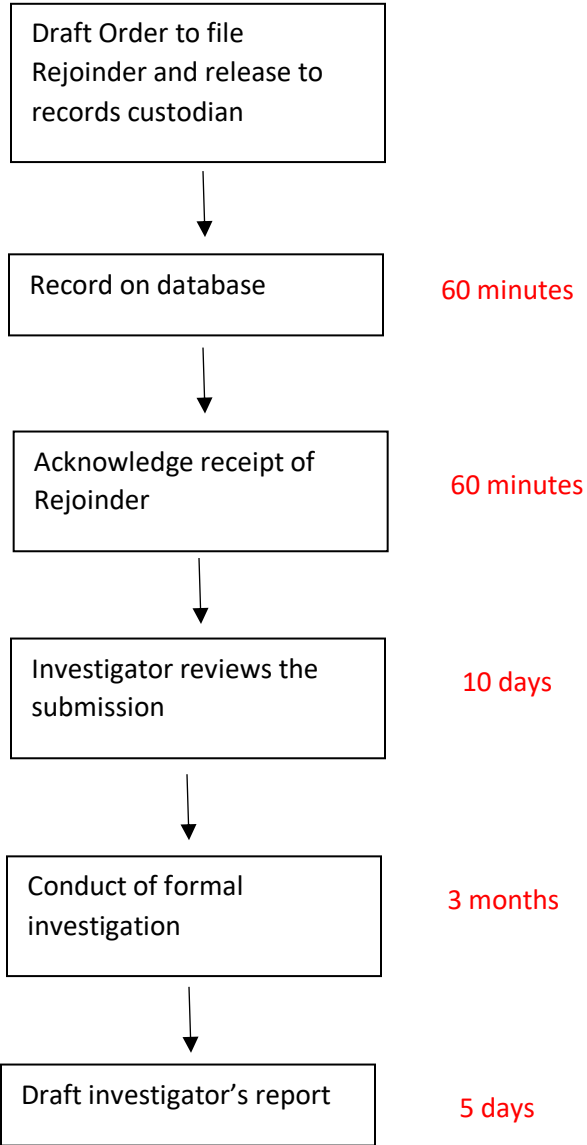
ANNEX "A"

Internal process of CID (Based on the Citizens Charter)









ANNEX "B"

INTERNAL PROCESS ON SUA SPONTE BASED ON SOP

Knowledge from News/Report/
Anonymous complaint/Inquiry/
Notification from agencies/ other
reputable sources



Division Chief shall hold a meeting for
case/report deliberation

Within 48 hours from
knowledge of the incident



Filling out of a Sua Sponte
Investigation Form for case
assignment to investigator. The form
shall be approved by the Division
Chief and the LEO Director or it may
be issued by the Commissioner
depending on the case

Twenty-four hours from
report deliberation



The assigned investigator will
evaluate the complaint

Ten days from assignment



Action based on the evaluation:

- Endorse the complaint to the appropriate government agency
- Endorse the complaint to other division within NPC
- Request to the Commission to subject the complaint for further investigation
- Dismiss the complaint outright
- Refer to the respondent for comment
- Vulnerability assessment and/or Penetration Testing

Five days after evaluation of the complaint



If, on the face of the complaint, the allegations are deemed to be sufficient in form and substance, the investigator shall issue an Order for all parties to confer for discovery

Five days from evaluation of the complaint



The agreement of the parties will be reduced into a Discovery Conference Report to signed and submitted by all parties

Within the day of the Discovery Conference



Following the receipt of the Discovery Conference Report, the investigating officer shall issue an Order directing the respondent to submit responsive Comment to the Complaint, together with any supporting documents the respondent may have, including the affidavits of any of the respondents' witnesses, if any

Five days from the termination of the Discovery Conference



If the respondent does not file a Comment, the investigating officer may consider the complaint as submitted for resolution

Immediately from failure to submit comment



The investigator, upon his or her discretion, may require the complainant to file a Reply. Such an Order may also require the respondent to file a Rejoinder

Five days from the receipt of Comment by the Division



The investigator shall investigate the circumstances surrounding the privacy violation or personal data breach



Upon the termination of the investigation, the investigating officer shall produce a fact-finding report, which shall include the results of the investigation, the evidence gathered, and any recommendations

Twenty-four days from termination of investigation