



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

REQUEST FOR QUOTATION

**PROFESSIONAL SERVICE - DATA BREACH NOTIFICATION
MANAGEMENT SYSTEM**

11 February 2021

NOTICE TO ALL PROVIDERS/SUPPLIERS:

1. The National Privacy Commission intends to procure services for PROFESSIONAL SERVICE - DATA BREACH NOTIFICATION MANAGEMENT SYSTEM to fully automate the process from the submission of breach notifications to docketing, evaluation, review, transmittal, up to report/statistics generation. The project involves not only the provision of the software development but also to the associated hardware and support service. The procurement shall be conducted through negotiated procurement (two failed biddings) in the sum of SIX MILLION FOUR HUNDRED THIRTY THOUSAND PESOS ONLY (Php6,430,000.00) being the Approved Budget for the Contract (ABC). *Attached herein is the Terms of Reference for this project for further information.*
2. **Negotiation** and discussion of the technical and financial requirements of the project to help you submit a responsive quotation or proposal shall be on **18 February 2021 via videoconference**, prospective bidders who intend to attend may contact the secretariat on the email provided below.
3. **Submission of the technical and financial proposal [one (1) original and (1) copy] shall not be later than 10:00 AM, 03 March 2021** at East Banquet Hall, 5th floor, Delegation Building Philippine International Convention Center, Pasay City. *See attached Instruction to Bidders for the technical and financial proposal submission.*
4. The consultant must also submit the required eligibility documents. The said documents must be submitted together with the Technical Proposal. *See attached List of Eligibility Documents for submission.*
5. The consultant must also submit its manifestation of compliance to the attached Technical Specification. The said manifestation must be submitted together with the Technical Proposal. *See attached Technical Specification.*



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6. Bidding is restricted to Filipino citizens/sole proprietorships, cooperatives, and partnerships or organizations with at least sixty percent (60%) interest or outstanding capital stock belonging to citizens of the Philippines.
7. The Procuring Entity shall evaluate bids using the Quality-Cost Based Evaluation procedure at a weight ratio of 80% for the Technical Proposal and 20% for the Financial Proposal. The criteria and rating system for the evaluation of bids is provided in the attached *Instruction to Bidders*.

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

bacsecretariat@privacy.gov.ph.

ATTY. KRISHNA AIRA TANA-CAGUIA
BAC Secretariat Head
National Privacy Commission
(02) 8234-2228 loc. 127



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TECHNICAL SPECIFICATION

Quantity	Unit	Description/Specifications	Approved Budget of the Contract (Php 6,430,000.00)		Compliance (Manifest your compliance by writing "COMPLY" in every item)
			Unit Price	Total	
1	job	<p><i>NOTE: Please refer to the attached Terms of Reference for the following:</i></p> <ol style="list-style-type: none"> 1. Project duration 2. Scope of services 3. Manpower requirements 4. Technical Requirements 5. Functional Requirements 6. Documentation 7. Training 8. Service Level Agreement 9. Hardware requirements 10. Warranties of the service provider 			
TOTAL					

Instruction to bidders:

- I. All prices shall be VAT inclusive.
- II. All quotations shall be written with the company's letterhead.
- III. Compliance must be stated by writing "Comply" to each requirement mentioned above.
- IV. Payment shall be based on terms indicated in the Terms of Reference.
- V. Delivery shall be made at NPC's offices at 5F Delegation Building, PICC Complex, Pasay City.

CONFORME: _____
 (Name of Supplier/Provider/Date)

BY: _____
 (Name/Position/Signature of Representative/Date)



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TERMS OF REFERENCE

I. BACKGROUND

The National Privacy Commission is the country's privacy watchdog, an independent body 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.

It is the commission's role to monitor and help ensure that personal information controllers (PICs) and processors (PIPs) in the government and private sector comply with the DPA, its IRR and NPC issuances including the requirements under NPC Circular 16-03 on Personal Data Breach Management.

As part of this role, the NPC receives and evaluates personal data breach notifications from PICs. The function was initially performed by the Complaints and Investigation Division (CID) but was later transferred to the Compliance and Monitoring Division (CMD) in September 2019. Upon assuming the function, the CMD standardized the procedure to include the following activities: receiving breach notifications, docketing, evaluation, review, transmittal to the appropriate NPC unit, and report generation.

PICs may notify us either through physical or email submission. Prior to the implementation of the Enhanced Community Quarantine due to the COVID-19 pandemic, the CMD used a LAN-based software application to process the notifications. While partly automated, the system had limitations which became more evident as the NPC adopted the work from home setup. First, the application was not usable outside the office. Second, the lack of a uniform online form often resulted in incomplete notifications that necessitated further email coordination. The submission mode also necessitated CMD staff to manually encode and generate data and insights which are regularly presented during the NPC's Compliance, Accountability, Audit & Trends Conference to help guide the agency's policies and standards development.

Hence, further automating the process through a web-based data breach notification management system would help address the aforementioned limitations and enhance efficiency.

II. PROJECT OBJECTIVE

The project is aimed at developing an efficiently working, highly secured web-based Data Breach Notification Management Systems (DBNMS) that can be accessed anywhere. The target is to fully automate the process from the submission of breach notifications to docketing, evaluation, review, transmittal, up to report/statistics generation. This would not only improve internal efficiency but would also create more convenience for stakeholders.

Through the system, we hope to see more complete notifications that would enable quicker evaluations and issuance of Orders, when necessary. Likewise, we hope to increase



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transparency through the system by enabling the public, especially the PICs and PIPs from different sectors, to see pertinent, real-time information about data breaches. By knowing the number and nature of common breaches, PICs can be more prepared and resilient against emerging threats to data privacy both in their organizations and sectors.

III. PROJECT DURATION

The final version of the system should be tested, operational and commissioned on or before 30 October 2021. Extending the project will subject the Consultant developer to penalties and surcharges (as stipulated in the Revised IRR of RA 9184) unless the fault is attributable to NPC. The Consultant is expected to strictly follow the schedule of delivery.

IV. SCOPE OF SERVICES

This project involves not only the provision of the software development but also to the associated hardware, software and support services that are necessary to achieve its objective.

1. The development of the basic components of the DBNMS involves but are not limited to the following modules and its functionalities:
 - i. PIC portal
 - o Submission Form
 - o Status tracker of the Data Breach Report
 - o Feedback loop until report is resolved/closed
 - o Secure submission and storage of documents submitted
 - ii. Admin Dashboard
 - o Email Notification of submitted Data Breach report from the Customer Dashboard
 - o Capability to provide and revoke access to users
 - o Status tracker of the breach report
 - o Submit feedback to PIC
 - o Queueing system of Data Breach report
 - o Role-based access to features
 - o Designation of assignee per case
 - o Multi-Level Approval system
 - o Internal notification system via email to other NPC offices
 - o Secure storage of documents submitted through the Customer, only the assigned reviewer, evaluator can view the submitted report and files
 - o Generate and edit reports, Commission Orders, and recommendations.
 - iii. Analytics and Rating



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- Performance analytics of reviewers, evaluators and staff based on the speed of resolution and responsiveness
 - Ability to rate evaluators and reviewers
2. The initial build-up of a new DBNMS databases and the migration of existing DBNMS databases to the new databases. In this respect, it requires the following services:
- The sizing, configuring and provisioning of the necessary systems storage space and the set-up and establishment of the required databases.
 - The actual data migration from the existing old files and databases to new databases.
3. The provision of the necessary user, administrative and technical trainings that cover DBNMS usage, database administration, and others
4. The performance of one (1) year warranty for DBNMS.
5. Inception Report

The CONSULTANT/PROVIDER or the scope of the work shall deliver an Inception Report within one (1) month from issuance of Notice to Proceed (NTP). The report shall be consisting of the following, but not limited to:

- Project approach, work plan, impact analysis, and software development methodology
- Initial assessment or review on the end-user's application system proposal/terms of reference.
- Review of the NPC's current domain model, and the supporting conceptual diagram for the NPC Software Ecosystem that support the reality of the structures, modules, behaviors and interfaces of the application systems to support the development lifecycle.
- Configured development environment that will be used for project based on the work plan subject to approval of the Inception Report.

A Certificate of Acceptance for the Inception Report shall be issued by the end user with the recommendation of the end-user and IMISU representative and approved by the Head Executive Assistant.

6. Deployment Services
- i. Cloud

The CONSULTANT/PROVIDER shall provide deployment services of the project, is ready for production after meeting the requirements for



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production deployment. These services shall include the following but not limited to:

- Preparation of the application system to deploy on a cloud environment specified by the end user.
- Application and configuration of Transport Layer Security (TLS) for data encryption that includes the deployment of certificate.
- Configuration of instance
- Configuration of Remote Desktop connections to role instances,
- Configuration of diagnostics for the cloud service
- Domain and web server deployment and configuration

Before the CONSULTANT/PROVIDER deploys the service in the cloud, the CONSULTANT/PROVIDER shall seek the approval of the end-user.

ii. On-Premises

In the event that NPC is ready for on-premises deployment, the CONSULTANT/PROVIDER, shall cause the migration of the system, at no additional cost to the NPC. Aside from migrating the system, the CONSULTANT/PROVIDER shall initiate the following acts, including, but not limited to:

- Preparation of the application system to deploy on an on-premises environment specified by the end-user.
- Domain and web server deployment and configuration
- Configuration of Virtual machines or remote desktop.
- Configuration and application of firewall
- Provide security recommendations in relation to the system and it's components

7. Quality, security, and performance testing

The CONSULTANT/PROVIDER shall ensure that the application system project(s) are tested accordingly based on the quality, security and performance based on the end user's requirements. The CONSULTANT/PROVIDER shall provide test plans and test case design and its results to the end user and IMISU. The types of testing that will be provided shall be the following, but not limited to:

i. Agile Testing

The CONSULTANT/PROVIDER shall conform to the iterative requirements agreed by the end user, the IMISU and the CONSULTANT/PROVIDER. The testing methodologies that shall be used are the following but not limited to: (a) Behavior Driven



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Development (BDD); (b) Acceptance Test Driven Development (ATDD); and (s) Exploratory Testing.

The CONSULTANT/PROVIDER shall provide the complete lifecycle procedures, test plans and test case designs for the approval of the end-user with the recommendation of the IMISU. The testing requirements for the Agile Testing shall focus on the quality, functionality and performance of the application system. Other testing methods (e.g. regression testing, automated testing, performance testing etc.) may be included or added to the testing plan based on the end-user's decisions.

ii. Security Testing

The CONSULTANT/PROVIDER shall provide detailed security testing reports about the possible threats and vulnerabilities of the application system on the network, system software, client-side application and server-side application. The security testing shall be done twice, before the deployment in production and after the deployment. The CONSULTANT/PROVIDER shall conform to the resource requirements of the Open Web Application Security Project (OWASP) Top 10. The reports shall be submitted to the end-user and IMISU.

iii. Agile development methodology

The CONSULTANT/PROVIDER shall, on a regular basis, meet with the End User to conduct the following:

- Provide status updates about the development of the system
- Conduct interviews with the End-User to determine their requirements, system flow, etc.,
- Create user stories based on information from end users
- Accept feedbacks/comments from the End-User and apply revisions on the system, if necessary.

8. Privacy Impact Assessment

The CONSULTANT/PROVIDER shall fully participate to the end user's conduct of privacy impact assessment (PIA) to the proposed application system.

9. Additional Application System Definition/Development Requirements

10. High Availability/Disaster Recovery

At all times, including force majeure, the CONSULTANT/PROVIDED shall ensure that the system will not be compromised, i.e. loss, destruction, alteration, unauthorized acquisition of data, and other analogous cases. The



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CONSULTANT/PROVIDER shall likewise ensure that in cases of force majeure, the system shall be made functional and operational through an appropriate disaster recovery / redundancy program at the most reasonable, earliest time throughout the duration of cloud hosting.

The CONSULTANT/PROVIDER shall integrate the privacy concerns, results and approved recommendations into the engineering practices for systems and software engineering lifecycle processes.

V. MANPOWER REQUIREMENTS

The proposed project team must be composed of experts and specialists as indicated in the table below. Overlapping of roles (functions) is allowed provided such functions are related.

In this respect, the persons’ names and functions must be explicitly specified. However, the Consultant has the option to add more personnel depending on his work strategy. The curriculum vitae must be signed by the person.

Position	Minimum Number of Personnel	Qualifications	Time/Work Arrangements
Key Personnel			
Project Manager	1	<ul style="list-style-type: none"> a. Minimum of five (5) years of IT experience inclusive of five (3) years of experience in support, maintenance, development and deployment of complex mission-critical applications relating to secure software development using agile methodologies b. Certification in Information Technology Infrastructure Library (ITIL) Framework or any globally accepted project management certification. c. Familiar with Agile Development d. Experience in both private and e-Government application development, project management, 	<p>Amenable for work from home setup or on-premise from Monday-Friday on a full-time basis starting from 8:00 A.M. until 5:00 A.M. Must be available during scheduled meetings. Must be on-call 365x24x7</p>



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		<p>service management based on best practices and industry standards.</p> <p>e. Highly efficient in preparing reports, technical and business communication writing and articulate in oral communication.</p> <p>f. Must be a graduate of a bachelor's degree in Information Technology, Computer Science, Business Administration, or any degree course with comprehensive IT-related training and work experience. Master's Degree is an advantage</p>	
Application Support Analyst	1	<p>a. Minimum of five (5) years of IT experience inclusive of three (3) years of experience in business and system analysis, design and deployment of complex mission-critical applications relating to secure software development.</p> <p>b. Acquired foundation in Information Technology Infrastructure Library (ITIL) or any globally accepted project management certification.</p> <p>c. Background in performing preliminary user testing for related applications and systems.</p> <p>d. Have strong experience in Agile Methodology</p> <p>e. Strong system documentation and business communication skills.</p>	<p>Amenable for work from home setup or on-premise from Monday to Friday on a full-time basis on a regular time schedule starting from 8:00 A.M. until 5:00 P.M.</p>



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		f. Must be a graduate of a bachelor’s degree in Information Technology, Computer Science, Business Administration, or any degree course with IT-related background and training.	
Application Team Lead/Senior Developer	1	<ul style="list-style-type: none"> a. Minimum of five (5) years’ experience in computer programming, maintenance, and enhancement of IT systems. b. Must be a graduate of a bachelor’s degree in Information Technology, Computer Science or any degree course with IT-related background and training. c. Must have strong experience in Agile Methodology d. Strong experience in Secure Software Development e. Strong experience with Software Development Life Cycle 	Offsite but must be available during scheduled meetings. Must be on-call 365x24x7
Database Administrator	1	<ul style="list-style-type: none"> a. Minimum of six (6) years of IT experience inclusive of three (3) years’ as Database Administrator. b. Must have certifications relating to the management and use of any enterprise-grade database technologies c. Preferably knowledgeable on RedHat Linux or any equivalent. d. Must be a graduate of a bachelor’s degree in Information Technology, Computer Science or any 	Amenable for work from home setup or on-premise from Monday to Friday on a full-time basis at least eight (8) hours a day on starting from 8:00 A.M. until 5:00 P.M. and must be on-call 365x24x7



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		degree course with IT-related background and training.	
Technical Personnel			
Quality Assurance Analyst	1	<ul style="list-style-type: none"> a. Minimum of two (2) years' experience in Quality Management Software and Processes. b. Expertise in testing multiple simple and complex IT systems c. Ability to understand and create clear, concise and detail-oriented test plans/cases from specifications or verbal communications. d. Must have strong experience in Agile Methodology e. Must be a graduate of a bachelor's degree in Information technology, Computer Science, Business Administration, or any degree course with IT-related background and training. 	Offsite but must be available during scheduled meetings. Must be on-call 365x24x7
Senior Developers	1	<ul style="list-style-type: none"> a. Minimum of four (4) years' experience in computer programming, maintenance, and enhancement of IT systems. b. Must have strong experience in Agile Methodology c. Must be a graduate of a bachelor's degree in Information Technology, Computer Science or any degree course with IT-related background and training. 	Offsite but must be available during scheduled meetings. Must be on-call 365x24x7



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		<ul style="list-style-type: none"> d. Proficiency with software collaboration tools (git, Jira, etc.,) e. Strong experience in Secure Software Development f. Each individual must have the corresponding technical trainings as a requirement. 	
Junior Developers	2	<ul style="list-style-type: none"> a. Minimum of two (2) years' experience in computer programming, maintenance, and enhancement of IT systems. b. Must have strong experience in Agile Methodology c. Must be a graduate of a bachelor's degree in Information Technology, Computer Science or any degree course with IT-related background and training. d. Must have experience in Secure Software Development e. Proficiency with software collaboration tools (git, Jira, etc.,) f. Each individual must have the corresponding technical trainings as a requirement. 	Offsite but must be available during scheduled meetings. Must be on-call 365x24x7
Systems Administrator/ Hardware Engineer	1	<ul style="list-style-type: none"> a. Minimum of three (3) years experience in the configuration, administration, maintenance, setup, and use of Data Center equipment which includes but not limited to: Cisco Catalyst, Nutanix products 	



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		<ul style="list-style-type: none"> b. Minimum of three (3) years' experience in the configuration, administration, maintenance, setup, and use of Cloud based technology c. Must be a graduate of a bachelor's degree in Information Technology, Computer Science or any degree course with IT-related background and training. d. Knowledgeable in the security configuration of on-premise and cloud-based technologies e. Must have certifications/trainings related to the field 	
Document Specialist	1	<ul style="list-style-type: none"> a. Minimum of two (2) years' experience in technical documentation of procedures and practices. b. Must be a graduate of a bachelor's degree in Information Technology, Computer Sciences, Business Administration, or any degree course with IT-related background and training. 	

VI. TECHNICAL REQUIREMENTS

1. Use only Enterprise grade DBMS;
2. Web based platform using secure technologies;
3. Must be open and flexible to be able to integrate with other CMD systems;
4. Should be able to be integrate with other NPC systems;
5. Must be compatible and able to utilize existing NPC ICT resources;
6. Should be able to apply privacy-by-design and privacy engineering into its development



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VII. FUNCTIONAL REQUIREMENTS

The functional requirements are identified but not limited to as follows:

1. PIC Module
 - a. System provides an online access facility for the user to:
 - i. Submit Data Breach Notifications following the requirements in NPC Circular 16-03
 - b. System provides the user with the facility to securely upload their documents with the format specified by NPC and ensure that such documents are properly tagged.
 - c. The user profile function should provide:
 - i. The updated information of the user
 - ii. Dashboard
 - iii. Notifications
 - iv. Inquiry
2. Notifications
 - a. System provides the facility to send notifications to involved stakeholders
3. NPC Dashboards (i.e. Reports and Monitoring/ Tracking)
 - a. DBN Statistics (PIC/PIP, DPO, Sector, Status)
 - b. Dashboards should have the ability to pull reporting from future systems such as Registration Systems, Compliance Check Systems.
 - c. Search Functionality
 - d. History Tracking
 - e. Report Generation
4. Ticketing Module
 - a. This will be used for tracking and monitoring of DBNs in the form of tickets
 - b. Automated notification of new DBNs as well as updates to old DBNs
 - c. Secure accessed by NPC stakeholders (CMD DBN Team, OPC, LEO)
 - d. Search functionality
 - e. Audit Tracking
5. System provides for a log of all transactions for audit and administration purposes.
6. System must have the ability to use or seamlessly integrate multi-factor authentication with ease.
7. DBN Admin Dashboard
 - a. User Management System



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- User Activity logs (NPC and PIC)
- b. System Logs
 - Activities produce by the system for statistics and measure effectiveness of the NPC personnel and measure/monitor if there will be errors on the submitted reports
- c. Reports Administration Management – enables to manage and view the reports or work item and its timeline. This will help measure the productivity of the process and personnel.
- d. Have a facility for administrative override
- e. Other functions as deemed necessary

Aside from the above-mentioned functionality, the DBNMS system should have the following features:

1. Must be easily integrated with future CMD systems (Registration and Compliance Check System);
2. Web based using the most secure web and database technologies;
3. Developed using privacy engineering methodologies, Privacy By Design and Privacy By Default principles as well as other industry standard development requirements such as OWASP TOP 10, NIST, etc.

The above-mentioned functionalities are the bare minimum requirements for the system and may be changed subject to the determination of the CONSULTANT/PROVIDER and the End-Users during the development stage.

VIII. DOCUMENTATION

The following documentation are required to be submitted:

- a. System Design documents: Design proposal which includes functional specifications, technical specifications, database schema, 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.
- b. Technical documents: Installation and Configuration manual, operations manual, user's manual, developer's documentation, API references, training materials, security management manual, database maintenance manual, network administration manual and program source code, and other such technical documents determined in the Inception Report.

All other documents as may be necessary.



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IX. TRAINING

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:

- i. Discussion of the System Design and Architecture (at least 8 hours per system)
- ii. Administration of the developed systems (at least 24 hours per system),
- iii. Network, systems and database maintenance of the systems (at least 24 hours per system).

Proof of completion of required training to be conducted shall be the issuance of training certificates to the participants.

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.

X. SERVICE LEVEL AGREEMENT

Technical support must be provided either on-site, via telephone or email to resolve technical and other related problems based on a Service Level Agreement (SLA) with provisions for liquidated damages for non-compliance. Resolution must be delivered based on the following levels of severity:

- a. Severity 1 Critical: Major system or component failure with critical impact on business process. Service has stopped. The problem must be resolved through immediate onsite support (within 4 hours).
- b. Severity 2 High: Minor system or component failure with high impact on business process. The service is running but performance has degraded. The problem must be resolved immediately (within 1 working day).
- c. Severity 3 Moderate: Operational use exhibits signs of non-compliance with agreed functionality. The service is running but certain functions do not work as indicated. The problem must be resolved at the soonest time possible (within 5 working days).
- d. Severity 4 Low: Service is running. Efficiencies would be achieved through desired improvements in the system components. Feature must be available in the next update.

The National Privacy Commission shall have the right to blacklist the service provider, execute redress and demand damages after three (3) instances of non-compliance at any given time during the contract period, of the above-mentioned SLA.



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One-tenth of one percent of the total contract cost shall be imposed for every hour or a fraction thereof of service unavailability in excess of the required hours to resolve.

The service provider shall appoint a person possessing the necessary knowledge and technical expertise to serve as the single point of contact and shall be available at the time and manner indicated in the previous section to respond to queries or requests for technical support. The service provider shall also create an escalation procedure to be followed in scenarios where issues are not resolved within SLA.

XI. HARDWARE REQUIREMENTS / SPECIFICATIONS

The following are the requirements with regard the specification of the hardware (on premise or on cloud):

- a. The bidder shall provide all the hardware specifications and software components needed to operate the designed infrastructure for the developed systems. The developed systems will utilize a virtualized computing environment with an online facility to monitor and provision virtual machines.

The bidder shall submit in paper or digital format a detailed network diagram depicting the applications, network configuration and connectivity of the server components. A detailed hardware deployment plan indicating the specifications and physical connectivity of the hardware as part of the delivery schedule must also be provided (if necessary).

XII. MODE OF PROCUREMENT

The mode of procurement shall be Competitive bidding.

XIII. NATURE OF PROCUREMENT

The procurement shall follow the "Consulting services" guidelines.

**XIV. SOURCE OF FUNDS AND APPROVED BUDGET FOR THE CONTRACT
(ABC)**

Source of Fund: Maintenance and other operating expenses, NPC 2020 Annual Procurement Plan, Amended NPC ISSP 2018-2020

Approved Budget for the Contract: Six Million Four Hundred Thirty Thousand Pesos Only (Php 6,430,000.00).

XV. TERMS OF PAYMENT

Payment shall be made upon Issuance of the Inspection and Acceptance Certificate by the Inspection and Acceptance Committee upon recommendation by the end-user, but consistent with the following:



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% of Contract Cost	Deliverable and Indicative Delivery Date*
10%	Upon submission of the approved Inception Report within 30 days from the Notice to Proceed
30%	Upon reaching 35% of the project (Functional database and working modules of the system with minimal to major bugs/errors), the CONSULTANT/PROVIDER will conduct a quality, and performance testing no later than 31 May 2021
30%	Upon reaching 70% of the project (Functional dashboard that can be used to generate reports with minimal bugs/errors), the CONSULTANT/PROVIDER will conduct a quality, and performance testing no later than 31 July 2021
30%	Upon reaching 100% of the project (final version is tested, operational and commissioned, hosted in cloud), the CONSULTANT/PROVIDER will conduct a quality, security, and performance testing no later than 30 October 2021
100%	TOTAL

* Indicative delivery dates may be adjusted after receipt of written request from NPC. The contract shall be completed on or before 30 October 2021.

XVI. CRITERIA FOR EVALUATION

The Procuring Entity shall evaluate bids using the Quality-Cost Based Evaluation (QCBE) procedure.

Criteria for Bid Evaluation	Max Points (100 points)
QUALITY OF PERSONNEL (Total Max Score is 50%)	
Suitability of key staff	15%
General qualifications and competence	30%
Education and training of key staff	5%



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EXPERIENCE AND CAPABILITY OF THE CONSULTANT	
(Total Max Score is 30%)	
Records of previous engagement and quality performance	6%
Relationship with previous and current clients	6%
Overall work commitments	6%
Geographical distribution of projects	6%
Attention to be given by the consultant	6%
PLAN OF APPROACH AND METHODOLOGY	
(Total Max Score is 20%)	
Clarity, feasibility, innovativeness and comprehensiveness of the plan approach	10%
Quality of interpretation of project problems, risks and suggested solutions	10%

* Note: Passing rate shall be set to **75%**, consultant who does not meet the passing rate will be disqualified to the next phase of evaluation

XVII. OWNERSHIP OF DATA

All data, source code, resources pertaining to the system shall be owned exclusively by the NPC.

XVIII. RETENTION, DELETION AND DISPOSAL OF DATA

Personal data must be retained only for as long as necessary for the fulfillment of the purposes for which data was obtained. For this purpose, the personal data processed by the CONSULTANT/PROVIDER shall be disposed of after the fulfillment of its contract.

Upon the fulfillment of the contract, any personal data processed by the CONSULTANT/PROVIDER must be deleted and disposed of in accordance with the provisions of the Data Privacy Act, its Implementing Rules and Regulations, and other issuances of the NPC. The deletion and disposal of data shall be under the supervision of the NPC. After the deletion and disposal of the data, the CONSULTANT/PROVIDER must issue a certification that the data were indeed deleted and disposed of properly.



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XIX. WARRANTIES OF THE SERVICE PROVIDER

The service provider warrants that it shall conform strictly with the terms and conditions of this Terms of Reference. The warranty period shall commence upon issuance of the Certificate of User Acceptance with the applicable period, which shall be for twelve (12) months to cover software upgrades, security patches and technical support. The service provider warrants that its personnel shall take all necessary precautions for the safety of persons and properties at or near their area of work and shall comply with all the standard and established safety regulations, rules and practices. The service provider shall coordinate with the authorized and/or designated National Privacy Commission personnel in the performance of their jobs. The service provider shall be liable for loss, damage or injury due directly or indirectly through the fault or negligence of its personnel. It shall assume full responsibility thereof and the National Privacy Commission shall be specifically released from all liabilities arising therefrom.

XX. CONFIDENTIALITY OF DATA

The service provider shall document detailed procedures and techniques in identifying systems security risks and breaches and how such shall be handled. All project staff of the service provider shall be required to sign a non-disclosure agreement immediately at the start of the project and before commencing work on the Inception Report. All systems to which the project staff of the service provider shall be granted access to, its components, parts, specifications, data, ideas, technology, and technical and non-technical materials (collectively referred to here as "Proprietary Information") are confidential and proprietary to National Privacy Commission. The service provider agrees to hold the Proprietary Information in strict confidence and further agrees not to reproduce, transcribe, or disclose the Proprietary Information to third parties without the prior written approval of the National Privacy Commission.



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NATIONAL PRIVACY COMMISSION

List of Eligibility Documents

Class “A” Documents

A. Legal Documents

1. Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages)

OR

1. Registration certificate from Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives or its equivalent document; AND
2. Mayor’s or Business permit issued by the city or municipality where the principal place of business of the prospective bidder is located, or the equivalent document for Exclusive Economic Zones or Areas; AND
3. Tax clearance per E.O. No. 398, s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR);

B. Technical Documents

1. 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. Contracts shall include all such contracts within *three (3) years* prior to the deadline for the submission and receipt of eligibility documents. The statement must include, for each contract, the following:
 - a. Name and location of the contract/project;
 - b. Date of award of the contract;
 - c. Type and brief description of the consulting service;
 - d. Consultant’s role (whether main consultant, subconsultant, or JV partner)
 - e. Amount of contract;
 - f. Contract duration;
 - g. Copies of certificates of satisfactory completion issued by clients for completed contracts.
2. Statement of the consultant specifying its nationality and confirming that those who will actually perform the services are registered professionals authorized



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by the appropriate regulatory body (e.g., Professional Regulatory Commission or PRC for engineers, and Supreme Court for lawyers) to practice those profession, including their respective curriculum vitae.

C. Financial Document

1. The Supplier's audited financial statements, showing, among others, the Supplier's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission, if Philgeps Certificate of Platinum Membership is not submitted;

Class "B" Documents

1. If applicable, valid joint venture agreement (JVA), in case a joint venture is already in existence. In the absence of a JVA, 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, shall be included in the bid. Failure to enter into a joint venture in the event of a contract award shall be ground for the forfeiture of the bid security. Each partner of the joint venture shall submit the PhilGEPS Certificate of Registration in accordance with Section 8.5.2. The submission of technical and financial documents by any of the joint venture partners constitutes compliance.

Instruction to Bidders

Technical and Financial Proposal Submission

- 1.1. While preparing the Technical Proposal, Consultants must give particular attention to the following:
 - (a) The Technical Proposal shall not include any financial information. Any Technical Proposal containing financial information shall be declared non-responsive.
 - (b) For projects on a staff-time basis, the estimated number of professional staff-months specified in the **Terms of Reference** shall be complied with. Bids shall, however, be based on the number of professional staff-months estimated by the Consultant.
 - (c) Proposed professional staff must, at a minimum, have the experience indicated in the **Terms of Reference**, preferably working under conditions similar to those prevailing in the Republic of the Philippines.
 - (d) No alternative professional staff shall be proposed, and only one Curriculum Vitae (CV) may be submitted for each position.

- 1.2. The Technical Proposal shall contain the following information/documents:
 - (a) Technical Proposal Submission Form shall be the cover letter of the Technical Proposal, using the form prescribed below [Bidding Forms (TPF 1)].
 - (b) Bid security. If the bidder opts to submit the bid security in the form of:
 - (i) a bank draft/guarantee or an irrevocable Letter of Credit issued by a foreign bank, it shall be accompanied by a confirmation from a Universal or Commercial Bank; or
 - (ii) a surety bond accompanied by a certification coming from the Insurance Commission that the surety or insurance company is authorized to issue such instrument.
 - (c) Information indicated in the paragraphs below must be provided by the Consultant and each partner and/or subconsultant, if any, following the formats described in the Technical Proposal Forms:

- (i) A brief description of the organization and outline of recent experience of the Consultant and each partner and/or subconsultant on projects of a similar and related nature as required in form TPF 2. Consultant's References. For each project, the outline should indicate *inter alia*, the project, contract amount and the Consultant's involvement. Information should be provided only for those projects for which the Consultant was legally contracted by itself or as one of the major participating consultants within an association. Whenever applicable, the experience of individual experts from projects completed independently or when associated with consultants other than the one with whom the individual is currently associated with cannot be claimed as the experience of the current consultant or any one of its partners and/or subconsultants, but can be claimed by the individuals themselves in their CVs. Consultants should be prepared to substantiate the claimed experience if so requested by the Procuring Entity.
- (ii) Comments, if any, on the TOR (TPF 3. Comments and Suggestions of Consultant on the Terms of Reference and on Data, Services, and Facilities to be Provided by the Procuring Entity) to improve performance in carrying out the Project. Innovativeness shall be appreciated, including workable suggestions that could improve the quality/effectiveness of the Project. In this regard, unless the Consultant clearly states otherwise, it shall be assumed by the Procuring Entity that work required to implement any such improvements, are included in the inputs shown on the Consultant's Staffing Schedule. It shall include a list of facilities requested by the Consultant to be provided by the Procuring Entity, if any, in addition to those shown on the Data Sheet that may include support facilities such as: counterpart staff, office space, local transportation, equipment, domestic administrative support, etc. that would be needed to carry out the project.
- (iii) A concise, complete, and logical description of how the Consultant's team shall carry out the services to meet all requirements of the TOR using TPF 4. Description of the Methodology and Work Plan for Performing the Project.
- (iv) An organization chart of the key and support staff indicating their tasks and relationships amongst the

Consultant and any partner and/or subconsultant, the Procuring Entity, the Funding Source and the GoP, and other parties or stakeholders, if any, involved in the project using TPF 5. Team Composition and Task.

- (v) The name, age, nationality, background employment record, and professional experience of each nominated expert including ongoing projects, with particular reference to the type of experience required for the tasks assigned should be presented in the CV format shown in TPF 6. Format of Curriculum Vitae (CV) for Proposed Professional Staff. Only one duly notarized CV for each consultant involved in the Project may be submitted for each position.
- (vi) The Procuring Entity requires that each expert confirm that the content of his/her CV is correct and the experts themselves should sign the certification of the CV. In addition, the expert should submit a signed written commitment stating that the expert shall work for the Project once awarded the contract. A zero rating shall be given to a nominated expert if the expert:
 - (vi.1) is proposed for a domestic position but is not a Filipino citizen;
 - (vi.2) failed to state nationality on the CV; or
 - (vi.3) the CV is not signed in accordance with paragraph (v) above.
- (vii) A Time Schedule (TPF 7. Time Schedule for Professional Personnel) indicating clearly the estimated duration in terms of person-months (shown separately for work in the field and in the home office) and the proposed timing of each input for each nominated expert, including domestic experts, if required, using the format shown. The schedule shall also indicate when experts are working in the project office and when they are working at locations away from the project office.
- (viii) A work plan showing in graphical format (bar chart) the timing of major activities, anticipated coordination meetings, and deliverables such as reports required under the TOR using TPF 8. Activity (Work) Schedule.

- (d) Sworn statement in accordance with Section 25.3 of the IRR of RA 9184 and using the form prescribed in **Error! Reference source not found..**

2. Documents Comprising the Bid: Financial Proposal

- 2.1. All information provided in a Consultant's Financial Proposal shall be treated as confidential. The Financial Proposal must be submitted in hard copy using the format shown in Financial Proposal Forms.
- 2.2. The Financial Proposal requires completion of six (6) forms, particularly, FPF 1, FPF 2, FPF 3, FPF 4, FPF 5, and FPF 6. FPF 1. Financial Proposal Submission Form should form the covering letter of the Financial Proposal. Form FPF 2. Summary of Costs FPF 3. Breakdown of Price per Activity, FPF 4. Breakdown of Remuneration per Activity, FPF 5. Reimbursables per Activity, and FPF 6. Miscellaneous Expenses, relate to the costs of consulting services under two distinct categories, namely: (a) Remuneration; and (b) Reimbursable Expenditures.
- 2.3. Remuneration is divided into billing rate estimates for international and domestic consultants. Reimbursable Expenditures are divided into per diem rates for international and domestic consultants and costs for other reimbursable expenditure items required to perform the consulting services.
- 2.4. The list of experts, and their respective inputs, identified in Financial Proposal Forms, must match the list of experts and their respective inputs shown in Technical Proposal Forms.
- 2.5. The Consultant shall be subject to Philippine taxes on amounts payable by the Procuring Entity under the contract through mandated withholding by local tax authorities of specified percentages of such amounts or otherwise.
- 2.6. The Financial Proposal should clearly estimate, as a separate amount, the local taxes (including social security), duties, fees, levies, and other charges imposed under the applicable law, on the Consultants, the subconsultants, and its personnel (other than Philippine Nationals or permanent residents of the Philippines).
- 2.7. Total calculated bid prices, as evaluated and corrected for minor arithmetical corrections, such as computational errors, which exceed the approved budget for the contract (ABC) shall not be considered.

3. Bid Validity

- 3.1. Bids shall remain valid for one hundred twenty (120) calendar days from the date of the opening of bids.
- 3.2. In exceptional circumstances, prior to the expiration of the bid validity period, the Procuring Entity may request Consultants to extend the period of validity of their bids. The request and the responses shall be made in writing. The bid security should also be extended corresponding to the extension of the bid validity period at the least. A Consultant may refuse the request without forfeiting its bid security, but his bid shall no longer be considered for further evaluation and award. A Consultant granting the request shall not be required or permitted to modify its bid.

4. Bid Security

- 4.1. The Consultant shall submit a Bid Securing Declaration or any form of Bid Security which shall be not less than the percentage of the ABC in accordance with the following schedule:

Form of Bid Security	Amount of Bid Security (Not less than the Percentage of the ABC)
a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank. <i>For biddings conducted by LGUs, the cashier's/manager's check may be issued by other banks certified by the BSP as authorized to issue such financial instrument.</i>	Two percent (2%)
b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank. <i>For biddings conducted by LGUs, the Bank Draft/Guarantee, or irrevocable letter of credit may be issued by other</i>	

<i>banks certified by the BSP as authorized to issue such financial instrument.</i>	
c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.	Five percent (5%)

The Bid Securing Declaration mentioned above is an undertaking which states, among others, that the bidder shall enter into contract with the Procuring Entity and furnish the performance security required, within ten (10) calendar days from receipt of the Notice of Award, and commits to pay the corresponding amount as fine, and be suspended for a period of time from being qualified to participate in any government procurement activity in the event it violates any of the conditions stated therein as provided in the guidelines issued by the GPPB.

- 4.2. The bid security should be valid for one hundred twenty (120) calendar days from the date of the opening of bids.
- 4.3. No bid securities shall be returned to the Consultants after the opening of bids and before contract signing, except to those that failed or declared as post-disqualified, upon submission of a written waiver of their right to file a request for reconsideration and/or protest or lapse of the reglementary period without having filed a request for reconsideration or protest. Without prejudice on its forfeiture, bid securities shall be returned only after the bidder with the Highest Rated Responsive Bid (HRRB) has signed the contract and furnished the performance security, but in no case later than the expiration of the bid security validity period.
- 4.4. Upon signing and execution of the contract and the posting of the performance security, the Consultant's bid security will be discharged, but in no case later than the bid security validity period.
- 4.5. The bid security may be forfeited:
 - (a) if a Consultant:
 - (i) withdraws its bid during the period of bid validity.

- (ii) does not accept the correction of errors.
 - (iii) has a finding against the veracity of the required documents submitted.
 - (iv) submission of eligibility requirements containing false information or falsified documents;
 - (v) any submission of bids that contain false information or falsified documents, or the concealment of such information in the bids in order to influence the outcome of eligibility screening or any other stage of the public bidding;
 - (vi) allowing the use of one's name, or using the name of another for purposes of public bidding;
 - (vii) withdrawal of a bid, or refusal to accept an award, or enter into contract with the Government without justifiable cause, after the Bidder had been adjudged as having submitted the LCRB;
 - (viii) refusal or failure to post the required performance security within the prescribed time;
 - (ix) refusal to clarify or validate in writing its bid during post-qualification within a period of seven (7) calendar days from receipt of the request for clarification;
 - (x) any documented attempt by a Bidder to unduly influence the outcome of the bidding in his favor;
 - (xi) failure of the potential joint venture partners to enter into the joint venture after the bid is declared successful; or
 - (xii) all other acts that tend to defeat the purpose of the competitive bidding, such as habitually withdrawing from bidding, submitting late Bids or patently insufficient bid, for at least three (3) times within a year, except for valid reasons.
- (b) if the successful Consultant:
- (i) fails to sign the contract.
 - (ii) fails to furnish performance security.

5. Format and Signing of Bids

- 5.1. Consultants shall submit their bids through their duly authorized representative using the appropriate forms provided below on or before the deadline for submission on March 03, 2021 in two (2) separate sealed bid envelopes, and which shall be submitted simultaneously. The first shall contain the technical proposal and the second shall contain the financial proposal.
- 5.2. Forms must be completed without any alterations to their format, and no substitute form shall be accepted. All blank spaces shall be filled in with the information requested.
- 5.3. The Consultant shall prepare *one (1) original* of the first and second envelopes. In addition, the Consultant shall submit *one (1) copy* of the first and second envelopes. In the event of any discrepancy between the original and the copies, the original shall prevail.
- 5.4. *Each and every page of the Technical Proposal Submission Form and the Financial Proposal Submission Form shall be signed* by the duly authorized representative/s of the Consultant. Failure to do so shall be a ground for the rejection of the bid.
- 5.5. Any interlineations, erasures, or overwriting shall be valid only if they are signed or initialed by the duly authorized representative/s of the Consultant.

6. Sealing and Marking of Bids

- 6.1. Consultants shall enclose their original technical proposal in one sealed envelope marked "ORIGINAL - TECHNICAL PROPOSAL", and the original of their financial proposal in another sealed envelope marked "ORIGINAL - FINANCIAL PROPOSAL", sealing them all in an outer envelope marked "ORIGINAL BID".
- 6.2. Each copy of the first and second envelopes shall be similarly sealed duly marking the inner envelopes as "COPY NO. ___ - TECHNICAL PROPOSAL" and "COPY NO. ___ - FINANCIAL PROPOSAL" and the outer envelope as "COPY NO. ___", respectively. These envelopes containing the original and the copies shall then be enclosed in one single envelope.
- 6.3. The original and the copy of the bid shall be typed or written in ink and shall be signed by the bidder or its duly authorized representative/s.
- 6.4. All envelopes shall:
 - (a) contain the name of the contract to be bid in capital letters;

- (b) bear the name and address of the Consultant in capital letters;
- (c) be addressed to the Procuring Entity's BAC:

***BAC Secretariat
NATIONAL PRIVACY COMMISSION
East Banquet Hall, 5th floor, Delegation Building
Philippine International Convention Center, Pasay City.***

- (a) bear the specific identification of this bidding process:
*PROFESSIONAL SERVICE - DATA BREACH NOTIFICATION
MANAGEMENT SYSTEM*
 - (b) bear a warning "DO NOT OPEN BEFORE..." the date and time for the opening of bids: *02:00 pm March 03, 2021*
- 1.2. Bid envelopes that are not properly sealed and marked, as required in the bidding documents, shall not be rejected, but the bidder or its duly authorized representative shall acknowledge such condition of the Bid as submitted. The BAC or the Procuring Entity shall assume no responsibility for the misplacement of the contents of the improperly sealed or marked Bid, or for its premature opening.

24 Evaluation of the Eligibility Documents, Technical and Financial Proposals

- 24.1 Prospective bidders shall prepare one (1) original and one (1) copy of the eligibility documents submitted together with the Technical Proposal envelope. In the event of any discrepancy between the original and the copies, the original shall prevail.
- 24.2 The eligibility of each prospective bidder shall be determined by examining each bidder's eligibility requirements or statements against a checklist of requirements, using non-discretionary "pass/fail" criterion. If a prospective bidder submits the specific eligibility document required, he shall be rated "passed" for that particular requirement. In this regard, failure to submit a requirement, or an incomplete or patently insufficient submission, shall be considered "failed" for the particular eligibility requirement concerned. If a prospective bidder is rated "passed" for all the eligibility requirements, he shall be considered eligible to participate in the bidding, and the BAC shall mark the set of eligibility documents of the prospective bidder concerned as "eligible." If a prospective bidder is rated "failed" in any of the eligibility requirements, he shall be considered ineligible to participate in the bidding, and the BAC shall mark the set of eligibility documents of the prospective bidder concerned as "ineligible." In either case, the BAC chairperson or his duly designated authority shall countersign the markings.

24.3 The BAC will then proceed with the evaluation of the Technical Proposal of the eligible bidders on the basis of their compliance with the following criteria:

NOTE: The minimum St required to pass is 75%.

Criteria for Bid Evaluation	Max Points (100%)
QUALITY OF PERSONNEL (Total Max Score is 50%)	
Suitability of key staff	15%
General qualifications and competence	30%
Education and training of key staff	5%
EXPERIENCE AND CAPABILITY OF THE CONSULTANT (Total Max Score is 30%)	
Records of previous engagement and quality performance	6%
Relationship with previous and current clients	6%
Overall work commitments	6%
Geographical distribution of projects	6%
Attention to be given by the consultant	6%
PLAN OF APPROACH AND METHODOLOGY (Total Max Score is 20%)	
Clarity, feasibility, innovativeness and comprehensiveness of the plan approach	10%

Quality of interpretation of project problems, risks and suggested solutions	10%
--	-----

24.4 The following processes for the opening and evaluation of bids shall be adopted:

- a) The technical proposal together with the financial proposal shall be considered in the ranking of consultants. The technical proposals shall be evaluated first using the criteria above. The financial proposals of the consultants who meet the minimum technical score shall then be opened.
- b) The financial and technical proposals shall be given 20% and 80% weights respectively. The BAC shall rank the consultants in descending order based on the combined numerical ratings of their technical and financial proposals and identify the Highest Rated Bid.
- c) The BAC shall determine whether the Financial Proposals are complete, *i.e.*, whether all the documents mentioned above are present and all items of the corresponding Technical Proposals that are required to be priced are so priced. If not, the Procuring Entity shall reject the proposal.
- d) The BAC shall correct any computational errors, and convert prices in various currencies to the Philippine Peso. The Financial Proposal shall not exceed the ABC and shall be deemed to include the cost of all taxes, duties, fees, levies, and other charges imposed under the applicable laws. The evaluation shall include all such taxes, duties, fees, levies, and other charges imposed under the applicable laws; where special tax privileges are granted to a particular class or nationality of Consultant by virtue of the GoP's international commitments, the amount of such tax privileges shall be included in the Financial Proposal for purposes of comparative evaluation of Bids.
- e) The lowest Financial Proposal (F1) shall be given a Financial Score (Sf) of 100 points. The Sf of other Financial Proposals shall be computed based on the formula indicated below:

$$Sf = 100 \times F1/F$$

Where:

Sf is the financial score of the Financial Proposal under consideration,

F1 is the lowest Financial Proposal, and

F is the Financial Proposal under consideration.

Using the formula $S = S_t \times T\% + S_f \times F\%$, the Bids shall then be ranked according to their combined S_t and S_f using the weights (S_t is the technical score of the Technical Proposal under consideration; T = the weight given to the Technical Proposal; F = the weight given to the Financial Proposal; $T + F = 1$) indicated below:

T 0.8; and

F 0.2;

provided that the total weights given to the Technical and Financial Proposals shall add up to 1.0.

8. Post Qualification

- 8.1 The BAC shall determine to its satisfaction whether the Consultant that is evaluated as having submitted the Highest Rated Bid (HRB) complies with and is responsive to all the requirements and conditions specified in the Eligibility Documents.
- 8.2 The determination shall be based upon an examination of the documentary evidence of the Consultant's qualifications submitted as well as other information as the Procuring Entity deems necessary and appropriate, using a non-discretionary "pass/fail" criterion, which shall be completed within a period of twelve (12) calendar days.
- 8.3 If the BAC determines that the Consultant with the Highest Rated Bid passes all the criteria for post-qualification, it shall declare the said bid as the Consultant with the HRRB, and recommend to the HoPE the award of contract to the said Consultant at its submitted price or its calculated bid price, whichever is lower.

TECHNICAL PROPOSAL FORMS

Notes for Consultants

The following summarizes the content and maximum number of pages permitted for the Technical Proposal. A page is considered to be one printed side of A4 or letter sized paper.

Cover Letter

Use TPF 1. Technical Proposal Submission Form.

Experience of the Firm

Maximum of *[insert acceptable number of pages]* introducing the background and general experience of the Consultant, including its partner(s) and subconsultants, if any.

Maximum of *[insert acceptable number of pages]* completed projects in the format of TPF 2. Consultant's References illustrating the relevant experience of the Consultant, including its partner and subconsultants, if any. No promotional material should be included.

General approach and methodology, work and staffing schedule

Use TPF 4. Description of the Methodology and Work Plan for Performing the Project, TPF 5. Team Composition and Task , TPF 7. Time Schedule for Professional Personnel, and TPF 8. Activity (Work) Schedule.

If subcontracting is allowed, add the following: If the Consultant will engage a subconsultant for the portions of the Consulting Services allowed to be subcontracted, the Consultant shall indicate which portions of the Consulting Services will be subcontracted, identify the corresponding subconsultant, and include the legal eligibility documents of such subconsultant.

Curriculum Vitae (CV)

Use TPF 6. Format of Curriculum Vitae (CV) for Proposed Professional Staff.

Comments on the terms of reference and data and facilities to be provided by the Procuring Entity

Not more than *[insert acceptable number of pages]* using TPF 3. Comments and Suggestions of Consultant on the Terms of Reference and on Data, Services, and Facilities to be Provided by the

TPF 1. TECHNICAL PROPOSAL SUBMISSION FORM

[Date]

[Name and address of the Procuring Entity]

Ladies/Gentlemen:

We, the undersigned, offer to provide the consulting services for [Title of Project] in accordance with your Bidding Documents dated [insert date] and our Bid. We are hereby submitting our Bid, which includes this Technical Proposal, and a Financial Proposal sealed under a separate envelope.

In accordance with **ITB** Clause 21.1, we confirm that the information contained in the eligibility documents submitted earlier together with the Expression of Interest remain correct as of the date of bid submission.

If negotiations are held during the period of bid validity, *i.e.*, before [insert date], we undertake to negotiate on the basis of the proposed staff. Our Bid is binding upon us and subject to the modifications resulting from contract negotiations.

In accordance with **GCC** Clause 51, we acknowledge and accept the Procuring Entity's right to inspect and audit all records relating to our Bid irrespective of whether we enter into a contract with the Procuring Entity as a result of this Bid or not.

We understand you are not bound to accept any Bid received for the selection of a consultant for the Project.

We acknowledge that failure to sign this Technical Proposal Submission Form and the abovementioned Financial Proposal Submission Form shall be a ground for the rejection of our Bid.

We remain,

Yours sincerely,

Authorized Signature:
Name and Title of Signatory:
Name of Firm:
Address:

TPF 2. CONSULTANT'S REFERENCES

**Relevant Services Carried Out in the Last Five Years
That Best Illustrate Qualifications**

Using the format below, provide information on each project for which your firm/entity, either individually, as a corporate entity, or as one of the major companies within an association, was legally contracted.

Project Name:		Country:	
Location within Country:		Professional Staff Provided by Your Firm/Entity(profiles):	
Name of Client:		No of Staff:	
Address:		No of Staff-Months; Duration of Project:	
Start (Month/Year):	Date	Completion (Month/Year):	Date
		Approx. Value of Services (in Current US\$):	
Name of Associated Consultants, if any:		No of Months of Professional Staff Provided by Associated Consultants:	
Name of Senior Staff (Project Director/Coordinator, Team Leader) Involved and Functions Performed:			
Narrative Description of Project:			
Description of Actual Services Provided by Your Staff:			

Consultant's Name: _____

TPF 3. COMMENTS AND SUGGESTIONS OF CONSULTANT ON THE TERMS OF REFERENCE
AND ON DATA, SERVICES, AND FACILITIES TO BE PROVIDED BY THE PROCURING ENTITY

On the Terms of Reference:

- 1.
- 2.
- 3.
- 4.
- 5.

On the data, services, and facilities to be provided by the Procuring Entity:

- 1.
- 2.
- 3.
- 4.
- 5.

TPF 4. DESCRIPTION OF THE METHODOLOGY AND WORK PLAN FOR PERFORMING THE
PROJECT

TPF5. TEAM COMPOSITION AND TASK

1. Technical/Managerial Staff		
Name	Position	Task

2. Support Staff		
Name	Position	Task

3 Where applicable, indicate relationships among the Consultant and any partner and/or subconsultant, the Procuring Entity, the Funding Source and other parties or stakeholders.

TPF 6. FORMAT OF CURRICULUM VITAE (CV) FOR PROPOSED PROFESSIONAL STAFF

Proposed Position: _____

Name of Firm: _____

Name of Staff: _____

Profession: _____

Date of Birth: _____

Years with Firm/Entity: _____ Nationality: _____

Membership in Professional Societies: _____

Detailed Tasks Assigned: _____

Key Qualifications:

[Give an outline of staff member's experience and training most pertinent to tasks on project. Describe degree of responsibility held by staff member on relevant previous projects and give dates and locations. Use about half a page.]

Education:

[Summarize college/university and other specialized education of staff members, giving names of schools, dates attended, and degrees obtained. Use about one quarter of a page.]

Employment Record:

[Starting with present position, list in reverse order every employment held. List all positions held by staff member since graduation, giving dates, names of employing organizations, titles of positions held, and locations of projects. For experience in last ten years, also give types of activities performed and client references, where appropriate. Use about two pages.]

Languages:

[For each language, indicate proficiency: excellent, good, fair, or poor in speaking, reading, and writing.]

Certification:

I, the undersigned, certify that to the best of my knowledge and belief, these data correctly describe me, my qualifications, and my experience.

Commitment:

I also commit to work for the Project in accordance with the time schedule as indicated in the contract once the firm is awarded the Project.

_____ Date: _____
[Signature of staff member and authorized representative of the firm] Day/Month/Year

Full name of staff member: _____

Full name of authorized representative: _____

SUBSCRIBED AND SWORN to before me this ___ day of [month] [year] at [place of execution], Philippines. Affiant/s is/are personally known to me and was/were identified by me through competent evidence of identity as defined in the 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC). Affiant/s exhibited to me his/her [insert type of government identification card used], with his/her photograph and signature appearing thereon, with no. _____.

Witness my hand and seal this ___ day of [month] [year].

NAME OF NOTARY PUBLIC

Serial No. of Commission _____

Notary Public for _____ **until** _____

Roll of Attorneys No. _____
PTR No. __, *[date issued], [place issued]*
IBP No. __, *[date issued], [place issued]*
Doc. No. ____
Page No. ____
Book No. ____
Series of _____.

TPF7. TIME SCHEDULE FOR PROFESSIONAL PERSONNEL

Name	Position	Reports Due/Activities	Months (in the Form of a Bar Chart)												Number of Months
			1	2	3	4	5	6	7	8	9	10	11	12	
															Subtotal (1)
															Subtotal (2)
															Subtotal (3)
															Subtotal (4)

Full-time: _____
 Reports Due: _____
 Activities Duration: _____
 Location: _____

Part-time: _____

Signature: _____
 (Authorized representative)
 Full Name: _____
 Title: _____
 Address: _____

TPF 8. ACTIVITY (WORK) SCHEDULE

A. Field Investigation and Study Items

	<i>[1st, 2nd, etc. are months from the start of project.]</i>												
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	
Activity (Work)													

B. Completion and Submission of Reports

Reports	Date
1. Inception Report	
2. Interim Progress Report (a) First Status Report (b) Second Status Report	
3. Draft Report	
4. Final Report	

Omnibus Sworn Statement (Revised)

[shall be submitted with the Bid]

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

[[Jurat]

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

Bid Securing Declaration Form

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

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]

FINANCIAL PROPOSAL FORMS

Notes for Consultants

The following summarizes the content of the Financial Proposal.

Cover Letter

Use FPF 1. Financial Proposal Submission Form, which is an acknowledgement that, in preparation and submission of the Technical and Financial Proposals, Consultants have:

- (a) followed the applicable rules and guidelines indicated in this ITB;
- (b) not taken any action which is or constitutes a corrupt, fraudulent, or coercive practice as defined in the applicable rules and guidelines; and
- (c) agrees to allow the Procuring Entity and the Funding Source, at their option, to inspect and audit all accounts, documents, and records relating to the its Bid and to the performance of the ensuing contract.

Costs of Consulting Services

Use FPF 2. Summary of Costs; FPF 3. Breakdown of Price per Activity; FPF 4. Breakdown of Remuneration per Activity; FPF 5. Reimbursables per Activity; and FPF 6. Miscellaneous Expenses.

FPF 1. FINANCIAL PROPOSAL SUBMISSION FORM

[Date]

[Name and address of the Procuring Entity]

Ladies/Gentlemen:

We, the undersigned, offer to provide the consulting services for [Title of Project] in accordance with your Bidding Documents dated [insert date] and our Bid (Technical and Financial Proposals). Our attached Financial Proposal is for the sum of [amount in words and figures]. This amount is exclusive of the local taxes, which we have estimated at [amount(s) in words and figures].

Our Financial Proposal shall be binding upon us subject to the modifications resulting from Contract negotiations, up to expiration of the bid validity period, *i.e.*, [Date].

In accordance with **GCC Clause Error! Reference source not found.**, we acknowledge and accept the Procuring Entity's right to inspect and audit all records relating to our Bid irrespective of whether we enter into a contract with the Procuring Entity as a result of this Bid.

We confirm that we have read, understood and accept the contents of the Instructions to Bidders (ITB), the Bid Data Sheet (BDS), General Conditions of Contract (GCC), Special Conditions of Contract (SCC), Terms of Reference (TOR), the provisions relating to the eligibility of Consultant and the applicable guidelines for the procurement rules of the Funding Source, any and all Bid bulletins issued and other attachments and inclusions included in the Bidding Documents sent to us.

We understand you are not bound to accept any Bid you receive.

We remain,

Yours sincerely,
Authorized Signature:
Name and Title of Signatory:
Name of Firm:
Address:

FPF2. SUMMARY OF COSTS

Costs	Currency(ies) ¹	Amount in Philippine Peso
Subtotal		
Local Taxes		
Total Amount of Financial Proposal		_____

¹ In cases of contracts involving foreign consultants, indicate the exchange rate used.

FF3. BREAKDOWN OF PRICE PER ACTIVITY

Activity No.: _____	Activity No.: _____	Description: _____
Price Component	Currency(ies) ²	Amount in Philippine Peso
Remuneration		
Reimbursables		
Miscellaneous Expenses		
Subtotal		_____

² In cases of contracts involving foreign consultants, indicate the exchange rate used.

FPF4. BREAKDOWN OF REMUNERATION PER ACTIVITY

Activity No. _____		Name: _____		
Names	Position	Input ³	Remuneration Currency(ies) Rate	Amount
Regular staff				
Local staff				
Consultants				
Grand Total				_____

³ Staff months, days, or hours as appropriate.

FPF5. REIMBURSABLES PER ACTIVITY

Activity No: _____

Name: _____

No.	Description	Unit	Quantity	Unit Price In	Total Amount In
1.	International flights	Trip			
2.	Miscellaneous travel expenses	Trip			
3.	Subsistence allowance	Day			
4.	Local transportation costs ⁴				
5.	Office rent/accommodation/ clerical assistance				
	Grand Total				_____

⁴ Local transportation costs are not included if local transportation is being made available by the Entity. Similarly, in the project site, office rent/accommodations/clerical assistance costs are not to be included if being made available by the Entity.

FPF 6. MISCELLANEOUS EXPENSES

Activity No. _____ Activity Name: _____

No.	Description	Unit	Quantity	Unit Price	Total Amount
1.	Communication costs between _____ and _____ (telephone, telegram, telex)				
2.	Drafting, reproduction of reports				
3.	Equipment: vehicles, computers, etc.				
4.	Software				
	Grand Total				_____