



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

**NOTICE FOR NEGOTIATED PROCUREMENT DUE TO
TWO-FAILED BIDDINGS FOR
*Penetration Testing and Forensic Software***

1. The *National Privacy Commission* through the *FY 2022 General Appropriations Republic Act No. 11639* intends to apply the sum of *Four Million Forty Thousand Pesos only (Php 4,040,000.00)* being the ABC to payments under the contract for *Penetration Testing and Forensic Software – APP Item No. 2022-0038*. Bids received in excess of the ABC shall be automatically rejected at bid opening.
2. In view of the two (2) consecutive failed public biddings in the procurement of *Penetration Testing and Forensic Software*, the *National Privacy Commission* now invites offers for the above Procurement Project in accordance with Section 53.1 of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (R.A.) No. 9184, otherwise known as the “Government Procurement Reform Act.”
3. The *National Privacy Commission* will hold a Pre-Negotiation Conference¹ on *24 January 2023, 2:00 PM*, through video conferencing *via Microsoft Teams*, which shall be open to all suppliers or contractors.
4. The service providers/suppliers must submit the following requirements/documents:
 - ✓ Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages) **in accordance with Section 8.5.2 of the IRR and GPPB Resolution No. 15-2021**;
 - ✓ Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; and
 - ✓ Statement of the bidder’s Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided for in Sections 23.4.1.3 and 23.4.2.4 of the 2016 revised IRR of RA No. 9184, within the relevant period as provided in the Bidding Documents; and
 - ✓ Original copy of Bid Security. If in the form of a Surety Bond, submit also a certification issued by the Insurance Commission or Original copy of Notarized Bid Securing Declaration;

¹ May be deleted in case the ABC is less than One Million Pesos (PhP1,000,000) where the Procuring Entity may not hold a Pre-Bid Conference.

- ✓ Conformity with the Schedule of Requirements² and Technical Specifications³, which may include production/delivery schedule, manpower requirements, and/or after-sales/parts, if applicable;
- ✓ Original duly signed Omnibus Sworn Statement (OSS) and if applicable, Original Notarized Secretary's Certificate in case of a corporation, partnership, or cooperative; or Original Special Power of Attorney of all members of the joint venture giving full power and authority to its officer to sign the OSS and do acts to represent the Bidder;
- ✓ The prospective bidder's computation of Net Financial Contracting Capacity (NFCC) or A committed Line of Credit from a Universal or Commercial Bank in lieu of its NFCC computation.
- ✓ Original of duly signed and accomplished Financial Bid Form; and
- ✓ Original of duly signed and accomplished Price Schedule(s).

The service providers/suppliers must also submit the following additional requirements:

- ✓ Supplier should have at least two (2) government contracts with satisfactory performance for the software(s) stipulated in the Technical Specifications.
 - ✓ Supplier should have at least two (2) Government contracts in relation to Digital or Computer Forensics with satisfactory performance.
5. Eligibility documents and offers must be duly received by the BAC Secretariat through *electronic submission via electronic mail to bacsecretariat@privacy.gov.ph on or before 27 January 2023 10:00 AM*. Late offers shall not be accepted.
 6. Opening of eligibility documents, technical proposal, and best and final offer shall be on *27 January 2023 2:00 PM* through *videoconferencing via Microsoft Teams*. Offers will be opened in the presence of the suppliers' representatives who choose to attend the activity. Late offers shall not be opened.
 7. The *National Privacy Commission* reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Sections 35.6 and 41 of the 2016 revised IRR of RA No. 9184, without thereby incurring any liability to the affected bidder or bidders.
 8. For further information, please refer to:

*Bids and Awards Committee Secretariat
West Banquet Hall, 5th Floor Delegation Building,
Philippine International Convention Center, Pasay City
bacsecretariat@privacy.gov.ph
(02) 8234-2228 local 127
www.privacy.gov.ph*

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

² See Annex "A"

³ See Annex "B"

9. You may visit the following websites:
For downloading of Documents: www.privacy.gov.ph

20 January 2023

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

Schedule of Requirements

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

Item	Quantity	Date of Delivery	Supporting Documents
1. Digital Forensic Investigation Software (EnCase with Training, Examination and Certification)	1 License	Delivery for software licenses shall be made within twenty-five (25) calendar days from receipt of Purchase Order (PO) / Notice to Proceed (NTP) and complete delivery/ conduct of certification training and other trainings shall be made within sixty (60) calendar days from receipt of Notice to Proceed.	<ol style="list-style-type: none"> 1. Instruction manual, 2. Training Certificate, 3. Warranty certificate, 4. Billing Statement/Sales Invoice/Statement of Account, 5. Delivery Receipt
2. Mobile Forensic Investigation Device License (Device license and software license only) (Cellebrite)	1 License		
3. Cloud-based Service Analyzer Software (Cellebrite)	1 License		
4. Web Application Vulnerability Assessment Software (BurpSuite Pro)	3 Licenses good for 3 Years		

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

Company Name

Name and Signature of Authorized Representative

Date

Technical Specifications

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

Qty	Item	Specifications	Statement of Compliance
1	Digital Forensic Investigation Software (EnCase with Training, Examination and Certification)	<p>The procurement of the Commission's Digital Forensic Investigation Software License SHOULD MEET THE FOLLOWING SPECIFICATIONS:</p> <p>Software licenses must be compatible with the current/existing digital forensic investigation software.</p> <p>Inclusive of One (1) Year Maintenance Systems</p> <p>Capable of acquiring data in a forensically sound manner using software accepted by courts worldwide.</p> <p>Capable of investigating and analyzing data from multiple platforms such as Windows, Linux, AIX, OS X, Solaris, and more – using a single tool.</p> <p>Capable of finding information despite hidden, cloaked, or deleted data.</p> <p>Capable of easily managing large volumes of computer evidence, viewing all relevant files, including</p>	<p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p>

		<p>deleted files, file slack, and unallocated space.</p> <p>Capable of creating exact duplicates of original data and verifying by hash and error check.</p> <p>Capable of transferring evidence files directly to law enforcement or legal representatives.</p> <p>Capable of providing review options that allow non-investigators, such as attorneys, to review evidence with ease.</p> <p>Capable of providing reporting options for quick report preparation.</p> <p>Supplier should provide the Training, Examination and Certification for two (2) personnel of the End-User</p>	- - - - -
Qty	Item	Specifications	
1	<p>Mobile Forensic Investigation Device License (Device License and Software License Only) (Cellebrite)</p>	<p>The procurement of the Commission's Mobile Forensic Investigation Device License SHOULD MEET THE FOLLOWING SPECIFICATIONS:</p> <p>Software licenses must be compatible with the current/existing mobile forensic investigation device software.</p> <p>Inclusive of One (1) Year Maintenance Systems</p> <p>Inclusive of decoding, analysis and report generation software license Capable of Bypassing pattern, password or PIN locks.</p> <p>Capable of displaying and visualizing data in a unified format to build timelines and maps and more easily see relevant connections Can generate easy-to-read reports available in different formats like</p>	- - - -

		<p>PDF for entire data sets or filtered information.</p> <p>Supplier should provide End-user training on the use of the software with certification of training as proof.</p>	-
Qty	Item	Specifications	
1	Cloud-based Service Analyzer Software (Cellebrite)	<p>The procurement of the Commission's Cloud-based Services Analyzer License SHOULD MEET THE FOLLOWING SPECIFICATIONS:</p> <p>Software licenses must be compatible with the current/existing mobile forensic cloud analyzer system software Inclusive of One (1) Year Maintenance Systems</p> <p>Software shall allow gathering user data from popular social media and cloud-based sources.</p> <p>Able to collect and hash digital evidence from HTML-based web pages</p> <p>Can enable the user to view user search history and gather geo-location data</p> <p>Able to normalize and sort data into different formats</p> <p>Can generate easy-to-read reports available in different formats like PDF for entire data sets or filtered information</p> <p>Support reporting of extracted data from the cloud to a machine-readable format so it can be digested by other analysis systems</p> <p>Supplier should provide End-user training on the use of the software</p>	- - - - - - - -

		with certification of training as proof.	
Qty	Item	Specifications	
3	Web Application Vulnerability Assessment Software (BurpSuite Pro)	<p>The procurement of the Commission's Web Application Vulnerability Assessment Software SHOULD MEET THE FOLLOWING SPECIFICATIONS:</p> <p>Software licenses must be compatible with the current/existing vulnerability assessment software, and should be good for three (3) years.</p> <p>Inclusive of One (1) Year Maintenance Systems</p> <p>Capable of operating 100% on-premises. Scan results should always be available on premises. Describe the solution's architecture. Detail all components and modules required to deliver the complete solution.</p> <p>Must be offered as either Software Product or Software as a Service</p> <p>Must support at least the below mentioned supported platforms as OS: Ubuntu Linux LTS, Microsoft Windows Server, Microsoft Windows and Red Hat Enterprise Linux Server.</p> <p>Can be set to run scans on a daily, weekly, or monthly basis.</p> <p>Capable of performing variety of scans, such as fast crawl or critical vulnerability audit, with ease.</p> <p>Capable of displaying graphical dashboards that allows viewing of bugs by severity or type.</p> <p>Can be configured to specify maximum link depth, reported</p>	- - - - - -

		<p>vulnerabilities, fast versus exhaustive results, and more.</p> <p>Can be tailored to export HTML reports which includes any level of detail, severity and confidence as required.</p> <p>Supplier must provide three (3) user licenses for this software</p> <p>Supplier should provide End-user training on the use of the software with certification of training as proof.</p>	<p>-</p> <p>-</p> <p>-</p>
	<p>Supplier's Qualification</p>	<p>Must provide a certificate or proof being the duly authorized provider of the said Software(s).</p> <p>Inclusive of One (1) Year Maintenance Systems per software as stipulated on Section (III)(A), unless explicitly stated,</p> <p>Provider must provide basic training for all software subscriptions for at least sixteen (16) number of hours to at least ten (10) number of participants/users, which should be conducted and completed within sixty (60) calendar days from receipt of Notice to Proceed.</p> <p>Supplier should have a local partner to provide immediate post-sales support.</p> <p>Supplier should have Manufacturer's Authorization to supply and support the renewal of software licenses.</p> <p>Supplier should have at least two (2) government contracts with satisfactory performance for the software(s) stipulated on Section (III).</p>	<p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p>

		Supplier should have at least two (2) Government contracts in relation to Digital or Computer Forensics with satisfactory performance.	-
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I hereby undertake to comply and deliver all the above requirements.

Company Name

Name and Signature of Authorized Representative

Date

Bidding Forms

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

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

Doc. No.: _____
Page No. _____
Book No.: _____
Series of 20 _____

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

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

Doc. No.: _____
Page No. _____
Book No.: _____
Series of 20 _____

Bid Form for the Procurement of Goods
[shall be submitted with the Bid]

BID FORM

Date : _____
Project Identification No. : _____

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

Having examined the Philippine Bidding Documents (PBDs) including the Supplemental or Bid Bulletin Numbers *[insert numbers]*, the receipt of which is hereby duly acknowledged, we, the undersigned, offer to *[supply/deliver/perform]* *[description of the Goods]* in conformity with the said PBDs for the sum of *[total Bid amount in words and figures]* or the total calculated bid price, as evaluated and corrected for computational errors, and other bid modifications in accordance with the Price Schedules attached herewith and made part of this Bid. The total bid price includes the cost of all taxes, such as, but not limited to: *[specify the applicable taxes, e.g. (i) value added tax (VAT), (ii) income tax, (iii) local taxes, and (iv) other fiscal levies and duties]*, which are itemized herein or in the Price Schedules,

If our Bid is accepted, we undertake:

- a. to deliver the goods in accordance with the delivery schedule specified in the Schedule of Requirements of the Philippine Bidding Documents (PBDs);
- b. to provide a performance security in the form, amounts, and within the times prescribed in the PBDs;
- c. to abide by the Bid Validity Period specified in the PBDs and it shall remain binding upon us at any time before the expiration of that period.

[Insert this paragraph if Foreign-Assisted Project with the Development Partner:

Commissions or gratuities, if any, paid or to be paid by us to agents relating to this Bid, and to contract execution if we are awarded the contract, are listed below:

Name and address of agent	Amount and Purpose of Commission or gratuity
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_____	_____
_____	_____

(if none, state "None")]

Until a formal Contract is prepared and executed, this Bid, together with your written acceptance thereof and your Notice of Award, shall be binding upon us.

We understand that you are not bound to accept the Lowest Calculated Bid or any Bid you may receive.

We certify/confirm that we comply with the eligibility requirements pursuant to the PBDs.

The undersigned is authorized to submit the bid on behalf of *[name of the bidder]* as evidenced by the attached *[state the written authority]*.

We acknowledge that failure to sign each and every page of this Bid Form, including the attached Schedule of Prices, shall be a ground for the rejection of our bid.

Name: _____

Legal capacity: _____

Signature: _____

Duly authorized to sign the Bid for and behalf of: _____

Date: _____

Price Schedule for Goods Offered from Within the Philippines
[shall be submitted with the Bid if bidder is offering goods from within the Philippines]

For Goods Offered from Within the Philippines

Name of Bidder _____ Project ID No. _____ Page ___ of ___

1	2	3	4	5	6	7	8	9	10
Item	Description	Country of origin	Quantity	Unit price EXW per item	Transportation and all other costs incidental to delivery, per item	Sales and other taxes payable if Contract is awarded, per item	Cost of Incidental Services, if applicable, per item	Total Price, per unit (col 5+6+7+8)	Total Price delivered Final Destination (col 9) x (col 4)

Name: _____

Legal Capacity: _____

Signature: _____

Duly authorized to sign the Bid for and behalf of: _____