

KNOW ALL MEN BY THESE PRESENTS:

JAN 13 2021 This Contract for Supply of Services made and entered into this ____ day of 2020 at Pasay City, Metro Manila, Philippines, by and between:

SECURITIES AND EXCHANGE COMMISSION, a government agency created by virtue of Commonwealth Act No. 83, with office address at Secretariat Building, PICC Complex, Pasay City, represented herein by its Information and Communications Technology Department OIC-Director **OLIVER V. CHATO**, both duly authorized to sign this contract under SEC Office Order No. 270 series of 2019, copy of which is hereto attached as annex "A" respectively, hereinafter referred to as the "**SEC**";

And

IP CONVERGE DATA SERVICES, INC. a corporation duly organized and existing under and by virtue of Philippine laws and with principal office address at 34TH Floor, RCBC Plaza, Tower II, Ayala Ave., Makati City, represented herein by its duly authorized Vice President for Operations, **MR. DOMINICO F. RATUISTE**, duly authorized to sign this contract under Authority of the signatory which is hereto attached as annex "B" hereinafter referred to as the "**IPC**"

WHEREAS, the ICTD intends to procure the **Subscription to E-Mail Services (Expansion)** and apply the rules on Negotiated Procurement (Emergency Case) pursuant to GPPB Resolution No. 03-2020: Approving The Adoption of Efficient, Effective and Expedient Procurement Procedures During a State of Public Health Emergency;

WHEREAS, GPPB Resolution No. 03-2020 provides the following:

1. *Procuring entity shall be allowed to apply the rules in Negotiated Procurement (Emergency Cases) in any of the following:*
 - a) *In case of imminent danger to life or property during a state of calamity;*
 - b) *When time of the essence arising from natural or man-made calamities; or other causes where immediate action is necessary to prevent damage to or loss of life property, or*
 - c) ***to restore vital public services, infrastructure facilities and other public utilities.***
2. *Negotiated Procurement (Emergency Cases) covers Goods, Civil Works Projects and Consulting Services.*
3. *The HoPE shall confirm the existence and veracity of the grounds relied upon in the adoption of Negotiated Procurement (Emergency Cases).*
4. *The HoPE shall authorize the BAC or the End-User Representative and delegate the authority to award a contract to the legally, technically, and financially capable supplier, manufacturer, distributor, contractor, and consultant, contractor, or consultant.*

WHEREAS, Excerpt from the Minutes of Meeting dated on October 29, 2020, provides to wit:

"RESOLVED, To **APPROVE** the upgrade of the storage of selected email accounts under the existing G-Suite Email System (Google) currently provided by IP Converge Data Services, Inc. (IPC), and the request to procure additional email addresses.



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RESOLVED Also, To **APPROPRIATE** the total amount of Four Hundred Seven Thousand Nine Hundred Thirty-Three Pesos and Fifty Centavos (Php407,933.50) broken down as follows:

Particulars	Units	Cost Per Unit	Cost
Upgrade of the storage of selected email accounts	50	Php5,242.00	Php 262,100.00
Additional Email Addresses	50	2,916.67	145,833.50
Total Cost			Php407,933.50

The foregoing amount is to be **CHARGED** against the retained income of the Revised Corporation Code, **subject to** the availability of funds and the usual accounting and auditing rules and regulations.

The above amount is on top of the existing contract with IPC and shall be paid for the storage upgrades in a separate billing specifically for the email accounts listed in the ICTD Memorandum embodying this upgrade.

RESOLVED Finally, To **DELEGATE** to the ICTD the necessary communication and coordination to the service provider wherein a negotiated procurement for Emergency Cases shall be applied considering the nature of requirement.

WHEREAS, on November 6, 2020, End-User Representative sent the Request for Proposal via electronic mail to IPC;

WHEREAS, on November 9, 2020, the ICTD received from IPC its proposal with other pertinent documents;

WHEREAS, on November 26, 2020, based on the End-User Evaluation Report, IPC was found to be legally, technically and financially compliant with the requirements;

WHEREAS, on December 4, 2020, ICTD OIC-Director Oliver V. Chato designated by the HoPE approved and issued the Notice of Award to IPC in the amount of **Four Hundred Seven Thousand Nine Hundred Thirty-Three and 50/100 (Php407,933.50), VAT inclusive;**

NOW THEREFORE, for and in consideration of the foregoing premises, the parties hereby mutually stipulate and agree as follows:

1. The Contract shall have a term of one (1) year;
2. In this contract, the words and expressions shall have the same meaning as are respectively assigned to them in the General Specification of this Contract;
3. The following documents shall be deemed to form and be read and construed as part of this Agreement, namely:

ANNEX	DESCRIPTION OF DOCUMENTS	NO. OF PAGES
A	Authority to Sign SEC Office Order No. 270 series of 2019	1
B	Authority to Sign IPC	1
C	GPPB Resolution No. 03-2020	26
D	Excerpt from the Minutes of Meeting	3
E	Request for Proposal	1
F	Proposal from IP Converge	97
G	End-User Evaluation Report	3
H	Notice of Award	1

4. In consideration of the payments to be made by SEC, IPC hereby covenants with SEC to the **Subscription to E-Mail Services (Expansion)** in conformity in all respects with the provision of this Agreement.
5. The SEC hereby agrees to pay IPC the amount of **Four Hundred Seven Thousand Nine Hundred Thirty-Three and 50/100 (Php407,933.50), inclusive of 12% VAT**, in consideration of its performance for the **Subscription to E-Mail Services (Expansion)** under the provisions of this agreement at the times and in the manner prescribed herein;
6. If any legal action is necessary to enforce the terms and conditions of this Agreement, the parties agree that the City of Pasay shall be the sole venue and jurisdiction of the filing of such action.
7. If any term, provision, covenant or condition of this Agreement and its annexes is held by court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provision hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated.
8. In carrying out provisions of this Agreement, there shall be no personal liability on the officials and employees of the SEC, it being understood that in such matters they act as agents and representatives of the SEC. Any right of action by IPC against any official or employees of the SEC is waived.

IN WITNESS WHEREOF, the parties have caused this contract to be executed in accordance with laws of the Republic of the Philippines on the day and year first above written.

**SECURITIES & EXCHANGE
COMMISSION ("SEC")**
T.I.N. 000-190-308-000

IP CONVERGE DATA SERVICE, INC.
T.I.N. 240-837-867-000

Signing for, and on Behalf of the Chairperson;

By:



OLIVER V. CHATO
OIC-Director, ICTD
TIN **194-012-823-000**

By:


DOMINICO E. RATUIESTE
Vice President for Operations
TIN _____

Signed in the Presence of Witnesses

HERBERT MENDOZA
End-user Representative


MARIA CHRISTINA S. ROBLES
Senior Account Manager

Certified Funds Available:


ADELAIDA NAVARRO BANARIA
Director, FMD



ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES }
CITY OF MAKATI CITY

} S.S.

BEFORE ME, This _____ day of DEC 29 2020 personally appeared the following:

DOMINICO F. RATUISTE

SSS ID NO: 03-5955125-5

known to me and to me known to be the same persons who executed this instrument and they acknowledged to me that the same is their free and voluntary act and deed and that of the government agency and corporation which they respectively represent.

I further certify that this instrument refers to a Contract Agreement for the **Subscription to E-Mail Services (Expansion)** and all its Annexes and sealed with my notarial seal.


NOTARY PUBLIC
ATTY. GERVACIO B. ORTIZ JR.
Notary Public City of Makati
Until December 31, 2020
IBP No. 05729-Lifeline Member
MCLE Compliance No. VI-0024312
Appointment No. M-183-(2019-2020)
PI# No. 8116014 Jan. 2, 2020
Makati City Roll No. 40091
101 Urban Ave. Campos Rueda Bldg.
Brgy. Pio Del Pilar, Makati City

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Series of 2020



ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES }
_____ CITY } S.S.

BEFORE ME, This _____ day of _____ 2020 personally appeared the following:

OLIVER V. CHATO

TIN: 194-012-823-000

known to me and to me known to be the same persons who executed this instrument and they acknowledged to me that the same is their free and voluntary act and deed and that of the government agency and corporation which they respectively represent.

I further certify that this instrument refers to a Contract Agreement for the **Subscription to E-Mail Services (Expansion)** and all its Annexes and sealed with my notarial seal.

NOTARY PUBLIC

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Atty. Armando A. Pan Jr.
Administering Officer
Commission Secretary
Securities and Exchange Commission
Republic of the Philippines

