

CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

This CONTRACT entered into on this OCT 02 2019 in Quezon City, Philippines, by and between:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, a government agency created by virtue of Executive Order (EO) No. 192 dated 10 June 1987, with office address in Visayas Avenue, Diliman, Quezon City, represented herein by its OIC-Assistant Secretary for Administration, **JESUS ENRICO MOISES B. SALAZAR**, hereinafter referred to as "**DENR**"

-and -

SOLUTIONS PARTNER, INC., a private corporation organized and existing under the laws of the Republic of the Philippines, with business address at Unit 6D, 6th floor, The Valero Tower, 122 Valero St., Salcedo Village, Makati City, represented herein by its Account Manager, **EDWIN G. LIM**, hereinafter referred to as "**SPI**"

WITNESSETH: That

WHEREAS, the DENR conducted a competitive bidding for *Procurement of Firewall Software License for the Department of Environment and Natural Resources-Central Office (DENR-CO)* per Invitation to Bid (IB) No. DENR-CO-2019-003 with an Approved Budget for the Contract (ABC) of ₱6,400,000.00 pursuant to Republic Act (RA) No. 9184 otherwise known as the Government Procurement Reform Act (GPRA) and its 2016 Revised Implementing Rules and Regulations (IRR);

WHEREAS, the bid of **SPI** was declared as the Single Calculated and Responsive Bid (SCRB) by the Bids and Awards Committee (BAC), and was approved by the Head of Procuring Entity, through his duly authorized representative;

NOW, THEREFORE, for and in consideration of the foregoing premises, the parties have agreed on the following terms and conditions:

1. The words and expressions in this Contract shall have the same meaning as stated in the Conditions of the Contracts as provided under Section IV & V of the Philippine Bidding Documents (PBD) for the procurement of Goods;
2. The following documents attached hereto shall be deemed to form an integral part of this Contract:
 - A. Bidding Documents
 - i. Invitation to Bid (IB) under Section I
 - ii. Instructions to Bidders (ITB) under Section II
 - iii. Bid Data Sheet (BDS) under Section III
 - iv. General Conditions of the Contract (GCC) under Section IV
 - v. Special Conditions of the Contract (SCC) under Section V
 - vi. Schedule of Requirements under Section VI

- vii. Technical Specifications under Section VII
 - viii. Bidding Forms
 - ix. Checklist of Requirements
- B. Bid submission by the SPI
- i. Eligibility Documents
 - ii. Technical Documents
 - iii. Financial Documents
- C. Notice of Award (NOA) received on 28 August 2019
- D. Performance Security in a form of Check with DENR Official Receipt No. 0981720 amounting to ₱316,944.00
- E. Other documents that may be required by existing laws and/or the DENR such as but not limited to Minutes of the Pre-Bid and Bid Opening Conferences and the conditions stipulated in the NOA
3. Duly conformed Schedule of Requirements and Technical Specifications attached as Annex "A".
 4. Duly signed Financial Bid Form attached as Annex "B".
 5. The installation, configuration and testing of software license for the DENR-CO's existing Enterprise Firewall with corresponding Software License Certificate shall be made by SPI within fifteen (15) calendar days from receipt of Notice to Proceed.
 6. SPI shall support services for one (1) year from receipt of Certificate of Inspection and Acceptance.
 7. The DENR shall pay SPI the amount of **SIX MILLION THREE HUNDRED THIRTY EIGHT THOUSAND EIGHT HUNDRED EIGHTY PESOS (₱6,338,880.00)** for the project entitled, *Procurement of Firewall Software License for the Department of Environment and Natural Resources-Central Office (DENR-CO)* in accordance with the terms of payment as prescribed in the PBD for Goods and conformed Terms of Reference (TOR) and subject to the usual accounting and auditing rules and regulations.

For payment, the document requirements shall include the following:
 - Billing Invoice
 - Certificate of Acceptance issued by the DENR authorized representative
 8. The DENR and the SPI shall comply with the terms and conditions under RA No. 9184 and its 2016 Revised IRR, and other applicable laws rules and regulations.
 9. All other terms and conditions subsequently agreed upon by the parties after signing of this Contract shall constitute an addendum thereto and form an integral part thereof for all intents and purposes.

IN WITNESS WHEREOF, the Parties have hereunto affixed their signatures on the date and at the place first above written.

**DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES**

SOLUTIONS PARTNER, INC.

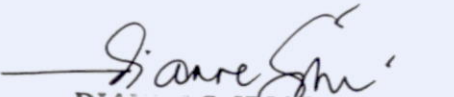
By:

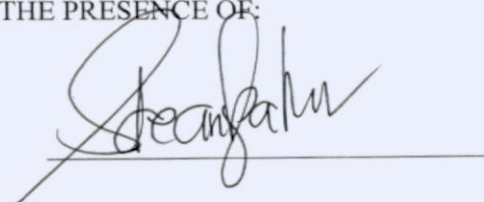
By:

JESUS ENRICO MOISES B. SALAZAR
OIC-Assistant Secretary for Administration

EDWIN G. LIM
Account Manager

SIGNED IN THE PRESENCE OF:


DIANA G. IBIAS
OIC-CHIEF PROCUREMENT MANAGEMENT
SECTION, PSMD



FUNDS AVAILABLE

Certificate of Availability of Funds
OBR NO 02-101101-2019-09-06811 *add 9/11/19*
AMOUNT ₱ 6,328,800.-
M. Nillosan
DIANA M. NILLOSAN
Department Chief Accountant
Chief, Accounting Division

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)S.S.
MAKATI CITY, Metro Manila)

BEFORE ME, a Notary Public for and in MAKATI CITY Metro Manila, Philippines, this
day of OCT 02 2019, personally appeared:


NAME	GOVERNMENT ISSUED IDENTIFICATION CARD OR PASSPORT & NO.	DATE/PLACE ISSUED
JESUS ENRICO MOISES B. SALAZAR	<u>Philhealth No. 100000049837</u>	
EDWIN G. LIM	<u>UMID No. CRN-0033-6277733-3</u>	

Known to me and to me known to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their free and voluntary act and deed and that of the entities they respectively represent.

This instrument, consisting of four (4) pages, has been signed by the parties and their respective witness on the spaces provided therein,

IN WITNESS WHEREOF, I have hereunto set my hand and seal this OCT 02 2019 day of

Doc. No. 313
Page No. 6A
Book No. II
Series of 2019


ROBIN PATRICK P. LEDESMA
Notary Public for Makati City
Until December 31, 2019
Commission No. M-510
3rd Floor, Vernida IV Bldg., 128 L.P. Leviste St.
Salcedo Village, Makati City
PTR No. 7332767; 01-03-2019; Makati City
IBP No. 060756; 01-03-2019; Negros Occidental
Roll No. 71656
MCLE Compliance No. VI-0024748; 07 May 2019



PLEASE USE THIS BID FORM. DO NOT RETYPE OR ALTER

(page 1 of 3)

Instruction to Bidders: **Please fill up the form accordingly and sign the Bidder's Undertaking. Failure to conform will result in a rating of "FAILED".**

I. TERMS OF REFERENCE as of 31 MAY 2019



Republic of the Philippines
Department of Environment and Natural Resources
6, Alabang Avenue, Dikabong, Quezon City, 1100
Tel. Nos. (02) 929-0826 / (02) 929-6252
02-929-7011 / 929-6611 (ext. 15)
02-929-4116 (ext. 17)

TERMS OF REFERENCE
As of 31 May 2019

Procurement of Firewall Software License for the Department of Environment and Natural Resources-Central Office (DENR-CO)

I. Rationale

With the onslaught of internal and external network security issues nowadays, it is imperative that DENR ensure up-to-date Enterprise Firewall. The DENR-CO deemed it necessary to effect the enhancement of its network security through the procurement of a Firewall Software Maintenance

II. APPROVED BUDGET OF THE CONTRACT

The total ABC for the project is **PhP6,400,000.00** inclusive of all applicable government taxes and service charges

III. BIDDER'S QUALIFICATION

- A. Bidders must be operating in the Philippines for the past five (5) years.
- B. Bidders must have at least eight (8) years' experience in deploying and maintaining their Firewall Security Products by providing documents (i.e. certification issued by the principal with corresponding active contact details).
- C. Bidders must be an authorized partner in the Philippines with at least Silver Partnership category issued by the principal.
- D. Bidders must have at least two (2) security engineers (Enterprise-level) who are regular and locally based employees by providing copies of company ID duly certified by the bidders HR Department.
- E. Bidders must have the capacity and ability to provide maintenance services and technical support

IV. SCOPE OF WORK

- A. Installation, configuration and testing of software license for the DENR-CO's existing Enterprise Firewall with corresponding Software License Certificate within **Fifteen (15) calendar days** from receipt of Notice to Proceed, and
- B. Support services for one (1) year from receipt of Certificate of Inspection and Acceptance

**PLEASE USE THIS BID FORM. DO NOT RETYPE OR ALTER**

(page 2 of 3)

V. PROJECT REQUIREMENTS**A. Minimum Requirements and Specifications unless otherwise specified:**

1. Software-based

- o Primary Enterprise-level Security Gateway Firewall with Management, support for multi-core processors (16 cores). Primary server hardware will be provided by DENR-CO; and
- o Secondary Enterprise-level Security Gateway for High availability (16 cores). Secondary server hardware will be provided by DENR-CO.
- o Inclusive of:
 - Intrusion Prevention Services
 - URL Filtering Services
 - Application Control
 - Anti-spam & email security services
 - Anti-virus & Anti-malware protection
 - Acceleration & clustering services
 - Firewall Reporter and Monitor
 - Product Implementation & configuration
 - Software updates and upgrades
 - Unlimited node licenses

- 2. Compatible with existing firewall system of the DENR including Security Policies, Rules and Procedures.

B. Installation and Configuration

- 1. Installation and Configuration of software licenses.
- 2. Installation of software updates, upgrades and/or patches if available.

C. Testing

The acceptance test procedure shall be in accordance with the following:

- 1. The acceptance testing, including demonstration and operation of the system, will be undertaken for a period of five (5) calendar days in the presence of authorized Network Infrastructure Management Division (NIMD) personnel.
- 2. During the testing period, the winning bidder shall not be held liable for performance degradation/interruptions that are beyond its control such as power outages, fluctuations or failure/malfunction of DENR-CO's own equipment.



PLEASE USE THIS BID FORM. DO NOT RETYPE OR ALTER

(page 3 of 4)

D. Warranty

Supplier must provide a Warranty Certificate in favor of the Department of Environment and Natural Resources-Central Office (DENR-CO) which shall cover the following:

1. One (1) Year software component, updates, upgrades and technical support from date of delivery;
2. 8x5 Technical support and 8x7 Email and Phone Support for one (1) year from receipt of Certificate of Inspection and Acceptance from DENR.
3. One (1) Year Software upgrade and updates if any from date of delivery.


VI. DUTIES AND RESPONSIBILITIES OF THE DENR-CO

- A. Grant the winning bidder's authorized representative access to its premises, equipment and facilities located therein to perform its obligations, provided that such representative shall be accompanied by the duly assigned NIMD personnel;
- B. Through NIMD, issue Certificate of Inspection and Acceptance to the winning bidder certifying conformance with the project Terms of Reference (TOR).

VII. TERMS OF PAYMENT

One-time payment shall be made after installation, configuration, testing, issuance of Certificate of Inspection and Acceptance and submission of all required documents as specified in the Bidding Documents.

Prepared by:


BRESILDA M. GERVACIO
 OIC-Assistant Secretary
 Financial Management and Information Systems





PLEASE USE THIS BID FORM. DO NOT RETYPE OR ALTER

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1. Bidder has no overdue deliveries or unperformed services intended for DENR.
2. Bidder did not participate as a consultant in the preparation of the design or technical specification of the GOODS/SERVICES subject of the bid.

BIDDER'S UNDERTAKING

I/We, the undersigned bidder, having examined the Bidding Documents including Bid Bulletins, as applicable, hereby BID to (supply/deliver/perform/comply) the above Terms of Reference

I/We undertake, if our bid is accepted, to deliver the goods/services in accordance with the terms and conditions contained in the bid documents, including the posting of the required performance security within ten (10) calendar days from receipt of the Notice of Award.

Until a formal contract/order confirmation is prepared and signed, this Bid is binding on us.

Solutions Partner, Inc.

Name of Company (in print)

Signature of Company Authorized Representative

Edwin Lim, Account Manager

Name & Designation (in print)

July 24, 2019

Date



PLEASE USE THIS BID FORM. DO NOT RETYPE OR ALTER

(page 1 of 1)

Technical Specifications

Instruction to Bidders: *Please fill up the form accordingly and sign the Bidder's Undertaking. DO NOT LEAVE ANY BLANK. A "Yes" or "No" entry will not be accepted. Failure to conform will result in a rating of "FAILED".*

Minimum Requirements and Specifications unless otherwise specified:		Bidder's Statement of Compliance*
1	Software-Based – Primary Enterprise-level Security Gateway Firewall with Management, support for multi-core processors (16 cores). Primary server hardware will be provided by DENR-CO.	COMPLY
2	Secondary Enterprise-level Security Gateway for High availability (16 cores). Secondary server hardware will be provided by DENR-CO.	
3	Inclusive of: <ul style="list-style-type: none"> • Intrusion Prevention Services • URL Filtering Services • Application Control • Anti-Spam & Email Security Services • Anti-Virus & Anti-Malware Protection • Acceleration and Clustering Services • Firewall Reporter and Monitor • Product Implementation & Configuration • Software Subscription (updates and upgrades) • Unlimited Node Licenses 	
4	Compatible with existing firewall system of the DENR including Security Policies, Rules and Procedures.	

PLEASE INDICATE BRAND AND MODEL NO. BEING OFFERED IN THE SPACE PROVIDED:

Check Point Next Generation Firewall

I hereby certify to comply with the above Technical Specifications.

Solutions Partner, Inc.
Name of Company (in print)

Edwin Lim, Account Manager
Signature of Company Authorized Representative
Name & Designation (in print)

July 24, 2019
Date

*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 Bidders 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 provisions of ITB a(ii) and/or GCC Clause (iii).

Bid Form

To: **DENR Bids and Awards Committee**
DENR-Central Office
 DENR Main Building, DENR Compound
 Visayas Avenue, Diliman
 Quezon City

Gentlemen and/or Ladies:

Having examined the Bidding Documents including Bid Bulletin Numbers, the receipt of which is hereby duly acknowledged, we, the undersigned, offer to *supply/deliver/perform the following*: **PROCUREMENT OF FIREWALL SOFTWARE LICENSE FOR THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES-CENTRAL OFFICE (DENR-CO)** in conformity with the said Bidding Documents:

Description	Qty	Total ABC (₱)	Financial Bid (₱)
Procurement of Firewall Software License for DENR-CO	1 Lot	6,400,000.00	Php 6,338,880.00
TOTAL			Php 6,338,880.00
TOTAL BID PRICE (Amount in Words): Six Million Three Hundred Thirty Eight Thousand Eight Hundred Eighty Pesos.			

We undertake, if our Bid is accepted, to deliver the goods/service in accordance with the delivery schedule specified in the Schedule of Requirements.

If our Bid is accepted, we undertake to provide a performance security in the form, amounts, and within the times specified in the Bidding Documents.

We agree to abide by this Bid for the Bid Validity Period specified in **BDS** provision for **ITB** Clause 17.1 and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

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 as per ITB Clause 5 of the Bidding Documents.

We likewise certify/confirm that the undersigned, has the full power and authority to participate, submit the bid, and to sign and execute the ensuing contract for the **PROCUREMENT OF FIREWALL SOFTWARE LICENSE FOR THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES-CENTRAL OFFICE (DENR-CO) under IB No. DENR-CO-2019-003.**

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.

SOLUTIONS PARTNER, INC.
Name of Company


Edwin Lim, Account Manager
Name & Designation

July 24, 2019
Date

