

Republic of the Philippines
PHILIPPINE PORTS AUTHORITY
PPA Building, Bonifacio Drive, South Harbor,
Port Area, Manila, Philippines

CONTRACT
FOR THE REHABILITATION OF EXISTING RC PIER,
PORT OF BAYBAY, LEYTE

This Contract made and entered into this 14th day of December 2019, in Manila, Philippines, by and between:

PHILIPPINE PORTS AUTHORITY, a government instrumentality created under Presidential Decree No. 857, as amended, with principal office at PPA Building, Bonifacio Drive, South Harbor, Port Area, Manila, represented herein by its duly authorized General Manager, **JAY DANIEL R. SANTIAGO**, and hereinafter referred to as "**PPA**";

- and -

A.T. TAN CONSTRUCTION CORPORATION (TIN No. 414-323-308-000), a private corporation duly organized and existing in accordance with Philippine laws, with office and business address at 15-2 V. Sotto St., San Roque, Cebu City, represented in this act by its Authorized Representative, **ULYSSES JOHN PO TAN**, as evidenced by Secretary's Certificate dated 24 September 2019, a copy of which is hereto attached and made an integral part hereof as Annex "1", and hereinafter referred to as "**CONTRACTOR**."

WITNESSETH:

WHEREAS, in accordance with Republic Act No. 9184 and its 2016 Revised Implementing Rules and Regulations (IRR), PPA advertised and posted on the PPA website and PhilGEPS, as well as on its bulletin board, an Invitation to Bid for the Rehabilitation of Existing RC Pier, Port of Baybay, Leyte, with an Approved Budget for the Contract (ABC) of **Php 126,092,268.37**;

WHEREAS, in response to the said advertisement, seven (7) bidders submitted their respective bids for the foregoing project;

WHEREAS, after the opening of bids on 01 October 2019 and the conduct of bid evaluation and post-qualification, the bid submitted by the CONTRACTOR at its unit and lump sum prices set forth in its proposal was found to be the Lowest Calculated Responsive Bid in the amount of **ONE HUNDRED TWENTY MILLION EIGHT HUNDRED FIFTY ONE THOUSAND EIGHT HUNDRED EIGHTY FOUR AND 27/100 PESOS (Php 120,851,884.27)**, Philippine Currency;

WHEREAS, pursuant to Head Office BAC Resolution No. 049-2019 Series of 2019, award of contract was made to the CONTRACTOR in a Notice of Award dated 24 October 2019, in the amount of **ONE HUNDRED TWENTY MILLION EIGHT HUNDRED FIFTY ONE THOUSAND EIGHT HUNDRED EIGHTY FOUR AND 27/100 PESOS (Php 120,851,884.27)**, after submission of the required documents within the prescribed period and compliance to the conditions stipulated in the IRR;

A.T. TAN CONSTRUCTION CORPORATION

Witness:

Grace Mangyao
GRACE MANGYAO
Department Head

BY: *Ulysses John Po Tan*
ULYSSES JOHN PO TAN
Authorized Representative

Witness: *Mark Jon S. Palomar*
MARK JON S. PALOMAR
Chairperson, HO-BAC-EP

PHILIPPINE PORTS AUTHORITY
BY: *Jay Daniel R. Santiago*
JAY DANIEL R. SANTIAGO
General Manager

WHEREAS, the CONTRACTOR duly accepted the award by signing its Conforme on the said Notice of Award;

NOW, THEREFORE, for and in consideration of the foregoing premises and the mutual stipulations herein contained, PPA and the CONTRACTOR have agreed, as follows:

1. In this Contract, words and expressions shall have the same meanings as are respectively assigned to them in the attached Contract Documents.

2. The following documents shall form part of this Contract:

A. Bid Documents consisting of the following:

- A.1 Invitation to Bid;
- A.2 Instructions to Bidders;
- A.3 Bid Data Sheet;
- A.4 General Conditions of Contract;
- A.5 Special Conditions of Contract;
- A.6 Specifications;
- A.7 Drawings/Plans;
- A.8 Addenda and/or Supplemental/Bid Bulletins, if any;

B. Technical and Financial Proposals;

C. Performance Security;

D. Notice of Award of Contract with the Contractor's Conforme thereto; and

E. Other contract documents that may be required by existing laws and PPA, such as:

- E.1 Construction Schedule and S-Curve;
- E.2 Manpower Schedule;
- E.3 Construction Methods;
- E.4 Equipment Utilization Schedule;
- E.5 Construction Safety and Health Program approved by the DOLE;
- E.6 Pert/CPM;
- E.7 Duly Approved Program of Works and Cost Estimates;
- E.8 Certificate of Availability of Funds;
- E.9 Abstract of Bids; and
- E.10 Resolution of Award.

3. In consideration of the payments to be made by PPA, the CONTRACTOR commits to complete the Works and remedy any defects therein in conformity with the provisions of this Contract and Contract Documents.

4. In consideration of the execution and completion of the Works and remedying any defects therein, PPA commits to pay the Contract Price or such other sum as may become payable under the provisions of this Contract and Contract Documents.

5. This Contract shall become effective after the same shall have been signed by the Parties hereof.

A.T. TAN CONSTRUCTION CORPORATION
BY: 
Witness: 
GRACE MANGYAO
Department Head
ULYSSES CHAN PO TAN
Authorized Representative

Witness: 
MARK JONES, PALOMAR
Chairperson, HO-BAC-EP

PHILIPPINE PORTS AUTHORITY
BY: 
JAY DANIEL R. SANTIAGO
General Manager

IN WITNESS WHEREOF, the Parties have hereunto signed this Contract on the date and place first hereinabove written.

PHILIPPINE PORTS AUTHORITY

TIN No. 000-352-232-000

By:

JAY DANIEL R. SANTIAGO

General Manager

MARK JON S. PALOMAR

Chairperson, HO-BAC-EP

A.T. TAN CONSTRUCTION CORPORATION

TIN No. 414-323-308-000

By:

ULYSSES JOHN PO TAN

Authorized Representative

WITNESSES

GRACE MANGYAO

Department Head

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
City of Mandaue) S.S.

DEC 14 2019

BEFORE ME, a Notary Public for and in the City of Manila, this ____ day of _____, 2019, personally appeared the following :

NAME	PROOF OF IDENTITY	DATE	PLACE
Jay Daniel R. Santiago	PPA ID No 00102016		
Ulysses John Po Tan	TIN No. 248-691-557-000		

known to me and to me known to be the same persons who executed the foregoing instrument as :

POSITION	COMPANY	CTC No.	DATE	PLACE
General Manager	Phil. Ports Authority	00158522	1-15-19	Manila
Authorized Representative	A.T. Tan Construction Corporation	12174205	2-06-19	Cebu City

and they acknowledged to me that the same is their own free act and deed as well as the free and voluntary act of the corporation they represent.

The foregoing instrument is a Contract for the Rehabilitation of Existing RC Pier, Port of Baybay, Leyte, consisting of three (3) pages, including this page on which this Acknowledgment is written, signed by the parties and their instrumental witnesses on each and every page thereof.

IN WITNESS WHEREOF, I have hereunto affixed my hand and notarial seal on these presents at the place and on the date first above written

Doc. No. 370 ;
Page No. 74 ;
Book No. XI ;
Series of 2019;

ATTY. JUDIEL M. PAREJA
Notary Public
for the City of Mandaue and Municipalities
of Compostela, Consolacion, Cordova and Liloan
Notarial Commission No. 2018-06 until Dec. 31, 2019
IBP No. AR3011001 / Cebu City / 01-04-19
PTR No. MC 0816465 / Mandaue City / 01-04-19
MCLE Compliance No. VI-0008265