

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

**CONTRACT**  
**FOR THE DREDGING OF PIER 18, NORTH HARBOR, MANILA,**  
**NORTH HARBOR, VITAS, TONDO, MANILA**

This Contract made and entered into this MAR 09 2020 day of \_\_\_\_\_ 2020, in Manila, Philippines, by and between:

**PHILIPPINE PORTS AUTHORITY (PPA)**, 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 General Manager, **JAY DANIEL R. SANTIAGO**, duly authorized for this purpose under Board Resolution No. 2445, Series of 2015 as contained in Secretary's Certificate dated 10 August 2015, a copy of which is attached as **Annex A**.

- and -

**HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION/KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/JOINT VENTURE**, duly organized and existing in accordance with Philippine laws, with principal office address at KXBG Bldg. Km. 10.5, Purok 13, Cabantian, near Brgy. Hall, Davao City, represented herein by its Authorized Managing Officer, **CHERRY LYN A. PUZON**, duly authorized for this purpose as shown in Joint Venture Agreement dated 02 December 2019, a copy of which is attached as **Annex B**.

**ANTECEDENTS:**


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 Dredging of Pier 18, North Harbor, Manila, North Harbor, Vitas, Tondo, Manila, with an Approved Budget for the Contract (ABC) of Php **167,018,171.49**;

In response to the said advertisement, only one (1) bidder submitted its bid for the foregoing project;

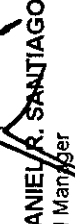
After the opening of bids on 11 December 2019 and the conduct of bid evaluation and post-qualification, the bid submitted by HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION/KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/Joint Venture at its unit and lump sum prices set forth in its proposal was found to be the Single Calculated Responsive Bid in the amount of **ONE HUNDRED SIXTY THREE MILLION FOUR HUNDRED FORTY FOUR THOUSAND FIVE HUNDRED THIRTEEN AND 40/100 PESOS (Php 163,444,513.40)**, Philippine Currency;

Pursuant to Head Office BAC Resolution No. 004-2020 Series of 2020, award of contract was made to HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION/KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/Joint Venture in a Notice of Award dated 24 January 2020, in the amount of **ONE HUNDRED SIXTY THREE MILLION FOUR HUNDRED FORTY FOUR THOUSAND FIVE HUNDRED THIRTEEN AND 40/100 PESOS (Php 163,444,513.40)**, after submission of the required documents within the prescribed period and compliance to the conditions stipulated in the IRR;

HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION/  
KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/JV  
BY:   
**EDGAR S. ACOSTA**  
President (Hi-Tone Const. & Dev't. Corp.)

  
**CHERRY LYN A. PUZON**  
Authorized Managing Officer

Witness  
  
**MARK JON S. PALOMAR**  
Chairperson, HO-BAC-EP

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

HI-TONE CONSTRUCTION & DEVELOPMENT CORPORATION/KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/Joint Venture duly accepted the award by signing its Conformance on the said Notice of Award;

NOW, THEREFORE, the parties agree 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 (Annex C)
- A.2 Instructions to Bidders (Annex D)
- A.3 Bid Data Sheet (Annex E)
- A.4 General Conditions of Contract (Annex F)
- A.5 Special Conditions of Contract (Annex G)
- A.6 Specifications (Annex H)
- A.7 Drawings/Plans (Annex I)
- A.8 Addenda and/or Supplemental/Bid Bulletins, if any (Annex J)

B. Technical and Financial Proposals (Annex K)

C. Performance Security (Annex L)

D. Notice of Award of Contract with Hi-Tone Construction and Development Corporation/KXBG Construction and Development Corporation's/Joint Venture Conformance thereto (Annex M) and

E. Other contract documents that may be required by existing laws and PPA.

E.1 Construction Schedule and S-Curve (Annex N)

E.2 Manpower Schedule (Annex O)

E.3 Construction Methods (Annex P)

E.4 Equipment Utilization Schedule (Annex Q)

E.5 Construction Safety and Health Program approved by the DOLE (Annex R);

E.6 Per/CPM (Annex S)

E.7 Duly Approved Program of Works and Cost Estimates (Annex T)

E.8 Certificate of Availability of Funds (Annex U)

E.9 Abstract of Bids (Annex V)

E.10 Resolution of Award (Annex W)

3. In consideration of the payments to be made by PPA, HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION/KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/Joint Venture commits to undertake and complete the Works in accordance with the required specifications 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.

HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION/  
KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/JV  
BY:   
EDGAR S. ACOSTA  
President (Hi-Tone Const. & Dev't, Corp.)

CHERRY LYNN A. POZON  
Authorized Managing Officer


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.

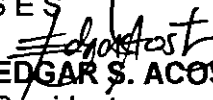
**PHILIPPINE PORTS AUTHORITY**  
TIN No. 000-352-232-000  
By:

  
**JAY DANIEL R. SANTIAGO**  
General Manager

  
**MARK JON S. PALOMAR**  
Chairperson, HO-BAC-EP

**HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION (TIN No. 005-769-891-000)/KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/JV (TIN No. 009-485-816-000)**  
By:

  
**CHERRY LYN A. PUZON**  
Authorized Managing Officer

WITNESSES  
  
**EDGAR S. ACOSTA**  
President

**ACKNOWLEDGMENT**

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

**MAR 09 2020**

BEFORE ME, a Notary Public for and in the City of Manila, this \_\_\_\_ day of \_\_\_\_\_, 2020, personally appeared the following :

NAME	PROOF OF IDENTITY	DATE	PLACE
Jay Daniel R. Santiago	PPA ID No 00102016		
Cherry Lyn A. Puzon	TIN No. 425-924-453-000		

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

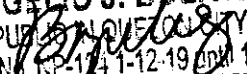
POSITION	COMPANY	CTC No.	DATE	PLACE
General Manager	Phil. Ports Authority	00008513	1-27-20	Manila
Authorized Managing Officer	Hi-Tone Construction and Development Corporation/ KXBG Construction and Development Corporation/Joint Venture			

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 Dredging of Pier 18, North Harbor, Manila, North Harbor, Vitas, Tondo, Manila, 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. 552;  
Page No. 110;  
Book No. 4;  
Series of 2020;

**ATTY. ROGELIO J. BOLIVAR**  
NOTARY PUBLIC  
  
AM Adm. Not. Com. No. RP-14 1-12-19 until 12-31-2020  
O.R. No. 055255 Jan. 2019 & IBP O.R. No. 055256 Jan. 2020  
O.R. No. 9332194 C 1-3-2020 / Rol No. 33832 / TIR No. 025-671-009  
OLE No. VI-0029583 valid from 12/16/19 valid until 04/14/22 Quezon City  
Address: 31-F Harvard St. Cubao, Q.C.