

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

**CONTRACT AGREEMENT
FOR THE REHABILITATION/IMPROVEMENT OF CLAVERIA PORT,
PORT OF CLAVERIA, TAGGAT NORTE, CAGAYAN**

This Agreement made and entered into this _____ day of _____ 2021, 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, attached herein
as Annex A.

- and -

**HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION/
KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/JV**, duly
organized and existing in accordance with Philippine laws, with principal office
address at KXBG Building, KM. 10.5, Purok 30, Brgy. Cabantian, 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 4 May 2021, attached herein as Annex B.

WHEREAS, the Entity is desirous that the Contractor execute the
Rehabilitation/Improvement of Claveria Port, Port of Claveria, Taggat Norte, Cagayan, with an
approved Budget for the Contract (ABC) of Php 249,220,579.21 and the Entity has accepted the
Bid for **TWO HUNDRED FORTY SEVEN MILLION EIGHT HUNDRED FIFTEEN THOUSAND
EIGHTY SEVEN AND 76/100 PESOS (Php 247,815,087.76)** by the Contractor for the
execution and completion of such Works and the remedying of any defects therein.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement, words and expressions shall have the same meaning as are
respectively assigned to them in the Conditions of Contract hereinafter referred to.
2. The following documents as required by the 2016 Revised Implementing Rules and
Regulations of Republic Act No. 9184 shall be deemed to form and be read and
construed as part of this Agreement, viz:
 - a. Philippine Bidding Documents (PBDs);
 - i. Drawings/Plans;
 - ii. Specifications;
 - iii. Bill of Quantities;
 - iv. General and Special Conditions of Contract;
 - v. Supplemental or Bid Bulletins, if any

HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION/
KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/JV
Witness:
ERGAR S. ACOSTA
President (Hi-Tone Const. & Devt., Corp.)

BY:
CHERRY LYN A. PUZON
Authorized Managing Officer

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

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

HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION/
KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/JV

Witness:
EDGAR S. ACOSTA
President (Hi-Tone Const. & Dev't., Corp.)

Witness:
CHERRY LYN A. PUZON
Authorized Managing Officer

BY:

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

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

b. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

Bid form, including all the documents/statements contained in the Bidder's bidding envelopes, as annexes, and all other documents submitted (e.g., Bidder's response to request for clarifications on the bid), including corrections to the bid, if any, resulting from the Procuring Entity's bid evaluation;

- c. Performance Security;
- d. Notice of Award of Contract and the Bidder's conforme thereto; and
- e. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the PBDs. Winning bidder agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for submission after the contract execution, such as the Notice to Proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract.

3. In consideration of the sum of **TWO HUNDRED FORTY SEVEN MILLION EIGHT HUNDRED FIFTEEN THOUSAND EIGHTY SEVEN AND 76/100 PESOS (Php 247,815,087.76)** or such other sums as may be ascertained, **HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION/KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/JV** agrees to execute the Rehabilitation/Improvement of Claveria Port, Port of Claveria, Taggat Norte, Cagayan, in accordance with its Bid.

4. The Philippine Ports Authority agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

5. In execution of its Works, **HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION/KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/JV** shall likewise hold PPA free and harmless from any liability due to actions, damages, or accident it may cause in the course thereof.

6. The failure of PPA to insist upon a strict performance of any of the terms, conditions and covenants hereof shall not be deemed a relinquishment or waiver of any of the rights or remedies that it may have, nor shall it be construed as a waiver of any subsequent breach or default of its terms, conditions and covenants which shall continue to be in full force and effect. Silence on the part of PPA shall not be considered as condonation or waiver of any breach or default by **HI-TONE CONSTRUCTION AND DEVELOPMENT CORPORATION/KXBG CONSTRUCTION AND DEVELOPMENT CORPORATION/JV** of any covenant or condition herein provided. No waiver by PPA of its rights under this Contract shall be deemed to have been made unless expressly made in writing and signed by its duly authorized representative.

IN WITNESS whereof, the Parties have hereto caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines, on the day and year first above 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 CONST. & DEV'T., CORP./
KXBG CONST. & DEV'T., CORP./JV
TIN No. 005-769-891-000
By:


CHERRY LYN A. PUZON
Authorized Managing Officer

WITNESSES


EDGAR S. ACOSTA
President (Hi-Tone Construction & Development Corp.)

ACKNOWLEDGMENT

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

BEFORE ME, a Notary Public for and in the City of Manila, this day of ~~ME~~ AUG 05 2021, 2021, personally appeared the following :

NAME	COMPETENT EVIDENCE OF IDENTITY	DATE OF ISSUE OR EXPIRY DATE	PLACE OF ISSUE
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 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 entities they represent.

POSITION	COMPANY	CTC No.	DATE	PLACE
General Manager	Phil. Ports Authority	00367765	2-02-21	Manila
Authorized Managing Officer	Hi-Tone Const. & Dev't., Corp./KXBG Const. & Dev't., Corp./JV			

The foregoing instrument is a Contract for the Rehabilitation/Improvement of Claveria Port, Port of Claveria, Taggat Norte, Cagayan, 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 hereof.

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. 77
Page No. 145
Book No. 21
Series of 2021


ATTY. ROGELIO J. BOLIVAR
NOTARY PUBLIC IN QUEZON CITY
AN Adm. Matter No. 264 June 21, 2021 to Dec. 31, 2022
IBP O.R. No. 132134 MD 2021 & IBP O.R. No. 133076 MD 2022
PTR O.R. No. 0695112 D 1/4/21 / Roll No. 33832/TIN# 129-871-009
MCLE No. Vi-0029583 valid from 12/16/19 valid until 04/14/22 Quezon City
Address: 31-F Harvard St., Cubao, Q.C.