

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

**CONTRACT**  
**FOR THE SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF**  
**AIRCONDITIONING UNITS FOR PHILIPPINE PORTS AUTHORITY HEAD OFFICE**

This Contract made and entered into this \_\_\_\_\_ day of 10 OCT 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. 2466, Series of 2015 as contained in Secretary's Certificate dated 02 November 2015, a copy of which is attached as **Annex A**.

- and -

**FMG REFRIGERATION AND AIRCONDITIONING SERVICES**, a corporation duly organized and existing under Philippine laws, with principal office address at No. 2 Peking St., Vista Verde North Executive Village, Caloocan City, represented herein by its Authorized Representative, **SIMEON M. LUMBES, JR.**, duly authorized for this purpose as shown in Special Power of Attorney dated 22 August 2020, 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 Supply, Delivery, Installation and Commissioning of Airconditioning Units for Philippine Ports Authority Head Office, with an Approved Budget for the Contract (ABC) of Php 12,000,000.00;

In response to the said advertisement two (2) bidders submitted its bid for the foregoing project;

After the opening of bids on 27 August 2020 and the conduct of bid evaluation and post-qualification, the bid submitted by **FMG REFRIGERATION AND AIRCONDITIONING SERVICES** 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 **TEN MILLION TWO HUNDRED THIRTY TWO THOUSAND NINE HUNDRED THREE AND 94/100 PESOS (Php 10,232,903.94)**, Philippine Currency;

Pursuant to Head Office BAC Resolution No. 059-2020 Series of 2020, award of contract was made to **FMG REFRIGERATION AND AIRCONDITIONING SERVICES** in a Notice of Award dated 22 September 2020, in the amount of **TEN MILLION TWO HUNDRED THIRTY TWO THOUSAND NINE HUNDRED THREE AND 94/100 PESOS (Php 10,232,903.94)**, after submission of the required documents within the prescribed period and compliance to the conditions stipulated in the IRR;

FMG REFRIGERATION AND AIRCONDITIONING SERVICES

BY :

**SIMEON M. LUMBES, JR.**  
Authorized Representative

Witness :

**TRISHAB BUTIERREZ**  
Sales Marketing Executive

PHILIPPINE PORTS AUTHORITY

BY :

**JAY DANIEL R. SANTIAGO**  
General Manager

Witness :

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

FMG REFRIGERATION AND AIRCONDITIONING SERVICES 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 FMG REFRIGERATION AND AIRCONDITIONING SERVICES 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 (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 Schedule of Requirements (Annex H)
    - A.7 Terms of Reference (Annex I)
    - A.8 Technical Specifications (Annex J)
    - A.9 Addenda and/or Supplemental/Bid Bulletins (Annex K)
  - B. Technical and Financial Proposals (Annex L)
  - C. Performance Security (Annex M)
  - D. Notice of Award of Contract with FMG Refrigeration and Airconditioning Services' Conforme thereto (Annex N)
  - E. Other contract documents that may be required by existing laws and PPA:
    - E.1 Certificate of Availability of Funds (Annex O)
    - E.2 Abstract of Bids (Annex P)
    - E.3 Resolution of Award (Annex Q)
3. In consideration of the payments to be made by PPA, FMG REFRIGERATION AND AIRCONDITIONING SERVICES commits to completely deliver the goods and complete the works in accordance with the required specifications stated in the Terms of Reference hereto attached as Annex "I" and to provide immediate remedy any defects therein in conformity with the provisions of this Contract and Contract Documents.
4. In consideration of the execution and complete delivery of the goods and completion of the works and remedying any defects therein, PPA commits to pay the contract price in accordance with the Terms of Reference and in conformity with 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.

FMG REFRIGERATION AND AIRCONDITIONING SERVICES

Witness

TRISHA B. GUTIERREZ  
Sales Marketing Executive

BY :

SIMEON M. LUMBES, JR.  
Authorized Representative

Witness

MARK JON S. PALOMAR  
Chairperson, HO-BAC-PGCS

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-PGCS

**FMG REFRIGERATION AND AIRCONDITIONING SERVICES**  
(TIN No 279-248-292-000)  
By:

**SIMEON M. LUMBES, JR.**  
Authorized Representative

**WITNESSES**

**TRISHA B. GUTIERREZ**  
Sales Marketing Executive

**ACKNOWLEDGMENT**

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

BEFORE ME, a Notary Public for and in the City of Manila, this 02 <sup>OCT</sup> day of 2020, 2020, 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		
Simeon M. Lumbes, Jr.	Driver's License No. N02-00429794		

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 Representative	FMG Refrigeration and Airconditioning Services			

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 Supply, Delivery, Installation and Commissioning of Airconditioning Units for Philippine Ports Authority Head Office, 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

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Book No. ✓  
Series of 2020;

**ATTY. ROGELIO A. SOLIVAR**  
NOTARY PUBLIC  
AM Adm. Not. Com. No. NP-124 1-12-19 until 12-31-2023  
EP O.R. No. 055255 Jan. 2019 & JDP O.R. No. 055256 Jan. 2020  
PTR O.R. No. 69275410 1-3-2020 / Ref. No. 30332 / TIN# 120-671-00  
MCLE No. VI-0025533 valid from 12/18/19 Valid until 04/14/22