

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

CONTRACT AGREEMENT

FOR THE IMPROVEMENT OF PORT OPERATION BUILDING INCLUDING REPAIR OF EXTERIOR WALLS, REPAIR/REPLACEMENT OF ALUMINUM COMPOSITE PANEL, COVERED WALK, PPA LOGO, ELECTRICAL AND LANDSCAPING AT PORT OF LAMAO, LIMAY, BATAAN, PORT OF LAMAO, LIMAY, BATAAN

NOV 24 2023

This Agreement made and entered into this _____ day of _____ 2023, in Manila, Philippines, by and between:

PHILIPPINE PORTS AUTHORITY (PPA) herein referred to as the **PROCURING ENTITY** and/or **ENTITY**, 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 -

FPF CONSTRUCTION, a business duly organized and existing under Philippine laws, with business address at 651 Mangga Cacutud, Arayat, Pampanga, represented herein by its registered owner, **FAUSTINE JAY D. TIMBOL**, as shown in the Department of Trade and Industry (DTI) Certificate with Business Name No. 4927049, copy of which is hereto attached as Annex "B", and hereinafter referred to as the **CONTRACTOR** and/or **WINNING BIDDER**;

WHEREAS, the Entity is desirous that the Contractor execute the Improvement of Port Operation Building Including Repainting of Exterior Wall, Repair/Replacement of Aluminum Composite Panel, Covered Walk, PPA Logo, Electrical and Landscaping at Port of Lamao, Limay, Bataan, Port of Lamao, Limay, Bataan, (hereinafter called "the Works"), with an approved Budget for the Contract (ABC) of Php **24,614,193.56** and the Entity has accepted the Bid for **TWENTY FOUR MILLION FIVE HUNDRED FOUR THOUSAND FOUR HUNDRED FORTY EIGHT PESOS AND 88/100 (Php 24,504,448.88)** 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

- 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 **TWENTY FOUR MILLION FIVE HUNDRED FOUR THOUSAND FOUR HUNDRED FORTY EIGHT PESOS AND 88/100 (Php 24,504,448.88)** or such other sums as may be ascertained, **FPF CONSTRUCTION** agrees to execute the Improvement of Port Operation Building Including Repainting of Exterior Wall, Repair/Replacement of Aluminum Composite Panel, Covered Walk, PPA Logo, Electrical and Landscaping at Port of Lamao, Limay, Bataan, Port of Lamao, Limay, Bataan, 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, **FPF CONSTRUCTION** 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 **FPF CONSTRUCTION** 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.

Witness:
MELVIN M. FERNANDO
Liaison Officer

FPF CONSTRUCTION

BY :
FAUSTINE-JAY D. TIMBOL
General Manager

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

PHILIPPINE PORTS AUTHORITY

BY :
JAY DANIEL R. SANTIAGO
General Manager

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

JAY DANIEL R. SANTIAGO
General Manager

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

FPF CONSTRUCTION
TIN No. 222-726-168-000
By:

FAUSTINE JAY D. TIMBOL
General Manger

WITNESSES

MELVIN M. FERNANDO
Liaison Officer

ACKNOWLEDGMENT

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

NOV 24 2023

BEFORE ME, a Notary Public for and in the City of Manila, this NOV 24 2023 day of NOV 24 2023, 2023, 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		
Faustine Jay D. Timbol	SSS No. 02-1922124-3		

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	00453661	1-12-23	Manila
General Manager	FPF Construction			

The foregoing instrument is a Contract for the Improvement of Port Operation Building Including Repainting of Exterior Wall, Repair/Replacement of Aluminum Composite Panel, Covered Walk, PPA Logo, Electrical and Landscaping at Port of Lamao, Limay, Bataan, Port of Lamao, Limay, Bataan, 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

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Series of 2023

NOT. EMILLO A. AGREGADO
NOTARY PUBLIC
DATE DEC 31, 2023
PTR NO. 8792110 15-7-2023
BP NO. 119522, ROLL NO. 27783
COMPLIANCE NO. VI-11700