Republic of the Philippines
PHILIPPINE PORTS AUTHORITY
Port Management Office of Bohol
Port Area, Tagbilaran City, Bohol, Philippines

CONTRACT
FOR THE REPAIR/REPAINTING OF ADMINISTRATION AND PASSENGER TERMINAL BUILDINGS AT THE PORTS OF TAGBILARAN AND TUBIGON, BOHOL

This Contract made and entered into this 11 day of October 2019, in Carmen, Bohol, Philippines, by and between:

PHILIPPINE PORTS AUTHORITY, a government instrumentality created under Presidential Decree No. 857, as amended, with principal Office at PPA Bldg., A. Bonifacio Drive, South Harbor, Port Area, Manila, represented herein by Port Manager of Port Management Office of Bohol, **JAMES J. GANTALAO**, hereinafter referred to as "**PPA**";

-and-

CLAVITE CONSTRUCTION AND SUPPLY (TIN No. 935-929-296-002), duly organized and existing in accordance with Philippine laws, with principal office address at Poblacion Norte, Carmen, Bohol, represented herein by its Proprietor/ Authorized Managing Officer, **HERMINIA B. CLAVITE**, and herein 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 Repair/Repainting of Administration and Passenger Terminal Buildings, Ports of Tagbilaran and Tubigon, Bohol;

WHEREAS, in response to the said advertisement, four (4) bidders submitted their respective bids for the foregoing project;

WHEREAS, after the Opening of Bids on August 14, 2019 and the conduct of bid evaluation and post-qualification, the BAC together with the Technical Working Group (TWG) observed deficiencies/non-compliances as stated in BAC Resolution No. 03-2019 in the bid proposal of the Lowest Calculated Bid of **3N Construction and Supply Construction,** which was declared by the BAC as non-responsive, thereby resulting to its eventual disqualification;

WHEREAS, a Notice of Disqualification dated August 23, 2019 was sent to 3N Construction and Supply and they were given three (3) calendar days upon receipt of the said notice to file a request for reconsideration with the BAC;

CLAVITE CONSTRUCTION AND SUPPLY
MANUEL ELIZALDE T. CLAVITE
Co-Proprietor
HERMINIA B. CLAVITE
Proprietor/Authorized Managing Officer

PHILIPPINE PORTS AUTHORITY
EPELITO S. ARAO-ARAOII
Acting Admin. Division Manager

PHILIPPINE PORTS AUTHORITY
JAMES J. GANTALAO
Port Manager

WHEREAS, 3N Construction and Supply did not file a motion for reconsideration with the BAC, thus, the BAC proceed to the Post-Qualification Conference of the Second Lowest Calculated and Responsive Bid on September 13, 2019;

WHEREAS, upon post-qualification or careful examination, validation and verification of all the eligibility, technical and financial requirements submitted by the Bidder with the Second Lowest Calculated Bid, **Clavite Construction and Supply,** the BAC found its bid to be responsive;

WHEREAS, the bid submitted by the CONTRACTOR at its unit and lump sum prices set forth in its proposal was found to be the Second Lowest Calculated Responsive Bid in the amount of **THREE MILLION FOUR HUNDRED FIFTEEN THOUSAND NINE HUNDRED TWENTY ONE AND 30/100 (Php 3,415,921.30), Philippine Currency**;

WHEREAS, pursuant to BAC Resolution No. 03-2019, award of contract was made to the CONTRACTOR in a Notice of Award dated 16 September 2019, in the amount of **THREE MILLION FOUR HUNDRED FIFTEEN THOUSAND NINE HUNDRED TWENTY ONE PESOS & 30/100 (P3,415,921.30),** after submission of the required documents within the prescribed period and compliance to the conditions stipulated in the IRR;

WHEREAS, the CONTRACTOR duly accepted the award by signing as 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 the Contract;
      A.5 Special Conditions of the 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;

CLAVITE CONSTRUCTION AND SUPPLY
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JAMES J. GANTALAO
Port Manager

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 and defects therein, PPA commits to pay the Contract Price or such other sum as may become payable under the provisions of these Contract and Contract Documents.

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

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

PHILIPPINE PORTS AUTHORITY
TIN No. 000-352-232-020

By:

JAMES J. GANTALAO
Port Manager

CLAVITE CONSTRUCTION AND SUPPLY
TIN No. 935-929-296-002

By:

HERMINIA B. CLAVITE
Proprietor/Authorized Managing Officer

WITNESSES:

EPELITO S. ARAO-ARAO II
Acting Admin Division Manager

MANUEL ELIZALDE T. CLAVITE
Co-Proprietor

CLAVITE CONSTRUCTION AND SUPPLY
HERMINIA B. CLAVITE
Proprietor/Authorized Managing Officer
MANUEL ELIZALDE T. CLAVITE
Co-Proprietor

PHILIPPINE PORTS AUTHORITY
EPELITO S. ARAO-ARAO II
Acting Admin. Division Manager
JAMES J. GANTALAO
Port Manager

ACKNOWLEDGMENT

Republic of the Philippines
City of _____

BEFORE ME, a Notary Public, for and in the City of Carmen, Bohol, Philippines, on this October 11 2019 personally appeared the following:

NAME	PROOF OF IDENTITY	DATE	PLACE
JAMES J. GANTALAO	PPA00661996		
HERMINIA B. CLAVITE	TIN No. 935-929-296-002		

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

POSITION	COMPANY	CTC No.	DATE	PLACE
Port Manager	Phil. Ports Authority	27345075	1-10-2019	Carigara, Leyte
Proprietor/ Authorized Managing Officer	Clavite Construction and Supply	02325204	1-05-2019	Carmen, Bohol

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 company they represent.

The foregoing instrument is a Contract for the Repair/Repainting of Administration and Passenger Terminal Buildings at the Ports of Tagbilaran and Tubigon, Bohol, consisting of four (4) 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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ATTY. ELIEZER J. CAGOL JR.
Notary Public until December 31, 2020
Roll No. 48815; IBP No. 064065, 1-7-19 Bohol
TIN No. 168-895-130; PTR No. 5554889; 1-3-19
MCLE No. VI-0006632, valid until April 14, 2022
Notarial Commission No. 2019-3