CONTRACT AGREEMENT

THIS AGREEMENT, made this 17th day of February, 2022 between ***PHILIPPINE PORTS AUTHORITY, Port Management Office of Tacloban, Tacloban City*** (hereinafter called the "Entity") and ***BCG Design and Construction*, Brgy. U.E.P. Zone I, Catarman, Northern Samar** {hereinafter called the "Contractor").

WHEREAS, the "Entity" after two(2) failed biddings due to bidders failure to submit complete documents resorted to negotiated procurement (two failed biddings) under Section V (D) (1) of Annex H of the Revised IRR of RA 9184;

WHEREAS, the "Entity" posted the Invitation for a Negotiated Procurement and to bid its Best and Final Offer for the Improvement of Existing Rock Causeway **(PPA-DOTr-7100-P1000-20401010B)**, in the **Philippine Ports Authority** website, the **PhilGEPS** and at conspicuous places continuously for seven (7) days, to wit;

1) PMO-Tacloban Bulletin Board
2) Terminal Port of Catbalogan, Catbalogan, Samar
3) DPWH Regional Office VIII, Candahug Palo, Leyte
4) Tacloban City Hall, Kanhuraw Hill, Tacloban City

WHEREAS, in response to the said advertisement, one **(1)** contractor purchased bid documents;

WHEREAS, **three (3)** bidders attended the negotiation meeting on **October 23,2020** and **one (1)** bidder submitted his Best and final Offer on **November 06, 2020**;

Name of Bidder	Bid Amount (As Read)	% Variance from ABC
BCG Design and Construction	PhP 9,193,289.03	0.0041%

WHEREAS, the detailed evaluation of bids conducted on November 23,2020 resulted in the following:

Name of Bidder	Bid Amount (As Calculated)	% Variance from ABC
BCG Design and Construction	PhP. 9,192,615.39	0.0042%

WHEREAS, the "Entity" issued a Notice of Award dated January 13, 2021 to the Contractor;

WHEREAS, the Entity is desirous that the Contractor execute **Improvement of Existing Rock Causeway, Port of San Roque, Daram, Samar (PPA-DOTr-7100-P1000-20401010B)** (hereinafter called "the Works") and the Entity has accepted the Bid for **Nine Million One Hundred Ninety Two Thousand Six Hundred Fifteen Pesos & 39/100 Only (Php. 9,192,615.39)** by the Contractor for the execution and completion of such Works within **180 Calendar days** and the remedying of any defects therein.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement, words and expressions shall have the same meanings 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);

WITNESSES:

ROSSANA Z. NUEVO
Acting Division Manager, ESD

MERLE O. CRUZ
Finance Manager

BCG DESIGN AND CONSTRUCTION

BALTAZAR C. GALVEZ
Contractor

PHILIPPINE PORTS AUTHORITY
By:

MANUEL A. BOHOLANO
Port Manager

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 for the sum of **Nine Million One Hundred Ninty Two Thousnad Six Hundred Fifteen Pesos and 39/100 Only (Php. 9,192,615.39)** or such other sums as may be ascertained, ***BCG Design and Construction*** agrees to execute **Improvement of Existing Rock Causeway, Port of San Roque, Daram, Samar** in accordance with his/her/its Bid.

4. The ***PHILIPPINE PORTS AUTHORITY, Port Management Office of Tacloban, Tacloban City*** agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

IN WITNESS whereof the parties thereto have caused this Agreement to be executed the day and year first before written.

Binding Signature of PROCURING AUTHORITY

MANUEL A. BOHOLANO
Port Manager

Binding Signature of Contractor

BALTAZAR C. GALVEZ
Proprietor/Manager

SIGNED IN THE PRESENCE OF:

MERLE O. CRUZ
Finance Manager

ROSSANA Z. NUEVO
Acting Division Manager, ESD

WITNESSES:

MERLE O. CRUZ
Finance Manager

ROSSANA Z. NUEVO
Acting Division Manager, ESD

BCG DESIGN AND CONSTRUCTION

BALTAZAR C. GALVEZ
Contractor

PHILIPPINE PORTS AUTHORITY
By:

MANUEL A. BOHOLANO
Port Manager

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF TACLOBAN) S.S.

BEFORE ME, A Notary Public for and in the City of Tacloban Philippines, personl\ally appeared the following persons with their respective Identification Cards as competent proof of their identity:

NAME	IDENTIFICATION NO.	VALIDITY PERIOD
BALTAZAR C GALVEZ	C1192	06/19/2023

who are known to me to be the same persons who executed and signed the foregoing instrument and who acknowledged to me that the same in their free and voluntary act and deed and that of the entities which they respectively represent.

This instrument is a CONTRACT/AGREEMENT for the **Improvement of Existing Rock Causeway, Port of San Roque, Daram, Samar** consisting the two (2) pages including this in which the Acknowledgement is written. Page 1 are signed on the left margin thereof and page 2 is signed at the corresponding spaces provided therefore by the Parties and their instrumental witnesses and sealed with notarial seal.

WITNESS MY HAND AND SEAL this FEB 17 2022 day of _____ ,2021 at Tacloban City, Philippines.

NOTARY PUBLIC

Doc. No. 185
Page No. 37
Book No. I
Series of 2022

ATTY. FAYE GLADYS M. TEBRERO
NOTARY PUBLIC
For Tacloban City, Province of Leyte
NC No. 2020-01-33 until June 30, 2022 (SC Res. dated September 28, 2021
Roll No. 53206/ IBP Receipt No. 133676/01.03.2022/Leyte
PTR No. 6362979/01.03.2022/Province of Leyte-CY 2022
P6, B4, L12, V&G Subd. Tacloban City, 6500
MCLE Compliance No. VI-0016815 valid until April 14, 2022

[Addendum showing the corrections, if any, made during the Bid evaluation should be attached with this agreement]