

REPUBLIC OF THE PHILIPPINES
PHILIPPINE PORTS AUTHORITY
PORT MANAGEMENT OFFICE - DAVAO
Km. 10, Port Area, Sasa, Davao City

CONTRACT AGREEMENT
CONSULTANCY SERVICES FOR THE CONDUCT OF FEASIBILITY
STUDIES AND FORMULATION OF MASTER PLANS FOR SELECTED
PORTS IN SOUTHERN MINDANAO

Witness:
JULES ALDWIN F. BIONGAN
Liaison Officer / Marketing Officer

This Agreement, made and entered into this AUG 18 2022
2022, by and between:

Philippine Ports Authority, Port Management Office - Davao
with an office at Km 10, Port Area, Sasa, Davao City, Philippines,
represented herein by its duly authorized Port Manager, **ANALEE G.
AGUILA**, and hereinafter referred to as "**PPA**"

- and -

**TERMS CONCRETE AND MATERIAL TESTING LABORATORY,
INC.** (TIN No. 007-029-185-000), duly organized and existing in
accordance with Philippine laws, with principal office and business
address at No. 19 L. Intalan St., Barangay Bagong Ilog, Pasig City,
1604, Metro Manila, NCR, Philippines represented herein by its
Authorized Representative, **ROWENA S. SANTOS**, duly authorized for
this purpose as shown in Secretary's Certificate dated 22 July 2022,
attached herein as **Annex A**, and hereinafter referred to as
"**CONSULTANT**."

WITNESSETH:

WHEREAS, the PPA is desirous that the Consultant execute the **Consultancy
Services for the Conduct of Feasibility Studies and Formulation of Master
Plans for Selected Ports In Southern Mindanao**, with an Approved Budget for the
Contract (ABC) of Php17,500,904.00 and the PPA has accepted the Bid for
**Seventeen Million Four Hundred Eighty Thousand Eight Hundred Pesos
(Php17,480,800.00)** by the Consultant for the execution and completion of such
Services 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 Implementating
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. Development Plans;
 - ii. General and Special Conditions of Contract;
 - iii. Supplemental or Bid Bulletins, if any

TERMS CONCRETE AND MATERIAL
TESTING LABORATORY, INC.
BY: 
ROWENA S. SANTOS
Authorized Representative

Witness:
ASTORIO C. GALLARDO, JR.
ESD Manager

PHILIPPINE PORTS AUTHORITY
BY: 
ANALEE G. AGUILA
Port 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 a request for clarifications on the bid), including 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. The 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 **Seventeen Million Four Hundred Eighty Thousand Eight Hundred Pesos (Php17,480,800.00)** or such other sums as may be ascertained, **TERMS CONCRETE AND MATERIAL TESTING LABORATORY, INC.** agrees to execute the **Consultancy Services for the Conduct of Feasibility Studies and Formulation of Master Plans for Selected Ports In Southern Mindanao** in accordance with its Bid.
4. The Philippine Ports Authority, Port Management Office - Davao agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.
5. In execution of the Services, **TERMS CONCRETE AND MATERIAL TESTING LABORATORY, INC.** shall likewise hold PPA free and harmless from any liability due to actions, damages, or accidents it may cause in the course thereof.
6. The failure of PPA to insist upon 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 **TERMS CONCRETE AND MATERIAL TESTING LABORATORY, INC.** 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:

JULES ALDWIN F. BIONGAN
Liaison Officer / Marketing Officer

**TERMS CONCRETE AND MATERIAL
TESTING LABORATORY, INC.**

BY:

ROWENA S. SANTOS
Authorized Representative

Witness:

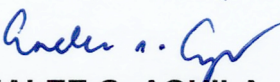
ASTERIO C. GALLARDO, JR.
ESD Manager

PHILIPPINE PORTS AUTHORITY

BY:

ANALEE G. AGUILA
Port Manager

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


ANALEE G. AGUILA
Port Manager

TERMS CONCRETE AND MATERIAL
TESTING LABORATORY, INC.
TIN No. 007-029-185-000
By:


ROWENA S. SANTOS
Authorized Representative

WITNESSES:


ASTERIO C. GALLARDO, JR.
ESD Manager


JULES ALDWIN F. BIONGAN
Liaison Officer / Marketing Officer
Terms Concrete and Material Testing
Laboratory, Inc.

ACKNOWLEDGMENT

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

BEFORE ME, a Notary Public for and in the City of Davao, this 18 day of AUG 18 2022 2022, personally appeared the following:

NAME	PROOF OF IDENTITY	DATE	PLACE
Analee G. Aguila	PPA ID No. 01991988		
Rowena S. Santos	Passport No. P0537723B	February 4, 2019	DFA Manila

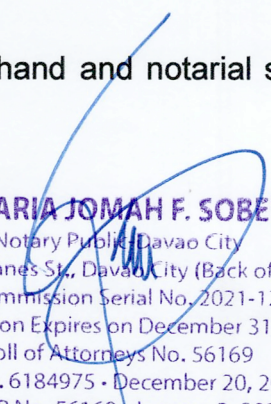
known to me and to me known to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their own free act and deed as well as the free and voluntary act of the entities they represent.

POSITION	COMPANY	CTC No.	DATE	PLACE
Port Manager	Phil. Ports Authority	06179006	01/11/2022	Davao City
Authorized Representative	Terms Concrete and Material Testing Laboratory, Inc.	070777718	01/13/2022	Pasig City

The foregoing instrument is a Contract for the **Consultancy Services for the Conduct of Feasibility Studies and Formulation of Master Plans for Selected Ports in Southern Mindanao**, 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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Book No. 220
Series of 2022


ATTY. MARIA JOMAH F. SOBERANO
Notary Public Davao City
Magallanes St., Davao City (Back of SP)
Notarial Commission Serial No. 2021-120-2022
Commission Expires on December 31, 2022
Roll of Attorneys No. 56169
PTR No. 6184975 • December 20, 2021
IBP OR No. 56169 • January 3, 2022
TIN 277-075-045-000