

Republic of the Philippines
PHILIPPINE PORTS AUTHORITY
PORT MANAGEMENT OFFICE – SOCSARGEN
Makar Wharf, General Santos City

CONTRACT

FOR

RETROFITTING OF R.C. PILES, PILE CAPS, AND BEAMS AT
EASTERN WHARF, PORT OF GENERAL SANTOS,
MAKAR WHARF, GENERAL SANTOS CITY

KNOW ALL MEN BY THESE PRESENTS:

This Contract made and entered into this 15th day of May 2017, in the City of General Santos, Philippines, by and between:

PHILIPPINE PORTS AUTHORITY, a government instrumentality created under Presidential Decree No. 857, as amended, with principal office at Bonifacio Drive, South Harbor, Port Area, Manila, represented by its duly authorized Acting Port Manager of the Port Management Office (PMO) for SOCSARGEN at Makar Wharf, General Santos City, ATTY. CESAR M. DATAYA, and hereinafter referred to as PPA;

- And -

EC STRUCTURAL COMPOSITES, INC., a duly registered and licensed business entity, with business and postal address at 4F EC Center Bldg., Mindanao Avenue Extension, Brgy. Pasong Putik, Quezon City, represented herein by its duly authorized Sales Manager, GLADYS ALMA F. CLEMENTE per Secretary's Certificate dated April 8, 2017 attached hereto as Annex "A", and hereinafter referred to as CONTRACTOR.

WITNESSETH:

WHEREAS, in accordance with Republic Act No. 9184 and its Revised Implementing Rules and Regulations (IRR), the Bids and Awards Committee for Engineering Projects (BAC-EP) posted at the PPA website, GEPS and at the PPA, PMO-SOCSARGEN Bulletin Board from March 20-26, 2017, an Invitation to Bid for the project Retrofitting of R.C. Piles, Pile Caps, and Beams at Eastern Wharf, Port of General Santos, Makar Wharf, General Santos City.

WHEREAS, during the opening of bids on April 11, 2017, only one (1) bidder, the CONTRACTOR submitted its bid. The CONTRACTOR, upon evaluation of its bid, was rated as passed in its Technical and Financial Proposals;

WHEREAS, after the said opening of bids and the corresponding conduct of bid evaluation and required post-qualification, the bid submitted by the CONTRACTOR at its unit and lump sum prices set forth in its proposal was found to be the single calculated and responsive bid in the amount TWENTY-EIGHT MILLION

By Member
CS-F-

FIVEHUNDRED THOUSAND NINE HUNDRED NINETY-TWO PESOS AND SIXTY-SIX CENTAVOS (Php 28,500,992.66)Philippine Currency inclusive of twelve percent (12%) Value Added Tax (VAT);

WHEREAS, the aforesaid bid of the CONTRACTOR is lower than the Approved Budget of the Contract which isTwenty-Nine Million Six Hundred Eighty-Nine Thousand Two Hundred Sixty-Seven Pesos Only (P 29,689,267.00) Philippine Currencyinclusive of twelve percent (12%) VAT;

WHEREAS,pursuant to BAC-EP Resolution No. 04Series of 2017, duly approved by the PPA Port Manager, award of the contract was made to the CONTRACTOR in a letter dated April 27, 2017, in the amount ofTwenty-Eight Million FiveHundred Thousand Nine Hundred Ninety-Two Pesos and Sixty-Six Centavos (Php 28,500,992.66)Philippine Currency inclusive of twelve percent (12%) VAT;

WHEREAS, the CONTRACTOR duly accepted the award by signing its Conformé on the said Notice of Award;

NOW, THEREFORE, for and in consideration of the foregoing premises and the mutual covenants, stipulations and agreements herein contained, the PPA and the CONTRACTOR have agreed, as they do hereby agree, and contract as follows:

ARTICLE I

CONTRACT DOCUMENTS

1.01 The following documents shall constitute integral parts of this Contract, as fully as if the contents of the said documents are reproduced, incorporated and set forth herein, and shall govern and control in full force and effect the rights and obligations of the Parties, except as otherwise modified by the terms and conditions of this Contract, or by mutual agreement in writing of bothparties, to wit

- a. Contract
- b. Conditions of Contract
- c. Drawings/Plans
- d. Specifications
- e. Invitation to Bid
- f. Instruction to Bidders
- g. Addenda
- h. Bid Proposal including the following documents/annexes:

Technical Bid:

- 1) Eligibility Documents
- 2) Bid Security;
- 3) Duly Signed Contract Organizational Chart
- 4) Statement of Availability of Key Personnel
- 5) Statement of Availability of Equipment Owned, Under Lease and/or has Under Purchase Agreements that may be Used for the Contract
- 6) List of Contractor's Equipment
- 7) Omnibus Sworn Statement
- 8) Other documents submitted

Financial Bid:

- (1) Bid Proposal
- (2) Bid Prices in the Bill of Quantities
- (3) Detailed Estimates
- (4) Cash Flow by Quarters and Payment Schedule

- j. Performance Security
- k. Notice of Award of Contract and Contractor's "Conforme" thereto
- l. Notice to Proceed
- m. Other contract documents that may be required by PPA

1.03 All contract documents are and shall remain as the property of the PPA.

1.04 The words and expressions in this Contract shall have the same meanings respectively assigned to them in the contract documents referred to above.

ARTICLE II

CONTRACTOR'S UNDERTAKING SCOPE OF WORK

2.01 The CONTRACTOR, in consideration of the payment to be made by the PPA to the said CONTRACTOR as stated in the contract documents and this Contract, hereby covenants to execute and complete the contract Retrofitting of R.C. Piles, Pile Caps, and Beams at Eastern Wharf, Port of General Santos, Makar Wharf, General Santos City, in conformity in all respects with the provisions of this Contract, as follows:

Item #	Scope of Works	Unit	Quantity	Unit Price	Amount
I	MOBILIZATION/DEMOLITION	LOT	1.00	362,203.28	362,203.28
II	CORROSION TREATMENT/REMOVAL OF SPALLED CONCRETE	SQ.M.	2,150.36	659.00	1,417,087.24
III	REMOVAL/TREATMENT OF SPALLED CONCRETE	SQ.M.	2,505.64	375.00	939,615.00
IV	TREATMENT OF CORRODED STEEL REINFORCEMENT	SQ.M.	133.70	1,199.79	160,411.92
V	SUPPLY AND APPLICATION OF UNDERWATER EPOXY PUTTY	SQ.M.	2,505.64	1,246.05	3,122,152.72

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VI	CHIPPING WORKS	SQ.M.	1,568.96	648.00	1,016,686.08
VII	RETROFITTING WORKS (RC BEAMS AND PILE CAPS)	SQ.M.	2,073.73	2,950.00	6,117,503.50
VIII	RETROFITTING WORKS (RC PILE)	SQ.M.	3,479.63	2,949.77	13,743,738.19
IX	PAINTING WORKS	SQ.M.	2,505.64	520.00	1,302,932.80
X	ENVIRONMENTAL, SAFETY AND HEALTH PROGRAM	LOT	1.00	318,661.93	318,661.93
TOTAL AMOUNT OF BID					28,500,992.66

2.02 The CONTRACTOR agrees to commence and to complete the work called for and defined in this Contract at its sole cost and expense, perform and, and to fully and faithfully furnish all materials, tools, labor supplies, equipment, services and superintendence for the implementation of this Contract in accordance with the schedule in the contract documents forming integral parts of this Contract.

2.03 The CONTRACTOR guarantees, among others, that all tools, equipment, machineries, instruments, accessories and materials it will supply or deliver or install and/or use in the construction and workmanship of all his work under the Contract, shall be in accordance with the contract documents.

2.04 The CONTRACTOR recognizes the position of trust and confidence reposed in it under this Contract, and agrees to perform its obligations hereunder in the most efficient and competent manner, use its skill and good judgment, always set in good faith, and carry out the execution of this Contract in the most sound, expeditious and economical manner consistent with the interest of the PPA.

ARTICLE III

CONSIDERATION

3.01 For and in consideration of the full, satisfactory and faithful performance by the CONTRACTOR of all its undertakings defined in and provided for under this Contract and contract documents, the PPA agrees to pay the CONTRACTOR the total amount not exceeding **TWENTY-EIGHT MILLION FIVE HUNDRED THOUSAND NINE HUNDRED NINETY-TWO PESOS AND SIXTY-SIX CENTAVOS (Php 28,500,992.66)**, Philippine Currency inclusive of twelve percent (12%) VAT, payment to be made and computed on the basis of final



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revoke or cancel this Contract extra-judicially or without need of judicial intervention.

ARTICLE XXI

BUDGETARY REQUIREMENT

21.01 The parties hereto hereby adopt and incorporate herein by reference, Letter of Instruction No. 767 dated 16 November 1978, issued by the Office of the President, as implemented by the Letter Circular, dated 7 December 1978, of the Department of Budget and Management.

ARTICLE XXII

EFFECTIVITY

22.01 This Contract shall become effective upon signing of the Parties hereof.

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

PHILIPPINE PORTS AUTHORITY

EC STRUCTURAL COMPOSITES, INC.

By:

By:



CESAR M. DATAYA
Acting Port Manager



GLADYS ALMA F. CLEMENTE
Proprietor

WITNESSES:

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ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF GENERAL SANTOS) S.S.

BEFORE ME, A Notary Public for and in the City of General Santos, Philippines, this MAY 25 2017 day of May 2017 personally appeared the following:



NAME	Identification Card	Number
ATTY. CESAR M. DATAYA	TIN	900-593-488
GLADYS ALMA F. CLEMENTE	Company ID	09-0017

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

Position	Company	CTC No.	Date	Place
Acting Port Manager	PPA	CC201131022481	1/19/17	GSC
Sales Manager	EC STRUCTURAL COMPOSITES, INC.	34689004	1/19/2017	Quezon City

The foregoing instrument is a contract agreement for the project Retrofitting of R.C. Piles, Pile Caps, and Beams at Eastern Wharf, Port of General Santos, Makar Wharf, General Santos City, consisting of eighteen (18) pages, including this page on which this Acknowledgment is written, signed by the parties and their instrumental witnesses on each and every page hereto.

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. I
Series of 2017

ATTY. PSYCHE RIZSAVI B. FONTANILLA
NOTARY PUBLIC
PNC NO. 16-03
UNTIL DECEMBER 31, 2017
ROLL NO. 57700
PTR NO. 7178863 - 1/5/2017
IBP NO. 1053832 - 1/3/2017
TIN: 927-955-909
MCLE COMPLIANCE NO. IV-0001952-MAY 17, 2011
MCLE COMPLIANCE NO. V-0019195-APR 08, 2016
TEL. NO. 083-552-1008
GENERAL SANTO'S CITY

