

CONTRACT

(Philippine Rural Development Project- Construction of Chocolate Processing Building (In Support to Chocolate Processing))

KNOW ALL MEN BY THESE PRESENTS:

This Agreement, is made and entered into this day of MAY 19 2021, 2021 at Tagum City, Davao del Norte, Philippines, between:

PROVINCIAL GOVERNMENT OF DAVAO DEL NORTE, a local government unit duly organized and existing under the laws of the Republic of the Philippines with office address at Capitol Bldg., Government Center, Barangay Mankilam, Tagum City, Davao del Norte, represented by the Head of the Procuring Entity, Honorable Governor **EDWIN I. JUBAHIB**, hereinafter referred to as the **PROCURING ENTITY**;

-and-

NORTHERN CONSTRUCTION AND ALLIED SERVICES, a registered construction firm under the Department of Trade and Industry (DTI) with Certificate No. 04696233, with business address at Block 2, Lot 9, Northern Plains, Cabaluna Street, New Pandan (Pob.), Panabo City, Davao del Norte, duly represented by its Proprietor, **GINA PONGASE VIRTUDAZO**, hereinafter referred to as the **CONTRACTOR**.

WITNESSETH THAT:

WHEREAS, the Procuring Entity is a local government unit mandated to provide infrastructure facilities intended to service the needs of the residents of the province and which are funded out of provincial funds including, but not limited to, provincial roads and bridges; inter-municipal waterworks, drainage, and other similar facilities;

WHEREAS, the Procuring Entity is a recipient of the World Bank (WB) loan grant through Philippine Rural Development Project (PRDP) for Construction of Chocolate Processing Building (In Support to Chocolate Processing);

WHEREAS, upon the opening of competitive bidding and after bid evaluation among contractor bidders who are interested to participate and willing to assume the afore-cited rehabilitation project, the Contractor has been found to be the Lowest Calculated Responsive Bid (LCRB) by the Bids and Awards Committee (BAC) of Davao del Norte;

WHEREAS, the Procuring Entity is desirous that the Contractor executes the Construction of Chocolate Processing Building (In Support to Chocolate Processing) with Estimated Project Cost (EPC) of **SIX MILLION SEVENTY-TWO THOUSAND PESOS, (PHP6,072,000.00)** under PRDP SOLICITATION NO. PRDP-IR-RO11-DDN-006-000-000-2019 hereinafter called the "**Works**", and the former has accepted the bid of the Contractor in the amount of **FIVE MILLION NINE HUNDRED FIFTY THOUSAND FIVE HUNDRED FIFTY-NINE PESOS AND NINETY-EIGHT CENTAVOS, (PHP5,950,559.98)** for the execution and completion of such works.

NOW THEREFORE, for and in consideration of the foregoing premises, the parties hereto agreed, as by these presents, do hereby agree to be bound by the following terms and conditions, to wit:

I. CONTRACT

This contract is an infrastructure project between the **PROVINCIAL GOVERNMENT OF DAVAO DEL NORTE** and **NORTHERN CONSTRUCTION AND ALLIED SERVICES**, with approved Project pursuant to PRDP Subproject Number:

PRDP SOLICITATION NO. PRDP-IR-RO11-DDN-006-000-000-2019, hereinafter called the "Infrastructure Project".

The Project consists of the Construction of Chocolate Processing Building (In Support to Chocolate Processing).

Partial payment based on progress billing shall be the mode of payment. However, advance payment may be allowed upon formal request and approval of the other party in an amount not exceeding fifteen percent (15%) of the total contract price. But no release of final payment can be made unless and until the project has been completed, inspected and accepted by the Procuring Entity to its full satisfaction.

II. DURATION

The intended completion date is **ONE HUNDRED SIXTY-THREE (163) CALENDAR DAYS** from the time the Notice to Proceed was issued by the Procuring Entity and received/acknowledged by the Contractor.

III. CONTRACT PRICE

The **Estimated Project Cost (EPC)** for this project is **SIX MILLION SEVENTY-TWO THOUSAND PESOS, (PHP6,072,000.00)**. The Contractor submitted a bid quotation of **FIVE MILLION NINE HUNDRED FIFTY THOUSAND FIVE HUNDRED FIFTY-NINE PESOS AND NINETY-EIGHT CENTAVOS, (PHP5,950,559.98)**.

IV. GENERAL TERMS AND CONDITIONS

1. In this Contract, 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 shall be attached, deemed to form, and be read and construed as integral part of this contract, to wit:
 - a. General and Special Conditions of Contract;
 - b. Drawings/Plans;
 - c. Specifications;
 - d. Invitation to Apply for Eligibility and to Bid;
 - e. Instructions to Bidders;
 - f. Bid Data Sheet;
 - g. Addenda and/or Supplemental/Bid Bulletins, if any;
 - h. Bid Form including all the documents/statements contained in the Bidder's bidding envelopes, as Annexes;
 - i. Eligibility requirements, documents and/or statements;
 - j. Performance Security;
 - k. Credit line issued by a licensed bank, if any;
 - l. Notice of Award of Contract and the Bidder's conforme' thereto;
 - m. Other contract documents that may be required by existing laws and/or the Entity such as, 1.) Environmental Management Plan (EMP), 2.) Environmental Clearance Certificate (ECC)/Certificate of Non-Coverage (CNC).
3. In consideration of the payments to be made by the Procuring Entity to the Contractor as hereinafter mentioned, the Contractor hereby covenants with the Procuring Entity to execute and complete the works and remedy any defects therein in conformity with the provisions of this Contract in all respects.

4. The Procuring Entity hereby covenants to pay the Contractor in consideration of the execution and completion of the works and the remedying of defects wherein, the Contract price or such other sum as may become payable under the provisions of this Contract at the times and in the manner prescribed by this Contract.

IN WITNESS WHEREOF, the parties hereunto affix their signatures this _____ day of MAY 19 2021, 2021 in Tagum City, Davao-del Norte, Philippines.

PROVINCIAL GOVERNMENT OF DAVAO DEL NORTE
Procuring Entity

NORTHERN CONSTRUCTION AND ALLIED SERVICES
Contractor

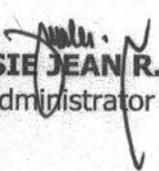
Represented by:

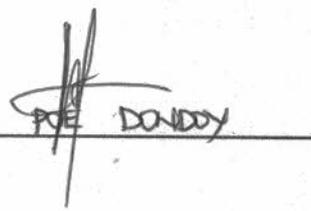
Represented by:


EDWIN I. JUBAHIB,
Governor


GINA PONGASE VIRTUDAZO
Proprietor

SIGNED IN THE PRESENCE OF:


ENGR. JOSIE JEAN R. RABANOZ, MPA, ENP and
Provincial Administrator


ALLAN POE DONDOY

ACKNOWLEDGMENT

Republic of the Philippines.....)
Province of Davao del Norte...)Sc.
City of Tagum.....)
X- ----- X

BEFORE ME, a Notary Public in the City of Tagum, Province of Davao del Norte, personally appeared:

	<u>Proof of Identity</u>	<u>Date</u>	<u>Place Issued</u>
EDWIN I. JUBAHIB	_____	_____	_____
GINA PONGASE VIRTUDAZO	_____	_____	_____

known to me to be the same persons who executed this Agreement and they acknowledged to me that the same is their free act and deed for and in behalf of the parties they represent.

This instrument consist of three (3) pages including this page wherein this acknowledgement is written and duly signed by the parties and their respective instrumental witnesses on the left portion of each and every page hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this _____ day of MAY 19 2021, 2021 at Tagum City, Davao del Norte, Philippines.

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Book No. 224
Series of 2021




ATTY. MARLOU S. TIMBOL
NOTARY PUBLIC
UNTIL JUNE 30, 2021
PTR. NO. 2916000; 01-04-2021; T.C
ROLL NO. 43546 / TIN. 918-139-246
IBP OR NO. 102534; 01-03-2020; MNL
MCLE COMPLIANCE NO. V1-001234:11-21-16