

CONTRACT
(Philippine Rural Development Project)
"Rehabilitation of New Visayas-Tulalian FMR with Bridge",
PRDP-IB-RO11-DDN-015-000-000-2018-AF2/EU

KNOW ALL MEN BY THESE PRESENTS:

This Agreement, is made and entered into this day of MAY 03 2023, 2023 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, 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-

MAER SUMMIT KONSTRUKT CO., a registered construction firm under the Department of Securities and Exchange Commission with S.E.C Reg. No. D199900516, dated 31-May-2010, with business address at 43 Telstar St., Doña Vicenta Village, Davao City, duly represented by its Managing Partner, **DINO MAE D. SUELTO**, 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 PRDP Subproject IB-RO11-DDN-015-000-000-2018-AF2/EU, Rehabilitation of New Visayas-Tulalian FMR with Bridge;

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 **"Rehabilitation of New Visayas-Tulalian FMR with Bridge"**, with Estimated Project Cost (EPC) of **ONE HUNDRED NINETY-TWO MILLION ONE THOUSAND PESOS (PhP192,001,000.00)** under PRDP Subproject Number: PRDP-IB-RO11-DDN-015-000-000-2018-AF2/EU hereinafter called the **"Works"**, and the former has accepted the bid of the Contractor in the amount of **ONE HUNDRED EIGHTY-SEVEN MILLION TWO HUNDRED THOUSAND NINE HUNDRED SEVENTY-FOUR PESOS AND FORTY-SIX CENTAVOS (PhP187,200,974.46)** 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 **MAER SUMMIT KONSTRUKT CO.** with approved Project pursuant to PRDP Subproject Number: PRDP-IB-RO11-DDN-015-000-000-2018-AF2/EU, hereinafter called the "*Infrastructure Project*".

The Project consists of "Rehabilitation of New Visayas-Tulalian FMR with Bridge, ID No: PRDP IB-RO11-DDN-015-000-000-2018-AF2/EU.

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 **FIVE HUNDRED SEVENTY (570) 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 **ONE HUNDRED NINETY-TWO MILLION ONE THOUSAND PESOS (PhP192,001,000.00)**. The Contractor submitted a bid quotation of **ONE HUNDRED EIGHTY-SEVEN MILLION TWO HUNDRED THOUSAND NINE HUNDRED SEVENTY-FOUR PESOS AND FORTY-SIX CENTAVOS (PhP187,200,974.46)**.

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 _____, 2023 in Tagum City, Davao del Norte, Philippines.

MAY 03 2023

**PROVINCIAL GOVERNMENT
OF DAVAO DEL NORTE**

Procuring Entity

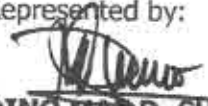
MAER SUMMIT KONSTRUKT CO.

Contractor

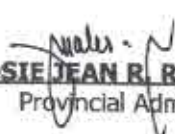
Represented by:


HON. EDWIN I. JUBAHIB,
Governor

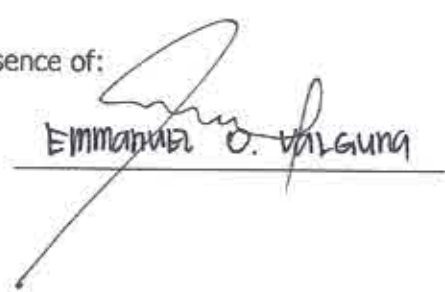
Represented by:


DINO MAE D. SUELTO
Managing Partner

Signed in the presence of:


ENGR. JOSIE JEAN R. RABANOZ, MPA, EnP
Provincial Administrator

and


Emmanuela O. Vilgung

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:

	Proofs of Identity	Date Issued	Place Issued
EDWIN I. JUBAHIB	_____	_____	_____
DINO MAE D. SUELTO	_____	_____	_____

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 consists of four (4) 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.

MAY 03 2023

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this ___ day of _____, 2023 at Tagum City, Davao del Norte, Philippines.

Doc. No. 770
Page No. 07
Book No. 10
Series of 2023.

ATTY. GIL ALDRICK S. FERNANDEZ

Notary Public for Davao City
Comm. Serial no. 2022-066-2023
Until 31 December 2023
Roll of Attorneys No. 73720
IBP No. 241119 - 12/01/2022
PTR No. 7722486 - 12/19/2022 - DC
MCLE Compliance No. VII-0015934 - 04/20/2022
2/F Merco Bldg. Corner Rizal & Bolton Sts., DC



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