

Republic of the Philippines
 Department of Education
 Region X
DIVISION OF EL SALVADOR CITY



Zone 3, Poblacion, El Salvador City
 Telefax No: (088) 555-0475 | Email Address: elsalvador.city@deped.gov.ph | Website: depedelsalvadorcity.net

Contract Agreement
Contract No. 2018-12-0312

This CONTRACT, made and entered into this 17th day of December 2018 by and between the Department of Education, Division of El Salvador City, located at Zone 3, Poblacion, El Salvador City, represented herein by its Schools Division Superintendent, **JESNAR DEMS S. TORRES, Ph.D., CESE**, hereinafter referred to as the "Owner" of the one part and **JIMWEN CONS. & GEN MDSE**, represented herein by its Owner, **JAIME H. CAÑETE**, with office address at 0917 Purok Mauswagon, Brgy Banale, Pagadian Zamboanga del Sur, hereinafter referred to as the "Contractor" of the other part;

WHEREAS, the Owner invited bids for certain works stated in **Procurement of Construction of Division of Office Building Under CY 2018 Basic Educational Facilities Fund (BEFF)** within DepED, Division of El Salvador City consisting of one (1) project site and received bids from three (3) bidders; the Owner opened, read and evaluated the bids of the one (3) bidders; one (3) bid/s were received for Lot No 1; after the evaluation, the Owner post-qualified and declared the bid of the Contractor as the lowest calculated responsive bid for said Lot;

WHEREAS, the Owner passed and approved a resolution to award in favor of **JIMWEN CONS. & GEN MDSE**, in the sum of Twelve Million Four Hundred Forty-Nine Thousand Eight Hundred Eighty-Nine Pesos and Sixty-Three Centavos (P12,449,889.63) only, hereinafter called Contract Price with the following details:

Lot No.	Description of Works	Amount of Award/ Contract Price (Php)
1	Procurement of Construction of Division of Office Building Under CY 2018 Basic Educational Facilities Fund (BEFF)	Php P12,449,889.63

NOW, THEREFORE, PREMISES CONSIDERED, the parties hereby agree as follows:

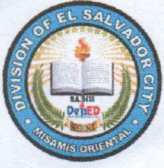
1. In this contract, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract;
2. The following documents shall be attached, deemed to form, and be read and construed as integral part of this Agreement, to wit:
 - (a) General and Special Conditions of Contract;
 - (b) Drawings/plans;
 - (c) Specifications;
 - (d) Invitation to Bid;
 - (e) Instructions to Bidders;
 - (f) Bid Data Sheet;
 - (g) Addenda and/or Supplemental/Bid Bulletins, if any;
 - (h) Bid Form, including all 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 to the Bid, if any, resulting from the Procuring Entity's bid evaluation;
 - (i) Eligibility requirement, documents and/or statements;
 - (j) Performance Security;
 - (k) Notice of Award of Contract and the Bidder's conforme thereto;

CONTRACTOR'S WITNESS

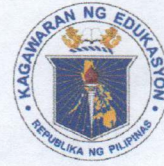
CONTRACTOR

OWNER'S WITNESS

OWNER



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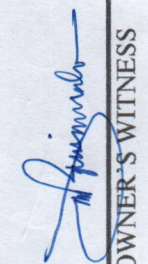
(1) Other contract documents that may be required by existing laws and/or the Entity.

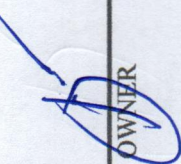
3. The contract duration or completion period shall be **240** calendar days reckoned on the start on the "Start Date" of the contract duration or completion period. The "Start Date" is seven (7) calendar days from receipt of the Notice to Proceed be the Contractor.
4. In consideration of the Contract Price mentioned herein to be paid by the Owner to the Contractor, the Contractor hereby covenants, to the Owner, to execute and complete such works and to remedy all defect therein on conformity in all respects with the provisions of the Contract;
5. The Owner hereby covenants to pay the Contractor in consideration of the execution and completion of such Works and the remedying of all defects therein, the Contract Price or such other sum as may become payable under the provisions of this contract at the times and in manner prescribed by the Contract.
6. The Contract Price shall be paid to the Contractor through the through the Government disbursement procedures subject to the payment, retention money, and warranty provisions in the General Conditions of Contract, the Special Conditions of Contract, and the IRR of RA 9184;
7. The Contractor shall pay the Owner for liquidated damages (LD), and not by the way of penalty, an amount equal to one-tenth (1/10) of one percent (1%) of the cost of the unperformed portion of the works for every day of delay. The Owner shall deduct the liquidated damages from payments or any money due or which may become due the Contractor under this Contract and/or collect such liquidated damages from the retention money or other securities posted by the Contractor whichever is convenient to the Owner. Once the cumulative amount of liquidated damages reaches ten percent (10%) of the amount of the Contract, the Owner shall rescind this Contract, without prejudice to other courses of action and remedies open to the Owner;
8. The Contractor shall post a Warranty Security valid for one (1) year from the date of Certificate of Final Acceptance issued by the Owner, in any of the following amounts and forms:

5% of the Contract Price	Cash; or Letter of Credit issued by a Universal or Commercial Bank, if issued by a foreign bank, the LC shall be confirmed or authenticated by a Universal or Commercial Bank.
10% of the Contract Price	Bank Guarantee confirmed by a Universal or Commercial Bank
30% of the Contract Price	Surety Bond callable upon demand issued by the GSIS or any Surety or Insurance Commission.


CONTRACTOR'S WITNESS


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OWNER'S WITNESS


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IN WINESS WHEREOF, the parties hereto have caused this Contract to be executed in accordance with the laws on the day and year first above written.

SIGNED, SEALED AND DELIVERED BY:

JESNAR DEMS S. TORRES, Ph.D., CESE

OWNER

JAIME H. CAÑETE

CONTRACTOR

SIGNED IN THE PRESENCE OF:

OWNER'S WITNESS

CONTRACTOR'S WITNESS

Funds Available:

Allotment Available:

MARICEL B. JANGAO

Accountant III

STEPHANIE P. SALIGUMBA

Budget Officer III

SUBSCRIBED AND SWORN to before me this
21st day of Jan. 2019 at Cag.de oro City

DOC NO. 143
 PAGE NO. 29
 BOOK NO. C111
 SERIES OF 2019

RAMIL G. CARREON
 Notary Public NG-2018-025
 UNTIL DECEMBER 31, 2019
 PTR No. 4133026A 01-03-19 DOJ
 TUP No. Temp. No. 13, 01-03-19 M. O.
 Roll No. 51523, 5-10-2006
 TIN: 922-710-578
 CAGAYAN DE ORO CITY
 E Comp. No. VI-0080751, 8-28-18

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NOTICE TO PROCEED

December 18, 2018

*MAC den/h
2018-12-0220
12-03/2*

JAIME H. CAÑETE
Authorized Managing Officer
JIMWEN CONS. & GEN MDSE
0917 Purok Mauswagon, Brgy Banale
Pagadian, Zamboanga del Sur

Sir:

The attached Contract Agreement having been approved, notice is hereby given to **JIMWEN CONS. & GEN MDSE** that work may commence on the *Procurement of Construction of Division Office Building Under CY 2018 Basic Educational Facilities Fund (BEFF)* effective on _____ / 7 day(s) after the receipt of this notice.

Upon the receipt of this notice, you are responsible for performing the services under the terms and conditions of the Agreement and in accordance with the Implementation Schedule.

Please acknowledge receipt and acceptance of this notice by signing both copies in the space provided below. Keep one copy and return the other to the Department of Education, Division of El Salvador City.

Very truly yours,

JESNAR DEMS S. TORRES, Ph.D., CESE
OIC-Schools Division Superintendent
Head of the Procuring Entity

Conforme:

Date: DECEMBER 18, 2018

I acknowledge receipt of this Notice on _____
Name of the Representative of the Bidder _____
Authorized Signature: _____



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NOTICE OF AWARD

December 10, 2018

JAIME H. CAÑETE

Authorized Managing Officer
JIMWEN CONS. & GEN MDSE
0917 Purok Mauswagon, Brgy Banale
Pagadian, Zamboanga del Sur

Sir:

This is to notify you that your bid dated *November 23, 2018* for *Procurement of Construction of Division Office Building Under CY 2018 Basic Educational Facilities Fund (BEFF)* with the Contract Price equivalent to *Twelve Million Four Hundred Forty-Nine Thousand Eight Hundred Eighty-Nine and Sixty-Three Centavos (P12,449,889.63)* as corrected and modified in accordance with the Instructions to Bidders is hereby accepted. Accordingly, this Office awards this Contract to you as the Bidder with the Lowest Calculated and Responsive Bid.

You are hereby required to provide the following documents within ten (10) days from receipt of this Notice of Award.

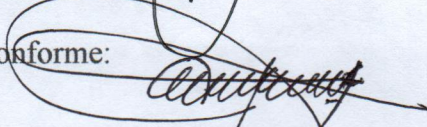
1. This Notice with your signed "conforme" thereon;
2. Performance Security;
3. Credit line or cash deposit certificate;
4. PERT/CPM diagram and bar chart;
5. Equipment and Manpower Utilization Schedule;
6. Construction Safety and Health Program;
7. Construction Schedule and S-Curve, and
8. Construction Methods

Failure to comply with these documents shall constitute sufficient ground for the cancellation of this award and forfeiture of the Bid Security.

Very truly yours,

JESNAR DEMS S. TORRES, Ph.D., CESE
OIC-Schools Division Superintendent
Head of the Procuring Entity

Conforme:


Name and Signature of Owner/Bidder
Business Name: JIMWEN CONS. & GEN MDSE
Date: DECEMBER 10, 2018



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Res. No. 2018-12-0220

RESOLUTION TO AWARD

WHEREAS, the Department of Education, Division of Cagayan de Oro advertised the Invitation to Apply for Eligibility and to Bid for the *Procurement of Construction of SDO Building Under the 2018 Basic Educational Facilities Fund (BEFF), Division of El Salvador City* and posted the same in the PhilGEPS;

WHEREAS, in response to the said advertisements, three (3) bidders submitted bids during the opening;

WHEREAS, during the opening of bids on November 23, 2018, three (3) bidders passed in the preliminary evaluation of bids with JIMWEN Const. & Gen. Mdse. as the lowest calculated bid as read below;

<i>Name of Bidder</i>	<i>Bid Amount as Read</i>
JDE CONSTRUCTION	Php 14,385,436.64
NONABON ENTERPRISES	Php 14,144,268.68
JIMWEN CONST. & GEN. MDSE.	Php 12,449,889.63

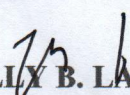
WHEREAS, upon detailed bid evaluation, JIMWEN CONST. & GEN. MDSE passed for the Post Qualification Evaluation;

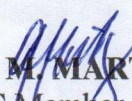
WHEREAS, upon bid evaluation and post qualification of JIMWEN CONST. & GEN. MDSE on December 7, 2018 or careful examination, validation and verification of all eligibility, technical and financial requirements submitted to the BAC, the said bidder passed the Post Qualification Evaluation as the Lowest Calculated and Responsive Bid, and therefore, considered for award of the contract;

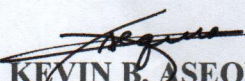
NOW, THEREFORE, We, the members of the BAC, hereby RESOLVE as it is RESOLVED to recommend the award of contract JIMWEN CONST. & GEN. MDSE for the *Procurement of Construction of SDO Building Under the 2018 Basic Educational Facilities Fund (BEFF), Division of El Salvador City* in the sum of Twelve Million Four Hundred Forty-Nine Thousand and Eight Hundred Eighty-Nine Pesos and Sixty-Three centavos only (Php 12,449,889.63).


Resolved, at the Division Office, DepEd, El Salvador City, this 7th day of December, 2018.


Bids and Awards Committee:


ROLLY B. LABIS
 BAC Chairman

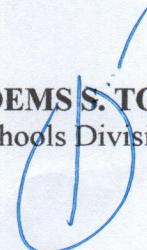

JEFFREY M. MARTINEZ
 BAC Member


KEVIN B. ASEQUIA
 BAC Member


ROQUE R. SABASAJE
 BAC Member


NILO L. LOMONGO
 BAC Member

Approved by:


JESNAR DEMS S. TORRES, Ph.D., CESE
 OIC-Schools Division Superintendent