Republic of the Philippines PHILIPPINE PORTS AUTHORITY

PPA Building, Bonifacio Drive, South Harbor, Port Area, Manila, Philippines

CONTRACT AGREEMENT FOR THE MAUBAN PORT IMPROVEMENT PROJECT. PORT OF MAUBAN, MAUBAN, QUEZON

SEP 0 4 2023

This Agreement made and entered into this day of Manila, Philippines, by and between:

PHILIPPINE PORTS AUTHORITY (PPA), a government instrumentality created under Presidential Decree No. 857, as amended, with principal office at PPA Building, Bonifacio Drive, South Harbor, Port Area, Manila, represented herein by its General Manager, JAY DANIEL R. SANTIAGO, duly authorized for this purpose under Board Resolution No. 2445, Series of 2015, attached herein as Annex A.

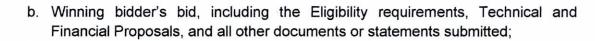
and -

J.C. PIÑON CONSTRUCTION INC., duly organized and existing in accordance with Philippine laws, with principal office address at 212 Gov. F. Halili Avenue, Bagbaguin, Sta. Maria, Bulacan, represented herein by its Authorized Representative, JOEL C. PIÑON, duly authorized for this purpose as shown in Secretary's Certificate dated 05 July 2023, attached herein as Annex B.

WHEREAS, the Entity is desirous that the Contractor execute the Mauban Port Improvement Project, Port of Mauban, Mauban, Quezon, with an approved Budget for the Contract (ABC) of Php 277,419,881.74 and the Entity has accepted the Bid for TWO HUNDRED SEVENTY FIVE MILLION ONE HUNDRED FIFTY FIVE THOUSAND ONE HUNDRED SEVENTY FIVE PESOS AND 53/100 (Php 275,155,175.53) by the Contractor for the execution and completion of such Works 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 Implementing 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);
 - Drawings/Plans; i.
 - Specifications; ii.
 - iii. Bill of Quantities;
 - General and Special Conditions of Contract; iv.
 - Supplemental or Bid Bulletins, if any ٧.



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 request for clarifications on the bid), including corrections 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. 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 TWO HUNDRED SEVENTY FIVE MILLION ONE HUNDRED FIFTY FIVE THOUSAND ONE HUNDRED SEVENTY FIVE PESOS AND 53/100 (Php 275,155,175.53) or such other sums as may be ascertained, J.C. PIÑON CONSTRUCTION INC. agrees to execute the Mauban Port Improvement Project, Port of Mauban, Mauban, Quezon, in accordance with its Bid.
- 4. The Philippine Ports Authority agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.
- 5. In execution of its Works, J.C. PIÑON CONSTRUCTION INC. shall likewise hold PPA free and harmless from any liability due to actions, damages, or accident it may cause in the course thereof.
- 6. The failure of PPA to insist upon a 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 J.C. PIÑON CONSTRUCTION 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.



JAY DANIEL General Mahag

PHILIPPINE PORTS AUTHORITY

TIN No. 000-352-232-000

By:

J.C. PIÑON CONSTRUCTION INC.

TIN No. 007-103-523-000

By:

JAY DANIEL R. SANTIAGO

General Manager

Authorized Representative

WITNESSES

MARK JON'S. PALOMAR Chairperson, HO-BAC-EP

ALVIN C. VICTORINO Project Manager

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)

City of Manila

) S.S.

SFP 0 4 2023

BEFORE ME, a Notary Public for and in the City of Manila, this day of , 2023, personally appeared the following:

NAME

COMPETENT

DATE OF ISSUE PLACE OF LACE

EVIDENCE OF IDENTITY OR EXPIRY DATE ISSUE

Jay Daniel R. Santiago

Joel C. Piñon

PPA ID No. 00102016

SSS No. 33-4988561-1

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

General Manager

Phil. Ports Authority

00453661 1-12-23 Manila

Authorized Representative

J.C. Piñon Construction Inc.

00320602 1-11-23 Santa Maria

The foregoing instrument is a Contract for the Mauban Port Improvement Project, Port of Mauban, Mauban, Quezon, 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

Doc. No.

Page No. 5

Book No.

Series of 2023

ARTY. EMILLO A) AGREGAD NOTARY PUBLIC

31, 202 UNTIL DECEMBER PIR ND. 9792/10 15-7-2023 BP ND. 119522, ROLL ND. 277 PCLE COMPLIANCE ND. VI-117