

Republic of the Philippines
PHILIPPINE PORTS AUTHORITY
PPA Building, Bonifacio Drive, South Harbor,
Port Area, Manila, Philippines

CONTRACT AGREEMENT
FOR THE SUPPLY, DELIVERY, INSTALLATION, TESTING AND COMMISSIONING OF 28
UNITS GENERATOR SETS FOR PORT MANAGEMENT OFFICES (PMOs)

OCT 18 2023

This Agreement made and entered into this _____ day of _____ 2023 in Manila, Philippines, by and between:

PHILIPPINE PORTS AUTHORITY (PPA), herein referred to as ENTITY, is a government instrumentality created under Presidential Decree No. 857, as amended, with principal office address at PPA Bldg., Bonifacio Drive, South Harbor, Port Area, Manila, represented by **JAY DANIEL R. SANTIAGO**, duly authorized for this purpose under Board Resolution No. 2466, as contained in Secretary's Certificate dated 02 November 2015, copy of which is hereto attached as **Annex A**.

and

JIOPROVIDER CORPORATION/TRES FRATRES POWER CORPORATION/JV, duly organized and existing under Philippine laws, with principal office address at 4th Floor, Unit No. 1 Gonzaga Building Block 4, Lot 11, Regatta Aquare, Pueblo de Oro, Upper Carmen, Cagayan de Oro City, represented herein by its Authorized Representative, **EARL DANN REY E. GUTIERREZ**, duly authorized for this purpose, as shown in Joint Venture Agreement dated 05 September 2023, copy of which is hereto attached as **Annex B**.

WHEREAS, the Entity invited Bids for certain goods and services, particularly the Supply, Delivery, Installation, Testing and Commissioning of 28 Units Generator Sets for Port Management Offices (PMOs), with an approved Budget for the Contract (ABC) of Php **220,000,000.00** and has accepted a Bid by **JIOPROVIDER CORPORATION/TRES FRATRES POWER CORPORATION/JV** for those goods and services in the sum of **TWO HUNDRED SEVENTEEN MILLION FIVE HUNDRED THOUSAND PESOS (Php 217,500,000.00)**;

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 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 integral part of this Agreement, viz:
 - i. Philippine Bidding Documents (PBDs);
 - i. Schedule of Requirements;
 - ii. Technical Specifications;
 - iii. General and Special Conditions of Contract; and
 - iv. Supplemental or Bid Bulletins, if any

Witness:
JIO PROVIDER CORPORATION/
TRES FRATRES POWER CORPORATION/JV
BY: **EARL DANN REY E. GUTIERREZ**
Internal Control
Department Head/ Admin Office

Witness:
MARK JON S. PALOMAR
Chairperson, HQ-BAC-PGCS

PHILIPPINE PORTS AUTHORITY
BY: **JAY DANIEL R. SANTIAGO**
General Manager

JIO PROVIDER CORPORATION/
TRES FRATRES POWER CORPORATION/JV
BY : EARL DANN REY E. GUTIERREZ
Department Head/ Admin Office
Witness : RETCHEL C. RODAJE
Internal Control

Witness : MARK JON S. PALOMAR
Chairperson, HQ-BAC-PGCS

PHILIPPINE PORTS AUTHORITY
BY : JAY DANIEL R. SANTIAGO
General Manager

- ii. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

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;

- iii. Performance Security;
- iv. Notice of Award of Contract and the Bidder's conforme thereto; and
- v. 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 SEVENTEEN MILLION FIVE HUNDRED THOUSAND PESOS (Php 217,500,000.00)** or such other sums as may be ascertained, **JIO PROVIDER CORPORATION/TRES FRATRES POWER CORPORATION/JV** agrees to the Supply, Delivery, Installation, Testing and Commissioning of 28 Units Generator Sets for Port Management Offices (PMOs), 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, **JIO PROVIDER CORPORATION/TRES FRATRES POWER CORPORATION/JV** 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 **JIO PROVIDER CORPORATION/TRES FRATRES POWER CORPORATION/JV** 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.

PHILIPPINE PORTS AUTHORITY
TIN No. 000-352-232-000
By:

JAY DANIEL R. SANTIAGO
General Manager

JIOPROVIDER CORPORATION (TIN No.
104-073-086-00000)/TRES FRATRES
POWER CORPORATIONJV

EARL DANN REY E. GUTIERREZ
Department Head/Admin Office

WITNESSES

MARK JON S. PALOMAR
Chairperson, HO-BAC-PGCS

RETCHEL C. RODAJE
Internal Control

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
City of Manila) S.S.

OCT 18 2023

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

NAME	COMPETENT EVIDENCE OF IDENTITY	DATE OF ISSUE OR EXPIRY DATE	PLACE OF PLACE OF ISSUE
Jay Daniel R. Santiago	PPA ID No. 00102016		
Earl Dann Rey E. Gutierrez	Driver's License No. MO2-21-009162		

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	Jioprovider Corporation/Tres Fratres Power Corp./JV			

The foregoing instrument is a Contract for the Supply, Delivery, Installation, Testing and Commissioning of 28 Units Generator Sets for Port Management Offices (PMOs), 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

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ATTY. EMILIO A. AGREGADO
NOTARY PUBLIC
UNTIL DECEMBER 31, 2023
PTR NO. 8792110-15-7-2023
I&P NO. 118522, ROLL NO. 27788
JGLE COMPLIANCE NO. VI-317