



Republic of the Philippines
PHILIPPINE PORTS AUTHORITY
PORT MANAGEMENT OFFICE – SOCSARGEN
Makar Wharf, General Santos City


CONTRACT

FOR


 CONSOLIDATED REPAIR AND MAINTENANCE OF PORT PHYSICAL FACILITIES-2019: 1) REPAINTING OF MAIN AND NORTH GATE, REEFER RACKS, WALKWAYSHED INCLUDING GUARDRAILS, ROAD LANE MARKINGS, AND CONCRETE CURBS; 2) REPAIR OF HARBOR OFFICE ; 3) FABRICATION AND INSTALLATION OF GUARDHOUSE NEAR RORO RAMP AND RENOVATION OF OLD SCALEHOUSE; 4) REPAIR OF COMFORT ROOMS AT HARBOR OFFICE; (5) REPAINTING OF FENDER CHAINS AND ACCESSORIES AND REPLACEMENT OF SHACKLES; (6) FABRICATION OF MOVABLE FENCE; (7) REPAINTING OF PERIMETER FENCE, BARBED WIRE AND ARM EXTENSION; (8) LANDSCAPING OF OLD HARBOR OFFICE GROUNDS, PORT OF GENERAL SANTOS, MAKAR WHARF, GENERAL SANTOS CITY

KNOW ALL MEN BY THESE PRESENTS:

 This Contract made and entered into this 10 day of September 2019, in the City of General Santos, Philippines, by and between:

 **PHILIPPINE PORTS AUTHORITY**, a government instrumentality created under Presidential Decree No. 857, as amended, with principal office at Bonifacio Drive, South Harbor, Port Area, Manila, represented by its duly authorized Port Manager of the Port Management Office (PMO) for SOCSARGEN at Makar Wharf, General Santos City, **ATTY. CESAR M. DATAYA**, and hereinafter referred to as **PPA**;

 - And -

 **AIYU BUIDERS AND ENTERPRISE**, a duly registered and licensed business entity, with business and postal address at Purok Bougainvilla, Sta. Filomena, Dipolog City, represented herein by its Proprietor, **ANGELO I. YU**, and hereinafter referred to as **CONTRACTOR**.

WITNESSETH:

WHEREAS, in accordance with Republic Act No. 9184 and its Revised Implementing Rules and Regulations (IRR), the PPA PMO-SOCSARGEN Bids and Awards Committee for posted at the PPA website, PhilGEPS and at the PPA, PMO-SOCSARGEN Bulletin Board from July 3-9, 2019, an Invitation to Bid for the project **CONSOLIDATED REPAIR AND MAINTENANCE OF PORT PHYSICAL FACILITIES-2019: 1) REPAINTING OF MAIN AND NORTH GATE, REEFER RACKS, WALKWAYSHED INCLUDING GUARDRAILS, ROAD LANE MARKINGS, AND CONCRETE CURBS; 2) REPAIR OF HARBOR OFFICE ; 3) FABRICATION AND INSTALLATION OF GUARDHOUSE NEAR RORO RAMP AND RENOVATION OF OLD SCALEHOUSE; 4) REPAIR OF COMFORT ROOMS AT HARBOR**

OFFICE; (5) REPAINTING OF FENDER CHAINS AND ACCESSORIES AND REPLACEMENT OF SHACKLES; (6) FABRICATION OF MOVABLE FENCE; (7) REPAINTING OF PERIMETER FENCE, BARBED WIRE AND ARM EXTENSION; (8) LANDSCAPING OF OLD HARBOR OFFICE GROUNDS, PORT OF GENERAL SANTOS, MAKAR WHARF, GENERAL SANTOS CITY.

WHEREAS, during the opening of bids on August 7, 2019, two (2) bidders, including the CONTRACTOR, submitted its bid. The CONTRACTOR, upon evaluation of its bid, was rated passed in its Technical and Financial Proposals;

WHEREAS, after the said opening of bids and the corresponding conduct of bid evaluation and required post-qualification, the bid submitted by the CONTRACTOR at its unit and lump sum prices set forth in its proposal was found to be the single calculated and responsive bid in the amount of **SEVEN MILLION SIX HUNDRED FIFTEEN THOUSAND FOUR HUNDRED NINETY-ONE PESOS AND 36/100 (Php 7,615,491.36)** Philippine Currency inclusive of twelve percent (12%) Value Added Tax (VAT);

WHEREAS, the aforesaid bid of the CONTRACTOR is lower than the Approved Budget of the Contract which is **Seven Million Six Hundred Thirty Thousand Six Hundred Seventy-Five Pesos and 85/100 Only (P 7,630,675.85)** Philippine Currency inclusive of twelve percent (12%) VAT;

WHEREAS, pursuant to **PPA PMO-SOCSARGEN BAC Resolution No. 09 Series of 2019**, duly approved by the PPA Port Manager, award of the contract was made to the CONTRACTOR in a letter dated August 15, 2019, in the amount of **SEVEN MILLION SIX HUNDRED FIFTEEN THOUSAND FOUR HUNDRED NINETY-ONE PESOS AND 36/100 (Php 7,615,491.36)** Philippine Currency inclusive of twelve percent (12%) VAT;

WHEREAS, the CONTRACTOR duly accepted the award by signing its Conformé on the said Notice of Award;

NOW, THEREFORE, for and in consideration of the foregoing premises and the mutual covenants, stipulations and agreements herein contained, the PPA and the CONTRACTOR have agreed, as they do hereby agree, and contract as follows:


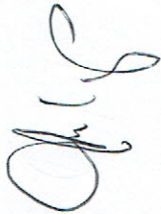


ARTICLE I

CONTRACT DOCUMENTS

- 1.01 The following documents shall constitute integral parts of this Contract, as fully as if the contents of the said documents are reproduced, incorporated and set forth herein, and shall govern and control in full force and effect the rights and obligations of the Parties, except as otherwise modified by the terms and conditions of this Contract, or by mutual agreement in writing of both parties, to wit

- a. Contract
- b. Conditions of Contract
- c. Drawings/Plans
- d. Specifications
- e. Invitation to Bid
- f. Instruction to Bidders
- g. Addenda
- h. Bid Proposal including the following documents/annexes:

Technical Bid:

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- 1) Eligibility Documents;
 - 2) Bid Security;
 - 3) Duly Signed PERT/CPM, and Construction Schedule and S-curve;
 - 4) Duly Signed Manpower Schedule;
 - 5) Duly Signed Construction Methods in narrative form;
 - 6) Duly Signed Contract Organizational Chart;
 - 7) Statement of Availability of Key Personnel;
 - 8) Statement of Availability of Equipment Owned, Under Lease and/or has Under Purchase Agreements that may be Used for the Contract;
 - 9) Minimum Required Equipment Owned/Leased/Under Purchased Agreement Pledged to the Proposed Project;
 - 10) Equipment Utilization Schedule;
 - 11) Affidavit of Site Inspection;
 - 12) Construction Safety and Health Program duly signed by the Safety Officer and the Owner of the company. Same shall be approved by the Department of Labor and Employment and shall be a pre-requisite in the issuance of the Notice to Proceed;
 - 13) Omnibus Sworn Statement;
 - 14) Certification of no pending case against the Government of the Philippines.

Financial Bid:

- (1) Bid Proposal
- (2) Bid Prices in the Bill of Quantities
- (3) Detailed Estimates
- (4) Cash Flow by Quarters and Payment Schedule

- j. Performance Security
- k. Notice of Award of Contract and Contractor's "Conforme" thereto
- l. Notice to Proceed
- m. Other contract documents that may be required by PPA

1.03 All contract documents are and shall remain as the property of the PPA.

1.04 The words and expressions in this Contract shall have the same meanings respectively assigned to them in the contract documents referred to above.

ARTICLE II

CONTRACTOR'S UNDERTAKING SCOPE OF WORK

2.01 The CONTRACTOR, in consideration of the payment to be made by the PPA to the said CONTRACTOR as stated in the contract documents and this Contract, hereby covenants to execute and complete the contract **CONSOLIDATED REPAIR AND MAINTENANCE OF PORT PHYSICAL FACILITIES-2019: 1) REPAINTING OF MAIN AND NORTH GATE, REEFER RACKS, WALKWAYSHED INCLUDING GUARDRAILS, ROAD LANE MARKINGS, AND CONCRETE CURBS; 2) REPAIR OF HARBOR OFFICE ; 3) FABRICATION AND INSTALLATION OF GUARDHOUSE NEAR RORO RAMP AND RENOVATION OF OLD SCALEHOUSE; 4) REPAIR OF COMFORT ROOMS AT HARBOR OFFICE; (5) REPAINTING OF FENDER CHAINS AND ACCESSORIES AND**