

Republic of the Philippines OFFICE OF THE CITY MAYOR Cabanatuan City

CONTRACT AND AGREEMENT

Contract No.: 2023-0018

Furnishing of Labor and Materials for the Installation of Distribution Transformer 3-37.5KVA (3Ø Closed Delta) @ Multi-Purpose Building,
Brgy. Calawagan, Cabanatuan City

KNOW ALL MEN BY THESE PRESENTS

This contract was made and entered into this 27th day of July 2023 at Cabanatuan City by and between:

The CITY GOVERNMENT OF CABANATUAN is represented herein by HON. MYCA ELIZABETH R. VERGARA, City Mayor, with office address at City Hall Compound, Phase II, Kapitan Pepe Subdivision, Cabanatuan City, as the PARTY OF THE FIRST PART, hereinafter called the EMPLOYER duly authorized for this purpose.

and

AT & E TECHNICAL SERVICES, INC., duly organized and existing by virtue of the Laws of the Republic of the Philippines with office address at #088 B Sampaloc St., Dolores, City of San Fernando, Pampanga, is represented by ENGR. ALEX F. PATIO, President/General Manager has been authorized for this purpose as the PARTY OF THE SECOND PART hereinafter called the CONTRACTOR.

WITNESSETH:



WHEREAS, the EMPLOYER is desirous that the certain WORKS should be executed by the CONTRACTOR, viz: Furnishing of Labor and Materials for the Installation of Distribution Transformer 3-37.5KVA (3Ø Closed Delta) @ Multi-Purpose Building, Brgy. Calawagan, Cabanatuan City, and has accepted the BID of the CONTRACTOR for the execution and completion of such WORKS and the remedying of any defects therein;



WHEREAS, the above-mentioned project has been undertaken through Competitive Public Bidding;



WIIEREAS, the total amount of award for completion of the WORKS is One Million Three Hundred Sixty Thousand Six Hundred Ten Pesos and 54/100 (Php 1,360,610.54);

WHEREAS, the whole WORKS in this PROJECT as covered by this CONTRACT shall be completed within Eight (8) Calendar-Days in accordance with the provisions of the Bid documents.



NOW THIS AGREEMENT WITNESSETH AS FOLLOWS

1. That in this Contract Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereinafter referred to.

- 2. That the following documents shall be deemed to form and be read and construed as part of this Agreement, viz;
 - The Bid Form accomplished and submitted by the Contractor including (a) the following annexes:
 - Eligibility Requirements
 - Bid Security as to form, amount and validity period ii)
 - Organizational Chart for the contract to bid List of Contractor's Personnel (viz. iii) Project Managers, Materials Engineers and Foreman), to be assigned to the contract to be bid, with their complete qualification and experience data.
 - List of Contractor's equipment unit, which are owned, Lease, and/or under iv) purchased agreements, supported by Certification of availability of equipment from the equipment lessor/vendor for the duration of the project
 - Sworn Statement as to the following
 - it is not "blacklisted' or barred from bidding;
 - each of the documents submitted in satisfaction of the bidding b) requirements is an authentic copy of the original, complete and all statements made therein are true and correct;
 - it is authorizing the head of the procuring entity or his duly authorize c) representative/s to verify all documents submitted;
 - the signatory is the duly authorized representative, and granted full power and authority to do so, execute and perform any and all acts necessary.
 - It complies with the disclosure provision under Section 47;
 - It complies with the responsibilities of the prospective or eligible f) bidder provided in the PBD's;
 - It complies with existing labor laws and standards g)
 - Tax Clearance Certificate (Xerox Copy) vi)
 - Conditions of Contract; i.e., (the DPWH Standard Specifications 1988) (b)
 - Drawings / Plans (c)
 - (d) Invitation to Bid
 - (e)
 - Specifications Instructions to Bidders **(f)**
 - Addenda (g)
 - Performance Security (h)
 - Post qualification Statements (i)
 - Credit Line (j)
 - The PERT/CPM diagram and bar chart with s-curve and (k)
 - Construction schedule, manpower schedule, construction methods, equipment utilization schedule, construction safety and health program approved by the Department of Labor and Employment
 - Notice of Award to Contractor and Contractor's Conformed hereto (m)
 - Contractor's All Risk Insurance (if applicable) (n)
 - (o) Other pertinent document may be required
- 3. That in consideration of the Payments to be made by the EMPLOYER to the CONTRACTOR as hereinafter mentioned, the CONTRACTOR hereby covenants with the EMPLOYER to execute and complete the WORKS and remedy any defects therein in conformity in all respects with the provisions of this CONTRACT.
- 4. That the EMPLOYER hereby covenants to pay the CONTRACTOR in consideration of the execution and completion of the WORKS at the unit prices agreed in the TENDER. at the time in the manner prescribed by the CONTRACT and specified in the BID. It is understood that the quantities listed in the PROPOSAL do not govern final payment, hence payment to the CONTRACTOR will be made only for actual quantities of contract items performed in accordance with the plans and specifications and accepted by the EMPLOYER.

-2-

3

- That the EMPLOYER shall provide and pay the CONTRACTOR fifteen (15%) of the total contract cost upon the first and initial mobilization.
- The provisions of Republic Act 9184 and other existing laws, decrees, executive and administrative orders, circulars issued by proper authorities affecting government construction projects shall be made and formed as Integral part of the Contract.
- That this CONTRACT shall not take effect until the CONTRACTOR has furnished and delivered to the EMPLOYER a Performance Security that is fully acceptable to the EMPLOYER in the form and amount as required in the Instructions to Bidders.
- 8. In case the CONTRACTOR refuses or fails to satisfactorily complete the work within the specified contract time, plus any time extension duly granted and is hereby in default under the CONTRACT, the CONTRACTOR shall pay the CITY GOVERNMENT for liquidated damages, and not by way of penalty, an amount to be determined for each calendar day of delay, until the work is completed and accepted or taken over by the Government.

TLD = VUUP x [$(1+OCC)^n - 1$] x K,

VUUP =TCP-VCUP

WHERE:

TLD = Total Liquidated Damages, In Pesos

VUUP = value of the uncompleted and unusable portions of the contract work, as of the expiry date of the contract in pesos

TCP = Total Contract Price, In Pesos

VCUP = value of the completed and usable portion of the contract work, as of the expiry date of the contract, in pesos

OCC = prevailing opportunity cost of capital for government projects set by NEDA, which is currently pegged at 15%

= total no. of years that the contract work is delayed after the expiry date of the contract.

adjustment favor to cover additional losses

$$\bullet = 1 + C + (I \times n)$$

WHERE

C = cost of const. supervision as a percentage, not exceeding 10% of construction cost.

= annual inflation rate as defined by NEDA

9. In case the CONTRACTOR lags behind schedule in his work and incurs 15% or more negative slippage, based on his approved PERT/CPM, the City Mayor, of the City Government of Cabanatuan may, at his discretion, terminate or rescind the contract pursuant to existing laws, rules and regulations.



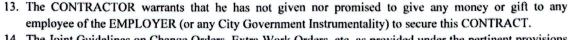
10. Any time extension duly granted to the CONTRACTOR by the EMPLOYEE is not in any way a default to the contract from delays and lags caused by Acts of God/Force Majeure, Civil Matters and Political Matters such as civil warfare, rebellion, sabotage, etc. and for such, the contractor will not be charged any penalty or liquidating damages.

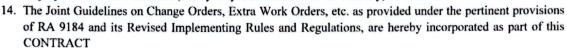


11. The provisions of RA 6685 as implemented by Department Order No. 51, series of 1990 is hereby incorporated as part of this CONTRACT.



12. The CONTRACTOR shall comply with, and strictly observed, all laws regarding workmen's health and safety, workmen's welfare, compensation for injuries, minimum wages, hours of labor and other labor laws as per Ministry Order No. 9, series of 1981.







- 15. Within a period of Fifteen (15) Years after completion and final acceptance of the PROJECT, the CONTRACTOR shall remain liable for any damages or defects discovered on the works due to faulty construction or the use of materials of inferior quality or violation of terms of the CONTRACT.
- 16. After completion and final acceptance of the PROJECT, the CONTRACTOR shall be held responsible for structural defects and/or failure of the completed project within the warranty period of Fifteen (15) Years from final acceptance, except those occasioned by force majeure and those caused by other parties,
- 17. If any dispute or difference of any kind whatsoever arises between the EMPLOYER or the ENGINEER and the CONTRACTOR in connection with or arising out of the CONTRACT, or carrying out of the WORKS, it shall first be referred to and settled by, the ENGINEER. However, if the decision of the ENGINEER is not satisfactory either to the EMPLOYER or the CONTRACTOR, such dispute may be submitted to, and settled by, the construction Industry Arbitration Commission (CIAC) created by Executive Order No. 1088.
- 18. The CONTRACTOR shall pay taxes in full and on time and failure to do so will entitle the government to suspend payment for the contract.
- 19. The CONTRACTOR shall likewise regularly present. Within the duration of the contract, a tax clearance from the BUREAU of Internal Revenue (BIR) as well as a copy of its income and business tax returns duly stamped and received by the BIR and duly validated with the tax payments made thereon.
- 20. This agreement becomes binding and valid upon approval by the proper authorities.

IN WITNESS WHEREOF, the parties hereto affix their signature this 27th day of July 2023 at Cabanatuan City, Philippines.

BY:

REPUBLIC OF THE PHILIPPINES

AT & E TECHNICAL SERVICES, INC.

CABANATUAN CITY GOVERNMENT

#088 B Sampaloc St., Dolores, City of San

Fernando, Pampanga

(PARTY OF THE FIRST PART)

(PARTY OF THE SECOND PART)

BY:

MYCA ELIZABETH R. VERGARA

ENGR. ÁLEX F. PATIO

City Mayor

President / General Manager

NORMAN M. RIÑO

(Witness)

ER DC. PAYUMO

(Witness)

REPUBLIC OF THE PHILIPPINES) Cabanatuan City

ACKNOWLEDGEMENT

BEFORE ME, as the Notary Public for and within the City of Cabanatuan, Philippines, on this 27th day of July 2023, personally appeared HON. MYCA ELIZABETH R. VERGARA, in her capacity as Mayor of Cabanatuan City, and ENGR. ALEX F. PATIO, in his capacity as President / General Manager of AT & E TECHNICAL SERVICES, INC., with their respective Government Issued ID, as follows:

MYCA ELIZABETH R. VERGARA Government Issued ID.: 20191105

> Issued at: LGU - CABANATUAN CITY

Issued On: **JULY 01, 2019**

ENGR. ALEX F. PATIO Government Issued ID.:

City of San Fernando Issued at **Issued On** 01-09-23

Both known to me and to me known to be the same persons who executed the foregoing Agreement and they acknowledge to me that the same is their free and voluntary act and deed and that of the entities they present.

This instrument consisting of Five (5) pages has been signed by the parties hereto and their instrumental witnesses on the left-hand margin of each and every page thereof except page 4, which has been signed at the bottom thereof, refers to a Contract for the Furnishing of Labor and Materials for the Installation of Distribution Transformer 3-37.5KVA (3Ø Closed Delta) @ Multi-Purpose Building, Brgy. Calawagan, Cabanatuan City.

IN WITNESS WHEREOF, I have hereto set my hand and my notarial seal on the date, year, and place first hereinabove written.

ATTY RYANT TADEO

NOTARY PUBLIC
Until December 31, 2023
Capanatuan NOTARY PUBLIC
IBP No. 262719-04 January 2023! Nueva ECTA

PIR No CBN- 106956 93 January 2023 Capar atuan City

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Page No. Book No. Series of 2023

Help



Bid Notice Abstract

Invitation to Bid (ITB)

Reference Number 9882424

Procuring Entity CITY OF CABANATUAN, NUEVA ECIJA

Title Furnishing of Labor and Materials for the Installation of Distribution Transformer 3-37.5KVA

(3Ø Closed Delta) @Multi-Purpose Building, Brgy. Calawagan, Cabanatuan City.

Area of Delivery Nueva Ecija

Solicitation Number:	ITB No.2023-06-PB-INFRA- 0039	Status	Awarded
Trade Agreement:	Implementing Rules and Regulations	Associated Components	3
Procurement Mode:	Public Bidding		
Classification:	Civil Works		
Category:	Transmission and Distribution Lines	Bid Supplements	C
Approved Budget for the Contract:	PHP 1,365,610.55	Document Request List	3
Delivery Period:	8 Day/s		
Client Agency:		Date Published	26/06/2023
Contact Person:	Joseph Molina Apan Head - BAC Secretariat	Last Updated / Time	16/08/2023 14:06 PM
	Kapt. Pepe Subd, Cabanatuan City Nueva Ecija	Last Opdated / Time	16/08/2023 14:06 PM
	Philippines 3100 63-000-0000000	Closing Date / Time	18/07/2023 14:00 PM
	jabacsecretariat@gmail.com		

Description

INVITATION TO BID FOR THE FURNISHING OF LABOR AND MATERIALS FOR THE INSTALLATION OF DISTRIBUTION TRANSFORMER 3-37.5KVA (3Ø CLOSED DELTA) @MULTI-PURPOSE BUILDING, BRGY. CALAWAGAN, CABANATUAN CITY

I.B. No. 2023-06-PB-INFRA-0039

- 1. The LGU-Cabanatuan City, through the General Fund FY 2023 intends to apply the sum of One Million Three Hundred Sixty-Five Thousand Six Hundred Ten Pesos and 55/100 (P1,365,610.55) being the Approved Budget for the Contract (ABC) to payments under the contract for the Furnishing of Labor and Materials for the Installation of Distribution Transformer 3-37.5KVA (3Ø Closed Delta) @Multi-Purpose Building, Brgy. Calawagan, Cabanatuan City. Bids received in excess of the ABC shall be automatically rejected at bid opening.
- 2. The LGU-Cabanatuan City now invites bids for the above-mentioned project. Completion of the Works must be accomplished within Eight (8) Days. Bidders should have completed a contract similar to the Project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II. (Instructions to Bidders).
- 3. Bidding will be conducted through open competitive bidding procedures using a non-discretionary "pass/fail" criterion as specified in the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184.
- 4. Interested bidders may obtain further information from LGU-Cabanatuan City and inspect the Bidding Documents at the address given below from 9:00am to 12:00noon and 1:00pm to 4:00pm.
- 5. A complete set of Bidding Documents may be acquired by interested Bidders on 26 June, 2023 from given address below and upon payment of the applicable fee for the Bidding Documents, pursuant to the latest Guidelines issued by the GPPB, in the amount of Five Thousand Pesos (P5,000.00). The Procuring Entity shall allow the bidder to present its proof of payment of the fees.
- 6. The LGU-Cabanatuan City will hold a Pre-Bid Conference1 on 4 July, 2023 at 2:00 pm at the Conference Room, City Mayor's Office, City Hall Bldg., Kapt. Pepe Subd., Cabanatuan City which shall be open to prospective bidders.
- 7. Bids must be duly received by the BAC Secretariat at the address below on or before 18 July, 2023 at 2:00 pm. Late bids shall not be accepted.
- 8. All bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in ITB

Clause 16.

- Bid opening shall be on 18 July, 2023 at 2:00 pm at Conference Room, City Mayor's Office, City Hall Bldg., Kapt.
 Pepe Subd., Cabanatuan City. Bids will be opened in the presence of the Bidders' representatives who choose to attend the activity.
- 10. The LGU-Cabanatuan City reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Section 34.6 and 41 of the 2016 revised Implementing Rules and Regulations (IRR) of RA 9184, without thereby incurring any liability to the affected bidder or bidders.
- 11. For further information, please refer to:

BAC Secretariat Office
Bids and Awards Committee
2F City Government Building
Phase II, Kapt. Pepe Subd., Cabanatuan City
E-mail address: jabacsecretariat@gmail.com

12. You may visit the website/s: For downloading of Bidding Documents: https://www.philgeps.gov.ph/

June 23, 2023

NORMAN M. RIÑO BAC Vice-Chairman

1 May be deleted in case the ABC is less than One Million Pesos (PhP1,000,000) where the Procuring Entity may not hold a pre-bid conference.

Line Item

Item No.	Product/Service Name	Description	Quantity	MOU	Budget (PHP)
1	Furnishing of Labor and Materials	For the Installation of Distribut Transformer 3-37.5KVA (3dia (Delta) @Multi-Purpose Building Calawagan, Cabanatuan City	Closed	Lot	1,365,610.55
Pre-bid Confe	erence				
	Date	Time	V	enue	
04/07/2023	2:	00:00 PM	Pre-Bid Conference:	1 on 4	July, 2023 at

Created by Joseph Molina Apan

Date Created 24/06/2023

The PhilGEPS team is not responsible for any typographical errors or misinformation presented in the system. PhilGEPS only displays information provided for by its clients, and any queries regarding the postings should be directed to the contact person/s of the concerned party.

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2:00 pm at the Conference Room, City Mayor's Office, City Hall Bldg., Kapt. Pepe

Subd., Cabanatuan City

Close Window



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Award Notice Abstract (Ref No.: 4353370)

Status: Updaked

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Reference Number:	CITY OF CABANATUAN, NUEVA ECIDA	Award Type:
9882424	Kapt. Pepe Suité, Calianatuan City Nueva Erija, Region II Furnishing of Labor and Haterials	III, Phinggaries Award Notice
Control Number:	America: Contact Person : AT & ETECHNICAL SERVICES, INC. Alex F Patts	Contract Amount:
778 No. 2023-06-PB-	Address : Designation :	Phg1,360,810.54
INFRA-0039	IIBBB Sampatoc St., Dolores, San Pernando City Pampanga, Region III, President	Award Date:
Bid Notice Title:	Philippines	22-34-2222
Furnishing of Labor and	Lires Stave	Publish Date:
Materials for the	Fraduct/Service/Project Name	Bedget (15-Aug 202)
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Government of the		
Philippines (x.P)		
Francing Instrument		
Budget for the Contract		
Approved by the		
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Contact Parasin		
Joseph Agues		
Created by:		
Joseph Rosen		



BIDS AND AWARDS COMMITTEE

NOTICE TO PROCEED

28 July 2023

AT & E TECHNICAL SERVICES, INC. #088 B Sampaloc St., Dolores, City of San Fernando, Pampanga

Dear Sir / Madame:

The attached Contract and Agreement having been approved, notice is hereby given to AT & E TECHNICAL SERVICES, INC., that works may commence for the Furnishing of Labor and Materials for the Installation of Distribution Transformer 3-37.5KVA (3Ø Closed Delta) @ Multi-Purpose Building, Brgy. Calawagan, Cabanatuan City.

Upon 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 us.

Very truly yours,

MYCA ELIZABETH R. VERGARA
City Mayor

Name of the representative of the Bidder: ENGR. ALEX F. PATIO

Authorized Signature:

PAGBABAGO ... PROGRESO ... DISIPLINA
City Government Bldg., Kapt. Pepe Subd., Phase II, Cabanatuan City

ima





City of Cabanatuan

BIDS AND AWARDS COMMITTEE

BAC Resolution Declaring and Recommending Approval

RESOLUTION NO. 2023-07-0038

WHEREAS, the LGU-Cabanatuan City advertised the Invitation to Bid for the Furnishing of Labor and Materials for the Installation of Distribution Transformer 3-37.5KVA (3Ø Closed Delta) @ Multi-Purpose Building, Brgy. Calawagan, Cabanatuan City with an approved budget amounting to One Million Three Hundred Sixty-Five Thousand Six Hundred Ten Pesos and 55/100 (P1,365,610.55) posted on the Philippine Government Electronic Procurement System (PhilGEPS) website, and three (3) conspicuous places at the premises of the LGU-Cabanatuan City.

WHEREAS, in response to the said advertisements, One (1) bidder/s submitted an application for eligibility, and One (1) was found eligible on 18 July 2023, and out of this number of the eligible bidder, One (1) bidder/s purchased bid documents:

WHEREAS, One (1) bid/s was submitted on 18 July 2023, and One (1) bid passed the preliminary examination of bids;

WHEREAS, the bid/s proposals of the bidder/s was found to be substantially complying;

Name of Bidder	Bid Amount (As Read)	
AT & E TECHNICAL SERVICES, INC.	1,360,610.54	

WHEREAS, the detailed evaluation of the bid conducted on 18 July 2023 resulted in the following:

Name of Bidder	Bid Amount (As Calculated)	
AT & E TECHNICAL SERVICES, INC.	1,360,610.54	

WHEREAS, upon careful examination, validation, and verification of all the eligibility, technical and financial requirements submitted by the Bidder with the Single Calculated Bid, its bid has been found to be responsive;

NOW, THEREFORE, We, the Members of the Bids and Awards Committee, hereby RESOLVE as it is hereby RESOLVED:

- a) To declare AT & E TECHNICAL SERVICES, INC., as the Sole Bidder with the Single Calculated and Responsive Bid for the Furnishing of Labor and Materials for the Installation of Distribution Transformer 3-37.5KVA (3Ø Closed Delta) @ Multi-Purpose Building, Brgy. Calawagan, Cabanatuan City;
- b) To recommend to the City Mayor of the Cabanatuan City Government the award of contracts.

RESOLVED, at the Bids and Awards Committee Office this 24th day of July 2023.

SUSANA I. DALLO BAC CHAIRMAN

NORMAN M. RIÑO BAC VICE-CHAIRMAN

ATTY. ERWIN GEENN Q. VILLARIN MEMBER

> SHIRLEY F. GONZALES MEMBER

GERARDO S. DE GUIA MEMBER

GENER DC. PAYUMO

MEMBER

ENGR LIZAP. TANTIADO MEMBER

APPROVED:

Head of Procuring Entity

MYCA ELIZABETH R. VERGARA

APPROVED SUBJECT FOR AUDITING AND ACCOUNTING RULES AND REGULATIONS.

PAGBABAGO...PROGRESO...DISIPLINA
City Government Bidg., Kapt. Pepe Subd., Phase II, Cabanatuan City*

BIDS AND AWARDS COMMITTEE

NOTICE OF AWARD

25 July 2023

AT & E TECHNICAL SERVICES, INC. #088 B Sampaloc St., Dolores, City of San Fernando, Pampanga

Dear Sir / Madame:

We are pleased to inform you that your Bid dated 18 July 2023 for the Furnishing of Labor and Materials for the Installation of Distribution Transformer 3-37.5KVA (3Ø Closed Delta) @ Multi-Purpose Building, Brgy. Calawagan, Cabanatuan City for the Contract Price equivalent to One Million Three Hundred Sixty Thousand Six Hundred Ten Pesos and 54/100 (\$\mathbf{P}\$1,360,610.54), as corrected and modified in accordance with the Instructions to Bidders is hereby accepted.

You are hereby required to submit the performance security in the form and the amount stipulated in the Instructions to Bidders.

Failure to provide the performance security shall constitute sufficient grounds for cancellation of the award and forfeiture of the bid security.

Very truly yours,

MYCA ELIZABETH R. VERGARA

City Mayor

Conforme:

ENGR. ALEX F. PATIO
President / General Manager

AT & E TECHNICAL SERVICES, INC.

Date: July 25, 2023