

# CONTRACT

**(1 LOT CONTRACT PACKAGE: EQUIPMENT, LABOR AND MATERIALS FOR THE IMPROVEMENT OF BARANGAY SITE, BRGY. MADAUM, DAVAO DEL NORTE)**

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KNOW ALL MEN BY THESE PRESENTS:

This Agreement is made and entered into this      day of JUL 20 2022, 2022 at Tagum City, Davao del Norte, Philippines, between:

**PROVINCIAL GOVERNMENT OF DAVAO DEL NORTE**, a local government unit duly organized and existing under the laws of the Republic of the Philippines with office address at Capitol Bldg., Government Center, Barangay Mankilam, Tagum City, Davao del Norte, represented by the Head of the Procuring Entity, Honorable Governor **EDWIN I. JUBAHIB**, hereinafter referred to as the **PROCURING ENTITY**;

-AND-

**PMMGS CONSTRUCTION CORPORATION**, a registered construction firm under the Securities and Exchange Commission with Company Reg. No. CS201431704, dated 14-July-2014, with business address at Purok 5, Poblacion, Nabunturan, Davao de Oro, duly represented by its Authorized Managing Officer, **ROMMEL B. GOMITO**, hereinafter referred to as the **CONTRACTOR**.

**WITNESSETH THAT:**

**WHEREAS**, the Procuring Entity is a local government unit mandated to provide infrastructure facilities to service the needs of the residents of the province and which funded out of provincial funds including, but not limited to, provincial roads and bridges; inter-municipal waterworks, drainage and other similar facilities;

**WHEREAS**, the Procuring Entity through **LOAN CY 2021**, intends to apply the sum of **ONE MILLION FOUR HUNDRED TWENTY-FOUR THOUSAND ONE HUNDRED EIGHTY-FIVE PESOS AND NINETY CENTAVOS (PHP 1,424,185.90)** being the Approved Budget for the Contract (ABC) for the **1 LOT CONTRACT PACKAGE: EQUIPMENT, LABOR AND MATERIALS FOR THE IMPROVEMENT OF BARANGAY SITE, BRGY. MADAUM, DAVAO DEL NORTE** by virtue of the **Purchase Request No. 21084394** the bidding was conducted for the purpose through Infrastructure Project Agreement governed by Republic Act 9184 otherwise known as "The Government Procurement Reform Act";

**WHEREAS**, upon the opening of competitive bidding and after proper evaluation of the criteria and standards set forth by law, the Bids and Awards Committee (BAC) through **BAC Resolution No. 70, series of 2022**, resolved to declare the Contractor as the **Single Calculated and Responsive Bidder** to undertake the afore-cited Infrastructure Project;

**WHEREAS**, the Contractor has been in the business of conducting construction, rehabilitation, improvements of buildings, bridges and other infrastructure projects in different areas of the country particularly in Mindanao area including rural construction facilities;

**WHEREAS**, the Contractor is willing to undertake and implement the project in the manner provided under this contract, existing laws and/or upon the request by the Procuring Entity.


**NOW THEREFORE**, for and in consideration of the foregoing premises, the parties hereto agreed, as by these presents, do hereby agree to be bound by the following terms and conditions, to wit:

### I-CONTRACT



This agreement is an infrastructure project between the **PROVINCIAL GOVERNMENT OF DAVAO DEL NORTE** and **PMMGS CONSTRUCTION CORPORATION** with approved project pursuant to **Purchase Request No. 21084394** hereinafter called the "Infrastructure Project".

The project consists of the **1 LOT CONTRACT PACKAGE: EQUIPMENT, LABOR AND MATERIALS FOR THE IMPROVEMENT OF BARANGAY SITE, BRGY. MADAUM, DAVAO DEL NORTE.**



Payment shall be made **through progress billing**. However, advance payment may be allowed upon formal request and approval of the other party in an amount not exceeding fifteen percent (15%) of the total contract price. But no release of final payment can be made unless and until the project has been completed, inspected and accepted by the Procuring Entity to its full satisfaction.


### II-DURATION

The intended work duration is **SIXTY (60) CALENDAR DAYS**, from the time the Notice to Proceed was issued by the Procuring Entity and received/acknowledged by the Contractor.

### III-CONTRACT PRICE

The Provincial Government of Davao del Norte has an Approved Budget of the Contract (ABC) of **ONE MILLION FOUR HUNDRED TWENTY-FOUR THOUSAND ONE HUNDRED EIGHTY-FIVE PESOS AND NINETY CENTAVOS (PHP 1,424,185.90)**. The Contractor submitted a bid quotation of **ONE MILLION FOUR HUNDRED EIGHT THOUSAND NINE HUNDRED SEVENTY-ONE PESOS AND EIGHTY CENTAVOS (PHP 1,408,971.80)**.

### IV-GENERAL TERMS AND CONDITIONS

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1. In this contract, words and expressions shall have the same meanings as are respectively assigned to them in the General and Special Conditions of the Contract. Whatever conflicts as to the provisions of the contract, the Special Conditions of the Contract shall prevail;
  2. The Project bidding documents (Annex as "A") shall be attached, deemed to form as integral part of this contract, and be read and construed substantially in the following order as stated below:
    - I. Invitation Bid;
    - II. Instruction to Bidders;
    - III. Bid Data Sheet;
    - IV. General Conditions of Contract;
    - V. Special Conditions of Contract;
    - VI. Specifications;
    - VII. Drawings;
    - VIII. Bill of Quantities;
    - IX. Bidding Forms;
    - X. Sample Forms;
    - XI. Checklist of Eligibility and Technical Requirements;
    - XII. Sealing and Marking of Bids

Procuring Entity

Contractor

Represented by:

Represented by:



**ACKNOWLEDGMENT**

Republic of the Philippines....)  
Province of Davao del Norte.) Sc.  
City of Tagum.....)  
X-----X



**BEFORE ME**, a Notary Public in the City of Tagum, Province of Davao del Norte, personally appeared:

	<b>Proofs of Identity</b>	<b>Date Issued</b>	<b>Place Issued</b>
<b>EDWIN I. JUBAHIB</b>	_____	_____	_____
<b>ROMMEL B. GOMITO</b>	_____	_____	_____

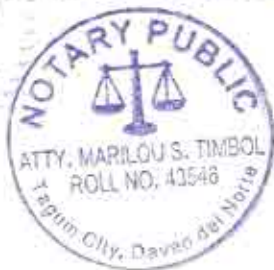


known to me to be the same persons who executed this Agreement and they acknowledged to me that the same is their free act and deed for and in behalf of the parties they represent.

This instrument consists of four (4) pages including this page wherein this acknowledgement is written and duly signed by the parties and their respective instrumental witnesses on the left portion of each and every page hereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and Notarial Seal this    day of JUL 20 2022, 2022 at TAGUM CITY, Philippines.

Doc. No. 108 ;  
Page No. 4 ;  
Book No. 140 ;  
Series of 2022.



**ATTY. MARILOU S. TIMBOL**  
NOTARY PUBLIC  
UNTIL DECEMBER 31, 2022  
PTR No. 3130368; 01-04-22; T.C.  
Roll No. 43546 TIN.918-139-248  
IBP OR No. 171238; 12-22-2021; MANILA  
MCLE COMPLIANCE NO. VI-001234; 11-21-16

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