

CONTRACT

(Community-Based Road Maintenance Contract of Km. 15, Kipalili – New Loon Road)

KNOW ALL MEN BY THESE PRESENTS:

This Agreement is made and entered into this ____ day of _____, 2021 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-

KIPALILI FARMERS ASSOCIATION, a registered workers' association under the Department of Labor and Employment with Registration No. R1102-1102-WA-006 and business address at Kipalili, San Isidro, Davao del Norte, duly represented by its Chairperson, **EDUARDO S. CERCADO**, 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, pursuant to Section 53.12 of IRR of RA 9184 and GPPB Resolution No. 03-2013 dated January 21, 2013, it recognize the Community Participation and authorize the Procuring Entity to grant the rural community-based contractors in the procurement of goods and services and simple infrastructure projects through negotiated agreement particularly the rural road maintenance in some areas of the Province of Davao del Norte;

WHEREAS, the Procuring Entity under **General Fund CY 2021**, intends to apply the sum of **EIGHTY-NINE THOUSAND FIVE HUNDRED NINETY-EIGHT PESOS AND SIXTY CENTAVOS (PHP 89,598.60)** being the Approved Budget for the Contract (ABC) for the Contract – Community Based Road Maintenance Contracting (CBRMC) and the bidding was conducted for the purpose of maintaining various Provincial Roads and Bridges – **Km. 15, Kipalili – New Loon Road**, governed by Republic Act 9184 otherwise known as "The Government Procurement Reform Act";

WHEREAS, upon the opening of negotiated procurement and after proper evaluation of the criteria and standards set forth by law, the Bids and Awards Committee (BAC) through **BAC Resolution No. 201, series of 2021**, resolved to declare the Contractor as the Single Calculated and Responsive Bidder to undertake the afore-cited Project;

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 **KIPALILI FARMERS ASSOCIATION** with approved project pursuant to **PR No. 2103-1995**, hereinafter called the "Community-Based Road Maintenance Contract".

The project consists of Contract – Community Based Road Maintenance Contracting (CBRMC) for the maintenance of various Provincial Roads and Bridges – **Km. 15, Kipalili – New Loon Road.**

Progress billing will be made every month.

II-DURATION

The intended project should be done **within one (1) quarter** 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 **EIGHTY-NINE THOUSAND FIVE HUNDRED NINETY-EIGHT PESOS AND SIXTY CENTAVOS (PHP 89,598.60)**. The Contractor submitted a bid quotation of **EIGHTY-NINE THOUSAND FIVE HUNDRED NINETY-EIGHT PESOS AND SIXTY CENTAVOS (PHP 89,598.60)** based on the **Purchase Order No. 2021062650**.

IV-GENERAL TERMS AND CONDITIONS

1. In this contract, words and expressions shall have the same meanings as are respectively assigned to them in the Terms and Conditions as stipulated in the Price Quotation Form (PQF)/Canvass Form.
2. The Project bidding documents (Annex "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 to Bid;
 - II. Purchase Request;
 - III. Program of Works;
 - IV. Price Quotation Form (PQF)/Canvass Form; and
 - V. Legal, Technical and Financial Documents
3. Advance payment may be released in an amount not exceeding fifteen percent (15%) of the total contract price provided it is included in the contract;
4. The contractor shall submit progress billing or statement of work accomplished that contains the amount due the contractor vis-a-vis the work performed pursuant to the work and financial plan;

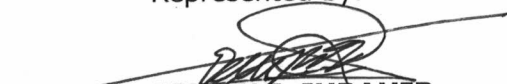
5. The procuring entity shall release payments based on the payment scheme provided in the contract and only upon validation by the end user unit that the contractor has delivered or performed the outputs specified in the work and financial plan and the same has been inspected and accepted by the community and confirmed by the procuring entity as satisfactory in accordance with the technical specifications or scope of work;
6. The procuring entity shall conduct visit and examination for the project;
7. Payments and release of funds shall be subject to government auditing and accounting rules and regulations.

IN WITNESS WHEREOF, the parties hereunto affix their signatures this ____ day of _____, 2021 in Tagum City, Davao del Norte, Philippines.


**PROVINCIAL GOVERNMENT
OF DAVAO DEL NORTE**
Procuring Entity

KIPALILI FARMERS ASSOCIATION
Contractor

Represented by:


EDWIN I. JUBAHIB,
Governor


Represented by:


EDUARDO S. CERCADO
Chairperson

Signed in the presence of:


ENGR. JOSIE JEAN R. RABANOZ, MPA, ENP
Provincial Administrator

and


RENATO E. MANZANO

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:

Proofs of Identity Date Issued Place Issued

EDWIN I. JUBAHIB

EDUARDO S. CERCADO

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 28 day of OCT 2021 at Tagum City, Davao del Norte, Philippines.

Doc. No. 166;
Page No. 74;
Book No. LX;
Series of 2021.



TIRSO S. LASAY, JR.
Notary Public
Until December 31, 2022
PTR No. 2915620 • 04 January 2017
IBP No. 131416 • 18 October 2017
NC No. 863 • 25 May 2021
2nd Floor, S&M Yamas Building,
Rizal and Osmeña Streets, Tagum City,
MCLE Compliance No. VI-0628672