

Contract Agreement Form for the Procurement of Goods (Revised)

[Not required to be submitted with the Bid, but it shall be submitted within ten (10) days after receiving the Notice of Award]

CONTRACT AGREEMENT

THIS AGREEMENT, made this NOV 21 day of 2023 by and between:

The **AUTHORITY OF THE FREEPORT AREA OF BATAAN (AFAB)**, with office address at the Second Floor, AFAB Administration Building, Freeport Area of Bataan, Mariveles, Bataan, represented herein by its Administrator and Chief Executive Officer, **MOHAMMED HUSSEIN P. PANGANDAMAN**, pursuant to Board Resolution No. 2023-31 issued on 29 May 2023, hereto attached as *Annex "A"*, and hereinafter called "the Entity" of the one part;

- and -

TOYOTA BATAAN, INC., with office address at Roman Superhighway Barangay Tuyoy, Balanga City, Bataan, represented herein by its General Manager, **MICHAEL ANGELO T. TAN**, who is likewise duly authorized pursuant to Secretary's Certificate issued on 05 October 2023, hereto attached as *Annex "B"*, and hereinafter called "the Supplier" of the other part.

WHEREAS, the Entity invited Bids for certain goods and ancillary services, particularly the Procurement of **One (1) Brand New Pick-Up 4x4 Unit** and has accepted a Bid by the Supplier for the supply of those goods and services in the sum of **One Million Nine Hundred Fifty Thousand Pesos (Php 1,950,000.00)** (hereinafter called "the Contract Price").

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement words and expressions shall have the same meanings 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.:
 - a. 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

- b. 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;

- c. Performance Security;
- d. Notice of Award of Contract and the Bidder's conforme thereto; and
- e. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the PBDs, particularly the AFAB-Bids and Awards Committee (BAC) Resolution No. G-37 S. 2023 dated 31 October 2023 recommending the Award of the Contract to the winning bidder, and the Certificate of Availability of Funds, which are hereto attached as *Annexes "C" and "D"*, respectively, and made integral parts of this Agreement.

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.

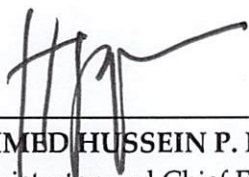
3. In consideration for the sum of *One Million Nine Hundred Fifty Thousand Pesos (Php 1,950,000.00)* or such other sums as may be ascertained, **Toyota Bataan, Inc.** agrees to satisfactorily supply the goods and execute services in accordance with its Bid.
4. The **AUTHORITY OF THE FREEPORT AREA OF BATAAN** agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

IN WITNESS whereof, the parties hereto have 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.

**AUTHORITY OF THE FREEPORT
AREA OF BATAAN**

TOYOTA BATAAN, INC.

By:



MOHAMMED HUSSEIN P. PANGANDAMAN
Administrator and Chief Executive Officer

By:

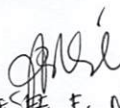


MICHAEL ANGELO T. TAN
General Manager

SIGNED IN THE PRESENCE OF:



JOMAN S. EBARIDO



GENESSEE F. MIRANDA



ACKNOWLEDGMENT

Republic of the Philippines)
Province of Bataan)
Municipality of 1 **BALANGA S.S. CITY, BATAAN**

BEFORE ME, this NOV 28 2023 of 2023 in Mariveles, Bataan, personally appeared:

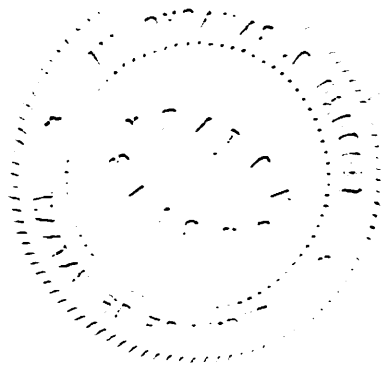
| NAME | COMPETENT EVIDENCE OF IDENTITY | DATE & PLACE OF ISSUE/EXPIRY |
|---------------------------------|--------------------------------|------------------------------|
| MOHAMMED HUSSEIN P. PANGANDAMAN | TIN No. 920-103-296-000 | 11/17/2014 |
| MICHAEL ANGELO T. TAN | CTC NO.: 25613716 | 01/04/2023 - ABUJAY, BATAAN |

both known to me to be the same persons who executed the foregoing instrument and who acknowledged to me that the same is their free and voluntary act and deed, as well as the entities represented herein.

This instrument refers to a "Contract Agreement Form for the Procurement of Goods (Revised)" consisting of four (4) pages, including the page whereon this acknowledgment is written, and signed by the Parties and their instrumental witnesses on each and every page thereof and sealed with my notarial seal.

IN WITNESS WHEREOF, I have hereunto set my hand on the date and at the place first written above.

Teodoro R. Samacho
ATTY. TEODORO R. SAMACHO
NOTARIAL COMM. EXPIRES DEC. 31, 2023
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REPUBLIC OF THE PHILIPPINES)
MARIVELES, BATAAN) SS

SECRETARY'S CERTIFICATE

I, MARISTELLA KATRINA C. GARINO of legal age, Filipino, and with office address at Second Floor, AFAB Administration Building, FAB, Mariveles, Bataan 2106, after having been duly sworn in accordance with law do hereby depose and say:

1. That I am the duly appointed Board Secretary of the Authority of the Freeport Area of Bataan with office at Second Floor, AFAB Administration Building, FAB, Mariveles, Bataan 2106;
2. That as such Board Secretary, I am in possession of the minutes of meetings of the Board of Directors of said agency;
3. That in the special meeting of the Board of Directors of the Authority of the Freeport Area of Bataan held on 29 May 2023, the following resolution was unanimously approved, to wit:

RESOLUTION NO. 2023-31

"WHEREAS, under Republic Act No. 9184 (RA 9184), otherwise known as "The Government Procurement Reform Act," and its Revised Implementing Rules and Regulations (RIRR) provided that the Head of the Procuring Entity (HOPE) for government-owned and controlled corporations is the Governing Board or its duly authorized official;

RESOLVED, as it is hereby resolved, that the AFAB Board of Directors delegates its power under RA 9184 and its RIRR to, and thus authorizes and designates, the AFAB Administrator, as the Head of Procuring Entity;

RESOLVED FURTHER, that in consideration of the Ease of Doing Business, the Deputy Administrator for Support Services (DASS) shall be designated as the Alternate Approving Official for the procurement under Alternative Methods of Procurement (AMP) specifically small value procurement, shopping, emergency cases, agency to agency, lease of venue, scientific, scholarly, artistic and media services, community participation, direct contracting and online subscription with the threshold amount of One Hundred Fifty Thousand Pesos (Php150,000.00);

RESOLVED FURTHERMORE, that in the absence of the HOPE, the DASS shall be the Approving Official for all AMP regardless of amount provided the items to be procured is/are in accordance with the Approved Annual Procurement Plan;

RESOLVED, FINALLY, as it is hereby resolved, that the Board Secretary be authorized to issue certification(s) relative to the foregoing resolution."



MARISTELLA KATRINA C. GARINO
Board Secretary

MAY 30 2023

SUBSCRIBED AND SWORN to before me this _____ day of _____ at **MARIVELES, BATAAN** City, affiant exhibiting to me her P-117 bearing her signature and photograph.

Doc. No. 459
Book No. XV
Page No. 92
Series of 2023




Atty. LORENZO B. CASTILLO
NOTARY PUBLIC until December 31, 2023
For and in the PROVINCE OF BATAAN
Notarial Commission No. 2021-002-ML
1/F FAB Post Office Bldg., Mariveles, Bataan
Roll No. 24642; MCLE VII- 0012139 03/07/22
IBP No. 272149 01/05/23; PTR # 1249198 01/05/23

Procurement of One Brand New Pick-Up 4x4 Unit

Standard Form Number: SF-GOOD-36
Revised on: May 24, 2004

AUTHORITY OF SIGNATORY

SECRETARY'S CERTIFICATE

I, Annely Yaokasin, a duly elected and qualified Corporate Secretary of (Toyota Bataan Inc.), a corporation duly organized and existing under and by virtue of the law of the Republic of the Philippines DO HEREBY CERTIFY, that:

I am familiar with the facts herein certified and duly authorized to certify the same;


At the regular meeting of the Board of Directors of the said Corporation duly convened and held on Toyota Bataan Inc. at which meeting a quorum was present and acting throughout, the following resolutions were approved, and the same have not been annulled, revoked and amended in any way whatever and are full force and effect on the date hereof:

RESOLVED, that Michael Angelo T. Tan be, as it hereby is, authorized to participate in the bidding of **Procurement of One Brand New Pick-Up 4x4 Unit** and that if awarded the Contract shall enter into a contract with the Authority of Freeport Area of Bataan; and in connection therewith hereby appoints Michael Angelo T. Tan, acting as duly authorized and designated representatives of Toyota Bataan, Inc and granted full power and authority to do, execute and perform any and all acts necessary and/or to represent Toyota Bataan, Inc in the Bidding as fully and effectively as the Toyota Bataan, Inc might do if personally present with full power of substitution and revocation and hereby satisfying and confirming all that my said representative shall lawfully do or cause to be done by virtue hereof;

RESOLVED FURTHER THAT, the Board hereby authorizes its President to:

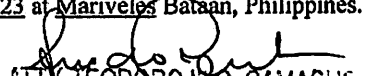
- (1) Execute a waiver of jurisdiction whereby the Toyota Bataan, Inc hereby submits itself to the Jurisdiction of the Philippine government and hereby waives its right to question the jurisdiction of the Philippine courts;
- (2) Execute a waiver that the Toyota Bataan, Inc shall not seek and obtain writ of injunctions of Prohibition or restraining order against the AFP or any other agency in connection with this Contract to prevent and restrain the bidding procedures related thereto, the negotiating of and award of the contract to a successful bidder, and the carrying out of the awarded contract.

WITNESS the signature of the undersigned as such officer of the said
this 06 OCT 2023


Annely Y. Yaokasin
(Corporate Secretary)

ACKNOWLEDGMENT

SUBSCRIBED AND SWORN to before me this 5th day of October, 2023 affiant exhibited to me his/her Community Tax Certificate No. 25469737 issued on 1-07-2023 at Mariveles Bataan, Philippines.


ATTY. TEODORO H. O. CAMACHO
Notary Public
NOTARIAL COMM. EXPIRATION DATE: 31, 2023
PTR NO. 31151-1000-0000
Until 31 December 2023
PROJ. NO. 2023
MOL. NO. 2023
Issued at: Mariveles Bataan, Philippines
Issued on: 05 OCT 2023
TIN No: _____

Doc. No. 303
Page No. 62
Book No. 776
Series of 2023



BIDS AND AWARDS COMMITTEE

RESOLUTION NO. G-37 S. 2023

BAC RESOLUTION DECLARING THE SINGLE CALCULATED AND RESPONSIVE BID (SCRB) AND RECOMMENDING THE AWARD OF CONTRACT FOR THE PROJECT "ONE BRAND NEW PICK-UP 4X4 UNIT" TO TOYOTA BATAAN INC.

WHEREAS, the Authority of the Freeport Area of Bataan (AFAB) advertised the Invitation to Bid on 11 September 2023 for the project: *"One Brand New Pick-Up 4x4 Unit"* at the Philippine Government Electronic Procurement System (PhilGEPS), the AFAB website, and in the BAC bulletin board of the AFAB pursuant to Section 21.2 of the Revised Implementing Rules and Regulations (RIRR) of R.A. No. 9184;

WHEREAS, in response to the said advertisement, one (1) bidder purchased, submitted bid documents, and passed the preliminary the examination of bids on 05 October 2023;

WHEREAS, the bid proposal of the hereunder bidder was found to be complying with the eligibility requirements:

| Name of Bidder | Bid Amount as Read |
|--------------------|--------------------|
| Toyota Bataan Inc. | Php 1,950,000.00 |

WHEREAS, the detailed evaluation of the bid conducted on 12 October 2023, resulted in the following:

| Name of Bidder | Bid Amount as Calculated |
|--------------------|--------------------------|
| Toyota Bataan Inc. | Php 1,950,000.00 |

WHEREAS, based on the post-qualification report of the TWG dated 23 October 2023 and after a detailed examination, evaluation and verification of all the eligibility, technical and financial requirements, the bid proposal submitted by **Toyota Bataan Inc.** was found to be responsive;

WHEREAS, pursuant to DBM Budget Circular No. 2022-1, the Authority to Purchase Motor Vehicles (APMV) issued by the appropriate approving authority shall serve as the basis of agencies in acquiring motor vehicles;

WHEREAS, the APMV No. C-23-0065 has been issued on 10 October 2023;

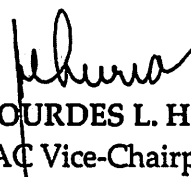
NOW, THEREFORE, we, the Members of the Bids and Awards Committee, hereby RESOLVE as it is hereby RESOLVED:

- a. To declare TOYOTA BATAAN INC. as the Bidder with the Single Calculated and Responsive Bid for the project *"One Brand New Pick-Up 4x4 Unit"*;
- b. To use the Bid Amount as Calculated of Php 1,950,000.00 as the contract amount per Section 34.4 of the RIRR of RA 9184;
- c. To recommend for approval by the Administrator of the Authority of the Freeport Area of Bataan as Head of the Procuring Entity of the foregoing findings.

RESOLVED this 31st day of October 2023 at the Freeport Area of Bataan, Mariveles, Bataan, Philippines.

Authority of the Freeport Area of Bataan Bids and Awards Committee

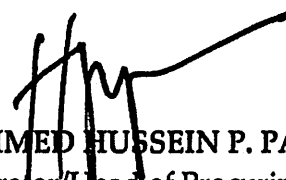

PERCEVAL B. PERALTA
BAC Chairperson


MA. LOURDES L. HERRERA
BAC Vice-Chairperson


DONIA G. ALONZO
BAC Member


CRISTINA F. RODRIGO
BAC Member


CHARLES M. RAMONES
BAC Member


MOHAMMED HUSSEIN P. PANGANDAMAN
Administrator/Head of Procuring Entity
Approved on OCT 31 2023

C E R T I F I C A T I O N

This is to certify that the Authority of the Freeport Area of Bataan (AFAB) has available budget allocation in Capital Outlay (FY 2023 IGF) under the Board-approved Corporate Operating Budget for FY 2023 to defray the necessary expenses for the project: **Procurement of One Unit Brand New Pick Up (for Patrol Operation)** as approved under Secretary's Certificate Resolution No. 2023-44.

Issued this 04th of September 2023.



CHARLES M. RAMONES

Department Manager A, Finance

Note:

Board Approved Budget: 2,000,000.00

ABC: 2,000,000.00

Unallocated: 0.00