

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

DEC 21 2023

THIS AGREEMENT, made this _____ 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 Secretary's Certificate dated 30 May 2023, hereto attached as *Annex "A"*, and hereinafter called "the Procuring Entity and/or Entity" of the one part;

- and -

DISTINCTIVE BLINDS & OFFICE SYSTEMS, INC., with office address at 3361 Ramon Magsaysay Boulevard, Barangay 426, Zone 043, Sampaloc, Manila, represented herein by its President, **IRENE A. ONG**, who is likewise duly authorized pursuant to Secretary's Certificate issued on 24 October 2023, hereto attached as *Annex "B"*, and hereinafter called "the Supplier and/or Winning Bidder" of the other part.

WHEREAS, the Entity invited Bids for certain goods and ancillary services, particularly the **SUPPLY, DELIVERY AND INSTALLATION OF MODULAR WORKSTATIONS AND FURNITURE FOR VARIOUS OFFICES AND AVR 3 LOUNGE AT THE AFAB ADMINISTRATION BUILDING** and has accepted a Bid by the Supplier for the supply of those goods and services in the sum of **Three Million Four Hundred Nine Thousand Two Hundred Ninety Two Pesos (Php 3,409,292.00)** (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-46 dated 24 November 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 *Three Million Four Hundred Nine Thousand Two Hundred Ninety Two Pesos (Php 3,409,292.00)* or such other sums as may be ascertained, **DISTINCTIVE BLINDS & OFFICE SYSTEMS, 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**

**DISTINCTIVE BLINDS & OFFICE
SYSTEMS, INC.**

By:



MOHAMMED HUSSEIN P. PANGANDAMAN
Administrator and Chief Executive Officer

By:

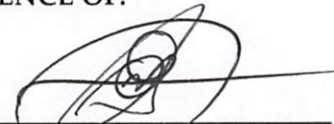


IRENE A. ONG
President

SIGNED IN THE PRESENCE OF:



EFREN DE MILLORA II



DANIEL MAGSALERA

ACKNOWLEDGMENT

Republic of the Philippines)
Province of Bataan)
Municipality of Mariveles) S.S.

BEFORE ME, this **DEC 21 2023** of _____ 2023 in Mariveles, Bataan, personally appeared:

NAME	COMPETENT EVIDENCE OF IDENTITY	DATE & PLACE OF ISSUE/EXPIRY
MOHAMMED HUSSEIN P. PANGANDAMAN	TIN No. 920-103-848-000	11/17/2019
IRENE A. ONG	PASSPORT P1895843C	05062022

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.

Notary Public

Doc. No. 229 ;
Page No. 47 ;
Book No. XXX ;
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

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.

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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



Omnibus Sworn Statement (Revised)

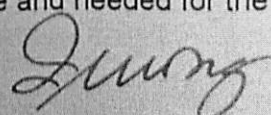
[shall be submitted with the Bid]

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF MANILA) S.S.

AFFIDAVIT

I, Irene A. Ong, of legal age, Single, Filipino, and residing at Km. 38 Marcos Highway, Sitio Paenan, Brgy. Pinugay, Baras, Rizal 1970, after having been duly sworn in accordance with law, do hereby depose and state that:

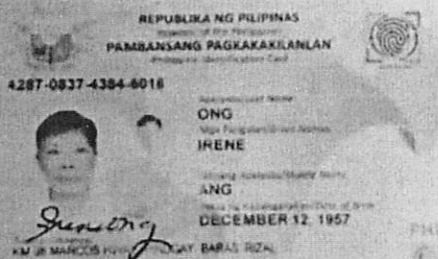
1. I am the duly authorized and designated representative of Distinctive Blinds & Office Systems, Inc. with office address at 3361 Ramon Magsaysay Boulevard, Brgy. 426, Zone 043, Sampaloc, Manila 1008;
2. I am granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for Supply, Delivery and Installation of Modular Workstations and Furniture for Various Offices and AVR 3 Lounge at the AFAB Administration Building of the Authority of the Freeport Area of Bataan (AFAB), as shown in the attached duly notarized Secretary's Certificate;
3. Distinctive Blinds & Office Systems, Inc. is not "blacklisted" or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board, by itself or by relation, membership, association, affiliation, or controlling interest with another blacklisted person or entity as defined and provided for in the Uniform Guidelines on Blacklisting;
4. Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;
5. Distinctive Blinds & Office Systems, Inc. is authorizing the Head of the Procuring Entity or its duly authorized representative(s) to verify all the documents submitted;
6. None of the officers, directors, and controlling stockholders of *Distinctive Blinds & Office Systems, Inc.* is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;
7. *Distinctive Blinds & Office Systems, Inc.* complies with existing labor laws and standards; and
8. *Distinctive Blinds & Office Systems, Inc.* is aware of and has undertaken the responsibilities as a Bidder in compliance with the Philippine Bidding Documents, which includes:
 - a. Carefully examining all of the Bidding Documents;
 - b. Acknowledging all conditions, local or otherwise, affecting the implementation of the Contract;
 - c. Making an estimate of the facilities available and needed for the contract to be bid, if



any; and

- d. Inquiring or securing Supplemental/Bid Bulletin(s) issued for the Supply, Delivery and Installation of Modular Workstations and Furniture for Various Offices and AVR 3 Lounge at the AFAB Administration Building.
9. *Distinctive Blinds & Office Systems, Inc.* did not give or pay directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.
10. In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code.

IN WITNESS WHEREOF, I have hereunto set my hand this OCT 24 2023 day of 2023 at MANILA, Philippines.



IRENE A. ONG/President

Bidder's Representative/Authorized Signatory

SUBSCRIBED AND SWORN to before me in this OCT 24 2023 day of 2023 at MANILA, Philippines. Affiant is personally known to me and was identified by me through competent evidence of identity as defined in the 2004 Rules on Notarial Practice (AM NO. 02-8-13-SC). Affiant exhibited me her NATIONAL IDENTIFICATION CARD with her photograph and signature appearing thereon, with no. 4287-0837-4384-6016.

Witness my hand and seal this OCT 24 2023 day of 2023, 2023.

NOTARY PUBLIC

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Book No. 31
Series of 2023

ATTY. JOAQUIN M. CHUA
NOTARY PUBLIC
UNTIL DEC 31, 2023
PTR No. 3-4225-4-22-23
Roll No. 25-135-914-570
MCLE No. 016342-1-14-19
COMMISSION No. 2022-014
IBP No. 189247-4-25-2022
861 P. PAREDES ST. SAMPALOC M.A.
CP NO. 09159049076

SECRETARY'S CERTIFICATE

I, Shirley Ong Yap, of legal age, Filipino, with office address at 3361 Ramon Magsaysay Boulevard, Brgy. 426, Zone 043, Sampaloc, Manila 1008, after being sworn to in accordance with law, do hereby certify that:

1. I am the incumbent and duly designated Corporate Secretary of Distinctive Blinds & Office Systems, Inc., organized and existing in accordance with law, with principal office at the above-stated address;
2. As Corporate Secretary, I am the custodian of the corporate books and records, including the Minutes of Meetings and Resolutions of the Board of Directors;
3. The Board of Directors issued Board Resolution No. 10-9 on October 20, 2023, to wit:

"Resolved, that Ms. Irene A. Ong, our President, is our authorized signatory to represent our company, to sign and authenticate all the bidding documents for the Supply, Delivery and Installation of Modular Workstations and Furniture for Various Offices and AVR 3 Lounge at the AFAB Administration Building of the Authority of the Freeport Area of Bataan (AFAB) by affixing her signature thereon as required in the Instructions to Bidders and with full power and authority to do, execute and perform all acts necessary".

Further, Ms. Irene A. Ong, our President is granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for above-mentioned project.



Irene A Ong Initial

4. This Certification is being issued to attest to the truth of the foregoing.
Signed this OCT 24 2023 in MANILA.



Shirley Ong Yap

Shirley Ong Yap
Corporate Secretary

SUBSCRIBED and SWORN to me before this OCT 24 2023 day of MANILA, in MANILA, with competent IDs represented.

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Book No. 2022
Series of 2022

NOTARY PUBLIC
ATTY. JOAQUIN M. CHUA
NOTARY PUBLIC
UNTIL DEC 31, 2023
PTP NO. 3647-4-20-23
Roll No. 25202-1-25-914-570
MCLE No. VI-001-3-1-14-19
COMMISSION No. 2022-014
IBP No. 189247-4-25-2022
861 P. PAREDES ST. SAMPALOC, MANILA
CP NO. 09159049076

BIDS AND AWARDS COMMITTEE

RESOLUTION NO. G-46 S. 2023

BAC RESOLUTION DECLARING THE LOWEST CALCULATED AND RESPONSIVE BID (LCRB) AND RECOMMENDING THE AWARD OF CONTRACT FOR THE PROJECT "SUPPLY, DELIVERY AND INSTALLATION OF MODULAR WORKSTATIONS AND FURNITURE FOR VARIOUS OFFICES AND AVR 3 LOUNGE AT THE AFAB ADMINISTRATION BUILDING" TO DISTINCTIVE BLINDS & OFFICE SYSTEMS, INC.

WHEREAS, the Authority of the Freeport Area of Bataan (AFAB) advertised the Invitation to Bid on 25 September 2023 for the project: *"Supply, Delivery and Installation of Modular Workstations and Furniture for Various Offices and AVR 3 Lounge at the AFAB Administration Building"* 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, six (6) bidders purchased and submitted bid documents;

WHEREAS, during the checking of technical documents on 25 October 2023, Office Essentials Systems Furniture Inc. (Office Essentials) was declared non-responsive for its failure to submit an *"Original Notarized Secretary's Certificate"* which is a requirement to be attached to the Omnibus Sworn Statement in case of a corporation. Hence, the checking of Office Essentials' documents was discontinued, and its bid documents were re-sealed. Mr. Joel I. Morada of Office Essentials was notified that a request for reconsideration may be filed within three calendar days. All of the bidders were likewise informed that if a request was received and the BAC resolved to grant the request, a reopening of bids shall be conducted by the BAC in the presence of the bidders and the observers;

WHEREAS, no request for reconsideration from Office Essentials was received within the three calendar day prescribed period to file;

WHEREAS, the bid proposals of the hereunder bidders were found to be complying with the eligibility requirements:

Name of Bidder	Bid Amount as Read
Distinctive Blinds & Office Systems, Inc.	Php 3,409,292.00
Design Excellence Home and Office System Co.	Php 3,987,000.00
Infinite Quality Designs Center Inc.	Php 4,383,870.00
KKG Construction & Supply	Php 4,888,000.00
Accent Systems Inc.	Php 4,900,000.00

WHEREAS, the detailed evaluation of the bid conducted on 31 October 2023, resulted in the following:

Name of Bidder	Bid Amount as Calculated
Distinctive Blinds & Office Systems, Inc.	Php 3,818,407.04
Design Excellence Home and Office System Co.	<p>Disqualified:</p> <ol style="list-style-type: none"> 1. No proof of business registration submitted during bid submission as required under Item IV of the Technical Specifications. 2. No photos of showroom or production area submitted during bid submission as required under Item IV of the Technical Specifications. 3. No submitted Affidavit of Undertaking for the commitment to the proposed technical requirements which needs to be submitted during bid submission as indicated in item IX of the Technical Specifications. <p>The non-submission resulted zero "0" points for the technical</p>
Infinite Quality Designs Center Inc.	<p>Disqualified:</p> <ol style="list-style-type: none"> 1. No proof of business registration submitted during bid submission as required under Item IV.1 of the Technical Specifications. 2. No submitted Affidavit of Undertaking for the commitment to the proposed technical requirements which needs to be submitted during bid submission as indicated in item IX of the Technical Specifications. <p>The non-submission resulted zero "0" points for the technical component.</p> <p>3. Upon careful examination and applying arithmetical corrections, the calculated bid amount is Php 4,383,869.81.</p>
KKG Construction & Supply - Asahi Design Centre Inc. Joint Venture	<p>Disqualified:</p> <ol style="list-style-type: none"> 1. No submitted Affidavit of Undertaking for the commitment to the proposed technical requirements which needs to be submitted during bid submission as indicated in item IX of the Technical Specifications. <p>The non-submission resulted zero "0" points for the technical component.</p>
Accent Systems Inc.	<p>Disqualified:</p> <ol style="list-style-type: none"> 1. No photos of showroom or production area submitted during bid submission as required under Item IV of the Technical Specifications. 2. No submitted Affidavit of Undertaking for the commitment to the proposed technical requirements which needs to be submitted during bid submission as indicated in item IX of the Technical Specifications. <p>The non-submission resulted zero "0" points for the technical component.</p>

Name of Bidder	Bid Amount as Calculated
	3. Upon careful examination and applying arithmetical corrections, the calculated bid amount is Php 4,729,999.98.

WHEREAS, a Notice of Bid Evaluation Result dated 31 October 2023 indicating the change in the calculated bid amount was issued and sent on 06 November 2023, and was duly received by Ms. Irene A. Ong of DBOS on 07 November 2023;

WHEREAS, DBOS sent a letter request for exclusion of VAT in the bid price or to award the as calculated bid amount dated 09 November 2023, which was received by the Records Section of the AFAB on 10 November 2023;

WHEREAS, the Bids and Awards Committee denied the request as indicated in BAC Resolution No. G-43 s. 2023 dated 14 November 2023;

WHEREAS, a Notice of Bid Evaluation Result dated 31 October 2023 was issued and sent on 06 November 2023, and was duly received by a representative of Design Excellence Home and Office System Co. (Design Excellence) on 07 November 2023;

WHEREAS, no request for reconsideration from Design Excellence was received within the three calendar day prescribed period to file;

WHEREAS, a Notice of Bid Evaluation Result dated 31 October 2023 was issued and sent on 06 November 2023, and was duly received by Ms. Gisselle Amador of Infinite Quality Designs Center Inc. (Infinite Quality) on 07 November 2023;

WHEREAS, no request for reconsideration from Infinite Quality was received within the three calendar day prescribed period to file;

WHEREAS, a Notice of Bid Evaluation Result dated 31 October 2023 was issued and sent to KKG Construction & Supply - Asahi Design Centre Inc. Joint Venture (KKG-Asahi JV) on 06 November 2023, and was duly received by Ms. Angel C. Almanzor of KKG-Asahi JV on the same date;

WHEREAS, KKG-Asahi JV sent a request for reconsideration dated 08 November 2023, which was received by the Records Section of the AFAB on the same date;

WHEREAS, the Bids and Awards Committee denied the request for reconsideration as indicated in BAC Resolution No. G-44 s. 2023 dated 15 November 2023;

WHEREAS, no protest from KKG-Asahi JV was received within the seven calendar day prescribed period to file;

WHEREAS, a Notice of Bid Evaluation Result dated 31 October 2023 was issued and sent on 06 November 2023, and was duly received by Mr. Maynard Kim T. Cochon of Accent Systems Inc. on 07 November 2023;

WHEREAS, no request for reconsideration from Accent Systems Inc. was received within the three calendar day prescribed period to file;

WHEREAS, based on the post-qualification report of the TWG dated 10 November 2023 and after a detailed examination, evaluation and verification of all the eligibility, technical and


financial requirements, the bid proposal submitted by **Distinctive Blinds & Office Systems, Inc.** was 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 **DISTINCTIVE BLINDS & OFFICE SYSTEMS, INC.** as the Bidder with the Lowest Calculated and Responsive Bid for the project *"Supply, Delivery and Installation of Modular Workstations and Furniture for Various Offices and AVR 3 Lounge at the AFAB Administration Building"*;
- b. To use the Bid Amount as Read of Php 3,409,292.00 as the contract amount per Section 34.4 of the RIRR of RA 9184;
- c. To recommend for approval by the Administrator and Chief Executive Officer of the Authority of the Freeport Area of Bataan as Head of the Procuring Entity of the foregoing findings.

RESOLVED this 24th day of November 2023 at the Freeport Area of Bataan, Mariveles, Bataan, Philippines.

Authority of the Freeport Area of Bataan Bids and Awards Committee



PERCIVAL 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/Chief Executive Officer/Head of Procuring Entity
Approved on NOV 24 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) and Maintenance and Other Operating Expenses (MOOE) under the Board-approved Corporate Operating Budget for FY 2023 to defray the necessary expenses for the project: Procurement of Furniture, Fixtures and Equipment: Supply, Delivery, and Installation of Modular Work Stations and Furniture for Various Offices and AVR3 Lounge at the AFAB Administration Building as approved under Secretary's Certificate Resolution Nos. 2023-01 and 2023-05.

Issued this 22nd of August 2023.


CHARLES M. RAMONES
Department Manager A, Finance

Note: FFE: 4,130,700.00
MOOE: 769,300.00

