

**Contract Agreement Form for the  
Procurement of Infrastructure Projects (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 DEC 20 day of 2023 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";

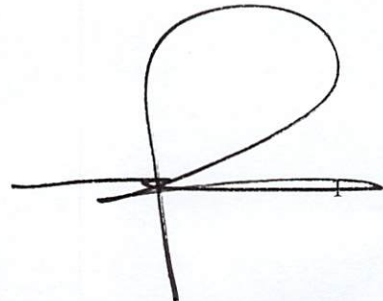
- and -

**JEK TRADING AND CONSTRUCTION**, with office address at 260 Roman Super Highway Imelda, Samal, Bataan, represented herein by its Owner, **CRISANTE P. ILAYA**, as shown in Department of Trade and Industry (DTI) Certificate of Business Name Registration No. 3406527, hereto attached as *Annex "B"*, and hereinafter called the "Contractor and/or Winning Bidder".

WHEREAS, the Entity is desirous that the Contractor execute the **CONSTRUCTION OF UNDERGROUND CABLED STREETLIGHTS** (hereinafter called "the Works") and the Entity has accepted the Bid for **Three Million Nine Hundred Thirteen Thousand Seven Hundred Ninety Five Pesos and Sixty Five Centavos (Php 3,913,795.65)** by the Contractor for the execution and completion of such Works and the remedying of any defects therein.

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 hereinafter 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 part of this Agreement, *viz.*:
  - a. Philippine Bidding Documents (PBDs);
    - i. Drawings/Plans;
    - ii. Scope of Works and Specifications;



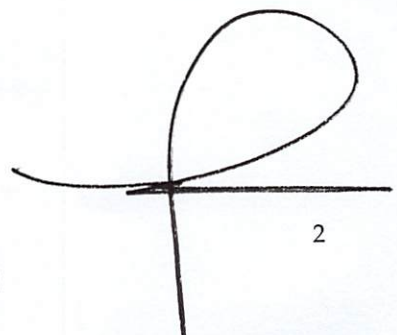
- iii. Bill of Quantities;
  - iv. General and Special Conditions of Contract;
  - v. Supplemental or Bid Bulletins, if any;
- b. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

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. I-16 S. 2023 dated 23 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 Nine Hundred Thirteen Thousand Seven Hundred Ninety Five Pesos and Sixty Five Centavos (Php 3,913,795.65)* or such other sums as may be ascertained, **JEK TRADING AND CONSTRUCTION**, agrees to execute and complete the Works and remedy any defects therein 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.

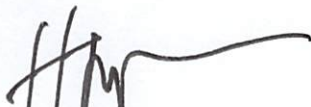




IN WITNESS whereof, the parties hereto have caused this Agreement to be executed the day and year first before written.

**AUTHORITY OF THE FREEPORT  
AREA OF BATAAN**

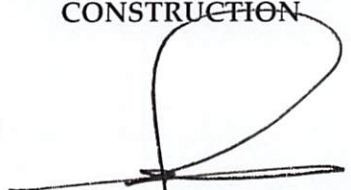
By:



**MOHAMMED HUSSEIN P. PANGANDAMAN**  
Administrator and Chief Executive Officer

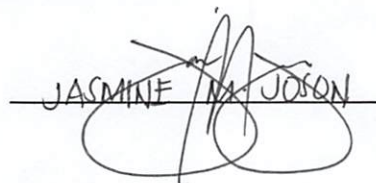
**JEK TRADING AND  
CONSTRUCTION**

By:

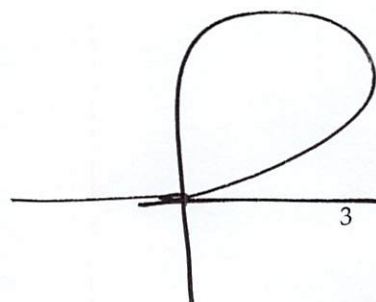


**CRISANTE P. ILAYA**  
Owner

**SIGNED IN THE PRESENCE OF:**



JASMINE M. JOSON



## ACKNOWLEDGMENT

Republic of the Philippines)  
Province of Bataan )  
Municipality of **BALABAG** S.S.

BEFORE ME, this DEC 20 2023 of \_\_\_\_\_ 2023 in Mariveles, Bataan, personally appeared:

NAME	COMPETENT EVIDENCE OF IDENTITY	DATE & PLACE OF ISSUE/EXPIRY
MOHAMMED HUSSEIN P. PANGANDAMAN		

CRISANTE P. ILAYA	DRIVER'S LICENSE LICENSE NO. CO2 96 050001	12/02/2032
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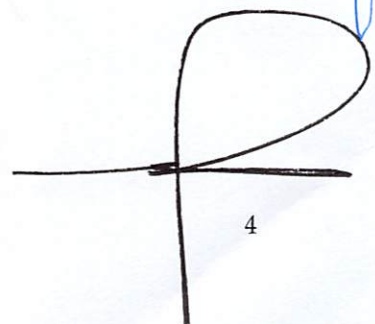
both known to me to be the same persons who executed the foregoing instrument and who acknowledged to me that the same is their free and voluntary act and deed, as well as the entities represented herein.

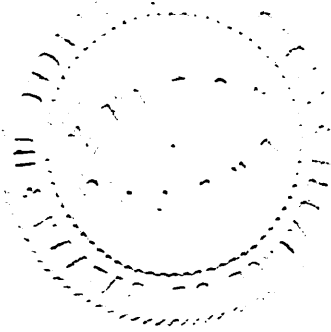
This instrument refers to a "Contract Agreement Form for the Procurement of Infrastructure Projects (Revised)" consisting of four (4) pages, including the page whereon this acknowledgment is written, and signed by the Parties and their instrumental witnesses on each and every page thereof and sealed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

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

*Teodoro III C. Samacho*  
ATTY. TEODORO III C. SAMACHO  
NOTARIAL COMM. EXPIRES DEC. 31, 2023  
PTR NO. 6280751 - 10/21/21 for 2022  
Notary Public  
ROLL OF ATT. NO. 22588  
MCLE COMPLIANCE NO. VII-0013632  
IBP LIFETIME MEMBER NO. 03469

Doc. No. 515;  
Page No. 104;  
Book No. 720;  
Series of 2023.





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



This certifies that

**JEK TRADING AND CONSTRUCTION**  
(NATIONAL)

is a business name registered in this office pursuant to the provisions of Act 3883, as amended by Act 4147 and Republic Act No. 863, and in compliance with the applicable rules and regulations prescribed by the Department of Trade and Industry.

This certificate issued to

**CRISANTE PEÑAFLOR ILAYA**

is valid from 07 January 2022 to 07 January 2027 subject to continuing compliance with the above-mentioned laws and all applicable laws of the Philippines, unless voluntarily cancelled

In testimony whereof, I hereby sign this

**Certificate of Business Name Registration**

and issue the same on 06 January 2022 in the Philippines.

  
**RAMON M. LOPEZ**  
Secretary

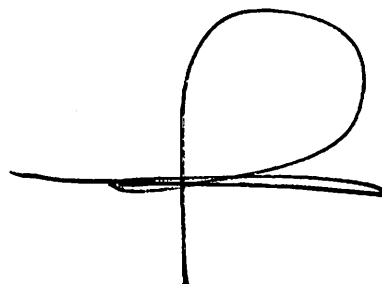
**Business Name No. 3406527**

This certificate is not a license to engage in any kind of business and valid only at the scope indicated herein.



YFZT127312985300

Documentary Stamp Tax Paid Php 30.00





**BIDS AND AWARDS COMMITTEE**

**RESOLUTION NO. I-16 S. 2023**

**BAC RESOLUTION DECLARING THE LOWEST CALCULATED AND RESPONSIVE BID  
(LCRB) AND RECOMMENDING THE AWARD OF CONTRACT FOR THE PROJECT  
"CONSTRUCTION OF UNDERGROUND CABLED STREETLIGHTS"  
TO JEK TRADING AND CONSTRUCTION**

WHEREAS, the Authority of the Freeport Area of Bataan (AFAB) advertised the Invitation to Bid on 11 September 2023 for the project: "Construction of Underground Cabled Streetlights" 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, four (4) bidders purchased bid documents;

WHEREAS, during the deadline of submission of bids on 05 October 2023 at nine thirty in the morning, no action was made Accelerated Metal Technology and Construction Inc. Hence, only three (3) bidders submitted their bid documents;

WHEREAS, during the checking of the technical component envelope on 05 October 2023, JCML Builders was declared non-responsive for failure to submit the other two (2) copies of the first and second component of their bid. Hence, the checking of JCML Builders' documents was discontinued and the bid documents of the bidder were resealed;

WHEREAS, no request for reconsideration from JCML Builders 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
JEK Trading and Construction	Php 3,913,795.65
FBF Industrial Sales & Services	Php 4,036,179.84

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

Name of Bidder	Bid Amount as Calculated
JEK Trading and Construction	Disqualified: 1. Insufficient quantity in detailed estimates: <ul style="list-style-type: none"><li>Item 3.2 - Lacking in THW 3.5 mm<sup>2</sup> Cu. and</li></ul>

	22mm <sup>2</sup> THW Cu. No 25.4mm PVC conduit <ul style="list-style-type: none"> <li>• Item 5.1 – Lacking in washed sand, Portland cement, gravel (3/4) and gravel bedding (G-1)</li> <li>• Item 5.2 – Lacking in good lumber</li> <li>• Item 5.3 – Lacking in 16 mm. def. bar x 6.0m (grade 40), 10 mm. def. bar x 6.0m (grade 40) and #16 G.I. tie wire</li> <li>• Item 5.4 – Lacking in natural stone (pedestal cladding)</li> </ul>
FBF Industrial Sales & Services	Disqualified: 1. As indicated in item II of the Specifications, the required PCAB License Classification is GE-1. However, the PCAB License Classification submitted is Specialty-Electrical Work.  2. Insufficient details in the construction safety and health program as required in Item V.A of the Specifications. Also, the said requirement is not approved by the DOLE.

WHEREAS, a Notice of Bid Evaluation Result dated 12 October 2023 was issued and sent on 16 October 2023, and was duly received by Mr. Lauro Estrella of JEK Trading and Construction (JEK Trading) on 17 October 2023;

WHEREAS, JEK Trading sent a Request for Reconsideration dated 20 October 2023 which was received by the Records Section on the same date;

WHEREAS, the Bids and Awards Committee granted the request for reconsideration as indicated in BAC Resolution No. I-15 s. 2023 dated 24 October 2023;

WHEREAS, a Notice of Bid Evaluation Result dated 12 October 2023 was issued and sent on 16 October 2023, and was duly received by Mr. Ferdinand Marlon of FBF Industrial Sales & Services (FBF) on 17 October 2023;

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

WHEREAS, below is the re-evaluation result of the TWG dated 24 October 2023:

Name of Bidder	Bid Amount as Calculated
JEK Trading and Construction	Php 3,913,795.65


WHEREAS, based on the post-qualification report of the TWG dated 22 November 2023 and after a detailed examination, evaluation and verification of all the eligibility, technical and financial requirements, the bid proposal submitted by JEK Trading and Construction was found to be responsive;

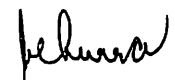
NOW, THEREFORE, we, the Members of the Bids and Awards Committee, hereby RESOLVE as it is hereby RESOLVED:

- a. To declare JEK TRADING AND CONSTRUCTION as the Bidder with the Lowest Calculated and Responsive Bid for the project *"Construction of Underground Cabled Streetlights"*;
- b. To use the Bid Amount as Calculated of Php 3,913,795.65 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 23<sup>rd</sup> 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

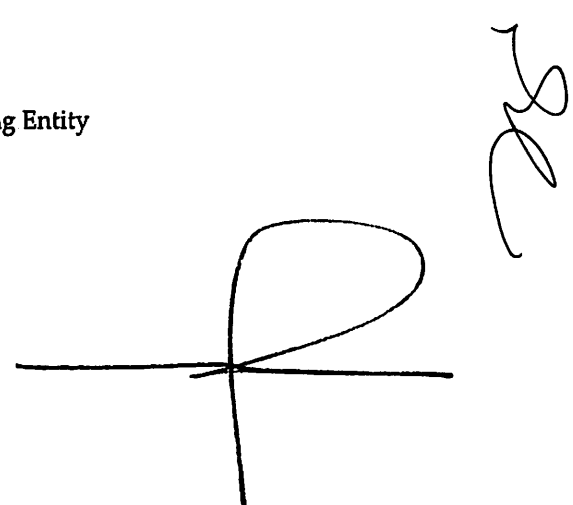
  
**MA. LOURDES L. HERRERA**  
BAC Vice-Chairperson

  
**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 23 2023

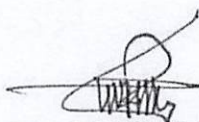




## C E R T I F I C A T I O N

This is to certify that the Authority of the Freeport Area of Bataan (AFAB) has available budget allocation in Capital Outlay (FY 2022 GAA) under the Board-approved Corporate Operating Budget for FY 2023 to defray the necessary expenses for the project: **Construction of Underground Cabled Streetlights** as approved under Secretary's Certificate Resolution No. 2023-01.

Issued this 7<sup>th</sup> of September 2023.

  
**CHARLES M. RAMONES**  
Department Manager A, Finance

*Note:*

<i>Fund Source :</i>	<i>GAA Carry-over Projects FY 2023</i>
<i>Board Approved Budget:</i>	<i>4,198,185.04</i>
<i>ABC:</i>	<i><u>4,044,468.99</u></i>
<i>Unallocated:</i>	<i>153,716.05</i>



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