

## 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

15 JAN 2024

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 Board Resolution No. 2023-31 issued on 29 May 2023, hereto attached as *Annex "A"*, and hereinafter called "the Procuring Entity and/or Entity" of the one part;

- and -

**K2RJL INDUSTRIAL SALES & SERVICES CORP.**, with office address at Block 15 Lot 20 San Francisco St., Cortijos de San Rafael, Barangay San Rafael, Rodriguez (Montalban), Rizal, represented herein by its Authorized Representative, **JOSE CHRISTOPHER A. LEAL**, who is likewise duly authorized pursuant to Secretary's Certificate dated 31 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 Procurement of **Outdoor Movable Back Maintenance LED Wall Display System** and has accepted a Bid by the Supplier for the supply of those goods and services in the sum of **Two Million Ninety Nine Thousand Pesos (Php 2,099,000.00)** (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-53 S. 2023 dated 11 December 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 *Two Million Ninety Nine Thousand Pesos (Php 2,099,000.00)* or such other sums as may be ascertained, **K2RJL Industrial Sales & Services Corp.** 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.

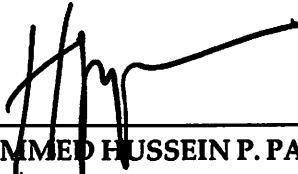


IN WITNESS whereof, the parties hereto have caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines on the day and year first above written.

**AUTHORITY OF THE FREEPORT  
AREA OF BATAAN**

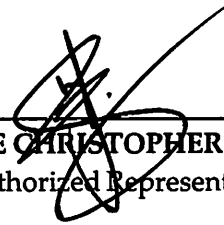
**K2RJL INDUSTRIAL SALES &  
SERVICES CORP.**

By:



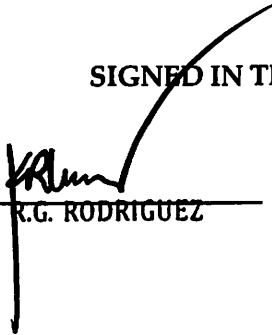
**MOHAMMED HUSSEIN P. PANGANDAMAN**  
Administrator and Chief Executive Officer

By:

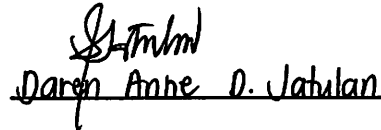


**JOSE CHRISTOPHER A. LEAL**  
Authorized Representative

SIGNED IN THE PRESENCE OF:



**KELVIN R.G. RODRIGUEZ**

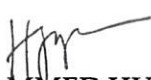


**Daren Anne D. Jahulan**

## ACKNOWLEDGMENT

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

BEFORE ME, this 15 JAN 2024 of 2023 in Mariveles, Bataan, personally appeared:

NAME	COMPETENT EVIDENCE OF IDENTITY	DATE & PLACE OF ISSUE/EXPIRY
 MOHAMMED HUSSEIN P. PANGANDAMAN	TIN No. 920-163-898-000	11/17/2014

JOSE CHRISTOPHER A. LEAL	Passport ID no. P17689388	05/28/2019 / DFA NCR Northeast
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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 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.

Doc. No. 249  
Page No. 51  
Book No. 121  
Series of 2023.

ALAN R. BULAWAN  
Notary Public  
Notary Public until December 31, 2025  
Rol of Attorney No. 47540  
IBF Life No. 014564/12.28.15  
PTR CR No. 21046451A-01.02.2024-Rizal  
NC NO. 077-28 SMR.  
MCLE COMPLIANCE NO. VII-000002/until 04.14.2025  
Office Address: 828-G, Bulevar Sakal Street, Brgy. Balite,  
Rodriguez, (Montalban), Rizal  
TIN 107-766-038

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. 90  
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







## Omnibus Sworn Statement (Revised)

REPUBLIC OF THE PHILIPPINES)  
CITY/MUNICIPALITY OF **MANILA CITY**

### AFFIDAVIT

I, *Jose Christopher A. Leal*, of legal age, Married, Filipino, and residing at No. 8, *San Francisco St., Cortijos de San Rafael, Brgy. San Rafael, Rodriguez Rizal*, 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 *K2RJL Industrial Sales & Services Corporation* with office address at *Block 15 Lot 20 San Francisco St., Cortijos de San Rafael, Brgy. San Rafael, Rodriguez Rizal*;
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 "**Outdoor Movable Back Maintenance LED Wall Display**" as shown in the attached duly notarized Secretary's Certificate.
3. *K2RJL Industrial Sales & Services Corporation* 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. *K2RJL Industrial Sales & Services Corporation* 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 *K2RJL Industrial Sales & Services Corporation* 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. *K2RJL Industrial Sales & Services Corporation* complies with existing labor laws and standards; and
8. *K2RJL Industrial Sales & Services Corporation* 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

CERTIFIED TRUE COPY

*Jose Christopher A. Leal*  
K2RJL INDUSTRIAL SALES AND  
SERVICES CORP.

facilities available and needed for the contract to be bid, if

any; and

- d. Inquire or secure Supplemental/Bid Bulletin(s) issued "*Outdoor Movable Back Maintenance LED Wall Display*".
9. *K2RJL Industrial Sales & Services Corporation* 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.

NOV 03 2023

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_, 20\_\_ at **MANILA CITY**, Philippines.



  
JOSE CHRISTOPHER A. LEAL  
President/CEO  
Affiant

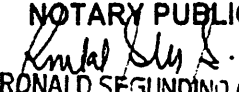
NOV 03 2023

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_ at **MANILA CITY**, 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 (A.M. No. 02-8-13-SC). Affiant exhibited to me his Passport ID, with his photograph and signature appearing thereon, with no. 711689385 valid until May 21, 2029.

NOV 03 2023

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_.

  
  
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Page No. 39  
Book No. XXX  
Series of 2023.

NOTARY PUBLIC  
  
ATTY. RONALD SEGUNDINO C. CHING  
NOTARY PUBLIC - CITY OF MANILA  
ADMIN NO. 2011-000 UNTIL DEC. 31, 2023  
ROLL NO. 54809  
PTR NO. MLA.1414540/11-2022 MANILA  
IBP NO. MLA. 676366/11-17-2027 MANILA  
MCLE COMPLIANCE NO, 111-00016300

CERTIFIED TRUE COPY

  
Jose Christopher A. Leal  
K2RJL INDUSTRIAL SALES AND  
SERVICES CORP.



AUTHORITY OF SIGNATORY

SECRETARY'S CERTIFICATE

I, Juan Salvador P. Sandicho, a duly elected and qualified Company Secretary of K2rjl Industrial Sales and Services Corp., a company duly organized and existing under and by virtue of the law 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 Company duly convened and held on October 27, 2023 at which meeting quorum was present and acting throughout, the following resolutions were approved, and the same have not been annulled, revoked and amend in any way whatever and are in full force and effective on the date hereof:

RESOLVED, that K2rjl Industrial Sales and Services Corp., be, as it hereby is authorized to participate in the bidding of Outdoor Movable Back Maintenance LED Wall Display System by the Authority of the Freeport Area of Bataan, and if awarded the Contract shall enter into a contract with the Authority of the Freeport Area of Bataan and in connection therewith hereby appoints Jose Christopher A. Leal acting as duly authorized and designated representatives of K2rjl Industrial Sales and Services Corp., and granted full power by the authority to do, execute and perform any and all acts necessary and/or to represent K2rjl Industrial Sales and Services Corp. in the bidding as fully and effectively as the K2rjl Industrial Sales and Services Corp. 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 K2rjl Industrial Sales and Services Corp. 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 K2rjl Industrial Sales and Services Corp. shall not seek and obtain writ of injunctions or 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 contract to a successful bidder, and the carrying out of the awarded contract.

OCT 31 2023

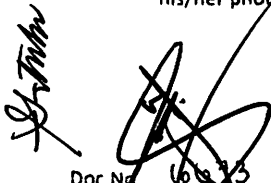
WITNESS the signature of the undersigned as such officer on this \_\_\_\_ day of \_\_\_\_\_.

  
JUAN SALVADOR P. SANDICHO  
Corporate Secretary

ACKNOWLEDGEMENT

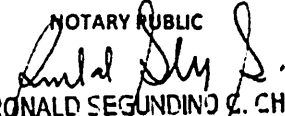
OCT 31 2023

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_ affiant/s exhibited to me his/her passport ID with his/her photograph and signature appearing thereon, with no. P14408200 issued on 08/25/22 at DFA, Manila.

  
Doc No. 6633  
Page No. 37  
Book No. XXX  
Series of 2023

CERTIFIED TRUE COPY

  
Jose Christopher A. Leal  
K2RJL INDUSTRIAL SALES AND  
SERVICES CORP.

NOTARY PUBLIC  
  
ATTY. RONALD SEGUNDINO C. CHING  
NOTARY PUBLIC - CITY OF MANILA  
ADMIN NO. 2011-000 UNTIL DEC. 31, 2023  
ROLL NO. 54609  
PTR NO. MLA.1414540/11-6-2022 MANILA  
IBF NO. MLA. 576586/11-17-2022 MANILA  
MCLE COMPLIANCE NO. 111-00016300

**BIDS AND AWARDS COMMITTEE**

**RESOLUTION NO. G-53 S. 2023**

**BAC RESOLUTION DECLARING THE LOWEST CALCULATED AND RESPONSIVE BID (LCRB) AND RECOMMENDING THE AWARD OF CONTRACT FOR THE PROJECT "OUTDOOR MOVABLE BACK MAINTENANCE LED WALL DISPLAY SYSTEM" TO K2RJL INDUSTRIAL SALES & SERVICES CORPORATION**

WHEREAS, the Authority of the Freeport Area of Bataan (AFAB) advertised the Invitation to Bid on 11 October 2023 for the project: "Outdoor Movable Back Maintenance LED Wall Display System" 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, three (3) bidders purchased, submitted bid documents, and passed the preliminary the examination of bids on 06 November 2023;

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

Name of Bidder	Bid Amount as Read
Mediacast Digital Group Incorporated	Php 2,030,000.00
K2RJL Industrial Sales & Services Corp.	Php 2,099,000.00
Globaltronics, Inc.	Php 2,480,000.00

WHEREAS, the detailed evaluation of the bid conducted on 13 November 2023, resulted in the following:

Name of Bidder	Bid Amount as Calculated
K2RJL Industrial Sales & Services Corp. (K2RJL)	Php 2,099,000.00
Mediacast Digital Group Incorporated (Mediacast)	Disqualified: No submitted On-stock or Certificate of Availability of Stocks during bid submission as indicated in item II. Qualification Requirements of the Technical Specifications.
Globaltronics, Inc. (Globaltronics)	Disqualified: No submitted On-stock or Certificate of Availability of Stocks during bid submission as indicated in item II. Qualification Requirements of the Technical Specifications.

WHEREAS, a Notice of Bid Evaluation Result dated 14 November 2023 was issued and sent on 15 November 2023, and was duly received by Mr. Benli Moslares of Mediacast on the same date;

WHEREAS, Mediacast sent a Motion for Reconsideration dated 15 November 2023, which was received by the Records Section of the AFAB on the same date;

WHEREAS, the Bids and Awards Committee denied the Motion for Reconsideration as indicated in BAC Resolution No. G-45 s. 2023 dated 21 November 2023;

WHEREAS, Mediacast sent a letter as response to the BAC's denial of its request for reconsideration dated 21 November 2023, which partakes the nature of a second Motion for Reconsideration. This was received by the Records Section of the AFAB on 22 November 2023;

WHEREAS, the Bids and Awards Committee denied the 2<sup>nd</sup> Motion for Reconsideration as indicated in BAC Resolution No. G-47.a s. 2023 dated 24 November 2023;

WHEREAS, the reply was received by Mediacast on 29 November 2023;

WHEREAS, a Notice of Bid Evaluation Result dated 14 November 2023 was issued and sent on 15 November 2023, and was duly received by Mr. Remulta Ronnie of Globaltronics on 23 November 2023;

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

WHEREAS, based on the post-qualification report of the TWG dated 23 November 2023 and after a detailed examination, evaluation and verification of all the eligibility, technical and financial requirements, the bid proposal submitted by **K2RJL Industrial Sales & Services Corporation** 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 **K2RJL INDUSTRIAL SALES & SERVICES CORPORATION** as the Bidder with the Lowest Calculated and Responsive Bid for the project *"Outdoor Movable Back Maintenance LED Wall Display System"*;
- b. To use the Bid Amount as Calculated of Php Php 2,099,000.00 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 11<sup>th</sup> day of December 2023 at the Freeport Area of Bataan, Mariveles, Bataan, Philippines.

Handwritten signature and a circular stamp, likely an official seal or signature of an official.

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 DEC 11 2023

Digitally signed by  
Pangandaman Mohammed  
Hussein Pacasum


## 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 FFE (FY 2023 IGF) under the Board-approved Corporate Operating Budget for FY 2023 to defray the necessary expenses for the project: Outdoor Movable Back Maintenance LED Wall Display System.

Issued this 03<sup>rd</sup> of October 2023.



CHARLES M. RAMONES

Department Manager A, Finance

Note:

ABC: 2,800,000.00

