

**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

19 FEB 2024

THIS AGREEMENT, made this ____ day of ____ 2024 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 -

JCML BUILDERS, with office address at B26 L22 St. Francis Street, St. Jude Village, City of San Fernando, Pampanga, represented herein by its Sole Proprietor, **JOY CAMILLE M. LACANILAO-MARQUEZ**, as shown in Department of Trade and Industry Certificate of Business Name Registration No. 4696997, hereto attached as *Annex "B"*, and hereinafter called the "Contractor and/or Winning Bidder".

WHEREAS, the Entity is desirous that the Contractor execute the **IMPROVEMENT OF ADMINISTRATIVE OFFICES** (hereinafter called "the Works") and the Entity has accepted the Bid for **Fifteen Million Four Hundred Twelve Thousand Seven Hundred Forty Three Pesos and Fifty Eight Centavos (Php 15,412,743.58)** by the Contractor for the execution and completion of such Works and the remedying of any defects therein.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:


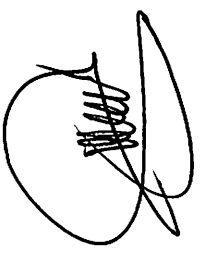


1. In this Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereinafter referred to.
2. The following documents as required by the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184 shall be deemed to 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-02 S. 2024 dated 03 January 2024 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.

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3. In consideration for the sum of *Fifteen Million Four Hundred Twelve Thousand Seven Hundred Forty Three Pesos and Fifty Eight Centavos (Php 15,412,743.58)* or such other sums as may be ascertained, **JCML BUILDERS**, 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.
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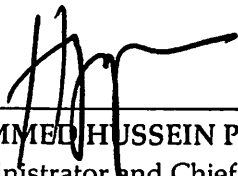


IN WITNESS whereof, the parties hereto have caused this Agreement to be executed the day and year first before written.

**AUTHORITY OF THE FREEPORT
AREA OF BATAAN**

JCML BUILDERS

By:



MOHAMMED HUSSEIN P. PANGANDAMAN
Administrator and Chief Executive Officer

By:

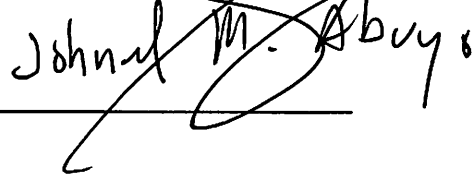


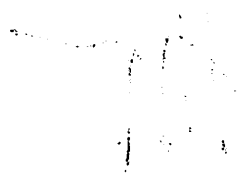
**JOY CAMILLE M. LACANILAO-
MARQUEZ**
Sole Proprietor

SIGNED IN THE PRESENCE OF:



HAZEL N. DE GUZMAN





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ACKNOWLEDGMENT

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

19 FEB 2024

BEFORE ME, this _____ of _____ 2024 in Mariveles, Bataan, personally appeared:

NAME	COMPETENT EVIDENCE OF IDENTITY	DATE & PLACE OF ISSUE/EXPIRY
MOHAMMED HUSSEIN P. PANGANDAMAN	TIN: 920-143-018-000	
JOY CAMILLE M. LACANILAO	PS977317A	DFA PAMPANGA / FEB 8, 2023


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.

Notary Public

Doc. No. 421;
Page No. 06;
Book No. ✓;
Series of 2024.


Atty. LORENZO B. CASTILLO
NOTARY PUBLIC until December 31, 2024
For and in the PROVINCE OF BATAAN
Notarial Commission No. 2024-004-ML
1/F FAB Post Office Bldg., Mariveles, Bataan
Roll No. 24642; MCLE VII- 0012139 03/07/22
IBP # 412306 01/09/24; PTR No. 1250310 01/02/24

NOTARY PUBLIC FOR THE DISTRICT OF COLUMBIA
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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



This certifies that

JCML BUILDERS

(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

JOY CAMILLE MENDOZA LACANILAO-MARQUEZ

is valid from 21 February 2023 to 21 February 2028 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 17 February 2023 in the Philippines.


ALFREDO E. PASCUAL
Secretary

Business Name No. 4696997

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



FZOK196914588644

BIDS AND AWARDS COMMITTEE

RESOLUTION NO. I-02 S. 2024

BAC RESOLUTION DECLARING THE LOWEST CALCULATED AND RESPONSIVE BID (LCRB) AND RECOMMENDING THE AWARD OF CONTRACT FOR THE PROJECT "IMPROVEMENT OF ADMINISTRATIVE OFFICES" TO JCML BUILDERS

WHEREAS, the Authority of the Freeport Area of Bataan (AFAB) advertised the Invitation to Bid on 30 October 2023 for the project: *"Improvement of Administrative Offices"* 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 bid documents;

WHEREAS, a letter of withdrawal from R.B. Ombao Construction was received at 8:44 AM of 29 November 2023 due to the fact that their bid amount computation appears to be higher than the Approved Budget for the Contract. Hence, only five (5) bidders submitted their bids before the deadline of submission/receipt of bid for the project;

WHEREAS, during the checking of legal documents, Muranto Construction and Supplies' (Muranto) bid was declared non-responsive for its failure to submit a *"Valid PhilGEPS Registration Certificate (Platinum Membership) (all pages) in accordance with Section 8.5.2 of the IRR"*. A Motion for Reconsideration was then denied by the BAC per BAC Resolution I-17 s 2023. The reply to request for reconsideration was acknowledged received by Mr. Louie Cañada on 06 December 2023;

No protest was received within the seven calendar day period to file;

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

Name of Bidders	Bid Amount as Read
JCML Builders	Php 15,412,743.58
Delta Construction and Marine Services	Php 15,731,773.10
KKG Construction & Supply	Php 15,850,008.78
RRC Co. Inc.	Php 16,175,034.33

WHEREAS, the detailed evaluation of the bid conducted on 04 December 2023, resulted in the following:

Name of Bidder	Bid Amount as Calculated
JCML Builders	<p>Disqualified:</p> <p>1. Insufficient quantity in detailed estimates:</p> <ul style="list-style-type: none"> Item 4.1 – Lacking in 60cm x 60cm Granite Polished Ceramic Tiles – Unglazed, 60cm x 30cm Granite Polished Ceramic Tiles, no sealant Item 4.2 – Lacking in 1"x8" baseboard
Delta Construction and Marine Services	<p>Disqualified:</p> <p>1. Insufficient quantity in detailed estimates:</p> <ul style="list-style-type: none"> Item 4.1 – Lacking in 60cm x 60cm Granite Polished Ceramic Tiles – Unglazed, 60cm x 30cm Granite Polished Ceramic Tiles Item 4.3 – Lacking in carrying channel, furring, ¼" Marine plywood Item 4.4 – Lacking in 150mm x 25mm x 2900mm WPC Wall Cladding Indoor-Fluted Panel Item 4.5 – Lacking in 4" PVC Pipe series 600, 3" PVC Pipe series 600, 2" PVC Pipe series 600, 4" PVC Fittings, 3" PVC Fittings, 2" PVC Fittings, 2" G.I. Pipe Sch 40, 2" G.I. Pipe Fittings, ½" dia. PN20 PPRC Pipe Item 5.2 – Lacking in Primer Paint, 1st Coat Item 6.1 – Lacking in Utility box 2" x 4" (Flush Mounted), GI Tie wire #16, 1 Gang Flash Mounted Universal C.O. w/ grounding, 3.5 mm² THHN CU. Stranded wire, 8.0 mm² THHN CU. Stranded wire, 50.0 mm² THHN CU. Stranded wire, 100.0 mm² THHN CU. Stranded wire, Threaded rod 3/8" x 1m, 1 x 1 x 3/16" Angle Bar (6m) Item 8.1 – Lacking in ¾" x 4' x 8' Plyboard
KKG Construction & Supply	<p>Disqualified:</p> <p>1. Insufficient quantity in detailed estimates:</p> <ul style="list-style-type: none"> Item 4.1 – Lacking in 60cm x 60cm Granite Polished Ceramic Tiles – Unglazed
RRC Co. Inc.	<p>Disqualified:</p> <p>1. Declared SLCC is not a three-storey renovation with communication facilities.</p> <p>2. No declared qualification/experience of</p>

	<p>the Project Manager</p> <p>3. No declared length of experience for Safety Health Officer</p> <p>4. The bidder applied 5% VAT instead of 12% VAT in the detailed estimate. Upon careful examination and applying arithmetical corrections, the calculated bid amount is Php 17,253,375.01 which exceeds the ABC of Php 16,178,156.68.</p>
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WHEREAS, a Notice of Bid Evaluation Result dated 04 December 2023 was issued and sent on 06 December 2023, and was duly received by Mr. Johnel Abuyo of JCML Builders on 11 December 2023 after informing him via phone call;

WHEREAS, JCML Builders sent a Request for Reconsideration dated 13 December 2023 which was received by the Records Section on the same date;

WHEREAS, the Bids and Awards Committee (BAC) granted the request for reconsideration as indicated in BAC Resolution No. I-20 s. 2023 dated 15 December 2023;

WHEREAS, a Notice of Bid Evaluation Result dated 04 December 2023 was issued and sent on 06 December 2023, and was duly received by Mr. Sonny Dela Cruz of Delta Construction and Marine Services (DCAMS) on 11 December 2023;

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

WHEREAS, a Notice of Bid Evaluation Result dated 04 December 2023 was issued and sent on 06 December 2023, and was duly received by Mr. Krist Kevinson Galicia of KKG Construction & Supply on 07 December 2023;

WHEREAS, KKG Construction & Supply sent a Motion for Reconsideration dated 13 December 2023 which was received by the Records Section on 11 December 2023;

WHEREAS, the Bids and Awards Committee (BAC) granted the request for reconsideration as indicated in BAC Resolution No. I-19 s. 2023 dated 14 December 2023;

WHEREAS, a Notice of Bid Evaluation Result dated 04 December 2023 was issued and sent on 06 December 2023, and was duly received by Mr. Joel Gumaro of RRC Co. Inc. on 09 December 2023;

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

WHEREAS, below is the re-evaluation result of the TWG dated 15 December 2023:

Name of Bidder	Bid Amount as Calculated
JCML Builders	Php 15,412,745.85
KKG Construction & Supply	Php 15,827,317.41


WHEREAS, based on the post-qualification report of the TWG dated 27 December 2023 and after a detailed examination, evaluation and verification of all the eligibility, technical and financial requirements, the bid proposal submitted by JCML Builders was found to be responsive;

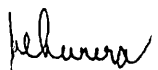
NOW, THEREFORE, we, the Members of the Bids and Awards Committee, hereby RESOLVE as it is hereby RESOLVED:


- a. To declare JCML BUILDERS as the Bidder with the Lowest Calculated and Responsive Bid for the project "*Improvement of Administrative Offices*";
- b. To use the Bid Amount as Read of Php 15,412,743.58 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 3rd day of January 2024 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 JAN 03 2024

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: **Improvement of Administrative Offices** as approved under Secretary's Certificate Resolution No. 2023-01.

Issued this 25th of October 2023.


CHARLES M. RAMONES
Department Manager A, Finance

Note:

Board Approved Budget:	20,000,000.00
ABC:	<u>16,178,156.68</u>
Unallocated:	3,821,843.32

