



**BAC Resolution No. 2020-0148**  
**June 23, 2020**  
**Series of 2020**

**RESOLUTION RECOMMENDING THE AWARD OF THE CONTRACT FOR THE REHABILITATION OF NUMO SMALL WATER IMPOUNDING PROJECT (SWIP) WITH A BID PRICE OF TWELVE MILLION FORTY-NINE THOUSAND TWO HUNDRED THIRTY PESOS AND 79/100 (PHP12,049,230.79)**

**Whereas**, a public bidding was conducted on June 2, 2020 9:00 o'clock in the morning at DA XII Conference Room, Koronadal City, South Cotabato. It was presided by the BAC Vice-Chairman.

**Whereas**, there were seven (7) bidders who participated and applied for eligibility check for the **Rehabilitation of Numo Small Water Impounding Project (SWIP)** under **ITB Reference No. 6991241** with an Approved Budget for the Contract (ABC) of **Fifteen Million Five Hundred Thousand Pesos (Php 15,500,000.00)**, i.e.;

NAME OF BIDDERS	BID AMOUNT (Submitted)	BID AMOUNT (Calculated)	RANK
<b>John Ray Developer and Supplies</b>	<b>Php12,049,273.05</b>	<b>Php12,049,230.79</b>	<b>LCB/Rank 1</b>
ACQ Solomon Builders Development Corp.	Php13,048,812.37	Php13,048,633.99	Rank 2
FFJJ Construction	Php13,549,944.78	Php13,550,079.90	Rank 3
Freden Construction	Php13,645,000.00	Php13,644,984.98	Rank 4
JP Beathriz Construction and Supply	Php13,871,788.42	Php13,871,918.37	Rank 5
Minrock Multi-Builders	Php13,432,172.48	-	Non-Responsive: as plan, Item 103(1) is 3,026.60 cum while offered bid is only 3,023.60 cum. Alteration of original quantity. Thus, Disqualified
Woodridge Builder Construction & Water Supply Inc.	-	-	FAILED. Incomplete or Patently Insufficient. (No PhilGEPs Annex A attached and unsigned PCAB License)

**Whereas**, after thorough deliberation of the Bids and Awards Committee (BAC) and the Technical Working Group (TWG), the bid submitted by **John Ray Developer and Supplies** in the amount of **Twelve Million Forty-Nine Thousand Two Hundred Thirty Pesos and 79/100 (Php12,049,230.79)** met the minimum requirements and was determined as the **Lowest Calculated Bid**. Therefore, subjected for Post-Qualification;

**Whereas**, per post-qualification evaluation of all submitted documents of **John Ray Developer and Supplies**, it was determined that the latter was technically, legally and financially eligible and its bid was declared as the **Lowest Calculated Responsive Bid**;



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Regional Field Office No. XII  
Prime Regional Government Center  
Carpenter Hill, Koronadal City, South Cotabato  
Bids and Awards Committee Office - Telefax No. (083) 228-3411.

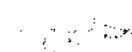
**Whereas, Section 34.4 Rule X of RA 9184 states that "If the BAC determines that the bidder with the Lowest Calculated Bid/Highest Rated Bid passes all criteria for post-qualification, it shall declare the said bid as the Lowest Calculated Responsive Bid/Highest Rated Responsive Bid, and recommend to the Head of the Procuring Entity the award of contract to the said bidder at its submitted bid price or its calculated bid price, whichever is lower..... xxx"**

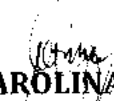
**Whereas, the bid amount submitted by John Ray Developer and Supplies which is advantageous to the government is Twelve Million Forty-Nine Thousand Two Hundred Thirty Pesos and 79/100 (Php12,049,230.79);**

**Wherefore, premises considered, it is hereby RESOLVED to recommend to the Head of the Procuring Entity (HoPE) that the Rehabilitation of Numo Small Water Impounding Project (SWIP) in the amount of Twelve Million Forty-Nine Thousand Two Hundred Thirty Pesos and 79/100 (Php12,049,230.79) which is the Lowest Calculated Responsive Bid, be awarded to John Ray Developer and Supplies.**

RECOMMENDED BY THE BIDS AND AWARDS COMMITTEE

  
**ROMIROSE B. PADIN**  
Chairperson


  
**ESMAEL M. INTAO**  
Vice Chairperson

  
**ENGR. CAROLINA T. GAYAPA**  
Member

  
**ENGR. PETER PAUL S. PERALTA, EnP**  
Member

**ENGR. NORBERTO S. LEYSA**  
Member

Approved by the Head of the Procuring Entity:

  
**ARLAN M. MANGELÉN**  
Regional Executive Director



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**BAC Resolution No. 2020-0149**  
**June 24, 2020**  
**Series of 2020**

**RESOLUTION DECLARING THE WINNING BIDDER FOR THE REHABILITATION OF NUMO SMALL WATER IMPOUNDING PROJECT (SWIP) WITH A BID PRICE OF TWELVE MILLION FORTY-NINE THOUSAND TWO HUNDRED THIRTY PESOS AND 79/100 (Php12,049,230.79).**


**Whereas**, in the public bidding conducted on June 2, 2020, 9:00 o'clock in the morning at DA XII Conference Room, Koronadal City, South Cotabato, **John Ray Developer and Supplies** submitted the **Lowest Calculated Responsive Bid** for the **Rehabilitation of Numo Small Water Impounding Project (SWIP)** in the amount of **Twelve Million Forty-Nine Thousand Two Hundred Thirty Pesos and 79/100 (Php12,049,230.79)**;

**Whereas**, per Resolution No. 2020 - 0148 dated June 23, 2020, it was recommended by the Bids and Awards Committee (BAC) and was approved by the Head of the Procuring Entity (HoPE) that the above-mentioned project in the amount of **Twelve Million Forty-Nine Thousand Two Hundred Thirty Pesos and 79/100 (Php12,049,230.79)** be awarded to **John Ray Developer and Supplies** being the bidder with the **Lowest Calculated Responsive Bid**;

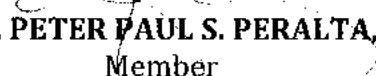
**Wherefore**, premises considered, it is hereby **RESOLVED** to declare that **John Ray Developer and Supplies** is the winning bidder for the **Rehabilitation of Numo Small Water Impounding Project (SWIP)** in the amount of **Twelve Million Forty-Nine Thousand Two Hundred Thirty Pesos and 79/100 (Php12,049,230.79)**. Hence, a Notice of Award shall be served.

DECLARED BY THE BIDS AND AWARDS COMMITTEE

  
**ROMIROSE B. PADIN**  
Chairperson


  
**ESMAEL M. INTAO**  
Vice Chairperson

  
**ENGR. CAROLINA T. GAYAPA**  
Member

  
**ENGR. PETER PAUL S. PERALTA, EnP**  
Member

**ENGR. NORBERTO S. LEYSA**  
Member

Approved by the Head of the Procuring Entity:

  
**ARLAN M. MANGELEN**  
Regional Executive Director

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## NOTICE OF AWARD

**REYNALDO A. EMBODO**

Proprietor

**JOHN RAY DEVELOPER AND SUPPLIES**

Brgy. Balindog

Kidapawan City, Cotabato

Dear Mr. Embodo,

You are hereby notified that the **Rehabilitation of Numo Small Water Impounding Projects (SWIP)** in the amount of **Twelve Million Forty-Nine Thousand Two Hundred Thirty Pesos and 79/100 (Php12,049,230.79)** with **ITB reference No. 6991241** is being awarded to your firm as the bidder who submitted the **Lowest Calculated Responsive Bid**.

Thus, within ten (10) calendar days from receipt of this notice, you are required to post your Performance Security as per Section 39.2 of R.A. 9184 which shall be in an amount equal to a percentage of the total contract price in accordance with the following schedules:

**Cash/Cashier's/Manager's check** : 10% of (Php12,049,230.79)  
**(Php1,204,923.08)**

or

**Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, That it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.** : 10% of (Php12,049,230.79)  
**(Php1,204,923.08)**

or

**Surety Bond (Callable upon demand)** : 30% of (Php12,049,230.79)  
**(Php3,614,769.24)**

Done this 25 day of June 2020 at Koronadal City, Philippines.

Very truly yours,

**ARLAN M. MANGELEN**  
Regional Executive Director

Conformed:

JANITA R. EMBODO

Print Name and Signature

Date 6-25-20



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**ITB Reference No. 6991241**  
**Contract No. 2020-0355**

### CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

This contract is made and entered this JUL 14 2020 day of \_\_\_\_\_ by and between:

The **DEPARTMENT OF AGRICULTURE, REGIONAL FIELD OFFICE XII**, with address at Regional Government Center, Brgy. Carpenter Hill, Koronadal City, South Cotabato represented herein by, **ARLAN M. MANGELEN, Regional Executive Director**, hereinafter referred to as the **First Party**;

-AND-

**JOHN RAY DEVELOPER AND SUPPLIES**, with principal address at Brgy. Balindog, Kidapawan City, Cotabato represented by its Proprietor, **REYNALDO A. EMBODO**, hereinafter referred to as the **Second Party**;

### WITNESSETH:

Whereas, the **First Party** has a procurement of **Rehabilitation of Numo Small Water Impounding Project (SWIP)** with an **Approved Budget for the Contract (ABC)** of **Fifteen Million Five Hundred Thousand Pesos (Php 15,500,000.00)**.

Whereas a public bidding was conducted on June 2, 2020 with seven (7) participating bidders in which **John Ray Developer and Supplies** won in the bidding and was awarded the **Rehabilitation of Numo Small Water Impounding Project (SWIP)** in the amount of **Twelve Million Forty-Nine Thousand Two Hundred Thirty Pesos and 79/100 (Php12,049,230.79)**;

Whereas, the **First Party** has accepted the bid of the **Second Party** in the amount of **Twelve Million Forty-Nine Thousand Two Hundred Thirty Pesos and 79/100 (Php12,049,230.79)** which shall be completely constructed within **236 calendar days** at **Brgy. Numo, Esperanza, Sultan Kudarat** upon receipt of the Notice to Proceed with the following specifications, to wit:

#### Project Description:

- I. Riverbank Protection Wall:  
Protection Wall A = 162.20 m (left side), Protection Wall B = 235 m (right side)
- II. Dam Works (Rehabilitation):  
Dam Crest Width (Dw) = 6.50 m, Dam Crest Length (DL) = 23 m
- III. Outlet Works:  
Dissipator, L = 6.13 m, w = 1.50 m; Pipe, L = 6.0 m – 8" øHDPE Pipe, SDR 11
- IV. Irrigation Works (Canalization and Structures):  
Main Canal, L = 788.0 m, Lateral Canal, L = 396.0 m

**NOW THEREFORE**, for and in consideration of the following premises, the parties hereto agreed 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 shall be attached, deemed to form, and be read and construed as integral part of this Agreement, viz:
  - a) General and Special Conditions of Contract;
  - b) Drawings/Plans;
  - c) Specifications;

Contract for the Rehabilitation of Numo Small Water Impounding Project (SWIP)  
Php12,049,230.79  
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- d) Invitation to Bid;
  - e) Instructions to Bidders;
  - f) Bid Data Sheet;
  - g) Addenda and/or Supplemental/Bid Bulletins, if any;
  - h) 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;
  - i) Eligibility requirements, documents and/or statements;
  - j) Performance Security;
  - k) Notice of Award of Contract and the Bidder's conforme thereto; and
  - l) Other contract documents that may be required by existing laws and/or Entity.
3. In consideration of the payments to be made by the **First Party**, the **Second Party** hereby covenants/agrees with the Department of Agriculture to construct and complete the works in conformity with all aspects with the provisions of this contract;
  4. The **First Party** hereby covenants to pay the 15% mobilization fee of the total cost of the project to the **Second Party** as advance payment, upon compliance of the following:
    - a. Letter request for 15% advance payment;
    - b. Standby irrevocable letter of credit/security bond/bank guarantee which corresponds to the amount of the 15% mobilization fee;
    - c. Installation of project billboard;
    - d. Construction of bunkhouse; and
    - e. Mobilization of initial equipment and personnel.
  5. The **Second Party** shall strictly observe the one (1) year warranty to reckon from the completion of the project up to final acceptance for the necessary repairs, maintenance and services and such other obligations as provided under Section 62 of the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184;
  6. The obligation for the warranty shall be covered by retention money, in an amount equivalent to ten (10%) percent of the total contract price, or a bank guarantee in a form of an irrevocable stand-by letter of credit. Said amount shall be released after the lapse of the warranty period;
  7. In case the **Second Party** incurs delay in its performance, as stipulated herein, Rule XXII, Section 68 of the 2016 revised IRR of RA 9184 shall be applied, which partly states, "xxx. The amount of the liquidated damages shall be at least equal to one-tenth of one percent (0.001) of the cost of the unperformed portion for every day of delay. xxx";
  8. In consideration of the payments to be made by the Entity to the Contractor as hereinafter mentioned, the Contractor hereby covenants with the Entity to execute and complete the works and remedy the defects therein in conformity with the provisions of this Contract in all respects;



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9. Other provisions of RA 9184 and its IRR not stipulated in this contract are deemed applicable; and

10. This Agreement shall be valid and binding upon approval of both parties.

**IN WITNESS WHEREOF**, the parties hereto set their respective signatures on the day written above.

**Department of Agriculture – RFO XII**

**John Ray Developer and Supplies**

By:

By:

**ARLAN M. MANGELEN**  
 Regional Executive Director

**REYNALDO A. EMBODO**  
 Proprietor

Reviewed and Witnessed by:

\_\_\_\_\_

OK as to Allocation of Funds:

**RUBYLYN J. CARDENAS**  
 Administrative Assistant III  
 OIC – Regional Budget Officer

Availability of Funds:

**MAY-ANN G. DALENGGA**  
 Accountant II  
 OIC - Regional Accountant

**ACKNOWLEDGMENT**

REPUBLIC OF THE PHILIPPINES)  
 CITY OF KORONADAL ) SS  
 X-----X

Before me, a Notary Public for Koronadal City this 14 of 2020, personally appeared the following persons:

- | NAME                  | PROOF OF IDENTITY        |
|-----------------------|--------------------------|
| 1. ARLAN M. MANGELEN  | LTO ID NO. M01-94-042886 |
| 2. REYNALDO A. EMBODO | LTO ID NO. M01-83-025711 |

Known to me to be the same persons who executed the foregoing instrument and acknowledged that the same is their voluntary acts and deeds.

This instrument consists of three (3) pages including this page in which this acknowledgement is written, and signed by the parties and their witnesses on each and every page.

WITNESS MY HAND AND SEAL.

Doc No. : 322  
 Page No. : 65  
 Book No. : XXXIV  
 Series of : 2020

**JOFFREY L. MONTEBARIO**  
 Notary Public  
 Koronadal City, Tampakan, Province of South Cotabato  
 Rooms 2 & 3, 2/F Supermarket Bldg., Koronadal City  
 PTR No. 2243301 / 1-2-2020; Koronadal City  
 IB# NO. 025751; 11-20-19; QSCD  
 Not. Number 24224; TIM: 154-560-892  
 Notarial Commission No. 492; 48  
 Valid Until: December 31, 2021

Contract for the Rehabilitation of Numo Small Water Impounding Project (SWIP)  
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## NOTICE TO PROCEED

**REYNALDO A. EMBODO**

Proprietor

**JOHN RAY DEVELOPER AND SUPPLIES**

Brgy. Balindog

Kidapawan City, Cotabato

Dear Mr. Embodo,

Having entered into a contract with the Department of Agriculture RFO XII, Koronadal City, you are hereby authorized to proceed with the **Rehabilitation of Numo Small Water Impounding Project (SWIP)** in the amount **Twelve Million Forty-Nine Thousand Two Hundred Thirty Pesos and 79/100 (Php12,049,230.79)** with **ITB Reference No. 6991241** subject to the terms and conditions of the contract agreement specifically the provision on "LIQUIDATED DAMAGES" (LD) as stipulated under RA No. 9184 with the following specifications:

**Project Description:**

- I. Riverbank Protection Wall:  
Protection Wall A = 162.20 m (left side), Protection Wall B = 235 m (right side)
- II. Dam Works (Rehabilitation):  
Dam Crest Width (Dw) = 6.50 m, Dam Crest Length (DL) = 23 m
- III. Outlet Works:  
Dissipator, L = 6.13 m, w = 1.50 m; Pipe, L = 6.0 m - 8" øHDPE Pipe, SDR 11
- IV. Irrigation Works (Canalization and Structures):  
Main Canal, L = 788.0 m, Lateral Canal, L = 396.0 m

**Project duration:** 236 calendar days

**Project Site:** Barangay Numo, Esperanza, Sultan Kudarat

Done this 23 day of June 2020 at Koronadal City, Philippines.

Very truly yours,

**ARLAN M. MANGELEN**  
Regional Executive Director

Acknowledged Receipt:

REYNALDO A. EMBODO  
Signature over Printed Name

Date 6-23-2020

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