



ITB Reference No. 2733914
Contract No. 253

CONTRACT

This Contract made this 26th day of September 2014 between **DEPARTMENT OF AGRICULTURE, RFO XII, Koronadal City, Philippines**, represented by its Regional Executive Director, **AMALIA J. DATUKAN, MBA** hereinafter called the **First Party** and **LCG Marketing Philippines, Corporation** with principal address at LCG Bldg., Osmeña Street, Cagayan de Oro City represented by its **Area Sales Manager, MR. GENEROSO T. REYES** hereinafter called the **Second Party**;

WHEREAS, the First Party invited Bids for certain goods viz., **Ten (10) units 4WD Tractor 88-95HP** under the 85/15 percent sharing scheme and has accepted a Bid by the Second Party for the supply of those goods in the sum of **Twenty Million Seven Hundred Eighty-Two Thousand Five Hundred Pesos (PHP20,782,500.00)** at **Two Million Seventy-Eight Thousand Two Hundred Fifty Pesos (Php2,078,250.00)** per unit representing the 85% cost of the project as DA's counterpart (hereinafter called "the Contract Price");

WHEREAS, the 15% cost of the project in the amount of **Three Million Six Hundred Sixty-Seven Thousand Five Hundred Pesos (Php3,667,500.00)** at **Three Hundred Sixty-Six Thousand Seven Hundred Fifty Pesos (Php366,750.00)** per unit shall be the recipient's equity;

Whereas, the bid offered by LCG Marketing Philippines, Corporation for the one hundred percent (100%) cost of the project (10 units 4WD Tractor with 88-95HP) **Twenty-Four Million Four Hundred Fifty Thousand Pesos (Php24,450,000.00)** at **Two Million Four Hundred Forty-Five Thousand Pesos (Php2,445,000.00)** per unit;

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 shall be deemed to form and be read and construed as part of this agreement, viz.:

- (a) Approved Purchase Request;
- (b) Advertisement;
- (c) Approved Notice of Award;
- (d) Performance Bond;
- (e) Bid form and the Price schedule submitted by the bidder;
- (f) Schedule of requirements;
- (g) Abstract of Bids for Bid project;
- (h) Resolution of the Bids and Awards Committee as the case may be; and
- (i) Other pertinent documents as may be reasonable required by the First Party.

Amf

Amf

3. The First Party hereby covenants to pay the Second Party in consideration of the provision of the goods and services and the remedying of defects therein, the contract Price or such other sum as may become payable under the provisions of the contract at the time and in the manner prescribed by the contract.

4. The Second Party hereby agrees to deliver the Ten (10) units 4WD Tractor 88-95HP at DA-Tupi, Boloimala, South Cotabato within thirty (30) calendar days upon receipt of the Notice to Proceed, with the following specifications, to wit:

- New Holland, TD5.90, Turbo with intercooler, Tier III, 88HP
- PTO rpm: 540
- PTO type: live, independent
- PTO shaft: 35mm, 6 spline
- 3point linkage: Category II
- Hydraulic control: 3565 kg max. lift capacity at ball ends
- Driving wheel: position draft
- Steering System: 4WD
- Transmission system: Hydrostatic
- Clutch system: 12F/12R synchronous mesh gears
- Bumper weight: Dry single disc
- Rear weight: 320kg
- Brake system: 200kg
- Materials and component: hydraulic wet disc
- Safety requirements: all brand new
- With complete accessories (canopy, tool box, operator's manual)
- ROPs and seatbelt, PTO shaft casing
- Implements: Tractor mounted type disc plow (26x4) 4 pcs by 26 inches
- Pull type disc harrow (24x18) 18 pcs. by 24 inches
- One (1) year warranty on parts and services
- Conformed with PAES standards

5. The Second Party hereby agrees to give demo and trainings for the recipients and testing of the equipment shall be undertaken on the delivery site for 2 weeks or 1 month continuous operation before payment shall be made;

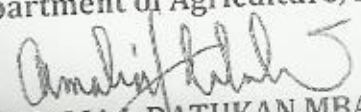
6. A warranty of one (1) year for the necessary repairs and maintenance including parts and services must be strictly observed. The obligation of warranty shall be covered by retention money, in an amount equivalent to ten percent (10%) of the total contract price, or a bank guarantee in a form of an irrevocable stand-by letter of credit.


7. Should the Second Party incurred delay, Section 68, Rule XXII of RA 9184, partly states, "Xxx. The amount of the liquidated damages shall be at least equal to one tenth (1/10) of one percent (1%) of the cost of the unperformed portion for every day of delay. Xxx";

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

9. 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
By: 
AMALIA J. DATUKAN, MBA
Regional Executive Director

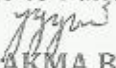
LCG Marketing Philippines, Corp.
By: 
MR. GENEROSO T. REYES
Area Sales Manager


ZALDY M. BOLORON
APP-CORN Coordinator

REVIEWED AND WITNESSED BY:


JIMMY M. OLIVO, Ph.D.
BAC chairman

Ok as to Fund Allocation:


RAKMA B. BUISAN
Regional Budget Officer

Funds Available:


ANNA MAE A. SIDEÑO
Regional Accountant

Verified and found in order:


CARLENE C. COLLADO
OIC-Chief, Finance Division

ACKNOWLEDGEMENT:

Republic of the Philippines)

Before me, a Notary Public for Koronadal City Personally appeared the following:


<u>NAME</u>	<u>Res. Cert.</u>	<u>Issued at</u>	<u>Issued on</u>
1. Amalia J. Datukan, MBA	08628843	Koronadal City	January 17, 2014
2. GENEMCO T. POYES	04215532	CAGAYAN DE MIO CITY	MARCH 3, 2014

Known to me to be the same persons who executed the foregoing documents and acknowledge that the same is their voluntary act and deed.

This instrument consists of three (03) pages including this page in which the acknowledgement is written, and signed in the left hand margin of each and every page thereof by parties and their witnesses.

Witness MY HAND AND SEAL, this _____ day of _____, 2014 at

Doc No. : 14
Page No. : 3
Book No. : VI
Series of 2014


VERONICA A. DONO
Notary Public
UNTIL DECEMBER 31, 2014
IBP NO. 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 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