



Republic of the Philippines
DEPARTMENT OF AGRICULTURE
Regional Field Unit No. 12
Brgy. Carpenter Hill, Koronadal City
BAC Secretariat Office Tel. No. 083-2283411

ITB Reference No.3850445
Contract No. 2016-0467

CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

SEP 28 2016

This contract made and entered this ___ day of _____ by and between the DEPARTMENT OF AGRICULTURE, REGIONAL FIELD Office 12, Brgy. Carpenter Hill, Koronadal City, represented by the OIC-Regional Executive Director, CARLENE C. COLLADO, CPA, hereinafter called the **First Party** and FORTUNETRACT AGRO SALES, INC. with principal address at Bajada, Davao City represented by its Area Sales Supervisor MR. CHRISTOPHER G. MARA-AT, hereinafter called as the **Second Party**;

Whereas, the First Party has a procurement of **Forty-Five (45) Units Pump and Engine Set- Open Source** with ITB reference No. 3850445 in the amount of **Two Million Nine Hundred Two Thousand Four Hundred Ninety-Nine Pesos And 55/100 (Php2,902,499.55) at Sixty-Four Thousand Four Hundred Ninety-Nine Pesos and 99/100 (Php64,499.99) Per Unit**;

Whereas, a public bidding was conducted last June 13, 2016 with six (6) participating bidders in which **Fortunetract Agro-Sales, Inc.** won in the bidding in the amount of **Two Million Nine Hundred Two Thousand Four Hundred Ninety-Nine Pesos And 55/100 (Php2,902,499.55) at Sixty-Four Thousand Four Hundred Ninety-Nine Pesos and 99/100 (Php64,499.99) Per Unit**;

Whereas, the **First Party** has accepted the bid of the **Second Party** in the amount of **Two Million Nine Hundred Two Thousand Four Hundred Ninety-Nine Pesos And 55/100 (Php2,902,499.55) at Sixty-Four Thousand Four Hundred Ninety-Nine Pesos and 99/100 (Php64,499.99) Per Unit**;

Whereas, the **First Party** shall pay the amount of **Two Million Nine Hundred Two Thousand Four Hundred Ninety-Nine Pesos And 55/100 (Php2,902,499.55) at Sixty-Four Thousand Four Hundred Ninety-Nine Pesos and 99/100 (Php64,499.99) Per Unit** to the **Second Party** for the supply and delivery of **Forty-Five (45) Units Pump and Engine Set-Open Source** hereinafter called as "**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 the Contract referred to;
2. The following documents shall be deemed to form, be read and construed as part of this agreement, viz.:
 - (a) Funded and Approved Purchase Request;
 - (b) Approved Notice of Award;
 - (d) Performance Bond;
 - (e) Technical and Financial documents of the winning bidder
 - (f) Resolution of the Bids and Awards Committee as the case may be; and
 - (g) Other pertinent documents as may be reasonable required by the First Party.
3. In consideration of the payments to be made by the First Party to the Second Party as hereinafter mentioned, the Second Party hereby covenants with the First Party to provide the goods and services and to remedy defects therein in conformity in all respects with the provisions of the Contract;

4. The Second Party hereby agrees to deliver the **Forty-Five (45) Units Pump and Engine Set-Open Source** at **DA-Tupi, Bololmala, South Cotabato** within **Thirty (30) calendar days** upon receipt of the Notice to Proceed with the following specifications, to wit:

a. Pump

- 4x4 centrifugal pump
- Min. discharge cap (30 lps)
- Suction lift off at least 8 meters
- Efficiency: at least 60%

b. Prime Mover

- Engine: diesel, single cylinder
- 8 HP, minimum(continuous power at least 80% of rated power)
- Cooling system: water cooled
- Manual cranking
- Specific fuel consumption at continuous power: 600g/kw-h

c. Accessories and Fittings

- 1 pc. 4"x8" GI nipple
- 1 pc. 4" diameter foot valve
- 4 pcs. hose clamps
- 1 pc 4" x 20" meters duct hose
- 2 pcs. V belt
- 2 pcs. pulley
- Pump and engine steel base
- 1 pc. 1 meter discharge pipe

With AMTEC test report both pumps and engine
 Efficiency and performance should conform to PAES
 Shall provide manual and basic standard tools plus 12" adjustable wrench
 Shall provide fuel and oil during actual field testing
 Shall provide engine oil and 3 liters fuel in every unit
 Shall conduct training for the recipient operator on the O&M
 With one (1) year warranty
 Specifications should be signed and sealed by RPAE with valid PRC license

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. Should the Second Party incur 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";


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

8. 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 XII

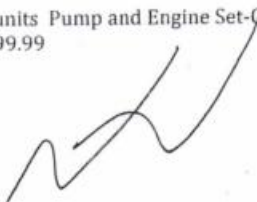
By:


CARLENE C. COLLADO, CPA
 OIC- Regional Executive Director

Fortunetract Agro Sales, Inc.


By:


CHRISTOPHER C. MARA-AT
 Area Sales Supervisor



Handwritten notes:
 1 year
 1 year

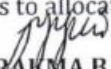
Handwritten mark:
 9


RAY H. EMBAJADOR
Rice and Corn Focal Person

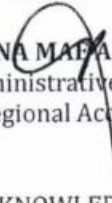
Reviewed and Witnessed by:


LORNA P. VILBAR, Ph.D.
BAC chairman

OK as to allocation of funds:


RAKMA B. BUISAN
Regional Budget Officer

Funds Available:



ANNA MAF A. SIDEÑO
Administrative Officer V
Regional Accountant

ACKNOWLEDGMENT:

Republic of the Philippines)

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

NAME	Res. Cert.	Issued at	Issued on
1. Carlene C. Collado, CPA	1105150	Koronadal City	Feb. 8, 2016
2. Chirstopher G. Maraat			

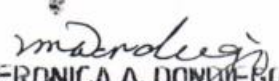
 Known to me to be the same persons who executed the foregoing documents and acknowledged that the same are their voluntary acts and deeds.

This instrument consists of three (3) pages including this page in which the acknowledgment 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 SEP 28 2016 2016 at

CITY OF KORONADAL SOUTH COTABATO

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Book No. : ✓
Series of 2016


VERONICA A. DONDEGO
NOTARY PUBLIC
UNTIL DECEMBER 31, 2016
BP NO. 1013330-01-05-16-GSC
PTR NO. 1330218-01-04-16-KOR. CIT)
VCL EXEMPTION NO. V-000465
2011 OF ATTY. NO. 30229