



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

ITB Reference No. 3632371
Contract No. 2016-0010

CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

THIS AGREEMENT made this JUN 17 2016 17 day of JUNE by and between the **DEPARTMENT OF AGRICULTURE, RFO XII, Koronadal City**, represented by its **Regional Executive Director, AMALIA J. DATUKAN, MBA** hereinafter called the **First Party** and **Fortunetract Agro-Sales, Inc.** with principal address at **Km. #3 J.P. Laurel Avenue, Bajada, Davao City**, represented by its **Area Sales Supervisor, CHRISTOPHER G. MARA-AT**, hereinafter called the **Second Party**;

Whereas, the **First Party** has a procurement of **Nineteen (19) units 4WD Tractor with Complete Accessories** under the **90/10% sharing scheme** with the **Approved Budget for the Contract of Forty-Eight Million Five Hundred Forty-Five Pesos (Php48,545,000.00)** representing the 100% amount of the project;

Whereas, a public bidding was conducted on February 3, 2016 with three (3) participating bidders where in **Fortunetract Agro-Sales, Inc.** won the bidding and was awarded the **supply and delivery of Nineteen (19) units 4WD Tractor with Complete Accessories** in the amount of **Forty-Seven Million Two Hundred Fifteen Thousand Pesos (Php47,215,000.00)**, representing the 100% amount of the project;

Whereas, the project shall be on **90/10% scheme wherein the Ninety percent (90%) amount of the project** shall be paid by the procuring entity as **DA's counterpart** and the **Ten percent (10%)** of the total amount shall be the **recipient's equity** as shown below:

	(100%)	(90%)	(10%)
Total Cost	Php 47,215,000.00	42,493,500.00	4,721,500.00
Unit Cost	2,485,000.00	2,236,500.00	248,500.00

Whereas, the **First Party** has accepted the bid of the **Second Party** in the amount of **Forty-Two Million Four Hundred Ninety-Three Thousand Five Hundred Pesos (Php42,493,500.00)** at **Two Million Two Hundred Thirty-Six Thousand Five Hundred Pesos (Php2,236,500.00) per unit** for the supply of those goods to the **Second Party**, representing the **90% amount of the project** which shall be completely delivered within **Ninety (90) calendar days** at **DA-CEMIARC, Bololmala, Tupi, South Cotabato** upon receipt of the approved Notice to Proceed with the following specifications, to wit:

ENGINE HORSEPOWER:

- KUBOTA M108S 79.4KW (106.43HP) rated power, turbo charged with intercooler
- Independent PTO clutch
- Fully hydrostatic
- 16 x 16 synchromesh
- Straight differential
- Position hydraulic draft position control

Contract for supply and delivery of Nineteen (19) units 4WD Tractor with Complete Accessories
 Php 47,215,000.00 100%
 Php 42,493,500.00 90%
 Php 4,721,500.00 10%
 Page 1 of 3

[Handwritten signatures and initials are present in this area, including a large signature on the left and several initials on the right.]

PTO POWER:

- Based on AMTEC Test Report No. 2013-166 it has a 74.6 KW PTO Power which is 93.96% of the rated power
- 540/1000 rpm speed
- 238.9 g/KW-H
- With attached Original Equipment Manufacturer Manual
- Aero dynamic type
- With standard bumper and rear weight
- Brake system: hydraulic wet
- Materials and component: All brand new
- Warranty: 3 years on parts and services (excluding consumable parts)
- Safety requirements: ROPs, seatbelt and PTO shaft casing
- With standard accessories

IMPLEMENTS:

- 24 x 4 pcs disc plough
- 24 x 18 pcs trailing harrow
- With DA and Agri-Pinoy logo and body number (outdoor stocker with cellophane, 10" diameter)

NOW THEREFORE, for and in consideration of the following premises, the parties hereto agreed as follows:

1. The following documents shall be deemed to form and be interpreted/construed as part of this agreement, viz:

- (a) Funded and 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.

2. 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.

3. 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.

4. 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 two weeks or one month continuous operation before payment shall be made;

5. 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";

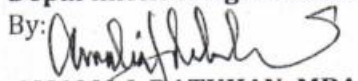
6. Other provisions of RA 9184 and its IRR not stipulated in this contract are deemed applicable; and


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7. This agreement shall be valid and binding upon approval of both parties.


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.

Department of Agriculture XII


By: 
AMALIA J. DATUKAN, MBA
Regional Executive Director


RAY H. EMBAJADOR
APP Cereal Focal Person

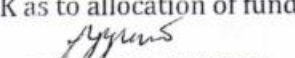
Fortunetract Agro-Sales, Inc.

By: 
CHRISTOPHER G. MARA-AT
Area Sales Supervisor


Reviewed and Witnessed by:


CARLENE C. COLLADO, CPA
BAC Chairman

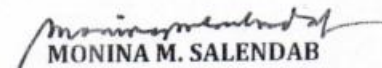
OK as to allocation of funds:


RAKMA B. BUISAN
Regional Budget Officer

Funds Available:


ANNA MAE A. SIDEÑO
Administrative Officer V /
Regional Accountant

Prepared by:


MONINA M. SALENDAB
Head, BAC Secretariat

ACKNOWLEDGMENT:

Republic of the Philippines)
City of Koronadal) SS

Before me, a notary public for Koronadal City personally appeared the following:

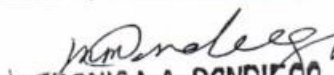
NAME	Res. Cert.	Issued at	Issued on
1. AMALIA J. DATUKAN, MBA	1095321	Koronadal City	January 20, 2016
2. CHRISTOPHER G. MARA-AT			

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 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 17 day of JULY, 2016 at Koronadal City.

Doc No. : 70
Page No. : 16
Book No. : IV
Series of 2016


VERONICA A. DONDIEGO
NOTARY PUBLIC

UNTIL DECEMBER 31, 2016

Contract for supply and delivery of Nineteen (19) units 4WD Tractor with Complete Accessories GSC
Php 47,215,000.00 100%
Php 42,493,500.00 90%
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PTR NO. 1020010-01-04-16-KOR. CITY
MCLE EXEMPTION NO. V-000465
ROLL OF ATTY. NO. 30229