



Republic of the Philippines  
DEPARTMENT OF AGRICULTURE  
Regional Field Office 12  
CSA Building, Zulueta Street, Koronadal City  
BAC Secretariat Office Tel. / Fax No. 083-8780793

ITB Reference No. 3598382  
Contract No. 2015-1092

**CONTRACT**

KNOW ALL MEN BY THESE PRESENTS: , MAR 30 2016

This contract made and entered this \_\_\_\_ day of \_\_\_\_\_ by and between the **DEPARTMENT OF AGRICULTURE, REGIONAL FIELD OFFICE 12, KORONADAL CITY**, represented by the **Regional Executive Director, AMALIA J. DATUKAN, MBA** hereinafter called the **First Party** and **MODERN TIME ENTERPRISES, INC.** with principal address at **Door 1-6 SPK Bldg. Km7, Lanang, Davao City**, represented by its **Sales and Marketing Director, JIM ALAN E. DIENTE**, hereinafter called as the **Second Party**;

**WITNESSETH**

Whereas, the **First Party** has a project of **Supply and delivery of 24,285 bags Granular Urea Fertilizer** with the **Approved Budget for the Contract of Twenty-Nine Million One Hundred Forty-Two Thousand Pesos (Php29,142,000.00)**;

Whereas, a public bidding was conducted on January 5, 2016 with four (4) participating bidders where **Modern Time Enterprises, Inc.** won in the bidding and was awarded the **Supply and delivery of 24,285 bags Granular Urea Fertilizer** in the amount of **Twenty-One Million Two Hundred Forty-Seven Thousand One Hundred Eighty-Nine Pesos and 35/100 (Php21,247,189.35)**;

Whereas, the **First Party** has accepted the bid of the **Second Party** in the amount of **Twenty-One Million Two Hundred Forty-Seven Thousand One Hundred Eighty-Nine Pesos and 35/100 (Php21,247,189.35)** which shall be completely delivered within **Forty-Five (45) calendar days** upon receipt of the approved Notice to Proceed with the following specifications, to wit:

6

- (46-0-0) at 50kg/bag
- Packaging must be printed with "HYTA Program 2016", DA and Agri-Pinoy Logo and "NOT FOR SALE" in 3 inches diameter
- Laboratory Analysis must be conducted during the post-qualification and prior to delivery complying FPA standards

Delivery Site:

- NFA Warehouse in Tacurong City
- NFA Warehouse in M'lang
- DA-CEMIARC, Bololmala, Tupi, South Cotabato

9

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**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. 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";

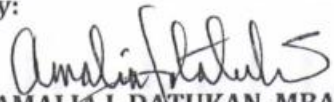
5. Other provisions of RA 9184 and its IRR not stipulated in this contract are deemed applicable; and

6. 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:

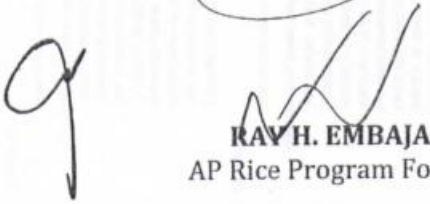
  
**AMALIA J. DATUKAN, MBA**  
Regional Executive Director

**Modern Time Enterprises, Inc.**

By:

  
**JIM ALANE. DIENTE**  
Sales and Marketing Director

Reviewed and Witnessed by:

  
**RAY H. EMBAJADOR**  
AP Rice Program Focal Person

  
**CARLENE C. COLLADO, CPA**  
BAC Chairman



OK as to allocation of funds:

*[Signature]*  
**RAKMA B. BUISAN**  
Regional Budget Officer

Funds Available:

*[Signature]*  
**ANNA MAE A. SIDEÑO**  
Administrative Officer V /  
Regional Accountant

*[Handwritten mark]*

Prepared by:

*[Signature]*  
**MONINA M. SALENDAB**  
Head, BAC Secretariat *elb*

**ACKNOWLEDGEMENT:**

Republic of the Philippines)  
City of Koronadal ) SS

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

*[Handwritten mark]*

NAME	Res. Cert.	Issued at	Issued on
1. AMALIA J. DATUKAN, MBA	1095321	Koronadal City	January 20, 2016
2. JIM ALAN E. DIENTE			

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 this MAR 30 2016 of 2016 at Koronadal City.

Doc No. : 213  
Page No. : 42  
Book No. : 11  
Series of 2016

*[Signature]*  
**VERONICA A. DONDIEGO**  
NOTARY PUBLIC  
JAN 21 2016  
CORONADAL CITY