



ITB Reference No. 3701584
 Contract No. 2016-0182

CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

JUN 21 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 procurement of **24,285 bags Granular Urea Fertilizers (46-0-0)** 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 March 14, 2016 with two (2) participating bidders in which **Modern Time Enterprises, Inc.** won in the bidding and was awarded the **supply and delivery of 24,285 bags Granular Urea Fertilizers (46-0-0)** in the amount of **Nineteen Million Three Hundred Seventy-Seven Thousand Four Hundred Eighty-Seven Pesos and 20/100 (Php19,377,487.20)**;

Whereas, the **First Party** has accepted the bid of the **Second Party** in the amount of **Nineteen Million Three Hundred Seventy-Seven Thousand Four Hundred Eighty-Seven Pesos and 20/100 (Php19,377,487.20)** which shall be completely delivered within **Forty-Five (45) calendar days at DA-CEMIARC Bololmala, Tupi, South Cotabato** upon receipt of the approved Notice to Proceed with the following specifications, to wit:

- 46-0-0 at 50 kg/bag
- The packaging as prescribed by the BPI-NSQCS in green bag front and back 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.

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.

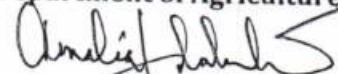
4. Should the Second Party incurred delay, Section 68, Rule XXII of RA 9184, partly states, "Xxx. The amount of the liquidated damages shall be at least equal to one tenth (1/10) of one percent (1%) of the cost of the unperformed portion for every day of delay. Xxx";


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.


By: **Department of Agriculture XII**


AMALIA J. DATUKAN, MBA
Regional Executive Director


RAY H. EMBAJADOR
AP Cereal Focal Person


By: **Modern Time Enterprises, Inc.**


JIM ALAN E. DIENTE
Sales and Marketing Director


CARLENE G. COLLADO, CPA
BAC Chairman

Reviewed and Witnessed by:

OK as to allocation of funds:


RAKMA B. BUISAN
Regional Budget Officer

