



ITB Reference No. 3701609
Contract No. 2016-0185

CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

JUL 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 **Various Agricultural Supplies** with the **Approved Budget for the Contract of Seven Hundred Ninety-Two Thousand Five Hundred Sixty Pesos (Php792,560.00)**;

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 Various Agricultural Supplies** in the amount of **Seven Hundred Fifty Thousand Seven Hundred Fifty Pesos and 11/100 (Php750,750.11)**;

Whereas, the **First Party** has accepted the bid of the **Second Party** in the amount of **Seven Hundred Fifty Thousand Seven Hundred Fifty Pesos and 11/100 (Php750,750.11)** which shall be completely delivered within **Thirty (30) calendar days** at **DA-CEMIARC, Amas, Kidapawan City** upon receipt of the approved Notice to Proceed with the following specifications, to wit:

- 462 bags Complete Fertilizer (14-14-14); Granular; 50 kgs per bag
- 312 bags Urea Fertilizer (46-0-0); Granular; 50 kgs per bag
- 3 bottle Herbicide; 1 liter per bottle
- 125 bags Vermi-compost at 50 kgs per bag

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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.

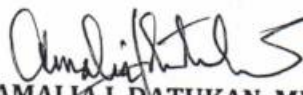
4. Should the Second Party incurred delay, Section 68, Rule XXII of RA 9184, partly states, "Xxx. The amount of the liquidated damages shall be at least equal to one tenth (1/10) of one percent (1%) of the cost of the unperformed portion for every day of delay. Xxx";

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.


By: **Department of Agriculture XII**


AMALIA J. DATUKAN, MBA
Regional Executive Director

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

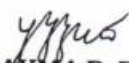

JIM ALAN E. DIENTE
Sales and Marketing Director

Reviewed and Witnessed by:

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JOCELYN F. TORRES, Ph.D.
HVCDP Regional Focal Person


CARLENE C. COLLADO, CPA
BAC Chairman

OK as to allocation of funds:


RAKMA B. BUISAN
Regional Budget Officer

Funds Available:

ANNA MAE A. SIDIÑO
Administrative Officer V /
Regional Accountant

Prepared by:

Monina M. Salendab
MONINA M. SALENDAB
Head, BAC Secretariat

ACKNOWLEDGEMENT:

Republic of the Philippines)
City of Koronadal) SS

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	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 July 21 2016, 2016 at Koronadal City.

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Book No. : IV
Series of 2016

Veronica A. Dondiego
VERONICA A. DONDEGO
NOTARY PUBLIC
UNTIL DECEMBER 31, 2016
BP NO. 1013330-01-05-16-
PTW NO. 1900210-01-04-1
MCLE EXEMPTION NO. V-
ROLL OF ATTY. NO. 30226