



ITB Reference No. 3632454
 Contract No. 2016-0043

CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered this ____ day of MAY 16 2016 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 **SEEDWORKS PHILIPPINES INCORPORATED** with principal address at **1775 Gov. San Luis Road, Puypuy Bay, Laguna**, represented by its **Authorized Representative, FRANKLIN T. AGUDA**, hereinafter called as the **Second Party**;

WITNESSETH

Whereas, the **First Party** has a procurement of **1,044 cans Upland Vegetable Seeds** with the **Approved Budget for the Contract of Two Million Six Hundred Ten Thousand Pesos (Php2,610,000.00)**;

Whereas, a public bidding was conducted on February 4, 2016 with two (2) participating bidders in which **Seedworks Philippines, Inc.** won in the bidding and was awarded the **supply and delivery of 1,044 cans Upland Vegetable Seeds** in the amount of **One Million Seven Hundred Ninety-Eight Thousand Five Hundred Sixty-Nine Pesos and 48/100 (Php1,798,569.48)**;

Whereas, the **First Party** has accepted the bid of the **Second Party** in the amount of **One Million Seven Hundred Ninety-Eight Thousand Five Hundred Sixty-Nine Pesos and 48/100 (Php1,798,569.48)** which shall be completely delivered within **Forty-Five (45) calendar days** at **DA-CEMIARC Balindog, Kidapawan City** upon receipt of the approved Notice to Proceed with the following specifications, to wit:

- Broccoli (33 kgs @ 132 cans)
- Cauliflower (33 kgs @ 132 cans)
- Raddish (33 kgs @ 132 cans)
- Snowpea (33 kgs @ 132 cans)
- Carrots (33 kgs @ 132 cans)
- Lettuce (green/purple snowball - 33 kgs @ 132 cans)
- Bell pepper (yellow/green - 33 kgs @ 132 cans)
- Mustard (30 kgs @ 120 cans)

- ❖ Variety: NSIC registered hybrid
- ❖ Minimum of 90% germination rate
- ❖ 250 grams per can
- ❖ Expiry date: not earlier than December 2017
- ❖ Printed with DA logo and "NOT FOR SALE"

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Amf

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

Seedworks Philippines, Inc.

By:

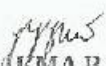

FRANKLIN T. AGUDA
 Authorized Representative

Reviewed and Witnessed by:


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


CARLENE C. COLLADO, CPA
 BAC Chairman

OK as to allocation of funds:


RAKMA B. BUISAN
 Regional Budget Officer

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Funds Available:

ANNA MAE A. SIDENO
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. FRANKLIN T. AGUDA			

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 of MAY 10 2016, 2016 at Koronadal City.

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Series of 2016

Veronica A. Dondiego
VERONICA A. DONDEGO
NOTARY PUBLIC
UNIT: DISCONTINUED 31, 2016
IBP NO. 1015-10-01-00-15-GSC
PTR NO. 1015-10-01-00-15-KOR.CITY
MCLENNED 1015-10-00-065
ROLL OF ATTY. J. 105. 30229