

Contract Agreement

THIS AGREEMENT, made this ____ day of August 2021 by and between:

SOUTHERN PHILIPPINES DEVELOPMENT AUTHORITY (SPDA), a government owned and controlled corporation under the Office of the President of the Philippines created by virtue of Presidential Decree No. 690 as amended by P.D. No. 1703, with principal place of business address at 4th Floor Karpentrade Bldg., Km.2, Matina, Mac Arthur Highway, Matina, Davao City, duly represented herein by **MR. ABDULGHANI "GERRY" AJUL SALAPUDDIN**, Administrator and Chief Executive Officer, by virtue of the powers vested in him by section 16(f), P.D. 1703, hereinafter referred to as "SPDA".

and

EQUICON ENGINEERING SERVICES, a sole proprietorship registered with B.I.R. on 30th July 2020 with TIN no. 281-552-506-000, with principal place of business address at 2/F Carlson Lapu-Lapu St., Agdao, Davao City, duly represented by its Owner and at the same time the Project Manager- **ENGR. CLOYJEMAR L. AUDAN**, pursuant to the powers vested in him by his sole proprietorship business registration, hereinafter referred to as "Contractor".

Both hereinafter referred to as "Parties";

ANTECEDENTS

The SPDA through its Bids and Awards Committee (BAC), in accordance with Republic Act No. 9184 and its Revised Implementing Rules and Regulations (RIRR), posted a Request for Expression of Interest (REI) for the procurement of Proposed Water Supply System of SPDA Poultry Project at Barangay Labon, Sulop, Davao Del Sur.

The Contractor responded to SPDA's Request for Expression of Interest and submitted all the required documents, has passed the eligibility check, Technical and Financial Evaluation proposals and has been conclusively declared to have submitted the Lowest Calculated and Responsive Bid (LCRB).

In BAC Resolution No. 2021-07-02 dated August 17, 2021, attached as Annex A, and SPDA BAC therein recommending to HOPE to proceed with the award of contract for Construction of Water Supply System for SPDA Poultry Project at Barangay Labon, Sulop, Davao Del Sur amounting to (P1,198,960.55).

That on 25 August 2021, the Notice of Award was issued in favor of Equicon Engineering Services for the Construction of Water Supply System for SPDA Poultry Project, attached as Annex B.

To ensure the protection of SPDA and the government, this Construction of Water Supply System for SPDA Poultry Project Contract is executed to outline the Scope of Work, schedule of payments and other rights and responsibilities of the parties.

WHEREAS, the SPDA is desirous that the Contractor execute **Construction of Water Supply System for SPDA Poultry Project** and the Contractor has accepted the Bid for One Million One Hundred Ninety Eight Thousand Nine Hundred Sixty Pesos and Fifty-Five Centavos (**Php 1,198,960.55**) by the Contractor for the execution and completion of such Works and the remedying of any defects therein.




NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereinafter referred to.
2. The following documents shall be attached, deemed to form, and be read and construed as integral part of this Agreement, to wit:
 - (a) General and Special Conditions of Contract;
 - (b) Drawings/Plans;
 - (c) Specifications;
 - (d) Invitation to Bid;
 - (e) Instructions to Bidders;
 - (f) Bid Data Sheet;
 - (g) Addenda and/or Supplemental/Bid Bulletins, if any;
 - (h) Bid form, including all the documents/statements contained in the Bidder's bidding envelopes, as annexes, and all other documents submitted (e.g., Bidder's response to request for clarifications on the bid), including corrections to the bid, if any, resulting from the Procuring Entity's bid evaluation;
 - (i) Eligibility requirements, documents and/or statements;
 - (j) Performance Security;
 - (k) Notice of Award of Contract and the Bidder's conforme thereto;
 - (l) Other contract documents that may be required by existing laws and/or the Entity.
3. In consideration of the payments to be made by the Entity to the Contractor as hereinafter mentioned, the Contractor hereby covenants with the Entity to execute and complete the Works and remedy any defects therein in conformity with the provisions of this Contract in all respects.
4. The Entity hereby covenants to pay the Contractor in consideration of the execution and completion of the Works and the remedying of defects wherein, the Contract Price or such other sum as may become payable under the provisions of this Contract at the times and in the manner prescribed by this Contract.

IN WITNESS whereof the parties thereto have caused this Agreement to be executed the day and year first before written.

Signed, sealed, delivered by  ABDULGHANI 'GERRY' A. SALAPUDDIN, the Administrator/CEO of the Southern Philippines Development Authority.

Signed, sealed, delivered by  ENGR. CLOYJEMAR L. AUDAN, the Project Manager/Proprietor of the Equicon Engineering Services.

Binding Signature of Procuring Entity

Binding Signature of Contractor

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) SS.

DAVAO CITY

BEFORE ME, a Notary Public for and in the City of Davao, 31 AUG 2021 day of August 2021 personally appeared:

Name	Identification Card	Issued On/At
ABDULGHANI AJUL SALAPUDDIN	TIN No. 155-911-726-0000	
ENGR. CLOYJEMAR L. AUDAN	CTR No. 12298510	01-22-21 / Davao City

all known to me and to me known to be the same persons who executed the foregoing instrument which they acknowledged to me to be their free and voluntary act and deed, and that they are authorized to sign for and on behalf of the entities they are representing.

This instrument consisting of three (3) Pages, including this page on which this Acknowledgement is written refers to a procurement for the Construction of Water Supply System for SPDA Poultry Project, and has been signed by the parties and their witnesses and sealed with my notarial seal.

WITNESS MY HAND AND SEAL

Doc. No. 144;

Page No. 41;

Book No. III;

Series of 2021.

ATTY. EMMANUEL A. MAHIPUS, MNSA
 Notary Public for Davao City
 Until December 31, 2022
 IBP LTM No. 09854; 02-01-2011
 PTR No. 4792194 / 12-07-2020 for 2021 / Davao City
 TIN 196-901-486
 Roll No. 33513
 Mahipus Bldg., Sputnik Street, Doña Vicenta, Davao City