

CONTRACT AGREEMENT

THIS AGREEMENT, made this day of 10CT 30 2020 between **HON. MELCHOR D. DICLAS, MD.**, Provincial Governor, Province of Benguet, Provincial Capitol, La Trinidad, Benguet, (hereinafter called the "Entity") and **ARNOLD M. TOLDING**, Manager of BALINTUGAN CONSTRUCTION SERVICES with officer address at IB30-A Betag, La Trinidad, Benguet, (hereinafter called the "Contractor").

WHEREAS, the **ENTITY** is desirous that the **CONTRACTOR** execute the project, entitled: **ROAD IMPROVEMENT OF AMBURAYAN-BONENG PROVINCIAL ROAD (PHASE II)** located at Kapangan, Benguet (hereinafter called "the Works") and the **Entity** has accepted the Bid for **TWENTY-SIX MILLION NINE HUNDRED SEVENTY-SEVEN THOUSAND FOUR HUNDRED NINETY-THREE PESOS AND THIRTY-THREE CENTAVOS (Php26,977,493.33)** 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 as required by the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184 shall be deemed to form and be read and construed as integral part of this Agreement, viz.:
 - a. Philippine Bidding Documents (PBDs);
 - i. Drawings/Plans;
 - ii. Specifications;
 - iii. Bill of Quantities;
 - iv. General and Special Conditions of contract;
 - v. Supplemental or Bid Bulletins, if any;
 - b. Winning Bidder's bid including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

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;

- c. Performance Security;
 - d. Notice of Award of Contract and the Bidder's conforme thereto; and
 - e. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the PBDs. **Winning bidder agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for submission after the contract execution, such as the Notice to proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract.**
3. In consideration for the sum of **TWENTY-SIX MILLION NINE HUNDRED SEVENTY-SEVEN THOUSAND FOUR HUNDRED NINETY-THREE PESOS AND THIRTY-THREE CENTAVOS (Php26,977,493.33)** or such other sums as may be ascertained, **ARNOLD M. TOLDING** agrees to execute the works of the contract until its completion and provides remedy for any defects therein in accordance with his Bid.

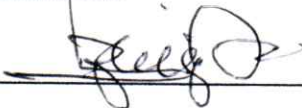
4. The **ENTITY** agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.


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


HON. MELCHOR D. DICLAS, MD.
Provincial Governor
Benguet Province


ARNOLD M. TOLDING
Manager/Proprietor
Balintugan Construction Services

Signed in the Presence of:





**REPUBLIC OF THE PHILIPPINES)
MUNICIPALITY OF LA TRINIDAD)S.S.
PROVINCE OF BENGUET.....)**

ACKNOWLEDGMENT

BEFORE ME, a Notary Public for and in the Province of Benguet and in the Municipality of La Trinidad on this ____ day of OCT 30 2020, personally appeared: **HON. MELCHOR D. DICLAS, MD.**, with Agency ID No. 91323000053 and with Tax Income Number (TIN) 206-710-345 as competent evidence of identity; **ARNOLD M. TOLDING**, Manager/Proprietor, BALINTUGAN CONSTRUCTION SERVICES, with TIN ID No. 190-831-216 and with _____, as competent evidence of identity, all known to me and to me known to be the same persons who signed the foregoing instrument and who acknowledged to me that the same is their voluntary act and free deed of the entities they respectively represented in this instances.

This foregoing instrument consists of two (2) pages including this page wherein this acknowledgment is written and signed on each page thereof by the parties and their instrumental witnesses.

WITNESS MY HAND AND SEAL on the date and at the place first above-mentioned.

Page No: 16
Doc. No: 5
Book No: I
Series of 2020.


AIZA BENCIO-ANAS
Notary Public for Benguet Province
Until December 31, 2021
Roll no. 7457 / 07-14-20 / Manila
IBP no. 126713 / 08-05-20 / Benguet-Benguet
PTR no. 6140767 / 08-05-20 / Benguet
TIN 424-744-404
Mobile no 0907-874-7145
Email: aizabencio@gmail.com



Republic of the Philippines
PROVINCE OF BENGUET
MUNICIPALITY OF TRINIDAD

OFFICE OF THE GOVERNOR

NOTICE TO PROCEED

Date: OCT. 30, 2020

ARNOLD M. TOLDING

Proprietor/ BALINTUGAN Construction Services
IB30-A Betag, La Trinidad, Benguet

Dear Mr. Tolding,

With the attached contract agreement having been approved, notice is hereby given that work may commence on the project, entitled: **ROAD IMPROVEMENT OF AMBURAYAN-BONENG PROVINCIAL ROAD (PHASE II)** located at Kapangan, Benguet, effective seven (7) calendar days at the time of receipt by the contractor.

Thus, you shall be responsible for performing the services under the terms of the Agreement and in accordance with the Implementation Schedule.

Please acknowledge receipt and acceptance of this notice by signing the copies in the space provided below. Keep one copy and return the other copies to the procuring entity/Implementing Office.

Very truly yours,


MELCHOR D. DICLAS, M.D.
Provincial Governor

Contract Cost: **Php26,977,493.33**

Source of Fund: CMGP - DILE FUND

Start of Project: _____

Duration: _____

Target date of Completion: _____

Actual Date of Completion: _____

Authorized Signature: 

I acknowledge receipt of this Notice on OCT. 30, 2020.



Republic of the Philippines
PROVINCE OF BENGUET
LA TRINIDAD
BIDS AND AWARDS COMMITTEE ON INFRASTRUCTURE
Cell no: 09108175538
Website: www.benguet.gov.ph

NOTICE OF AWARD

October 28, 2020


ARNOLD M. TOLDING
Proprietor/ BALINTUGAN Construction Services
IB30-A Betag, La Trinidad, Benguet

Sir,

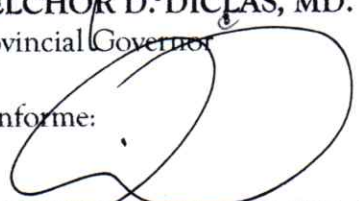
We are happy to notify you that the project: **ROAD IMPROVEMENT OF AMBURAYAN-BONENG PROVINCIAL ROAD (PHASE II)** located at Kapangan, Benguet, is hereby awarded to you as the Bidder with the Lone/Lowest Calculated Responsive Quotation at a Contract Price equivalent to your quoted amount of **TWENTY-SIX MILLION NINE HUNDRED SEVENTY-SEVEN THOUSAND FOUR HUNDRED NINETY-THREE PESOS AND THIRTY-THREE CENTAVOS (Php26,977,493.33)**.

You are therefore required, within ten (10) days from receipt of this Notice of Award, to formally enter into a contract with us, and to submit the Performance Security in the form and in the amount stipulated in the Instruction to Bidders. Failure to enter into said contract or provide the Performance Security within the specified time shall constitute a sufficient ground for cancellation of this award and forfeiture of your Bid Security.

Very truly yours,


MELCHOR D. DICLAS, MD.
Provincial Governor

Conforme:


Name of Bidder/Representative
(Signature)

OCT. 28, 2020

Date



Republic of the Philippines
 PROVINCE OF BENGUET
 La Trinidad
Bids and Awards Committee
(Infrastructure Projects)

EXCERPT FROM THE MINUTES OF MEETING OF THE BIDS AND AWARDS COMMITTEE FOR INFRASTRUCTURE PROJECTS HELD TODAY, OCTOBER 27, 2020 AT THE BEN PALISPIS HALL, 3RD FLOOR, PROVINCIAL CAPITOL, LA TRINIDAD, BENGUET.

PRESENT: ATTY. SUNNY G. SACLA, Chairperson & Presiding Officer

MR. BRIAN A. CAMHIT, Vice-Chairperson
ATTY. RICHARD S. ANTERO, Member
ENGR. JERRY L. BOCANOG, Member
ENGR. FRANCIS N. DITAN, Member
MS. LYDIA K. TICDONEN, Member

Absent: MR. ELEAZAR B. CARIAS, Member

RESOLUTION RECOMMENDING AWARD
RESOLUTION NO. 10-27-2020a

A RESOLUTION RECOMMENDING THE AWARD OF PROJECT TO THE LOWEST CALCULATED RESPONSIVE BIDDER

WHEREAS, the Provincial Government of Benguet thru the Bids and Awards Committee advertised the Invitation to Bid of the eighteen (18) projects and posted in the Philippine Government Electronic Procurement System (PhilGEPS), and Benguet website (www.benguet.gov.ph) designated areas at the Provincial Capitol Lobby and at the office of the Provincial Engineer for the period from September 18 2020 to October 12, 2020;

WHEREAS, in response to the said advertisement, two (2) interested bidders for project: **ROAD IMPROVEMENT OF AMBURAYAN-BONENG PROVINCIAL ROAD (PHASE II) KAPANGAN, BENGUET** bought and submitted their bid documents, hence, participated in the bidding;

Copy furnished:
 Name: 11/04/2020
 Signature
 Date:
 Name: JRSBS
 Signature
 Date: 11-04
 Name:
 Signature
 Date:
 Name:
 Signature
 Date:
 Name:
 Signature
 Date: 11/4

(Handwritten signatures and initials)

WHEREAS, on October 13, 2020 opening of bids, the two (2) bidders passed the “pass or fail” criterion, both bids were then evaluated and the following was determined:

Name of Project	ROAD IMPROVEMENT OF AMBURAYAN-BONENG PROVINCIAL ROAD (PHASE II) KAPANGAN, BENGUET		
Project Location	Kapangan, Benguet		
Project No.	CMGP 2019-02		
Source of Fund	CMGP-DILG FUND		
Total Project Cost	27,000,223.00		
BIDDER	Rank	Bid Amount As Read	Bid Amount As Evaluated
BALINTUGAN CONSTRUCTION	2nd LCB	26,997,495.78	26,977,493.33
ANSAGAN CONSTRUCTION SERVICES	1st LCB	22,238,332.78	22,238,332.35

WHEREAS, the bid of Ansagan Construction Services was referred to the Technical Working Group (TWG) for post qualification;

WHEREAS, on October 20, 2020 Ansagan Construction Services was declared non-responsive due to the following ground:

- The heavy equipment’s subject of the Purchase Agreement with Topspot Heavy Equipment, Inc., particularly (1 unit) SDLG Motorized Road Grader G9190 and (2 units) Wheel Type Excavator EW145B has no serial number/engine number. Hence, these equipment cannot be identified. Furthermore, purchase agreement is not supported by a proof of ownership and certificate of availability from the lessor/vendor.

The TWG was then tasked to post qualify the next lowest bidder Balintugan Construction. Notice of post-disqualification to Ansagan Construction Services was duly issued and received by the bidder on October 23, 2020;

WHEREAS, on October 27, 2020 meeting after the BAC has deliberated and denied the Motion for Reconsideration of Ansagan Construction Services on their post disqualification, they proceeded to deliberate on the reported TWG findings on the Bidding Documents of Balintugan Construction;

WHEREAS, the members of the BAC found the bid of Balintugan Construction responsive;

NOW THEREFORE, WE, the members of the Bids and Awards Committee for Infrastructure Projects, duly assembled hereby resolves as it is hereby done to RECOMMEND to the Local Chief Executive, that the aforesaid project be awarded to **BALINTUGAN CONSTRUCTION** being the Lowest Calculated Responsive Bidder;

RESOLVED FINALLY, to forward this resolution to Hon. **MELCHOR D. DICLAS, M.D,** Provincial Governor for his approval. Let copies of this resolution be furnished to the Provincial Budget Officer, the Provincial Accounting Office and the Provincial Treasury Office for their ready reference and file. Likewise, a copy be furnished to the Provincial Engineer's Office for their further appropriate action and implementation.

DONE, this 27th day of October 2020 at the Ben Palispis Hall, 3rd Floor, Provincial Capitol, La Trinidad, Benguet.

Unanimously Approved.

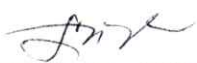

ATTY. SUNNY G. SACLA
Chairperson/Presiding Officer


MR. BRIAN A. CAMHIT, Ph.D.
Vice Chairperson


ATTY. RICHARD S. ANTERO
Member


ENGR. JERRY L. BOCAÑOG
Member


ENGR. FRANCIS N. DITAN
Member


MS. LYDIA K. TICDONEN
Member

Absent
MR. ELEAZAR B. CARIAS
Member

CERTIFIED:


FERDINAND P. CATORES
Chairman BAC-Secretariat

APPROVED:


MELCHOR D. DICLAS, M.D
Provincial Governor

Date of Approval