

# CONTRACT

(Community-Based Road Maintenance Contract of **11DAN083 – JCT. HIGHWAY STO. NINO – LA PAZ – SAN VICENTE**)

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*KNOW ALL MEN BY THESE PRESENTS:*

This Agreement is made and entered into this 11<sup>th</sup> day of AUG 15 2022, 2022 at Tagum City, Davao del Norte, Philippines, between:

**PROVINCIAL GOVERNMENT OF DAVAO DEL NORTE**, a local government unit duly organized and existing under the laws of the Republic of the Philippines with office address at Capitol Bldg., Government Center, Barangay Mankilam, Tagum City, Davao del Norte, represented by the Head of the Procuring Entity, Honorable Governor **EDWIN I. JUBAHIB**, hereinafter referred to as the **PROCURING ENTITY**;

-and-

**TABA COCONUT FARMERS ORGANIZATION**, a registered workers' association under the DEPARTMENT OF LABOR AND EMPLOYMENT with Registration Number ROXI- DNFO -WA -12-2015-016 and business address at Prk. 6, Taba, Carmen, Davao del Norte, duly represented by its Project Chairman, **GAMIR D. TUTTUH**, hereinafter referred to as the **CONTRACTOR**.

## WITNESSETH THAT:

**WHEREAS**, the Procuring Entity is a local government unit mandated to provide infrastructure facilities to service the needs of the residents of the province and which funded out of provincial funds including, but not limited to, provincial roads and bridges; inter-municipal waterworks, drainage and other similar facilities;

**WHEREAS**, pursuant to Section 53.12 of IRR of RA 9184 and GPPB Resolution No. 03-2013 dated January 21, 2013, it recognize the Community Participation and authorize the Procuring Entity to grant the rural community-based contractors in the procurement of goods and services and simple infrastructure projects through negotiated agreement particularly the rural road maintenance in some areas of the Province of Davao del Norte;

**WHEREAS**, the Procuring Entity under **Repair and Maintenance- Infrastructure Assets (50213030)**, intends to apply the sum of **FIFTY-SEVEN THOUSAND THREE HUNDRED FIFTY PESOS AND SEVENTEEN CENTAVOS (PHP 57,350.17)** being the Approved Budget for the Contract (ABC) for the Contract – Community Based Road Maintenance Contracting (CBRMC) and the bidding was conducted for the purpose of maintaining various Provincial Roads and Bridges – **11DAN083 – JCT. HIGHWAY STO. NINO – LA PAZ – SAN VICENTE**, governed by Republic Act 9184 otherwise known as "The Government Procurement Reform Act";

**WHEREAS**, upon the opening of negotiated procurement and after proper evaluation of the criteria and standards set forth by law, the Bids and Awards Committee (BAC) through **BAC Resolution No. 370, series of 2022**, resolved to declare the Contractor as the **Single Calculated and Responsive Bidder** to undertake the afore-cited Project;

**WHEREAS**, the Contractor is willing to undertake and implement the project in the manner provided under this contract, existing laws and/or upon the request by the Procuring Entity.

**NOW THEREFORE**, for and in consideration of the foregoing premises, the parties hereto agreed, as by these presents, do hereby agree to be bound by the following terms and conditions, to wit:

### **I-CONTRACT**

This agreement is an infrastructure project between the **PROVINCIAL GOVERNMENT OF DAVAO DEL NORTE** and **TABA COCONUT FARMERS ORGANIZATION** with approved project pursuant to **PR No. 2022010121**, hereinafter called the "Community-Based Road Maintenance Contract".

The project consists of Contract – Community Based Road Maintenance Contracting (CBRMC) for the maintenance of various Provincial Roads and Bridges – **11DAN083 – JCT. HIGHWAY STO. NINO – LA PAZ – SAN VICENTE**.

Progress billing will be made within the quarter.

### **II-DURATION**

The intended project should be done **within one (1) quarter** from the time the Notice to Proceed was issued by the Procuring Entity and received/acknowledged by the Contractor.

### **III-CONTRACT PRICE**

The Provincial Government of Davao del Norte has an Approved Budget of the Contract (ABC) of **FIFTY-SEVEN THOUSAND THREE HUNDRED FIFTY PESOS AND SEVENTEEN CENTAVOS (PHP 57,350.17)**. The Contractor submitted a bid quotation of **FIFTY-SEVEN THOUSAND THREE HUNDRED PESOS ONLY (PHP 57,300.00)**.

### **IV-GENERAL TERMS AND CONDITIONS**

1. In this contract, words and expressions shall have the same meanings as are respectively assigned to them in the Terms and Conditions as stipulated in the Price Quotation Form (PQF)/Canvass Form.
2. The Project bidding documents (Annex "A") shall be attached, deemed to form as integral part of this contract, and be read and construed substantially in the following order as stated below:
  - I. Invitation to Bid;
  - II. Purchase Request;
  - III. Program of Works;
  - IV. Price Quotation Form (PQF)/Canvass Form; and
  - V. Legal, Technical and Financial Documents
3. Advance payment may be released in an amount not exceeding fifteen percent (15%) of the total contract price provided it is included in the contract;
4. The contractor shall submit progress billing or statement of work accomplished that contains the amount due the contractor vis-a-vis the work performed pursuant to the work and financial plan;
5. The procuring entity shall release payments based on the payment scheme provided in the contract and only upon validation by the end user unit that the contractor has delivered or performed the outputs specified in the work and financial plan and the

same has been inspected and accepted by the community and confirmed by the procuring entity as satisfactory in accordance with the technical specifications or scope of work;

6. The procuring entity shall conduct visit and examination for the project;
7. Payments and release of funds shall be subject to government auditing and accounting rules and regulations.

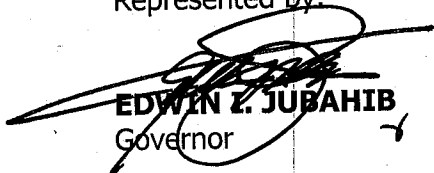
AUG 15 2022

**IN WITNESS WHEREOF**, the parties hereunto affix their signatures this \_\_\_\_ day of \_\_\_\_\_, 2022 in Tagum City, Davao del Norte, Philippines.

**PROVINCIAL GOVERNMENT  
OF DAVAO DEL NORTE**  
Procuring Entity

**TABA COCONUT FARMERS  
ORGANIZATION**  
Contractor

Represented by:

  
**EDWIN Z. JUBAHIB**  
Governor

Represented by:

  
**GAMIR D. TUTUH**  
Project Chairman

Signed in the presence of:

  
**ARVIN ANTIC SR**  
AUDITOR

  
**ENGR. JOSIE JEAN R. RABANOZ, MPA, ENP** and \_\_\_\_\_  
Provincial Administrator

