

CONTRACT AND AGREEMENT

Know All Men By These Presents:

This Contract and Agreement made and entered into this ___ day of April, 2014, at San Narciso, Zambales, by and between:

PHILIPPINE MERCHANT MARINE ACADEMY, represented herein by its Superintendent, **RADM RICHARD U RITUAL** with office address at San Narciso, Zambales hereinafter referred to as the "ACADEMY";

- and -

APU TRADING & CONSTRUCTION, company duly organized and existing under the laws of the Republic of the Philippines, with office address at 397 Sto. Tomas, Sasmuan, Pampanga, represented herein by its Owner/Manager **TEOYNES L GUTIERREZ** hereinafter referred to as the "CONTRACTOR",

WITNESSETH:

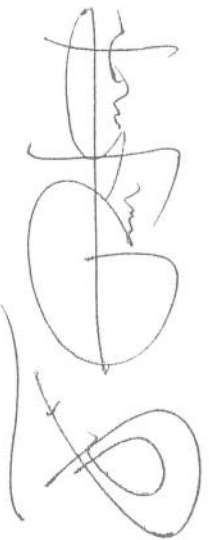
WHEREAS, the PMMA Bids and Awards Committee, PMMA Complex, San Narciso, Zambales, has proposed and notified all prospective and qualified contractors for the furnishing of materials, labor, tools and equipment necessary for the Renovation of the College of Marine Engineering in accordance with plans, specifications and approved programs of work;

WHEREAS, after bidding and due evaluation, the CONTRACTOR, has been awarded this contract for having been determined to have the capability to undertake the subject project/works and for having submitted the Lowest Calculated Responsive Bid in the amount of Seven Million Seventy One Thousand Nine Hundred Seventy Nine & 80/100 Pesos (Php7, 079,979.80);

WHEREAS, funds are certified as available for the above mentioned projects/works from the Academy's General fund approved budget under RA 10352 General Appropriation Act of 2014;

NOW, THEREFORE, the Superintendent, in representation of the ACADEMY and the Owner/Manager in representation of the CONTRACTOR, have agreed on the following terms and conditions:

1. That the CONTRACTOR will furnish all materials, labor, tools and equipment necessary for the accomplishment of the construction works, in accordance with the plans, specifications and approved programs of work and will perform and complete all the specific works within one hundred fifty (150) calendar days from the date that it received the Notice to Proceed from the ACADEMY;




2. That the CONTRACTOR obligates itself to post a Performance Bond in any of the following forms:

- a.) Manager's Check or Cashier's Check which is equivalent to ten per cent (10%) of the total contract price; or
- b.) Surety Bond equivalent to thirty per cent (30%) of the total contract price.

3. That the ACADEMY hereby covenants to pay to the CONTRACTOR, the payments due for the executed and completed works of the awarded contract amount which shall be as follows:

- A. 15% Mobilization Cost upon request and posting of surety bond to cover the full amount advanced for the purpose and deductible from progress payments until fully recouped;
- B. Initial progress payment when work completed exceeds 20% of the contract price;
- C. Subsequent progress payments less ten percent (10%) retention and recoupments for fifteen percent (15%) mobilization cost;
- D. The total retention money shall be released only upon final acceptance of the works and after the CONTRACTOR have posted a guarantee bond that will cover any defect in the completed project within the period of one (1) year from the dates of its final acceptance by the Academy.



4. That the CONTRACTOR agrees, likewise, to comply with and strictly observe all laws and regulations regarding prompt and appropriate payment of workmen's wages, welfare compensation for injuries, hours of labor and other laws as practiced in the Republic of the Philippines;

5. That the guidelines on change orders, extra work orders, supplemental agreements and other pertinent rules and regulations provided for in R.A. No. 9184, are hereby incorporated as part of this Contract;



6. That both parties shall undertake to secure the necessary permits, authorization, resolution and approval from all officials concerned for the validity or ratification of this Contract Agreement;

7. That the CONTRACTOR and the ACADEMY representatives shall meet, whenever necessary, to discuss and agree on operational details of Project Implementation with the objective of facilitating satisfactory completion thereof; and

8. That all pertinent laws, rules and regulations on liquidated damages, forfeiture of contract and performance security, due to lapses committed by the CONTRACTOR shall apply whenever necessary to safeguard the interest of the ACADEMY.

9. The two parties hereby agrees that all legal actions out of this Agreement shall be instituted in the regional trial Court (RTC) – Iba,Zambales

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures this ____ day of _____, 2014,in San Narciso,Zambales,Philippines.

PHILIPPINE MERCHANT
MARINE ACADEMY


RADM RICHARD U RITUAL
Superintendent

APU TRADING AND
CONSTRUCTION



MR TEOYNES L GUTIERREZ
Owner/ Manager

SIGNED IN THE PRESENCE OF:


Witness


Witness

CERTIFIED AS TO AVAILABILTY OF FUND :


LCDR LARENO B TINGSON
Accountant III, PMMA

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF ZAMBALES)
MUNICIPALITIES OF SAN NARCISO)

BEFORE ME , a notary public, for and in the province of Zambales, Philippines, personally appeared

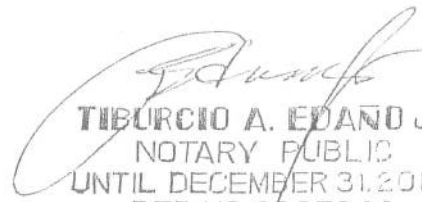
NAME	CTC	DATE/PLACE ISSUED
RADM RICHARD U RITUAL	16781099	Jan.13 ,2014,SNZ
MR TEOYNES L GUTIERREZ	_____	_____

Known to me and to me known to be the same persons who executed the foregoing Contract and Agreement and they acknowledged to me that the same is their true and voluntary act and deed and in behalf of the agencies they represent for the uses and purposes herein stated .

I , further, certify that the foregoing instrument consist of four (4) pages including this page on which the acknowledgement is written, duly signed by the parties and their instrumental witnesses at the bottom page 3 of the instrument and on the left hand margins of the other pages.

IN WITNESS WHEREOF, I have hereunto affixed my signature and notarial seal at San Narciso, Zambales,, this 09 day of MAY, 2014, 2014.

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Page No. 13 :
Boo No. 83 :
Series of 2014


TIBURCIO A. EDANO JR.
NOTARY PUBLIC
UNTIL DECEMBER 31, 2015
PTR NO. 6685844
IBA, ZAMBALES
TIN NO. 117-283-380

Republic of the Philippines
PHILIPPINE MERCHANT MARINE ACADEMY
San Narciso, Zambales

LETTER OF AWARD

April 11, 2014

MR. TEOYNES L. GUTIERREZ
Owner/ Manager
APU TRADING & CONSTRUCTION
Sto. Tomas, Sasmuan , Pampanga

Dear Mr Gutierrez,

We would like to notify you that the Renovation for the College of Marine Engineering Bldg. is hereby awarded to you with the Lowest Calculated/Rated Responsive Bid at a Contract Price equivalent to SEVEN MILLION SEVENTY ONE THOUSAND NINE HUNDRED SEVENTY NINE PESOS AND 80/100 (**Php 7,071,979.80**)

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

Very truly yours,

RADM RICHARD U RITUAL PMMA
Superintendent



CONFORME:



MR. TEOYNES L GUTIERREZ

Date:

Republic of the Philippines
PHILIPPINE MERCHANT MARINE ACADEMY
San Narciso, Zambales

NOTICE TO PROCEED

MR TEOYNES L. GUTIERREZ
OWNER/MANAGER
APU TRADING & CONSTRUCTION
Sto. Tomas, Sasmuan, Pampanga

Dear Sir,

The attached Contract Agreement having been approved, notice is hereby given to MR TEOYNES L. GUTIERREZ of APU TRADING & CONSTRUCTION that work may proceed on the RENOVATION OF COLLEGE OF MARINE ENGINEERING BUILDING., effective on May 22, 2014 after receipt of this notice.

You are responsible to perform the services under the terms and conditions of the Agreement and in accordance with the Implementation Schedule.

Please acknowledge receipt and acceptance of this notice by signing both copies in the space provided below. Keep one copy and return the other to the Phil. Merchant Marine Academy.

Very truly yours,


RADM RICHARD U RITUAL PMMA
Superintendent

I acknowledge receipt of this Notice on _____ (date receipt)

Name of Bidder: MR. TEOYNES L GUTIERREZ

Signature: _____
