

**PROCUREMENT OF  
ISOLATION  
BUILDING FOR  
COVID-19 PATIENTS  
AND PUM/PUI**

*At Barangay Aguinaldo,  
Naga, Zamboanga Sibugay*



## **CONTRACT AGREEMENT**

**THIS AGREEMENT** made and entered this 20<sup>th</sup> day of May, 2020 between the LOCAL GOVERNMENT UNIT, Municipality of Naga, Province of Zamboanga Sibugay, represented by **Hon. Rino O. Delos Reyes**, Municipal Mayor, hereinafter called the "Entity" and **BTM Construction and Enterprises** represented by **Milanie T. Tulo**, with principal address at Purok Dayang, Veterans Village, Ipil, Zamboanga Sibugay hereinafter called the "Contractor".

**WHEREAS**, the Entity is desirous that the Contractor execute the **Construction of Isolation Building for Covid-19 Patients and PUM/PUI**, at Barangay Aguinaldo (LGU-Owned Lot), Naga, Zamboanga Sibugay, hereinafter called "the Works" and the Entity has accepted the Bid of **Three Million Pesos (PHP 3,000,000.00) Only** hereinafter called "the Contract Price" 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 conform 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.



Republic of the Philippines  
PROVINCE OF ZAMBOANGA SIBUGAY  
MUNICIPALITY OF NAGA

**OFFICE OF THE MUNICIPAL MAYOR**

**NOTICE OF AWARD**

May 12, 2020

**MILANIE T. TULO**  
General Manager  
**BTM Construction and Enterprises**  
Veterans Village, Ipil, Zamboanga Sibugay

Dear Ms. Tulo:

Please be informed that your bid for the *Negotiated Procurement under Emergency Cases* for the **Construction of Isolation Building for Covid-19 Patients and PUM/PUI** at Barangay Aguinaldo (LGU-Owned Lot), Naga, Zamboanga Sibugay with the Contract Price of **Three Million Pesos (Php 3,000,000.00)** inclusive of local Taxes is hereby accepted.

You are requested to post your Performance Security equivalent to the percentage of the total Contract Price of the acceptable forms as listed below and execute the Contract Agreement with us within ten (10) calendar days from receipt of the Notice of Award (NOA) and further to confer with the Office of the Municipal Mayor, for instruction regarding the execution of this award.

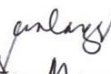
Form of Performance Security	Amount of Performance Security (Equal to Percentage of the Total Contract Price)
a) Cash, Cashier's Check, Manager's Check, Bank Draft/Guarantee <i>confirm by a Universal or Commercial Bank duly licensed in the Philippines</i>	Five Percent (5%)
b) Irrevocable Letter of Credit issued by a <i>Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank duly licensed in the Philippines if used by a foreign bank.</i>	
c) Surety Bond callable upon demand issued by a surety or insurance company <i>duly certified by the Insurance Commission as authorized to issue such security.</i>	Thirty Percent (30%)
d) Any Combination of the foregoing.	Proportionate to share of form with respect to the total amount of security

Please signify your acceptance of the herein award by affixing your signature under the "CONFORME" below.

Very truly yours,

  
**HON. RINO O. DE LOS REYES**  
Municipal Mayor

Conformed:

  
ELENITA M. LANGRES  
Signature above printed name of supplier/Authorized representative

Date: 5-13-2020



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.

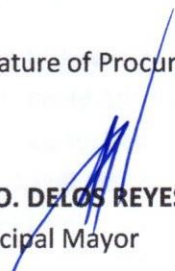
**IN WITNESS** whereof the parties thereto have caused this Agreement to be executed the day and year first before written.

Signed, sealed, delivered by **HON. RINO O. DELOS REYES** the Municipal Mayor (for the Entity)

Signed, sealed, delivered by **MILANIE T. TULO** the BTM Construction and Enterprises (for the Contractor).

Binding Signature of Procuring Entity:

Binding Signature of Contractor:

  
**HON. RINO O. DELOS REYES**  
Municipal Mayor

  
**MILANIE T. TULO**  
General Manager

  
**ENGR. ROLAND C. GRIJALVO**  
Municipal Engineer

WITNESSES:

  
**ENGR. VIRGILIO C. TIARE**  
MPDC/DZA

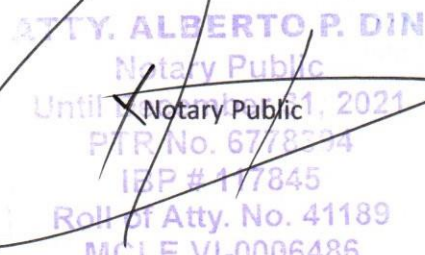
Republic of the Philippines     )  
Province of Zamboanga Sibugay     )  
Municipality of Naga     )S.S.

#### ACKNOWLEDGEMENT

BEFORE ME, Notary for and in Naga, Zamboanga Sibugay, personally appeared LOCAL GOVERNMENT UNIT, represented by HON. RINO O. DELOS REYES, with CTC No. 04106888 issued on January 28, 2020, at MTO, Naga, Zamboanga Sibugay, in his official capacity as Municipal Mayor and BTM Construction and Enterprises represented by MILANIE T. TULO, General Manager with CTC No. 00755037 issued on January 3, 2020 at Veterans Village, Ipil, Zamboanga Sibugay, do hereby executed the foregoing contract and they acknowledge to me that the same is their free act and deed.

This instrument consisting two (2) pages including the page on which this acknowledgement is written has been on the left margin of each and every page thereof by executing parties and their witnesses, and second with my notarial seal.

Doc. 320  
Page No. 65  
Book No. 350  
Series of 2020

  
**ATTY. ALBERTO P. DIN**  
Notary Public  
Until September 31, 2021  
PTR No. 6778294  
IBP # 177845  
Roll of Atty. No. 41189  
MCLE VI-0006486



Republic of the Philippines  
PROVINCE OF ZAMBOANGA SIBUGAY  
**MUNICIPALITY OF NAGA**

**OFFICE OF THE MUNICIPAL MAYOR**

**NOTICE TO PROCEED**

May 22 2020

**MILANIE T. TULO**

General Manager  
BTM Construction and Enterprises  
Veterans Village, Ipil, Zamboanga Sibugay

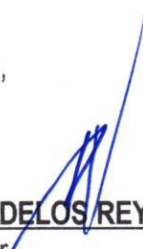
Dear Ms. Tulo:

The attached Contract Agreement having been approved, notice to proceed is hereby given to **BTM Construction and Enterprises of Veterans Village, Ipil, Zamboanga Sibugay** that work may proceed on the **Construction of Isolation Building for Covid-19 Patients and PUM/PUI at Barangay Aginaldo (LGU-Owned Lot), Naga, Zamboanga Sibugay**, effective May 22, 2020, or as you receive of this notice.

Upon receipt of this notice, you are responsible for performing the services under the terms and conditions of the Agreement and in accordance with the Implementation Schedule.

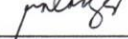
Please acknowledge receipt and acceptance of this notice by signing both copies in the space provided below. Keep one copy and return the other to the **Office of the Municipal Mayor, Naga, Zamboanga Sibugay**.

Very truly yours,

  
**HON. RINO O. DELOS REYES**  
Municipal Mayor

I acknowledge receipt of this Notice on 5-22-2020

Name of the Representative of the Bidder: EUNITA M. LANGRIS

Authorized Signature: 



**OMNIBUS SWORN STATEMENT**  
**For Emergency Procurement under Republic Act No. 11469**  
**Otherwise known as the "Bayanihan to Heal as One Act"**

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REPUBLIC OF THE PHILIPPINES)  
CITY/MUNICIPALITY OF NAGA ) S.S.

**AFFIDAVIT**

I, **MILANIE T. TULO** of legal age, married, **FILIPINO**, and residing at Purok Dayang, Veterans Village, Ipil, Zamboanga Sibugay, after having been duly sworn in accordance with law, do hereby depose and state that:

1. I am the sole proprietor of **BTM CONSTRUCTION & ENTERPRISES** with office address at Purok Dayang, Veterans Village, Ipil, Zamboanga Sibugay;
2. As the owner and sole proprietor of **BTM CONSTRUCTION & ENTERPRISES**, I have full power and authority to do, execute and perform any and all acts necessary to represent it in the bidding for the **CONSTRUCTION OF ISOLATION BUILDING FOR COVID-19 PATIENTS & PUM/PUI** of the LGU-Naga, Zamboanga Sibugay;
3. **BTM CONSTRUCTION & ENTERPRISES** is not "blacklisted" or barred from bidding by the government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, foreign government/ foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board;
4. **BTM CONSTRUCTION & ENTERPRISES** commits to submit all the mandatory documentary requirements in Item 4.1 of the Guidelines for the Procurement Activities under RA 11469 or the *Bayanihan* to Heal as One Act at any time before award of contract or after award but prior to payment of contract but before payment;
5. **BTM CONSTRUCTION & ENTERPRISES** confirms that posting of a performance security has been dispensed with due to the urgent need for the procurement covered by Republic Act (RA) No. 11469 or the *Bayanihan* to Heal as One Act. In lieu thereof, **BTM CONSTRUCTION & ENTERPRISES** hereby commits to perform and deliver all of the obligations and undertaking, including the warranty provisions under the contract covering the procurement at hand. **BTM CONSTRUCTION & ENTERPRISES** further agrees and accepts that failure to perform or deliver any of such obligations and undertakings shall result in Blacklisting of **BTM CONSTRUCTION & ENTERPRISES** for two (2) years in all government procurement activities following the procedure under the Guidelines for the Procurement Activities under RA No. 11469 or the *Bayanihan* to Heal as One Act. Moreover, in case advance payment was made or given, failure to perform or deliver any of said obligations and undertakings shall be sufficient grounds to constitute criminal liability for Swindling (*Estafa*) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code;
6. **BTM CONSTRUCTION & ENTERPRISES** warrants for a period stipulated in the contract covering the procurement at hand that the Goods or Infrastructure projects to be delivered shall be free from defects and conform with quality standards and technical specifications of the said contract;



7. Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;
8. **BTM CONSTRUCTION & ENTERPRISES** is authorizing the Head of the Procuring Entity or its duly authorized representative(s) to verify all the documents submitted;
9. I am not related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;
10. **BTM CONSTRUCTION & ENTERPRISES** complies with existing labor laws and standards;
11. **BTM CONSTRUCTION & ENTERPRISES** is aware of and has undertaken the following responsibilities as a Bidder:
  - a) Carefully examine all of the Procurement/Bidding Documents;
  - b) Acknowledge all conditions, local or otherwise, affecting the implementation of the Contract;
  - c) Made an estimate of the facilities available and needed for the contract to be bid, if any; and
  - d) Inquire or secure Supplemental/Bid Bulletin(s) issued for the Construction of Isolation Building for Covid-19 Patients and PUM/PUI; and
12. **BTM CONSTRUCTION & ENTERPRISES** did not give or pay directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.

**IN WITNESS WHEREOF**, I have hereunto set my hands this 20<sup>th</sup> day of May, 2020 at Naga, Zamboanga Sibugay, Philippines.

  
**MILANIE T. TULO**

(Bidder's Representatives/Authorized Signatory)

**BEFORE ME**, a Notary Public for and in the Municipality of Naga, Zamboanga Sibugay, Philippines this May 20, 2020 personally appeared Milanie T. Tulo with Community Tax Certificate No. 00755037 issued on January 3, 2020 at Veterans Village, Ipil, Zamboanga Sibugay, known to me and to me known to be the same person who executed the foregoing instruments and he acknowledged to me the same is his own free and voluntary act and deed.

Doc. No. 329  
Page No. 67  
Book No. 350  
Series of 2020.

**ATTY. ALBERTO P. DIN**  
Notary Public  
Until ~~December 31, 2021~~  
PT NOTARY PUBLIC  
IBP# 117845  
Roll of Atty. No. 41189  
MCLE VI-0006486