

CONTRACT AGREEMENT

This **CONTRACT AGREEMENT** is entered into and executed by and between:

- (1) **THE CITY GOVERNMENT OF PASIG**, a local government unit existing under Philippine laws, with postal address at Pasig City Hall, Caruncho Avenue, Brgy. San Nicolas, Pasig City, Metro Manila, herein represented in this Act by its City Mayor, **Hon. Victor Ma Regis N. Sotto** (the "**Procuring Entity**"); and
- (2) **SMART COMMUNICATIONS, INC.**, a company duly organized in accordance with and registered under the laws of the Philippines, and with business address at 6799 Ayala Ave., San Lorenzo, Makati City, represented in this Act by **VICTOR Y. TRIA** (hereinafter referred to as the "**Supplier**").

WHEREAS, the Procuring Entity invited Bids for the procurement of **SUPPLY AND DELIVERY OF MOBILE PHONES WITH POSTPAID PLANS - PROCUREMENT MANAGEMENT OFFICE** under **RFQ NO. R2 100-24-03-461** (the "Project") and has accepted the Bid of the Supplier in the sum of **SIXTY-SEVEN THOUSAND TWO HUNDRED PESOS (PHP 67,200.00)**, (hereinafter called "**Contract Price**").

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. 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/s of this Agreement, *viz.* :
 - i. Request for Quotation, including the Terms of Reference ("**TOR**") (**ANNEX "A"**);
 - ii. Winning bidder's bid (**ANNEX "B"**);
 - iii. Notice of Award of Contract, and the Bidder's conforme thereto (**ANNEX "C"**);
 - iv. Other contract documents that may be required by existing laws and/or the Procuring Entity. 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, shall likewise form part of the Contract.
2. Supplier shall complete the project in accordance with the Delivery Term specified in the TOR.
3. In consideration for the sum of **SIXTY-SEVEN THOUSAND TWO HUNDRED PESOS (PHP 67,200.00)**, the Supplier agrees to deliver the goods and/or perform the services of the contract in accordance with its Bid.
4. The Procuring Entity agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.
5. When the supplier fails to satisfactorily deliver goods under the contract within the specified delivery schedule, inclusive of duly granted time extensions, if any, the supplier shall be liable for

damages for the delay and shall pay the procuring entity liquidated damages, not by way of penalty, an amount equal to one-tenth (1/10) of one percent (1%) of the cost of the delayed goods scheduled for delivery for every day of delay until such goods are finally delivered and accepted by the procuring entity concerned.

6. The Supplier grants the Procuring Entity all rights, title, and interest in and to any and all work product created for and in the course of this project, including all intellectual property rights therein and thereto.
7. The Supplier agrees that all information disclosed by the Procuring Entity during the procurement process and the implementation of this Agreement shall remain the sole and exclusive property of the Procuring Entity.
8. In the exercise of their rights and compliance with the obligations under this Agreement, the Parties shall observe and comply with Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012", its implementing rules and regulations, as well as all issuances of the National Privacy Commission.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines.

CITY OF PASIG

**SMART COMMUNICATIONS,
INC.**

By:

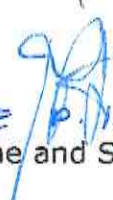
By:


VICTOR MA REGIS N. SOTTO
City Mayor


VICTORY Y. TRIALA
Authorized Representative

WITNESSES :

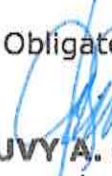
(Printed Name and Signature)


SUNSHINE P. RINCO
(Printed Name and Signature)

Recommending Approval:

Funds Obligated:


ATTY. BEA THERESE P. VILLANUEVA
Officer in Charge
Procurement Management Office


MS. JUVY A. CUENCO
City Accountant
100. 2024-03-0010-1061. P

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
PASIG CITY) S.S.

BEFORE ME, a Notary Public for and in the PASIG CITY, on this day of 15 APR 2024, 2024, personally appeared:

Name	Government ID	Issue and Expiry Date
VICTOR Y. TRIA	P879 4830 A	SEPT 18 2018 SEPT 17 2028

Known to me to be the same person who executed the foregoing Contract consisting of three (3) pages, and who acknowledged to me that the same is their own free and voluntary act and deed as well as the free and voluntary act and deed of the entity they duly authorized to represent.

WITNESS MY HAND AND NOTARIAL SEAL, on the date and place first above written.

Doc. No. 310
Page No. 3
Book No. 16
Series of 2024.

[Signature]
ATTY. LOLITA W. McDONOUGH-LIM
 Notary Public until Dec. 31, 2024
 Pasig City and Pateros, Manila
 Appointment No. 2024/RSMA
 PTR No. 1504028
 IBP No. 384168
 MCLE Exemption No. VIII-BEP002249
ACKNOWLEDGMENT
 Pasig City Hall Brgy. San Nicolas, Pasig City

BEFORE ME, a Notary Public for and in the City of Pasig on this day of APR 23 2024, 2024, Personally appeared Hon. Victor Ma. Regis N. Sotto, known to me and to be is known to be the same person who executed the foregoing instrument and who acknowledged to me that the same is his free and voluntary act and deed as well as that of the entity he represents.

This Instrument consists of three (3) pages, including this page in which this Acknowledgment is written and duly signed by the Parties.

WITNESS MY HAND SEAL AND NOTARIAL SEAL, on the date and place first above written.

Doc. No. 452
Page No. 97
Book No. 8
Series of 2024.

[Signature]
ATTY. GERALD P. RUBIO
 Notary Public Pasig City, San Juan and Pateros
 Until December 31, 2024
 ROLL NO. 84083
 IBP NO. 384168
 PTR NO. 1504028
 APPOINTMENT NO. 278 (2023-2024)
 MCLE EXEMPTION NO. VIII-BEP002249
 TIN NO. 238-019-765

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PASIG

ANNEX "A"

PROCUREMENT MANAGEMENT OFFICE

REQUEST FOR QUOTATION

Date: 04 April 2024

RFQ No.: R2 100-24-03-461

Name of Company: _____

Address: _____

Name of Store/Shop: _____

Address: _____

TIN: _____

PhilGEPS Registration Number: _____

The City Government of Pasig, through the Bids and Awards Committee (BAC), intends to procure Supply and Delivery of Mobile Phones with Postpaid Plans – Procurement Management Office with an Approved Budget for the Contract (ABC) of **Php 67,200.00**, in accordance with Section 53.9 of the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184. Please quote your best offer for the item in the table below.

The Project shall be awarded as One Project having several items that shall be awarded as one contract. Quotations received exceeding each total Cost per Item and/or the total Approved Budget for the Contract shall be rejected.

Item No.	Item Description	Brand Name <small>(PLEASE DO NOT LEAVE BLANK)</small>	QTY	UOM	Approved Budget		Price Offer	
					Unit Cost	Total Cost	Unit cost	Total Cost
1	Postpaid Plan with Device, Subscription of Postpaid Plan with Device - with unlimited calls to all networks - with unlimited texts to all networks - with unlimited calls to any landline - with at least 8 GB of data Monthly Fee = Php 800.00 x 12 months DEVICE SPECIFICATIONS (Mobile Phone) Network Technology - LTE, 4G or 5G Memory: At least 3 GB Storage: At least 32 GB SIM: Single SIM Battery: 5,000 mAh - 7,000 mAh Color: Any color Accessories: Charger PAYMENT TERM: Monthly service fee shall be processed based on actual consumption from receipt of monthly billing statement. With a maximum billing cap equivalent to plan 800.00		7	units	9,600.00	67,200.00		
Note: Other terms and conditions are stipulated in the attached Terms of Reference, if any.					Total	67,200.00		
DELIVERY TERM: Within Fifteen (15) calendar days upon the receipt of Notice to Proceed.								



**Indicate the BRAND NAME or MANUFACTURER NAME and the specific MODEL to be offered or attach a BROCHURE for the offered item; items including but not limited to clothing, vehicle, equipment, devices, electronics, machines, drugs, medicines, medical supplies must be branded or at the very least, manufacturer shall be indicated.*

Submit this Quotation (Accomplished and duly signed by the Owner or the respective Authorized Representative indicated in the Secretary's Certificate/Special Power of Attorney) not later than the closing date specified in the Bid Notice Abstract posted in PhilGEPS website along with the following documents:

- Mayor's/Business Permit (or a recently expired Mayor's/Business permit together with the official receipt as proof that the prospective bidder has applied for renewal within the period prescribed by the concerned local government unit subject to submission of the Mayor's Permit before the award of contract). The nature of business as stated in the Mayor's/Business Permit should at the very least be similar or related to the project to be bid.
- PhilGEPS Registration Number
- Income Tax Return - Latest Income or Business Tax Returns filed and paid through the BIR Electronic Filing and Payment System (EFPS).

In accordance with Revenue Regulation No. 3 2005, the above-mentioned tax returns shall refer to the following:

1. Latest Income Tax Return (ITR) - For participants already with an Annual ITR, latest ITR shall refer to the ITR for the preceding Tax Year be it on a calendar or fiscal year. For new establishments which, therefore, have no annual ITR yet, it shall refer to the most recent quarter's ITR.
 2. Latest Business Tax Return - refers to the Value Added Tax (VAT) or Percentage Tax returns covering the previous six (6) months.
- Accomplished and notarized Omnibus Sworn Statement (Form can be downloaded thru http://www.aprh.gov.ph/downloadable_forms/Item-51412)
 - Proof of Authorization: Secretary's Certificate if corporation, or Special Power of Attorney, if individual.

ADDITIONAL REQUIREMENTS:

For Procurement of Drugs and Medicines:

Documents from the Food and Drug Administration (FDA):


- a. Certificate of Product Registration;
- b. Certificate of Good Manufacturing Practice;
- c. License to Operate;
- d. Batch Release Certificate (for vaccines, toxoids and immunoglobulins only) [to be submitted upon delivery]; and
- e. Certificate of Analysis (for anesthesia and antibiotics) [to be submitted upon delivery].


If the Supplier is not the Manufacturer, a certification from the Manufacturer that the supplier is an authorized distributor/dealer of the products/items.

Please submit the accomplished Quotation and required documents on or before the deadline of submission at the Bids and Awards Committee (BAC) through the Procurement Management Office (BAC Secretariat Office), 4th Floor, Pasig City Hall, San Nicolas, Pasig City.

Caruncho Avenue, Brgy. San Nicolas, Pasig City, Philippines 1600



(02) 8643-1111 * (02) 8641-1111 loc 1461 *  bidsandawards@pasigcity.gov.ph *

 pasigcity.gov.ph

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REQUEST FOR QUOTATION

Date: 04 April 2024
RFQ No.: R2 100-24-03-461

Name of Company: SMART COMMUNICATIONS, INC.
Address: 6799 AYALA AVE. SAN LORENZO, MAKATI CITY
Name of Store/Shop: SMART COMMUNICATIONS, INC.
Address: 6799 AYALA AVE. SAN LORENZO, MAKATI CITY
TIN: 001-901-673-000
PhilGEPs Registration Number: 200202429415508019

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Note: Other terms and conditions are stipulated in the attached Terms of Reference, if any.					Total	67,200.00	67,200.00	
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Handwritten signature or initials.

**Indicate the BRAND NAME or MANUFACTURER NAME and the specific MODEL to be offered or attach a BROCHURE for the offered item; items including but not limited to clothing, vehicle, equipment, devices, electronics, machines, drugs, medicines, medical supplies must be branded or at the very least, manufacturer shall be indicated.*

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All documents should be submitted in a sealed brown envelope addressed to the "Bids and Awards Committee, 4th Floor, Pasig City Hall", and properly marked with the Project Title as provided herein.

The CITY GOVERNMENT OF PASIG reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Sections 35.6 and 41 of the 2016 revised IRR of RA No. 9184, without thereby incurring any liability to the affected bidder or bidders.

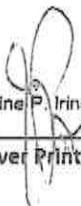
For any clarification, you may contact us at telephone no. (02) 8641-1111 / (02) 8643-1111 loc. 1461 or email address at bidsandawards@pasigcity.gov.ph

SGD

ATTY. BEA THERESE P. VILLANUEVA
Officer in Charge, Procurement Management Office

I hereby certify that I have read and agree to this Request for Quotation, its Terms of Reference, and Bid Bulletin/s, if any. I further certify that the products to be delivered will conform to the specifications stated in the Item Description.

Conforme:


Sunshine P. Irinco

Signature over Printed Name

Relationship Manager

Position

Duly authorized to sign quotation/offer for and on behalf of SMART COMMUNICATIONS INC.
(Please Indicate Company Name)

Caruncho Avenue, Brgy. San Nicolas, Pasig City, Philippines 1600

(02) 8643-1111 * (02) 8641-1111 loc 1461 * bidsandawards@pasigcity.gov.ph * pasigcity.gov.ph

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NOTICE OF AWARD

12 April 2024

SMART COMMUNICATIONS, INC.
6799 Ayala Ave., San Lorenzo,
Makati City

Dear Sir/Madam:

In connection with the NEGOTIATED PROCUREMENT - SMALL VALUE PROCUREMENT for the **SUPPLY AND DELIVERY OF MOBILE PHONES WITH POSTPAID PLANS** for **PROCUREMENT MANAGEMENT OFFICE** under **REQUEST FOR QUOTATION NO. R2 100-24-03-461**, the Bids and Awards Committee resolved to recommend the award of the contract to **SMART COMMUNICATIONS, INC.** in the amount of **SIXTY-SEVEN THOUSAND TWO HUNDRED PESOS (PHP 67,200.00)**.

This serves as formal notice of the award of the contract in your favor. You are hereby requested to execute the contract with the City and to submit relevant documents as required under the Implementing Rules and Regulations of R.A. 9184, if any, within ten (10) calendar days upon receipt of this Notice. Failure to execute the contract and to submit relevant documents (as applicable) within the above-mentioned period may result in the cancellation of the award of the contract in your favor.

Very truly yours,

VICTOR MA REGIS N. SOTTO
City Mayor

By authority of the City Mayor:

ATTY. JERONIMO U. MANZANERO
City Administrator

Conforme:

WENSHINE P. IKINED
VICTOR Y. TRIA
Authorized Representative
SMART COMMUNICATIONS, INC.

Date: *4/15/24*

RFQ No. R2 100 24 03 461 | AOL

