



Republic of the Philippines
Department of Education
REGION IV-A CALABARZON
GATE 2, KARANGALAN VILLAGE
1900 CAINTA, RIZAL



BAC RESOLUTION

RECOMMENDING TO THE HEAD OF PROCURING ENTITY THE AWARD OF CONTRACT FOR THE PROCUREMENT FOR THE REHABILITATION OF OPEN SPACE AT THE BACK OF THE REGIONAL OFFICE AS COMMON AREA TO E.A. AYALA CONSTRUCTION AND SUPPLY

WHEREAS, DepEd Regional Office IV-A CALABARZON has undertaken procurement for the **REHABILITATION OF OPEN SPACE AT THE BACK OF THE REGIONAL OFFICE AS COMMON AREA**;

WHEREAS, the Approved Budget for the Contract (ABC) is **TWO HUNDRED FIFTY ONE THOUSAND PESOS (Php251000.00)**;

WHEREAS, Rule XVI, Section 48.2 of the IRR of RA 9184 provides the general rule that public bidding is the general mode of procurement. However, the same section allows procuring entities to resort to alternative methods of procurement such as Negotiated Procurement subject to the approval of the Head of Procuring Entity;

WHEREAS, Rule XVI, Section 53.9 of the IRR of RA 9184 allows Negotiated Procurement under Small Value Procurement as a mode of procurement subject to the approval of the Head of Procuring Entity;

WHEREAS, the Request for Quotation (RFQ) was posted at the PhilGEPS website, office website and conspicuous bulletin board of the regional office on January 21, 2022;

WHEREAS, RFQs were sent to at least three prospective suppliers;

WHEREAS, one (1) Supplier submitted its proposal; **E.A. AYALA CONSTRUCTION AND SUPPLY** in the amount of **TWO HUNDRED FORTY SEVEN THOUSAND ONE HUNDRED EIGHTY FIVE PESOS AND 88/100 (Php247,185.88)**. Thus, **E.A. AYALA CONSTRUCTION AND SUPPLY** is declared as the lone bidder;

WHEREAS, after review and deliberation on the proposal, **E.A. AYALA CONSTRUCTION AND SUPPLY** complied with the requirements and declared as the Single Calculated and Responsive Bid (SCRB);

NOW, THEREFORE, the **BAC** hereby **RESOLVES** as it hereby **RESOLVED** to **RECOMMEND** to the Regional Director, as the Head of the Procuring Entity, the award of the project to **E.A. AYALA CONSTRUCTION AND SUPPLY** in the amount of **TWO HUNDRED FORTY SEVEN THOUSAND ONE HUNDRED EIGHTY FIVE PESOS AND 88/100 (Php247,185.88)**.



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Trunkline: 02-8682-5773/8684-4914/8647-7487

Website: depedcalabarzon.ph

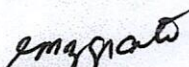
Document Inquiry : <https://r4a-teadoc.com/inquire>

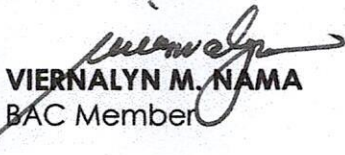
Facebook: DepEd R-4A Calabarzon

DONE, at DepEd Regional Office IV-A CALABARZON, this January 27, 2022.


ANN GERALYN T. PELIAS
BAC Chairperson


MICHAEL GIRARD R. ALBA
BAC Vice-Chairperson


EDUARDA M. ZAPANTA
BAC Member


VIERNALYN M. NAMA
BAC Member


ELINO S. GARCIA
BAC Member

 **APPROVED** ☐ **DISAPPROVED:**


FRANCIS CESAR B. BRINGAS
Head of Procuring Entity



Republic of the Philippines
Department of Education
REGION IV-A CALABARZON
GATE 2, KARANGALAN VILLAGE
1900 CAINTA, RIZAL



Office of the Regional Director

CONTRACT

THIS CONTRACT made and entered into this ____ day of _____ by and between:

DEPARTMENT OF EDUCATION REGION IV-A is a government entity created by law. Its office is located at *Gate 2, Karangalan Drive, Cainta, Rizal, Philippines* and herein represented herein by its **Regional Director, FRANCIS CESAR B. BRINGAS**, hereinafter referred to as the **PROCURING ENTITY**;

-and-

E.A. AYALA CONSTRUCTION AND SUPPLY, an entity duly organized and existing under the Philippine laws, represented herein by the owner, **EDGARDO A. AYALA**, with postal address at *MGR Subdivision, Brgy. Malabanban Norte, Candelaria, Quezon*, herein after referred to as the **CONTRACTOR**.

WHEREAS, the **Procuring Entity** has advertised its procurement activity for the **REHABILITATION OF OPEN SPACE AT THE BACK OF THE REGIONAL OFFICE AS COMMON AREA** in the PhilGEPS website, office website, and in conspicuous bulletin board of the Office.

WHEREAS, the Approved Budget for the Contract (ABC) is Two Hundred Fifty-One Thousand Pesos Only (Php251,000.00);

WHEREAS, only one (1) bidder submitted its sealed bid at the Regional Office.

WHEREAS, using the checklist of required documents and taking into account the non-discretionary "Pass or Fail Criterion", the BAC found that the lone bidder, E.A. Ayala Construction and Supply was eligible for being compliant with the required documents. Thus, E.A. Ayala Construction and Supply was rated as "Passes";

WHEREAS, per abstract of Bids, the lone bidder, E.A. Ayala Construction and Supply has the Single Calculated Bid with a total amount of **TWO HUNDRED FORTY-SEVEN THOUSAND ONE HUNDRED EIGHTY-FIVE PESOS AND 88/100 (Php247,185.88)**;

WHEREAS, on January 27, 2022, the Bids and Awards Committee of DepEd Region IV-A CALABARZON recommended to the head of the procuring entity the award to E.A. Ayala Construction and Supply for the Rehabilitation of Open Space at the back of the Regional Office as common area;



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WHEREAS, the Entity is desirous that the Contractor executes *the Rehabilitation of Open Space at the back of the Regional Office as common area* (hereinafter called "the Works") and the Entity has accepted the Bid for **Two Hundred Forty-Seven Thousand One Hundred Eighty-Five Pesos and 88/100 (Php247,185.88)** by the Contractor for the execution and completion of such Works and the remedying of any defects therein.

NOW, THEREFORE, for and in consideration of the premises, the parties hereby agree as follows:

SECTION 1

Use of words

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.

SECTION 2

Documents deemed part

The following documents shall be attached, deemed to form, and be read and construed as integral part of this Contract, 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 conforme thereto;
- (l) Other contract documents that may be required by existing laws and/or the Entity.

SECTION 3

Supplement to the Contractor's Obligation

In addition to the Contractor's Obligations mentioned and stated in Item 4 of the General Conditions of Contract, the contractor shall also:

- a. Comply to the lawful order of the Procuring Entity or his representative especially when the contractor is made to answer in writing his failure to accomplish work in accordance to the plans, specifications, construction schedule and S curve;
- b. Submit an accomplishment report when required by the Procuring Entity as part of its monitoring and evaluation;
- c. Secure government permits, licenses or approvals which are required for the works before commencing the project; and
- d. In consideration of the payments to be made by the Procuring Entity to the Contractor, the Contractor hereby undertake to execute and complete the Works and remedy any defects therein in conformity with the provisions of this Contract in all respects.

SECTION 4

Obligations of the Procuring Entity

The Procuring Entity hereby undertake to pay the Contractor in consideration of the execution and completion of the Works and the remedying of defects therein, 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.

SECTION 5

Monitoring and Validation of the Work Progress/Accomplishment

The Procuring Entity or his representative shall monitor the progress of the project. In every 10th day from the commencement of the project or from the last monitoring, the Procuring Entity or his representative shall visit the site to monitor and validate if the accomplishment of the work is in accordance to the plans, specifications, construction schedule and S curve.

In case the work accomplishment varies with the construction schedule to an unjustifiable extent, the Procuring Entity or his representative shall make the Contractor explain in writing. Also, the Procuring Entity may opt to avail of legal remedies available in the General Conditions of Contract and applicable laws, rules and regulations to make it sure that the project is accomplished on time without unjustifiable delay.

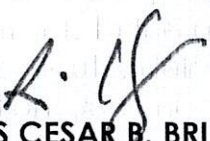
SECTION 6
Capacity and Authorization

Each of the parties to this Agreement hereby represents and warrants to the other that it is duly authorized and empowered to execute, deliver and perform this Agreement and that such action does not conflict with or violate any provision of law, regulation, policy, contract, deed of trust or other instrument to which it is a party or by which it is bound and that this Agreement constitutes a valid and binding obligation of it enforceable in accordance with its terms.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed in accordance with their respective laws on the day and year first above written.

DEPARTMENT OF EDUCATION
REGION IV-A CALABARZON

E.A. AYALA CONSTRUCTION
AND SUPPLY


FRANCIS CESAR B. BRINGAS
Regional Director


EDGARDO A. AYALA
Owner

SIGNED IN THE PRESENCE OF:

Republic of the Philippines
S.S.

ACKNOWLEDGMENT

BEFORE ME, this _____, personally appeared the parties:

| Name | Identification No. | Expration Date |
|--------------------------|--|----------------|
| Francis Cesar B. Bringas | Non-Professional Driver's License No. A08-89-001189 | 2023/10/02 |
| Edgardo A. Ayala | _____ | _____ |

Known to me and to me known to be the same persons who executed the foregoing instrument and acknowledged to me that same is the free and voluntary act and deed of the entities which they respectively represent.

The foregoing instrument is a CONTRACT consisting of six (6) pages (exclusive of attachments), including this page on which this acknowledgment is written and signed by the parties hereto and their instrument witness on the left hand margin of each and every page hereof.

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

NOTARY PUBLIC

Doc. No. 40
Page No. 8
Book No. 729
Series of 2022

ATTY. RONALDO A. SALAMILLAS
NOTARY PUBLIC
UNTIL DECEMBER 31, 2023
PTR NO. 11703-6 1-3-2022/LUPERO
IBP NO. 171955 1-4-2022/PASADENA
TIN: 745-210-455/ATTY'S OFFICE
MCLE COMPLIANCE NO. VI-08247
ISSUED ON AUGUST 4, 2017
UNDER APN 2020-16HC07