

**PROCUREMENT OF COMPREHENSIVE ICT MAINTENANCE SERVICES FOR THE
PHILIPPINE COMPETITION COMMISSION DATA CENTER INFRASTRUCTURE
Lot 2: Network Switches and Wireless Devices**

CONTRACT AGREEMENT

THIS AGREEMENT made on the 19 of JAN 2022 between the **Philippine Competition Commission** represented herein by its Executive Director and Head of Procuring Entity, Kenneth V. Tanate, PhD., with office address at 25/F Vertis North Corporate Center Tower 1, North Avenue, Quezon City (hereinafter referred to as the "Entity"), and **American Technologies, Inc.**, represented herein by its Senior Account Manager and Authorized Representative, Frediliza G. Tayobana, with office address at #5 Ideal St. Cor. Mc Collough Brgy. Addition Hills, Mandaluyong City (hereinafter referred to as the "Supplier") (collectively referred to herein as the "Parties");

WHEREAS, the Entity invited bids for certain goods and ancillary services for the *Procurement of Comprehensive ICT Maintenance Services for the Philippine Competition Commission Data Center Infrastructure (Lot 2: Network Switches and Wireless Devices)* and has accepted a bid by the Supplier for the supply of those goods and services for the sum of **One Million Two Hundred Ten Thousand Four Hundred Sixty Pesos (PhP1,210,460.00)**, inclusive of all applicable taxes (hereinafter called "the Contract Price").

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 referred to.
2. 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 parts of this Agreement, *viz.*:
 - a. Philippine Bidding Documents ("PBDs");
 - i. Schedule of Requirements;
 - ii. Technical Specifications;
 - iii. General and Special Conditions of Contract; and
 - iv. Supplemental or Bid Bulletins, if any;
 - b. Supplier's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;
 - c. Bid form, including all the documents/statements contained in the Supplier's bidding envelopes, as annexes, and all other documents submitted (*e.g.*, Supplier's response to request for clarifications on the bid), including corrections to the bid, if any, resulting from the Entity's bid evaluation;
 - d. Performance Security;
 - e. Notice of Award of Contract; and the Supplier's conforme thereto; and
 - f. Other contract documents that may be required by existing laws and/or the Entity concerned in the PBDs.

The Supplier agrees that additional contract documents or information prescribed by the Government Procurement Policy Board that are subsequently required for submission after the contract execution, such as the Notice to Proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract.

3. In consideration of the Contract Price, the Supplier agrees to provide the goods and services required and to remedy any defects therein in accordance with its bid.
4. The Entity agrees to pay the Supplier, in consideration of the provision of the goods and execution of the services, the Contract Price or such other sum as may become payable under the provisions of this Agreement at the times and manner prescribed.

IN WITNESS whereof the Parties hereto have caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines on the day and year first above written.

For the **Philippine Competition Commission:**


KENNETH V. TANATE, PhD
Executive Director and Head of Procuring Entity

For **American Technologies, Inc.:**


FREDILIZA G. TAYOBANA
Senior Account Manager and Authorized Representative

WITNESSES:

ALLAN ROY D. MORDENO
Information Technology Officer III, ICTD


Ma. Jessica Mae T. Lingat

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

ACKNOWLEDGMENT

Before me, a notary public for and in Quezon City, this 19 JAN 2022, personally appeared the following:

Name	Competent Evidence of Identity	Date/Place Issued
KENNETH V. TANATE	GSIS UMID 006-0100-6833-7	Quezon City
FREDILIZA G. TAYOBANA	LTD LICENSE NO2-00-424202	MANDALUYONG

Known to me or identified by me through competent evidence of identity to be the same persons who executed the foregoing Agreement consisting of three (3) pages, including the page on which this Acknowledgment is written, but excluding Annexes, and they acknowledged to me that the same is their free and voluntary act and deed, as well as that of their respective principals.

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

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Book No. XXXVII-D
Series of 2022.

ATTY. MICHAEL DARWIN M. BAYOTAS
Notary Public
Commission No. NP-074(2019-2020)
Commission Extended Until June 30, 2022
As Per En Banc B.M. No. 3795/Dec. 01, 2020
Unit 204 Tony Galvez Centrum, 124 9th Avenue
Araneta, Cubao, Quezon City
PTR No. 2296349/Quezon City/Jan. 03, 2022
IBP Lifetime No: 011221/Pasig City/Nov. 07, 2012
MCLE Compliance No. VI-0002500/May 29, 2017
Attorney's Roll No. 56180
TIN: 274-951-264-000



**PHILIPPINE
COMPETITION
COMMISSION**

Ensuring businesses compete and consumers benefit

25/F Vertis North Corporate Center I,
North Avenue, Quezon City 1105
www.phcc.gov.ph
queries@phcc.gov.ph
(+632) 8771 9722
(+632) 8771 9713

NOTICE TO PROCEED

FREDILIZA TAYOBANA

Senior Account Manager
American Technologies, Inc. (ATI)
5 ideal St. Cor. McCollough
Brgy. Addition Hills, Mandaluyong City

Dear **Ms. Tayobana**:

This refers to the Notice of Award issued to *American Technologies, Inc. (ATI)* for the *Procurement of Comprehensive ICT Maintenance Services for the Philippine Competition Commission Data Center Infrastructure (Lot 2: Network Switches and Wireless Devices)* in the total amount of *One Million Two Hundred Ten Thousand Four Hundred Sixty Pesos Only (PhP1,210,460.00)*, inclusive of all applicable taxes.

In relation thereto, notice is hereby given to **ATI** that the implementation of the said project shall commence immediately. You are expected to perform the terms and conditions stipulated in the attached Contract Agreement.

Please acknowledge receipt of this notice by signing at the portion provided below. Keep a copy and return the original copy to this office at the soonest.

For further details, please contact the PBAC Secretariat through the following contact details: (a) email: procurement@phcc.gov.ph and (b) Tel. No. (+632)8771-9722 local 203/204.

Thank you.

Very sincerely,

KENNETH V. TANATE, PhD

Executive Director and
Head of the Procuring Entity

Conforme:

Ms. FREDELIZA TAYOBANA

Date: JAN. 19, 2022

