

CONTRACT AGREEMENT

(as per GPPB Resolution No. 16-2020)

Invitation to Bid No.: IN22-398919-02B

KNOW ALL MEN BY THESE PRESENTS:

JUN 07 2022

THIS AGREEMENT (herein referred to as "Agreement") made the _____ day of _____, 2022 between **DEVELOPMENT ACADEMY OF THE PHILIPPINES** of Pasig City, Philippines (*hereinafter called "DAP"*) of the one part and **JONECO TECH MARKETING CORP.** of Mandaluyong City, Philippines (*hereinafter called "JTMC"*) of the other part.

WHEREAS, the **DAP** invited Bids for certain goods and ancillary services, particularly **LOT-1: "ONE (1) LOT SUPPLY, DELIVERY, AND TESTING OF i7 LAPTOPS"** and **LOT-2: "ONE (1) LOT SUPPLY, DELIVERY, AND TESTING OF TABLET & TABLET WITH SIM SLOT"** and has accepted a Bid by **JTMC** for the supply of those goods and services in the sum of **NINE HUNDRED EIGHTY-ONE THOUSAND NINETY PESOS ONLY [P981,090.00]** (*hereinafter called "the Contract Price"*), inclusive of VAT.

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 part of this Agreement, viz.:
 - i. Official Bidding Documents (OBDs);
 - i. Schedule of requirements;
 - ii. Technical Specifications;
 - iii. General and Special Conditions of Contracts; and
 - iv. Supplemental or Bid Bulletins, if any
 - ii. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

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 **DAP's** bid evaluation (**ANNEX "A"**);
 - iii. Conformed Letter by **JTMC** dated 10 May 2022 (**ANNEX "B"**);
 - iv. Performance Security (**ANNEX "C"**);
 - v. Notice of Award of Contract; and the Bidder's conforme thereto (**ANNEX "D"**); and
 - vi. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the OBDs. 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, Variation Orders, and Warranty Security, shall likewise form part of the Contract.
3. In consideration for the sum of **NINE HUNDRED EIGHTY-ONE THOUSAND NINETY PESOS ONLY [P981,090.00]** inclusive VAT or such other sums as may be ascertained, **JONECO TECH MARKETING CORP.** agrees to supply and install those goods and services in accordance with his/her/its Bid.
4. The **DAP** agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

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 Development Academy of the
Philippines("DAP"):

for the Joneco Tech Marketing Corp.
("JTMC"):


Atty. ENGELBERT C. CARONAN, JR., MNSA
President and CEO


JOCELYN R. MANCE
Channel Sales Manager

witnesses


ALAN S. CAJES
Chairperson, BAC 2


AILEEN M. TAMODRA
Corporate Secretary


PETER MARK L. DELA CRUZ
End User

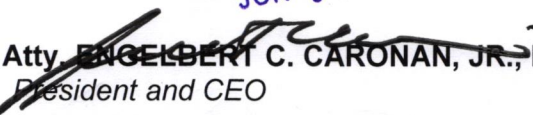

EDWIN R. ASUNCION
Account Manager

REMINDER: [Addendum showing the corrections, if any, made during the bid evaluation and/or negotiation
should be attached to this Contract]

ACKNOWLEDGMENT

Republic of the Philippines)
QUEZON CITY S.S.

BEFORE ME, a Notary Public for and in QUEZON CITY, personally appeared
before me this _____ day of _____ 2022:

JUN 07 2022

Atty. **ENGELBERT C. CARONAN, JR.**, MNSA
President and CEO


JOCELYN R. MANCE
Channel Sales Manager

DAP ID No. 210367
Issued on July 02, 2018 in DAP Pasig City

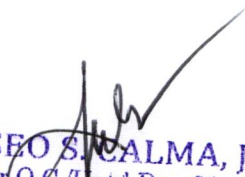
SSS ID No. 33-4802978-4
Issued in Las Pinas City

And that, they acknowledged to me that they are the same persons who executed the foregoing instrument, consisting of 12 pages, including this page plus the attachments that form integral part of this contract; and, that they executed the foregoing instrument as their own free and voluntary act and deed.

Witness my Signature and Notarial Seal on the date and place first above written.

NOTARY PUBLIC

Doc. No. 463 ;
Page No. 93 ;
Book No. XIII ;
Series of 2022.


ATTY. ELISEO S. CALMA, JR.
Notary Public for Q.C./Until Dec. 31, 2023
Roll No. 50183
PTR No. 2454359D/Jan. 03, 2022/Q.C.
IBP No. 183888, Jan. 31, 2022
MCLE COMP. NO. VII-0006924
Adm Matter No. NP-062(2022-2023)
20 Kamagong St., Sapamanai Vill. East Fairview Q.C.
TIN No. 138-541-197-000

Annex "A" – Financial Bid Form

JONECO

FORM 8: FINANCIAL BID FORM

INSTRUCTIONS to Sup:

01. THIS FORM SHOULD BE ACCOMPLISHED USING THE SUPPLIER'S LETTERHEAD, SIGNED COPY SHOULD BE SUBMITTED AS PART OF THE FINANCIAL DOCUMENTS MARKED AS "F01";
02. THE SIGNED COPY OF THIS DOCUMENT (IN PDF OR JPEG FORMAT) MUST BE PART OF THE ELECTRONIC FILES THAT SHOULD BE CONTAINED IN THE SUBMITTED ELECTRONIC BID; AND,
03. THE FILENAME STRUCTURE SHOULD BE "FDL_3=FINANCIAL_BID_FORM=<JONECO TECH MARKETING CORP.>".

BID FORM

Issued by the GPPB through GPPB Resolution 16-2020, dated 16 September 2020

Date: April 18, 2022

Invitation for Negotiation No.: **IN22-398919-02B**

BIDS & AWARDS COMMITTEE

Development Academy of the Philippines
3F, DAP Bldg., San Miguel Avenue, Pasig City 1600
P.O. Box 12788 Ortigas Center, Pasig City 1600 Philippines
Telephone: (632) 8631-0921 loc. 133
BAC Secretariat email: dapbacsec@dap.edu.ph
Website address: <http://www.dap.edu.ph>

Having examined the Bidding Documents, including the Supplemental or Bid Bulletin Numbers, the receipt of which is hereby duly acknowledge, we undersigned, offer to supply, install and deliver for the Contract: Lot 1 – Laptop i5 & i7 and Lot 2 – Tablet & Tablet with Sim Slot - **THREE (3) LOTS SUPPLY, DELIVERY, AND TESTING OF 25 LAPTOPS, 20 TABLETS & 2 DESKTOPS FOR DAP– 2nd Negotiated Procurement due to Two Failed Biddings** with the said OBDs for the sum of: **One Million Three Hundred Fifty Eight Thousand Six Hundred Ninety Pesos Only (Php 1,358,690.00)** or the total calculated bid price as evaluated and corrected for computational errors, and other bid modifications in accordance with the Price Schedules attached herewith and made part of this Bid. The total bid price includes all taxes, such as, but not limited to all the cost of government applicable taxes which are itemized herein or in the Price Schedules,

If our Bid is accepted, we undertake:

- a. to deliver the goods in accordance with the delivery schedule specified in the Schedule of Requirements of the OBD;
- b. to provide a performance security in the form, amounts, and within the times prescribed in the OBD;
- c. to abide by the Bid Validity Period specified in the PBDs and it shall remain binding upon us at any time before the expiration of that period;

Commissions or gratuities, if any, paid or to be paid by us to agents relating to this Bid, and to contract execution if we are awarded the contract, are listed below¹:


JOCELYN R. MANCE

Annex "A" – Financial Bid Form

Name and address of agent	Amount and Currency	Purpose of Commission or gratuity
NONE	NONE	NONE

NOTE: if none, state "None"

Until a formal Contract is prepared and executed, this Bid, together with your written acceptance thereof and your Notice of Award, shall be binding upon us.

We understand that you are not bound to accept the lowest or any Bid you may receive; and,

We certify/confirm that we complied with the eligibility requirements pursuant to the OBD.

The undersigned is authorized to submit the bid on behalf of **JONECO TECH MARKETING CORP.** as evidenced by the attached Notarized Omnibus Sworn Statement and Secretary Certificate.

We acknowledge that failure to sign each and every page of this Bid Form, including the attached Schedule of Prices, shall be a ground for the rejection of our bid.

Yours sincerely,

SIGNATURE OF THE AUTHORIZED REPRESENTATIVE

NAME OF THE AUTHORIZED REPRESENTATIVE

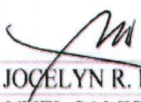
POSITION TITLE OF SIGNATORY:

NAME OF FIRM/SUPPLIER:

POSTAL ADDRESS:

TELEPHONE NUMBER:

EMAIL ADDRESS:



JOCELYN R. MANCE

CHANNEL SALES MANAGER

JONECO TECH MARKETING CORP.

NO. 7 PIONEER ST. COR. SHERIDAN ST.

ELENA ROCES COMPOUND HIGHWAY

HILLS MANDALUYONG CITY

8634-8500;0917-1124559

joyce_mance@jonecotech.com.ph

JOCELYN R. MANCE



Annex "B" – Letter to Joneco Tech Marketing Corp.



10 May 2022

Ms. JOCELYN R. MANCE
Channel Sales Manager
JONECO TECH MARKETING CORP.
No. 7 Pioneer St. Cor. Sheridan St. Elena Rocas
Compound Highway Hills, Mandaluyong City
Email: joyce_mance@jonecotech.com.ph

PROJECT NAME: **LOT-1: "ONE (1) LOT SUPPLY, DELIVERY, AND TESTING OF i5 & i7 LAPTOPS"**

LOT-2: "ONE (1) LOT SUPPLY, DELIVERY, AND TESTING OF TABLET & TABLET WITH SIM SLOT"

INVITATION TO NEGOTIATE NO. IN22-398919-02B

ABC FOR LOT-1: P1,527,521.⁰⁰ | ABC FOR LOT-2:P285,600.⁰⁰

Dear **Ms. Mance**:

Greetings from the Academy!

In compliance with Administrative Order No. 17 issued last July 28, 2011 re: "Directing the Use of the Procurement Service and the Philippine Government Electronic Procurement System in Procurement Activities in Accordance with Republic Act No. 9184, and Improving the Operation of the Procurement Service", we would like to inform you that **Eight (8) Units of i5 Laptops**, being one of the deliverables in the Negotiated Procurement above-mentioned, are currently available at the Procurement Service.

In this regard, based on your submitted Price Schedule for the Lot-1 and Lot-2 Projects, the Bids and Awards Committee 2 (BAC 2) will recommend to the Head of the Procuring Entity (HoPE) to declare as the **LOWEST CALCULATED AND RESPONSIVE QUOTATION** and that an Award of Contract be issued in favor of **JONECO TECH MARKETING CORP.** based on the following contract price:

#	Description	Contract Price
1	Lot-1: One (1) Lot Supply, Delivery, and Testing of i7 Laptops Qty: 13 pieces	EIGHT HUNDRED THIRTEEN THOUSAND ONE HUNDRED FIFTY PESOS (P813,150.00)
2	Lot-2: One (1) Lot Supply, Delivery, and Testing of Tablet & Tablet with Sim Slot Qty: 4 Tablets 10 Tablets with Sim Slot	ONE HUNDRED SIXTY SEVEN THOUSAND NINE HUNDRED FORTY PESOS (P167,940.00)
GRAND TOTAL		NINE HUNDRED EIGHTY-ONE THOUSAND NINETY PESOS (P981,090.00)


Annex "B" – Letter to Joneco Tech Marketing Corp.

As per Section 41 of the Revised IRR of RA9184, the HoPE reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract for any justifiable and reasonable grounds.

Upon acknowledgment and conformance to this letter, the BAC Secretariat will furnish you a copy of the Notice of Award with the Total Contract Cost amounting to **NINE HUNDRED EIGHTY-ONE THOUSAND NINETY PESOS (P981,090.00)** for **LOT-1: "ONE (1) LOT SUPPLY, DELIVERY, AND TESTING OF I7 LAPTOPS"** and **LOT-2: "ONE (1) LOT SUPPLY, DELIVERY, AND TESTING OF TABLET & TABLET WITH SIM SLOT"**.

For your information. Thank you.

For the Bids and Awards Committee 2,


ALAN S. CAJES
Chairperson, BAC 2

Conforme:
 JOCELYN R. MANCE
Ms. JOCELYN R. MANCE Channel Sales Manager JONECO TECH MARKETING CORP.
Date: MAY 12, 2022

Annex "C" – Performance Security Bond

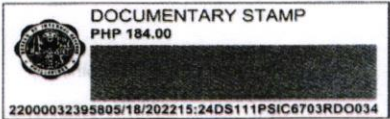


BETHEL GENERAL INSURANCE AND SURETY CORPORATION

Unit 200 Valero Plaza 124 Valero Street, Salcedo Village, Makati City
Smart: (0929)3130246 * Globe: (0995)1832616 * Tel. Nos. (02) 817-2002 - 2005
E-mail Address: info@bethelgen.com
VAT Reg. TIN: 000-745-041-000

HEAD OFFICE/G(13)-HO-0020449

Premium : _____
Doc. Stamp : _____
Evat : _____
LGT : _____
Others : _____
Total : _____



PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, **JONECO TECH MARKETING CORPORATION-#7 PIONEER ST. COR. SHERIDAN ST., ELENA ROCES COMPOUND HIGHWAY HILLS, MANDALUYONG CITY, METRO MANILA** as Principal, and **BETHEL GENERAL INSURANCE AND SURETY CORP.**, a corporation duly organized and existing under and by virtue of the laws of the Philippines, as Surety, are held and firmly bound unto the **DEVELOPMENT ACADEMY OF THE PHILIPPINES**, as obligee in the sum of **PESOS: TWO HUNDRED NINETY-FOUR THOUSAND THREE HUNDRED TWENTY-SEVEN & 00/100 (PHP 294,327.00)** Only, Philippine Currency, for the payment of which sum, well and truly be made, we bind ourselves, our heirs, executors, administrators, successor, and assigns, jointly and severally firmly by these presents.

WHEREAS, THE CONDITIONS OF THIS OBLIGATIONS ARE AS FOLLOWS:

WHEREAS, this bond is issued to guarantee the above named Principal shall undertake the award for the **LOT 1: ONE (1) LOT SUPPLY, DELIVERY, AND TESTING OF I7 LAPTOPS, LOT 2: ONE (1) LOT SUPPLY, DELIVERY, AND TESTING OF TABLET & TABLET WITH SIM SLOT** as per attached in Notice of Award dated May 13, 2022.

PROVIDED, HOWEVER that the liability of the herein company under this bond shall in no case exceed the sum of **PESOS: TWO HUNDRED NINETY FOUR THOUSAND THREE HUNDRED TWENTY SEVEN & 00/100 ONLY (Php 294,327.00)** Philippine Currency.

This bond is callable on demand.

WHEREAS, said **DEVELOPMENT ACADEMY OF THE PHILIPPINES** requires the Principal to give a good and sufficient bond in the above-stated sum to secure the full and faithful performance on its/his part of said contract,

WHEREAS, The Insurance Company shall require the **PRINCIPAL** to put up a collateral as a condition precedent for the issuance of this Bond.

NOW THEREFORE, If the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements stipulated in said contract, then, this obligation shall be null and void; otherwise it shall remain in full force and effect.

The liability of the surety company under this bond will expire on **May 18, 2023** and the **SURETY** does not assume any responsibility for any liability incurred or created after said date; notice of claims against the **SURETY** must be given not later than **Ten (10)** days from said expiration date and any action against the **SURETY** under this must be filed within **One (1)** year from the date the cause of action accrues and failure to do so shall release the **SURETY** from all liabilities under this bond and shall be a bar to any action against it.

IN WITNESS WHEREOF, we have set our hands and signed our names at **MAKATI CITY** this **18th** day of **May, 2022**.

JONECO TECH MARKETING CORPORATION

BETHEL GENERAL INSURANCE AND SURETY CORP.
TIN NO -000-745-041-000-

JOCELYN R. MANCE
Channel Sales Manager
(Principal)

RONALD G. LADION
Vice President for Surety
(Surety)


SIGNED IN THE PRESENCE OF:

Athen M. Tarnedon
Witness

CYPRUS MON M. ESCOBIDO
Witness

Annex "C" – Performance Security Bond

CERTIFIED TRUE / PHOTO COPY
LICENSING DIVISION
INSURANCE COMMISSION
JAN 04 2022
By: M. JOANNE FRANCES D.C. CASTRO
IC Division Manager



Republika ng Pilipinas
Republic of the Philippines
Kagawaran ng Pananalapi
Department of Finance
INSURANCE COMMISSION

Big. 2022/28-R
(No.) 2022/28-R

ITO AY PATUNAY na ang **BETHEL GENERAL INSURANCE AND SURETY CORPORATION**
(formerly: BF General Insurance Company, Inc.)

(This is to certify that)

na isang pang **DI-BUHAY**
NON-LIFE
(FIRE, MARINE, CASUALTY & SURETY)

na kompanya ng seguro ay nakatugon sa lahat ng mga kailangang itinakda ng batas insurance company, has complied with all requirements of law

ng Pilipinas kaugnay sa gayong mga kompanya ng seguro, kung kaya pinagkakalooban of the Philippines relative to such insurance companies, and it is hereby granted

nitong **KATIBAYAN NG PAGKAMAYKAPANGYARIHAN** upang makipagnegosyo ng the: **CERTIFICATE OF AUTHORITY** to transact

uri ng seguro na itinakda sa itaas hanggang ikalabingdalawa ng haringgabi, ng ikatatumpu't isang the class of insurance business above set forth until twelve o'clock midnight, on the thirty-first

araw ng Disyembre, taong dalawang libo't dalawampu't apat day of December 2024


maliban kung agad na bawin o pigilin ng may makatuwirang dahilan. unless sooner revoked or suspended for cause.)

Bilang **KATUNAYAN NITO**, inilagda ko ang aking pangalan In WITNESS WHEREOF, I have hereunto subscribed my name

at ikimintal ang Opisyal na Tatak ng aking Tanggapan and caused my Official Seal to be affixed,

sa Lungsod ng Maynila, Pilipinas. Ito ay may bisa at the City of Manila, Philippines. This becomes

simula ika-isa ng Enero 2022. effective on 1 January 2022.)



DENNIS B. FUNA
Insurance Commissioner

Annex "D" – Notice of Award



13 May 2022

Ms. JOCELYN R. MANCE
Channel Sales Manager
JONECO TECH MARKETING CORP.
No. 7 Pioneer St. Cor. Sheridan St. Elena Rocas
Compound Highway Hills, Mandaluyong City
Email: joyce_mance@jonecotech.com.ph

NOTICE OF AWARD

PROJECT NAME: **LOT-1: "ONE (1) LOT SUPPLY, DELIVERY, AND TESTING OF I7 LAPTOPS"**

LOT-2: "ONE (1) LOT SUPPLY, DELIVERY, AND TESTING OF TABLET & TABLET WITH SIM SLOT"

INVITATION TO NEGOTIATE NO. IN22-398919-02B

ABC FOR LOT-1: P897,000.⁰⁰ | ABC FOR LOT-2:P285,600.⁰⁰

Dear **Ms. Mance**,

Greetings from the Academy!

We are pleased to notify you that the contract name cited above is hereby awarded to you with the amount equivalent to **NINE HUNDRED EIGHTY-ONE THOUSAND NINETY PESOS (P981,090.00)** for **LOT-1: "ONE (1) LOT SUPPLY, DELIVERY, AND TESTING OF I7 LAPTOPS"** and **LOT-2: "ONE (1) LOT SUPPLY, DELIVERY, AND TESTING OF TABLET & TABLET WITH SIM SLOT"** and as the **LOWEST CALCULATED AND RESPONSIVE QUOTATION (LCRQ)**.

You are **required within ten (10) calendar days from the receipt of this Notice of Award (NOA), to formally enter into contract with us, and to submit:**

Performance Security in the form and the amount stipulated in the Section 39.2 of the Revised IRR of RA9184 as follows:

Form of Performance Security	AMOUNT of Performance Security (Not less than the required % of the Total Contract Price)
(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	Five percent (5%) of the Bid or P49,054.50

Annex "D" – Notice of Award

Form of Performance Security	AMOUNT of Performance Security (Not less than the required % of the Total Contract Price)
(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	
(c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.	Thirty percent (30%) of the Bid or P294,327.00
<p>NOTE: The Performance Security shall be denominated in Philippine Pesos and posted in favor of the Development Academy of the Philippines, which shall be forfeited in the event it is established that JONECO TECH NOLOGIES MARKETING CORP. is in default in any of its obligations under the contract. (Section 39.3 of the 2016 Revised IRR of RA 9184)</p> <p>The performance security shall remain valid until issuance by the Development Academy of the Philippines of the Certificate of Final Acceptance. (Section 39.4 of the 2016 Revised IRR of RA 9184)</p>	

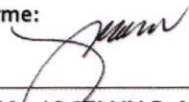
Failure to enter into the said contract or to provide the Performance Security shall constitute a sufficient ground for cancellation of this Award and forfeiture of your Bid Security.

Very truly yours,


ATTY. ENGELBERT C. CARONAN, JR., MNSA
President & CEO, DAP

ASKE

Conforme:


MS. JOCELYN R. MANCE
Channel Sales Manager
JONECO TECH MARKETING CORP.

Date: MAY 17, 2022