

CONTRACT AGREEMENT

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

Invitation to Bid No. **IB22-399499-03A**

THIS AGREEMENT, made this 27th day of JAN 27 2023 2023 between:

DEVELOPMENT ACADEMY OF THE PHILIPPINES with office address at DAP Building, San Miguel Avenue, Ortigas Center, Pasig City, represented by its **President and Chief Executive Officer, ATTY. ENGELBERT C. CARONAN, JR., MNSA**, hereinafter called the “**DAP**”

And

AMBAC CONSTRUCTION SERVICES with office address at Block 28 Lot 9 Daffodil Street, Primrose Hills, Mahabang Parang, Angono, Rizal, represented by its **Operations Manager, ARNEL M. ESTEFANO**, hereinafter called the “**CONTRACTOR**”.

(Individually as Party and together as Parties)

WITNESSETH, THAT:

WHEREAS, the **DAP** is desirous that the **CONTRACTOR** shall execute the project: **“IMPROVEMENT OF DAP CONFERENCE CENTER FACILITY: ONE (1) LOT LUMP SUM PHYSICAL UPGRADE AND MAINTENANCE FOR THE EXISTING EXECUTIVE VILLA-TYPE COTTAGE AT DAP CONFERENCE CENTER IN TAGAYTAY CITY” – 2ND BIDDING** per **IB22-399499-03A** (hereinafter called the “**WORKS**”), and the **DAP** has accepted the bid for **SEVEN MILLION ONE HUNDRED SEVENTY-SIX THOUSAND SEVEN HUNDRED EIGHT PESOS (₱7,176,708.00), inclusive of VAT**, by the **CONTRACTOR** for the execution and completion of such **WORKS** and the remedying of any defect therein.

WHEREAS, the **DAP**’s Bids & Award Committee (BAC) Resolution No.072, Series of 2022 (attached as Annex “E”) recommended to award the **WORKS** to **Contractor**.

WHEREAS, 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, *to wit.*:

1. Official Bidding Documents (OBDs);
 - a. Drawings/Plans;
 - b. Schedule of Requirements and Specifications;
 - c. Bill of Quantities;
 - d. General and Special Conditions of Contract;
 - e. Bid Bulletin No. 01¹.
2. Winning bidder’s bid, including the Eligibility Requirements, Technical and Financial Components, and all other documents or statements submitted;
3. Bid form², 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;
4. Performance Security³;
5. Notice of Award of Contract and the Bidder’s conforme thereto⁴; and
6. Other contract documents that may be required by existing laws and/or the **DAP** concerned in the OBDs. **Winning bidder agrees that additional contract documents or information**

¹ Annex “A” – Bid Bulletin No. 01

² Annex “B” – Bid Form of AMBAC Construction Services

³ Annex “C” – Performance Security

⁴ Annex “D” – Notice of Award



prescribed by the GPPB that are subsequential required for the submission after the contract execution, such as the Notice to Proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract.

NOW, THEREFORE and in consideration of the foregoing premises, the Parties hereby agree and stipulate as follows:

1. **INTERPRETATION:** 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. In consideration for the sum of **SEVEN MILLION ONE HUNDRED SEVENTY-SIX THOUSAND SEVEN HUNDRED EIGHT PESOS (₱7,176,708.00)**, inclusive of VAT, or such other sums as may be ascertained, **AMBAC CONSTRUCTION SERVICES** agree to execute the project: ***"IMPROVEMENT OF DAP CONFERENCE CENTER FACILITY: ONE (1) LOT LUMP SUM PHYSICAL UPGRADE AND MAINTENANCE FOR THE EXISTING EXECUTIVE VILLA-TYPE COTTAGE AT DAP CONFERENCE CENTER IN TAGAYTAY CITY" – 2ND BIDDING*** in accordance with his/her/its Bid.

In consideration of the payments to be made by **DAP** to the **CONTRACTOR** as hereinafter mentioned,

- 2.1. The **Contractor** hereby covenants with the **DAP** to execute and complete the **WORKS** and remedy any defects therein in conformity with the provisions of this Contract in all respects;
- 2.2. The **DAP** hereby covenants to pay the **Contractor** in consideration of the execution and completion of the **WORKS** and the remedying of defects (if any) 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; and
- 2.3. The **Contractor** warrants that it has not given nor promised to give any money or gift to any official or employee of the **DAP**, or any Government Instrumentality to secure this Contract.
3. **PAYMENTS:** The **DEVELOPMENT ACADEMY OF THE PHILIPPINES** agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.
4. **CONSTRUCTOR'S ALL RISKS INSURANCE (CARI):** The **Contractor** shall assume all the risks in connection with the completion of the aforementioned **WORKS** prior to the acceptance by the **DAP**, including any damage or destruction of the **WORKS**.
 - 4.1. The **DAP** shall have **NO EMPLOYER-EMPLOYEE RELATIONSHIP** with any of the Contractor's personnel, or personnel of the Contractor's subcontractor/s that will be approved by the DAP;
 - 4.2. The **DAP** shall therefore not be responsible for the injuries and damages sustained by personnel who are not part of the DAP's workforce, or any of construction-personnel; and
 - 4.3. All concerns of all construction-related personnel are the sole responsibility of the **Contractor**.
5. **TERM OF THE CONTRACT:** The **Contractor** commits to execute without delay the **WORKS** for a maximum duration of **ONE HUNDRED FIFTY (150) CALENDAR DAYS**, as stated in the Official Bidding Documents, to commence from the date that will be specified in the Notice-to-Proceed (NTP), or an Extension of Contract Time be approved



by the **DAP** (in compliance with Annex "E" of the 2016 Revised Implementing Rules and Regulations of RA 9184);

6. **CONFIDENTIALITY:** Each party undertakes not to divulge at any time to any third person any confidential information relating to the other Party, except upon prior written consent of the other Party or where required under the law or regulation or by a valid order of a court or other governmental authority with competent jurisdiction.
7. **GOVERNING LAWS, VENUE & DAMAGES:** This Contract of Construction shall be construed, interpreted and governed by the laws of the Philippines.
 - 7.1. Any action/s after complying with Clause 7.2 hereof, arising therefrom shall be exclusively lodged in a competent court of Pasig City by the Parties, their successors or assigns, for the purpose of enforcing their rights therein set forth;
 - 7.2. **ARBITRATION.** Any and all disputes arising from the implementation of this Contract shall be submitted to arbitration in the Philippines according to the provisions of Republic Act No.876, otherwise known as the "Arbitration Law" and RA9285, otherwise known as the "Alternative Dispute Resolution Act of 2004": Provided, however, That, disputes that are within the competence of the Construction Industry Arbitration Commission (CIAC) to resolve shall be referred thereto. The process of arbitration shall be deemed incorporated as a provision of the Contract that will be executed pursuant to the provisions of relevant laws, rules and regulations: Provided further that the Parties will agree in writing to resort to alternative modes of dispute resolution; and
 - 7.3. **COMPLIANCE.** Over the construction period, Contractor commits to faithfully comply with documentary requirements, as well as with existing laws, rules and regulations that may be required by Local Government Unit as well as by the National Government, in general, and/or by the **DAP**, in particular, that will govern the implementation of the **WORKS**.
8. **DOCUMENTATION OF WORKS:** Reports of Progress-of-Works, within the agreed intervals or as may be required by the DAP, should be accompanied by still photos in jpeg-formats with date-stamps and time-stamps showing the situation before, during, and after the accomplishments of a particular undertaking. As necessary, accomplishment-reports should be duly prepared by the concerned key-personnel of the Contractor, and endorsed by the DAP-designated officers to certify the accomplishments of the WORKS undertaken.
9. **AMENDMENTS:** No amendment or modification of any of the terms and conditions of this Contract shall be valid unless evidenced by a written agreement executed by the Parties' respective authorized representatives;
10. **WAIVER:** No failure, omission or delay of any of the Parties in exercising any of its right, privileges and remedies hereunder shall operate as a waiver thereof.
 - 10.1. No waiver or departure from the terms of this Contract shall be valid unless made in writing and signed by the Parties' authorized representatives;
 - 10.2. Such waiver shall be effective only in the specific instance and for the purpose for which it is given;



- 10.3. **Contractor** will secure first the written approval of the **DAP** before any subcontractor is engaged by the **Contractor**; and,
- 10.4. **DAP** reserves the exclusive right to accept / reject any subcontracting proposal that **Contractor** would propose to finish the **WORKS** within the agreed implementation period.

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

for the DEVELOPMENT ACADEMY OF THE
PHILIPPINES ("DAP"):

for the AMBAC CONSTRUCTION
SERVICES ("CONTRACTOR"):


Atty. ENCELBERT C. CARONAN, JR., MNSA
President and Chief Executive Officer



ARNEL M. ESTEFANIO
Operations Manager

witnesses


PAG-ASA L. DOCELIO
Acting Resident Director, DAPCC-Tagaytay


MICHELLE M. ESTEFANIO
Admin Officer


ENGR. ALBERTO ANGELO M. JIMENEZ
Manager, DAPCCT - Engineering and
Maintenance Services


CLARK DEMUEL S. FLORES
Project Estimator

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



ACKNOWLEDGMENT

BEFORE ME, a Notary Public for, and in QUEZON CITY, personally appeared before me this 27th day of JAN 27 2023 2023:

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

ARNEL M. ESTEFANIO
Operations Manager, ACS

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


Philippines Driver's License No. D16-96-137684
Valid until December 05, 2026

And that, they acknowledged to me that they are the same persons who executed the foregoing instrument, consisting of twenty (20) 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. 269 ;
Page No. 54 ;
Book No. 3 ;
Series of 2023.


ATTY. RAMERO S. OSORIO JR.
NOTARY PUBLIC FOR AND IN QUEZON CITY
3-V8 FOREST HILLS GULOD NOVALICHES Q.C.
ADM. MATTER NO. NP-208 (2022-2023)
ROLL NO. 64450
IBP NO. 013787 (LIFETIME MEMBER) Q.C.
PTR NO. 3879043 D:1-03-23 Q.C.
MCLE COMPLIANCE NO. VII-0020471 / 4-14-25
MY COMMISSION EXPIRES ON DECEMBER 31, 2023
KB



development academy of the philippines
BIDS & AWARDS COMMITTEE (SO-2022-099)

BID BULLETIN NO. 1
(11 November 2022)

PROJECT: "IMPROVEMENT OF DAP CONFERENCE CENTER FACILITY: ONE (1) LOT LUMP SUM PHYSICAL UPGRADE AND MAINTENANCE FOR THE EXISTING EXECUTIVE VILLA-TYPE COTTAGE AT THE DAP CONFERENCE CENTER IN TAGAYTAY CITY" – 2ND BIDDING

IB No.: IB22-399499-03A | ABC OF ₱7,200,000.⁰⁰

In connection with the conducted Pre-Bid Conference for the Project last November 08, 2022 at DAP Conference Center in Tagaytay City, the Bids and Awards Committee 1 (BAC 1) is hereby extending the scheduled Submission and Opening of e-Bids from November 29, 2022 (Tuesday) to December 06, 2022 (Tuesday).

The new schedule for the succeeding activities are as follows:

Activity	Adjusted Schedule
e-Submission & Opening of e-Bids	December 06, 2022 (Tuesday) at 10:00AM via Google Meet platform
Bid Evaluation	December 06, 2022 (Tuesday) via Google Meet platform
Post Qualification	December 08 – 12, 2022 (Thursday to Monday) via Google Meet platform

For further inquiries, you may contact with the DAP BAC Secretariat through dapbacsec@dap.edu.ph or (02) 8631-0921 local 133.

Please be guided accordingly.

For the Bids and Awards Committee 1,


BERNARDO A. DIZON
Chairperson, Bids and Awards Committee 1



AMBAC CONSTRUCTION SERVICES

CIVIL. ELECTRICAL. MECHANICAL. PLUMBING

FORM 10: FINANCIAL BID FORM

INSTRUCTIONS to BIDDERS:

01. THIS FORM SHOULD BE ACCOMPLISHED USING THE BIDDER'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 SUBMITTED BY THE BIDDER; AND,
03. THE FILENAME STRUCTURE SHOULD BE "F01_XXX=FINANCIAL_Bid_FORM=<BIDDERNAME>".

BID FORM

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

Date: December 06, 2022

Invitation to Bid No.: **IB22-399499-03A**

BIDS & AWARDS COMMITTEE

Development Academy of the Philippines
G/F, 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 Official Bidding Documents (OBDs) including the Supplemental or Bid Bulletin Numbers **IB22-399499-03A**, the receipt of which is hereby duly acknowledged, we, the undersigned, declare that:

- a. We have no reservation to the OBDs, including the Supplemental or Bid Bulletins, for the Procurement Project: **"IMPROVEMENT OF DAP CONFERENCE CENTER FACILITY: ONE (1) LOT LUMP SUM PHYSICAL UPGRADE AND MAINTENANCE FOR THE EXISTING EXECUTIVE VILLA-TYPE COTTAGE AT DAP CONFERENCE CENTER IN TAGAYTAY CITY" - 2ND BIDDING per IB22-399499-03A.**
- b. We offer to execute the Works for this Contract in accordance with the OBDs;
- c. The total price of our Bid in words and figures, excluding any discounts offered below is: Seven Million One Hundred Seventy-Six Thousand Seven Hundred Eight Pesos;
- d. The discounts offered and the methodology for their application are: *not applicable*;
- e. The Summary of our Bid Price is:

	DIRECT COST (MAT'L + LABOR+GEOP)	INDIRECT COST (OCM+PROFIT)	VAT	TOTAL
AMOUNT	Php 5,695,800.00	Php 1,480,908.00		Php 7,176,708.00
DISCOUNT, IF ANY				
PROPOSED CONTRACT PRICE				
GRAND TOTAL, IN WORDS	Seven Million One Hundred Seventy-Six Thousand Seven Hundred Eight Pesos			

- f. The total bid price includes the cost of all taxes, such as, but not limited to: *value added tax (VAT)*, which are itemized herein and reflected in the detailed estimates;
- g. Our Bid shall be valid within a period stated in the OBD, and its shall remain binding upon us at any time before the expiration of that period;
- h. If our Bid is accepted, we commit to obtain a Performance Security in the amount of 20% percent of the Contract Price for the due performance of the Contract, or a Performance Securing Declaration in lieu of the allowable forms of Performance Security, subject to the terms and conditions of issued GPPB guidelines¹ for this purpose;
- i. We are not participating, as Bidders, in more than one Bid in this bidding process, other than alternative offers in accordance with the Bidding Documents;
- j. We understand that this Bid, together with your written acceptance thereof included in your notification of award, shall constitute a binding contract between us, until a formal Contract is prepared and executed; and
- k. We understand that you are not bound to accept the Lowest Calculated Bid or any other Bid that you may receive.
- l. We likewise certify/confirm that the undersigned, is the duly authorized representative of the bidder, and granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for the **"IMPROVEMENT OF DAP CONFERENCE CENTER FACILITY: ONE (1) LOT LUMP SUM PHYSICAL UPGRADE AND MAINTENANCE FOR THE EXISTING EXECUTIVE VILLA-TYPE COTTAGE AT DAP CONFERENCE CENTER IN TAGAYTAY CITY" - 2ND BIDDING** per **IB22-399499-03A** of the Development Academy of the Philippines.
- m. We acknowledge that failure to sign each and every page of this Bid Form, including the Bill of Quantities, shall be ground for the rejection of our bid.

¹ Currently based on GPPB Resolution No. 09-2020



Yours sincerely,
Arnel M. Estefanio

NAME:

LEGAL CAPACITY: Operation Manager

SIGNATURE:

DULY AUTHORIZED TO SIGN THE BID FOR AND BEHALF OF: Arnel M. Estefanio

TELEPHONE NUMBER: 09176374702

EMAIL ADDRESS: ambac.constructionservices@gmail.com

DATE: December 6, 2022



STRONGHOLD INSURANCE COMPANY INCORPORATED

Unit 914 Medical Plaza Ortigas Condominium, San Miguel Avenue, San Antonio
Ortigas Center, 1600 Pasig City • VAT Reg TIN: 000-602-270-00030
Tel. No.: 8637-1570 • Telefax No.: 8637-1195

OFFICIAL RECEIPT

No. **00030-0316488**

Date: **JANUARY 04**, 20**23**

RECEIVED from M **AMBAC CONSTRUCTION SERVICES**

Address **BLK 28 LOT 9 DAFFODIL ST. PRIMROSE HILLS SUBD. M.L. QUEZON EXT. BRGY. MAHABANG
PARANG ANGONO RIZAL**

TIN: _____ Bus. Style _____

the sum of Pesos _____

only (P **15,796.73**)

in full/payment of

Policy / Bond **G(13)A-EO02-0105364**

Endorsement No. _____

Renewal No. _____

Amount of Coverage **2,153,012.40**

From **JANUARY 03** 20**23**

Insurance in Force

To **JUNE 03** 20**23**

Premium _____

Documentary Stamps _____

Fire Service Tax _____

Others _____

VAT Amount _____

Total Sales _____

TOTAL AMOUNT PAYABLE

P. _____

11,841.56

1,480.50

1,420.99

23.68

1,030.00

P. _____

15,796.73

Paid by:

STRONGHOLD INSURANCE COMPANY, INC

Cash _____ Check No. _____

PM/TW No. _____

Note: Replacing Temporary

Receipt No. **ORT-DIR**

Dated _____

By:

RLGONZALES

Authorized Signature

Above Payment(s) are received subject to all conditions stipulated at the back of hercof.

200 Bkts. (50x4) 00030-0310001-0320000

BIR ATP No.: 125AU20220000001120

Date of ATP: 03-02-2022 Expiry Date: 03-01-2027

D' TROY PRINTERS

505 Yakal St., Comembo, Makati City

VAT Reg. TIN: 105-361-014-000 • Tel. No.: 369-9711

Accr'n No.: 050MP20180000000013 • Date of Accreditation: 11/09/18

THIS OFFICIAL RECEIPT SHALL BE VALID FOR FIVE (5) YEARS FROM THE DATE OF ATP



STRONGHOLD
INSURANCE COMPANY, INCORPORATED

SICI Bond No. 0105364 Tel. Nos 02-891-1329 to 34 Fax. Nos 02-891-1326/83
PASIG/G(13)A-EO02-0105364 mail@strongholdinsurance.com.ph
www.strongholdinsurance.com.ph
VAT Reg. TIN- 000-802-270-000
Established Since 1960

Premium : 11,841.56
Doc. Stamps : 1,480.50
Evat : 1,420.99
Not. Fees 500.00
LGT : 23.68
Others : 530.00
Total : 15,796.73

PERFORMANCE BOND
(SURETY BOND)

(Performance Security pursuant to Section 39 of the
Implementing Rules and Regulation of R.A. No. 9184)

KNOW ALL MEN BY THESE PRESENTS:

That we, **AMBAC CONSTRUCTION SERVICES** of BLK. 28 LOT 9 DAFFODIL ST. PRIMROSE HILLS SUBD. M.L. QUEZON EXT. BRGY. MAHABANG PARANG, ANGONO, RIZAL PROVINCE, as Principal, and **STRONGHOLD INSURANCE CO., INC.**, a corporation duly organized and existing under by virtue of the laws of the Republic of the Philippines, as Surety, are held and firmly bound unto the **Development Academy of the Philippines** as procuring entity/obligee in the sum of **PESOS: TWO MILLION ONE HUNDRED FIFTY-THREE THOUSAND TWELVE & 40/100 ONLY (P2,153,012.40)** Philippine Currency, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Whereas, the above-bounden Principal entered into a contract with the obligee for the

Improvement of DAP Conference Center Facility: One (1) Lot Lump Sum Physical Upgrade and maintenance for the existing executive Villa-type cottage at the DAP conference center in Tagaytay city

WHEREAS, the Obligor requires a performance security in the above stated sum to secure the full and faithful performance of the obligations of the principal under the contract within the period of January 3, 2023 to June 3, 2023 as specified in the bidding documents/terms of reference pursuant to Section 39 of the Implementing Rules and Regulation of R.A. No. 9184 and an additional one year (1) coverage from date of completion up to final acceptance to guarantee that the above-bounden Principal shall undertake the repair works of any damage to the infrastructure on account of the use of materials of inferior quality discovered within the defects liability period pursuant to Section 62 of the Implementing Rules and Regulation (IRR) of R.A. 9184.

This bond is callable on demand. The Liability of the surety company shall in no case exceed the sum of **TWO MILLION ONE HUNDRED FIFTY-THREE THOUSAND TWELVE & 40/100 ONLY, Php (P2,153,012.40)** Philippine Currency. In case of default or failure of the principal, the Obligor shall notify the Surety by sending the notice of claim with attached supporting documents to prove default or failure to comply by the Principal.

NOW THEREFORE, if the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements stipulated in said contract, R.A. No. 9184 and its Implementing Rules and Regulations, then the obligation shall be null and void; otherwise it shall remain in full force and effect.

The liability of the surety under this bond shall remain valid until issuance by the Obligor of the certificate of final acceptance pursuant to Section 39, IRR of R.A. No. 9184 and that the Surety does not assume responsibility for any liability incurred or created after the expiry date. It has been agreed that the Surety is released from liability after the issuance of the certificate of final acceptance. The Surety shall not be liable for extension of contract unless an endorsement has been issued consenting to such extension.

IN WITNESS WHEREOF, we have set our hands and signed our names on the 3rd day of January, 2023 at PASIG CITY, Philippines.

RANK G. LUCAS
Witness to Principal

PERLY JANE D. REALUBIT
Witness to Principal

AMBAC CONSTRUCTION SERVICES

MR. ARNEL M. ESTEFANIO
AUTHORIZED SIGNATORY
Principal

STRONGHOLD INSURANCE CO., INC.

JACKELYN G. BORROMEIO
BRANCH MANAGER
Surety

DUPLICATE COPY



STRONGHOLD

INSURANCE COMPANY, INCORPORATED

ACKNOWLEDGMENT

Republic of the Philippines)
PASIG CITY)S.S.

SICI BOND NO. 0105364
PASIG/G(13)A-E002-0105364

In PASIG CITY Philippines, 4th day of January, 2023 personally appeared before me.

NAME	Residence Cert. No.	ISSUED	
		At	On
MR. ARNEL M. ESTEFANIO	D16-68-137684	LTO	12/05/21
STRONGHOLD INSURANCE COMPANY INC00136559		MAKATI CITY	01/04/23
JACKELYN G. BORROME0	N02217004436	LTO CAINTA	01/25/22

and JACKELYN G BORROME0 with Comm. Tax. Cert. No N02217004436 issued at LTO CAINTA on 01/25/22 for and in behalf of STRONGHOLD INSURANCE CO., INC. with comm. Tax Cert. No. 00136559 issued at MAKATI CITY on 01/04/23 to me known to be the same persons who signed and excuted the foregoing instrument and knowledge before me that same is of their own voluntary act and deed.

In WITNESS Whereof, I have hereunto set my hand and affixed my notarial seal at the place and date first above written.

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Page No. 81
Book No. 65
Series of 2023

Republic of the Philippines)
PASIG CITY)S.S.

ATTY. DAVE JOHN T. HERNANDEZ

NOTARY PUBLIC FOR MAKATI CITY

COMMISSION NO. M-190

VALID UNTIL DECEMBER 31, 2023

6th/F - ZETA II ANNEX BUILDING

191 SALCEDO STREET, LEGASPI VILLAGE

MAKATI CITY, METRO MANILA

ROL OF ATTORNEYS NO. 59749

IBP OR NO. 171489 / 01-03-2022 / MAKATI CHAPTER

PTR NO. MKT-8853619 / 01-03-2022 / MAKATI

MCLE COMPLIANCE NO. VII-0018958 / 04-14-2025

JACKELYN G BORROME0 of STRONGHOLD INSURANCE CO., INC., having been duly sworn, states and deposes that the STRONGHOLD INSURANCE CO., INC. is a corporation duly organized and existing under and by virtue of the laws of the Philippines, with its principal office at Makati City and is duly authorized to execute and furnish surety bonds for all purposes within the said Philippines; and that is actually worthy the amount specified in the foregoing undertaking to wit TWO MILLION ONE HUNDRED FIFTY-THREE THOUSAND TWELVE & 40/100 Pesos, (PHP 2,153,012.40) Philippine Currency, over and above all your debts and obligations and property exempt from execution.

CLARE FLORES

STRONGHOLD INSURANCE CO., INC.

By:

JACKELYN G BORROME0
BRANCH MANAGER

Subscribed and sworn to before me this 4th day of January, 2023 at PASIG CITY, Philippines. Affiant exhibited to me his Comm. Tax Certificate and that the Corporation, as above mentioned.

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Series of 2023

ATTY. DAVE JOHN T. HERNANDEZ

NOTARY PUBLIC FOR MAKATI CITY

COMMISSION NO. M-190

VALID UNTIL DECEMBER 31, 2023

6th/F - ZETA II ANNEX BUILDING

191 SALCEDO STREET, LEGASPI VILLAGE

MAKATI CITY, METRO MANILA

ROL OF ATTORNEYS NO. 59749

DUPLICATE COPY


IBP OR NO. 171489 / 01-03-2022 / MAKATI CHAPTER

PTR NO. MKT-8853619 / 01-03-2022 / MAKATI

MCLE COMPLIANCE NO. VII-0018958 / 04-14-2025



Big. 2022/14-R
(No.) 2022/14-R



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

ITO AY PATUNAY na ang STRONGHOLD INSURANCE COMPANY, INC.
(I was called to certify that)

NG LUNGSOD NG MAKATI, PILIPINAS

na maging pang DI-BUHAY
a 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

maging KATIBAYAN NG PAGKAMAYKAPANGYARIHAN upang makipagnegosyo ng
(is a CERTIFICATE OF AUTHORITY to transact

uro ng seguro na itinakda sa taas hanggang ikalabingdalawa ng hatinggabi, ng ikatatlumpu'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 2022)


mulitan kung agad na bawin o pigilin ng may makatuwirang dahulan.
(to be renewed or superseded for cause.)


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

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

sa Lungsod ng Maynila, Pilipinas. Itong 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



development academy of the philippines
BIDS & AWARDS COMMITTEE (SO-2022-099)

23 December 2022

Mr ARNEL ESTEFANIO
Owner
AMBAC CONSTRUCTION SERVICES
Block 28 Lot 9 Daffodil Street, Primrose Hills
Mahabang Parang, Angono, Rizal
Email: ambac.constructionservices@gmail.com

NOTICE OF AWARD

CONTRACT: "Improvement of DAP Conference Center Facility:
One (1) Lot Lump Sum Physical Upgrade and
Maintenance for the Existing Executive Villa-type
Cottage at the DAP Conference Center in Tagaytay
City" – **2nd Bidding**

IB No.: IB22-399499-03A | ABC = ₱7,200,000.⁰⁰

Dear **Mr. Estefanio**:

We are pleased to notify you that the contract name cited above is hereby awarded to **AMBAC CONSTRUCTION SERVICES (ACS)** with the amount equivalent to **SEVEN MILLION ONE HUNDRED SEVENTY-SIX THOUSAND SEVEN HUNDRED EIGHT PESOS (₱7,176,708.00)** only.

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 your:

1. **Performance Security** in the form and the amount stipulated in Section 39 of the 2016 Revised IRR of RA 9184, as follows:

Form of Performance Security	AMOUNT of Performance Security (Not less than the % of the Total Contract Price)
(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	Ten percent (10%) of the Total Contract Price or ₱717,670.⁸⁰
(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.	Ten percent (10%) of the Total Contract Price or ₱717,670.⁸⁰



NOA FOR AMBAC CONSTRUCTION SERVICES FOR THE "IMPROVEMENT OF DAP CONFERENCE CENTER FACILITY: ONE (1) LOT LUMP SUM PHYSICAL UPGRADE AND MAINTENANCE FOR THE EXISTING EXECUTIVE VILLA-TYPE COTTAGE AT THE DAP CONFERENCE CENTER IN TAGAYTAY CITY" - 2ND BIDDING

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Form of Performance Security	AMOUNT of Performance Security (Not less than the % of the Total Contract Price)
(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 Total Contract Price or P2,153,012.⁴⁰

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 **AMBAC CONSTRUCTION SERVICES** is in default in any of its obligations under the contract. (Section 39.3 of the 2016 Revised IRR of RA 9184)

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)

2. Project requirements for contracting purposes, as specified in Bid Data Sheet, ITB Clause 21, page 24-25 of the OBD, as follows:
- a) ACS' Company Profile;
 - b) Duly signed narrative description of **Construction Methodology** that will be used for implementation;
 - c) Duly accomplished and **signed list** of **ACS' available equipment units** as specified in BDS Clause 10.5, which are owned, leased and/or under purchase agreements. ACS shall state a complete technical description of the pledged equipment. (please refer to **FORM 6: LIST OF MAJOR EQUIPMENT UNITS**);
 - d) **Equipment Utilization Schedule**, only for the equipment & devices that will be brought at the site. (Please refer to **FORM 9: EQUIPMENT UTILIZATION SCHEDULE**);
 - e) **Construction Safety & Health Program** for the Project per [1] DPWH Department Order No.39 series of 2020 and other LGU issuances, [2] DOLE Department Order No.13 series of 1998, and [3] DOLE, DPWH, DTI-CMDP-PCAB, DILG and PRC Joint Administrative Order No.01 series of 2011;
 - f) **PRINT COPY of the ORIGINAL BID DOCUMENTS**, bearing *original signatures*, that were submitted electronically via email (during the bid opening). These documents should be properly organized (*as per instructions as earlier explained*) and should be contained in folder with proper markings;
 - g) Faithful **DUPLICATE COPY of the ORIGINAL BID DOCUMENTS**, with proper markings; and,



Annex "D" – Notice of Award

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NOA FOR AMBAC CONSTRUCTION SERVICES FOR THE "IMPROVEMENT OF DAP CONFERENCE CENTER FACILITY: ONE (1) LOT LUMP SUM PHYSICAL UPGRADE AND MAINTENANCE FOR THE EXISTING EXECUTIVE VILLA-TYPE COTTAGE AT THE DAP CONFERENCE CENTER IN TAGAYTAY CITY" - 2ND BIDDING

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- h) **One piece of USB thumb drive** containing all electronic-copies of the submitted additional documents as explained in "Section XII. FILENAMES" of this OBD. **All files SHOULD NOT HAVE PASSWORD.** The excel file of the BOQ should also be included.

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 and Chief Executive Officer

Cc: BAC Secretariat
SVP-BADizon /BAC1 Chairperson

CONFORME:

ARNEL ESTEFANIO

Owner

AMBAC Construction Services

DATE

December 29, 2022



BAC Resolution No.072, Series of 2022

BAC RESOLUTION DECLARING THE SINGLE CALCULATED AND
RESPONSIVE BID AND RECOMMENDING AWARD OF CONTRACT TO
AMBAC CONSTRUCTION SERVICES

BIDDING NO.:	TITLE/DESCRIPTION:
IB22-399499-03A	Category per RA9184: <input type="checkbox"/> GOODS <input checked="" type="checkbox"/> INFRA/WORKS <input type="checkbox"/> CONSULTING
APPROVED BUDGET CEILING (ABC):	"IMPROVEMENT OF DAP CONFERENCE CENTER FACILITY: ONE (1) LOT LUMP SUM PHYSICAL UPGRADE AND MAINTENANCE FOR THE EXISTING EXECUTIVE VILLA-TYPE COTTAGE AT THE DAP CONFERENCE CENTER IN TAGAYTAY CITY" – 2 ND BIDDING
P7,200,000. ⁰⁰	
BUDGET UTILIZATION SUP NO.:	
21120931	

- 01: **WHEREAS**, on 24 October 2022 (Mon), the Bids and Awards Committee 1 (BAC1), through the BAC Secretariat, posted an Invitation to Bid¹ at PhilGEPS Website, DAP Website, DAP-Pasig conspicuous places, and Facebook Page of the BAC Secretariat for the Project above-stated, sent Invitation to nine (9) Observers, and directly invited thirty-eight (38) Prospective Bidders, through email, to participate in the Competitive Bidding for the Project;
- 02: **WHEREAS**, among the 38 Prospective Bidders who were directly invited, only four (4) sent their Letter of Intent through email, namely: [1] AMBAC Construction Services, [2] MCorr Construction, [3] GT Agacita Construction & Trading, and [4] CFV Arar Contractors Phils. Inc.;
- 03: **WHEREAS**, on 08 November 2022 (Tue), the Pre-Bid Conference was conducted through hybrid setup, face-to-face meeting at DAP Conference Center, Tagaytay City, and via Google Meet Platform through the meeting link: meet.google.com/kir-tmpp-apz, wherein three (3) Prospective Bidders attended namely: [1] AMBAC Construction Services (attended via face-to-face), [2] MCorr Construction (attended via online), and [3] NVSP Construction and Development (attended via online);
- 04: **WHEREAS**, among the Prospective Bidders who attended the Pre-Bid Conference, only two (2) bought the Official Bidding Documents (OBD), namely:
- 01. AMBAC Construction Services; and,
 - 02. NVSP Construction and Development.
- Another bidder who did not attend the Pre-Bid Conference bought the OBD, GT Agacita Construction & Trading.

¹ Annex "A" – Invitation to Bid



BAC Resolution No.072, s.2022	BAC RESOLUTION DECLARING THE SINGLE CALCULATED AND RESPONSIVE BID AND RECOMMENDING AWARD OF CONTRACT TO AMBAC CONSTRUCTION SERVICES	Page 2 of 29 pages
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- 05: WHEREAS**, during the Pre-Bid Conference, one of the agreements between the Prospective Bidders and the BAC was to extend the deadline for the Submission and Opening of e-Bids, from 29 November 2022 (Tue) to 06 December 2022 (Tue). As a result of such adjustment, succeeding BAC proceedings were adjusted, therefore, a Bid Bulletin No. 01² was issued last 11 November 2022 (Fri) for the information of the Prospective Bidders and Observers;
- 06: WHEREAS**, on 06 December 2022 (Tue), the Submission and Opening of electronic Bids was conducted via Google Meet Platform, through the meeting link: meet.google.com/nfu-hxwi-mrc, the BAC Secretariat informed the BAC that among the 3 Bidders who bought the OBD, only one (1) uploaded its e-Bid, AMBAC Construction Services (ACS), at the designated BiDMS site last 05 December 2022 (Mon) at 10:31PM;
- 07: WHEREAS**, during the Opening of e-Bids, ACS was represented by its Owner, Mr. Arnel Estefanio, as evidenced by the submitted Letter of Authorization³. The BAC was assisted by the TWG Chairperson Engr. Alberto Angelo M. Jimenez (Engr. AAJimenez) to examine the submitted documents;
- 08: WHEREAS**, for the Eligibility and Technical Documents, ACS provided its password: "[ambac01](#)" and the BAC Secretariat proceeded to open the secured folders. The BAC initially declared the Eligibility Documents marked as "E01" to "E06" as "**PASSED subject to further Bid Evaluation and Post-Qualification**", and the Technical Documents marked as "T01" to "T14" as "**PASSED subject to further Bid Evaluation and Post-Qualification**";
- 09: WHEREAS**, for the Financial Documents marked as "F01" to "F03", the BAC initially declared as "**PASSED subject to further Bid Evaluation and Post-Qualification**" with a Financial Bid Amount of Seven Million One Hundred Seventy-Six Thousand Seven Hundred Eight Pesos (P7,176,708.00), which was below the declared Approved Budget for the Contract;
- 10: WHEREAS**, for Financial Document marked as "F04" – Payment Schedule⁴, Engr. AAJimenez noticed that the proposed down payment of ACS was at thirty percent (30%), however, the Revised Implementing Rules and Regulations of RA 9184 only prescribes the maximum percentage of advance payment as fifteen percent (15%). The BAC deliberated and informed ACS that since the submission of ACS was not compliant to the prescription of RA 9184, the BAC declared "F04" as **FAILED** and ACS can file its written Request for Reconsideration (RR);
- 11: WHEREAS**, with the given time by the BAC for ACS to file its RR, ACS submitted its RR⁵, through the email of BAC Secretariat. The BAC deliberated and decided that the RR of ACS be **granted** as ACS will comply with the allowable percentages of the RA 9184 for the Advance Payment, Progress Billings, and

² Annex "B" – Bid Bulletin No. 01 dated 11 November 2022

³ Annex "C" – Letter of Authorization of ACS

⁴ Annex "D" – Payment Schedule submitted by ACS

⁵ Annex "E" – Request for Reconsideration filed by ACS



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Retention Fee;

12: **WHEREAS**, the BAC declared that ACS' Financial Document marked as "F04" – Payment Schedule as **"PASSED subject to further Bid Evaluation and Post-Qualification"**;

13: **WHEREAS**, the Summary⁶ of ACS' e-Bid was as follows:

Particulars	AMBAC CONSTRUCTION SERVICES
01: ELIGIBILITY	PASSED
02: TECHNICAL	PASSED
03: FINANCIAL	PASSED
04: TOTAL AMOUNT OF BID	P7,176,708.00

14: **WHEREAS**, on 06 December 2022, the Technical Working Group (TWG) conducted the Bid Evaluation for the submission of ACS and identified fifteen (15) items that were subject for clarification to ACS;

15: **WHEREAS**, on 11 December 2022 (Sun), the BAC Secretariat furnished ACS, through its email addresses, the Issues and Concerns for Clarification⁷ for ACS' compliance until 12:00NN of 12 December 2022 (Mon);

16: **WHEREAS**, on 12 December 2022 (Mon), ACS emailed the BAC Secretariat and requesting for an extension for a week for their response to the sent Clarificatory Letter, which the BAC Chairperson decided that ACS must submit their response only until 5:00PM of 15 December 2022 (Thu);

17: **WHEREAS**, on 13 December 2022 (Tue), the BAC Secretariat emailed ACS and informed that they only have until 05:00PM of 15 December 2022 (Thu) to comply with the Issues and Concerns for Clarifications;

18: **WHEREAS**, on 15 December 2022 (Thu) at 01:06PM, ACS submitted their Response and the BAC Secretariat forwarded the submission of ACS to the TWG for their assessment and evaluation;

19: **WHEREAS**, on 19 December 2022 (Mon), the TWG conducted the Post-Qualification for ACS and done item-by-item assessment on the checklist items rated as "PASSED" during the Submission and Opening of Bids;

⁶ Annex "F" – Bid Document Checklist during the Submission and Opening of Bids
⁷ Annex "G" – Issues and Concerns for Clarifications



BAC Resolution No.072, s.2022	BAC RESOLUTION DECLARING THE SINGLE CALCULATED AND RESPONSIVE BID AND RECOMMENDING AWARD OF CONTRACT TO AMBAC CONSTRUCTION SERVICES	Page 4 of 29 pages
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- 20: **WHEREAS**, on 20 December 2022 (Tue), a Memorandum⁸ from the TWG Chairperson was submitted for the BAC adoption and approval, through the BAC Secretariat;
- 21: **WHEREAS**, on 21 December 2022 (Wed), the BAC and TWG conducted the online Presentation of the Post-Qualification Results. Engr. AAJimenez manifested that based from ACS' response to the fifteen (15) items for clarifications, TWG hereby recommends for the BAC to declare ACS as the Single Calculated and Responsive Bid; and
- 22: **WHEREAS**, upon the recommendation of the TWG, BAC End User Pag-asa L. Dogelio motioned for the adoption of the recommendation of the TWG and which was seconded by BAC Member Jedelo D. Sabio.

NOW, THEREFORE, be it RESOLVED, as it is hereby RESOLVED;

01. That the bid submitted by **AMBAC CONSTRUCTION SERVICES** be declared as the **Single Calculated and Responsive Bid** in consideration of its total amount of **Seven Million One Hundred Seventy-Six Thousand Seven Hundred Eight Pesos (P7,176,708.⁰⁰)**;
02. That, a Notice of Single Calculated and Responsive Bid be issued to **AMBAC CONSTRUCTION SERVICES**;
03. That, we, the members of the Bids & Awards Committee¹, *as per Special Order No. 2022-099*, recommends to the *President & Chief Executive Officer* the approval of this BAC Resolution; and
04. That, a Notice of Award (**NOA**), be issued to **AMBAC CONSTRUCTION SERVICES** upon adoption and approval of this BAC Resolution.

RESOLVED on this date, 21 December 2022 (Wed).

Concurred by the BIDS & AWARDS COMMITTEE SO-2022-099		
 MONICA D. SALIENDRES Member 1	- absent - GILBERT E. LUMANTAO Member 2	 JEDELO D. SABIO Member 3
 PAG-ASA L. DOGELIO End-User	- absent - MONINA A.R. DE ARMAS Vice-Chairperson	 BERNARDO A. DIZON Chairperson
Approved by:		
 ATTY. ENGELBERT C. CARONAN, JR., MNSA President and Chief Executive Officer, DAP		

⁸ Annex "H" – TWG Chairperson Memorandum dated 20 December 2022