

AGREEMENT

KNOW ALL MEN BY THESE PRESENT

This **AGREEMENT** entered into this 14th day of August, 2017 in the City of San Fernando, Pampanga, Philippines, by and between:

The **MINES AND GEOSCIENCES BUREAU, REGION III**, a National Government Agency with Office Address at Cleofer's Building, Gen. Hizon Avenue, City of San Fernando, Pampanga, represented herein by its Regional Director **SAMUEL T. PARAGAS**, hereinafter called "**OWNER**";

-and-

The **BUILDERS EXPONENT ENTERPRISE**, with business address at Arellano Avenue, Mulawin National Road, Orani, Bataan represented by its General manager **MR. NOEL M. VIANZON** hereinafter called "**CONTRACTOR**";

WITNESSETH

WHEREAS, the Mines and Geosciences Bureau Regional Office No. III (MGB-RIII), through the General Appropriations Act for FY 2017 intends to apply the sum of **NINE MILLION NINE HUNDRED FIFTY THOUSAND PESOS ONLY (PhP9,950,000.00)** being the Approved Budget of the Contract for the Construction of MGB Regional Office III Building (Phase - II Structural Works) located at the Diosdado Macapagal Government Center, Barangay Maimpis, City of San Fernando, Pampanga;

WHEREAS, on June 15, 2017 and for a period of seven (7) days thereafter, the MGB-RIII, thru its Bids and Awards Committee, posted the Invitation to Bid for Public Bidding the above-stated project in the PhilGEPS, MGB-RIII Bulletin Board, MGB-RIII website and other conspicuous place at the premises of the Office of MGB RIII located at 2F Cleofer's Building, Gen. Hizon Ave., City of San Fernando, Pampanga;

WHEREAS, from the qualified bidders, **BUILDERS EXPONENT ENTERPRISE** was able to comply with all the bidding requirements during the opening of the bids on July 13, 2017 held at the conference room of the MGB RIII located at 2F Cleofer's Building, Gen. Hizon Ave., City of San Fernando, Pampanga ;

WHEREAS, the submitted bid of **BUILDERS EXPONENT ENTERPRISE** in the amount of **NINE MILLION SEVEN HUNDRED FIFTY ONE THOUSAND SEVEN HUNDRED EIGHTY EIGHT PESOS AND EIGHTY EIGHT CENTAVOS (PhP 9,751,788.88)** was determined to be the Lowest Calculated and Responsive Bid;

WHEREAS, a careful validation, verification of the eligibility technical, and financial requirements submitted by **BUILDERS EXPONENT ENTERPRISE** and site inspection show that the firm has complied with all the requirements:

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

1. The **CONTRACTOR** shall furnish the labor and materials and all necessary tools and equipment for the aforementioned project in accordance with **PLANS** and **SPECIFICATIONS** and its related documents which are made an integral part of this "**Agreement**".
2. The **CONTRACTOR** shall complete the said project within one hundred fifty (150) calendar days to be reckoned five (5) days from the Notice to Proceed.
3. The **CONTRACTOR** shall strictly adhere to "**subcontracting is not allowed**" and all terms and conditions in the Bid Data Sheet.
4. The **OWNER** shall pay the **CONTRACTOR** the sum of **NINE MILLION SEVEN HUNDRED FIFTY ONE THOUSAND SEVEN HUNDRED EIGHTY EIGHT PESOS AND EIGHTY EIGHT CENTAVOS (Php9,751,788.88)** to be paid through progress billings computed on the percentage work accomplished, subject to retention of ten percentage (10%) as provided for in the IRR of R.A. 9188.
5. The **CONTRACTOR** agrees to pay the **OWNER** liquated damages under the circumstances specified in and pursuant to the IRR of R.A. 9184.
6. The **CONTRACTOR** shall post in favor of the **OWNER** a Performance Bond in accordance with the Award of Contract of this office to guarantee the faithful compliance of the said **CONTRACTOR** under this Agreement.
7. The **CONTRACTOR** warrants its full compliance with the observance of all laws, rules and regulation especially on delay of project implementation, termination of contract the provision of the New Labor Code and other related laws relative to hours of work, wage and rate of worker/laborer and other workmen's compensation benefits
8. The **CONTRACTOR** also warrant that is has not given any amount to any official and employees of the **MINES AND GEOSCIENCES BUREAU, REGION III** to secure this Agreement. Violation of this warranty shall be sufficient ground for the **OWNER** to revoke or cancel this Agreement.

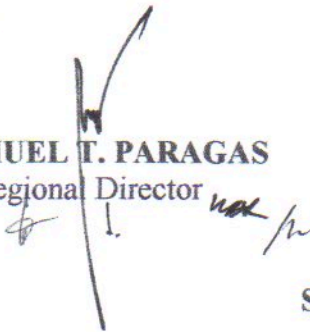
9. It is precondition to the acceptance of this contract by the **CONTRACTOR** that in the event there is a finding of overpricing in this transaction the **CONTRACTOR** may be held liable for payment of the excess to the **OWNER**.
10. This Agreement takes effect upon signing of the parties.

IN THE WITNESS WHEREOF, the PARTIES, through their representatives duly authorized for the purpose, have hereunto set their hands this 14th day of August 2017 at the City of San Fernando,, Philippines.

SIGNED IN QUARUPLICATION

**MINES AND GEOSCIENCES BUREAU
REGION III
BY;**

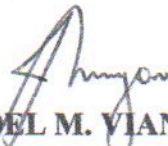
SAMUEL T. PARAGAS
Regional Director



BUILDERS EXPONENT ENTERPRISE

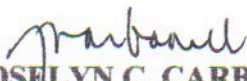
BY:

NOEL M. VIANZON
General Manager

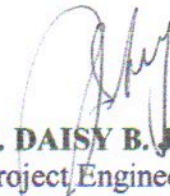


SIGNED IN THE PRESENCE OF:

JOSELYN C. CARBONELL
Chief, Finance and Admin Division



ENGR. DAISY B. JUSAYAN
Project Engineer
Builders Exponent Enterprise



ACKNOWLEDGEMENT

**REPUBLIC OF THE PHILIPPINES)
CITY OF SAN FERNANDO, PAMPANGA) S.S**

BEFORE ME, a Notary Public for in the City of San Fernando, Pampanga, Philippines on this 14th day of Aug., 2017, personally appeared the following, with their respective valid government Identification Cards with pictures shown therein

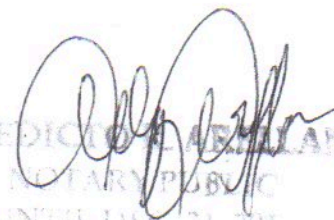
	ID	Date /Place Issued
SAMUEL T. PARAGAS	<u>SC # 4428</u>	<u>May 3, 2016 Quezon City</u>
NOEL M. VIANZON	<u>C1008010779</u>	<u>Jan. 4, 2017 SM Clark</u>

both known to me and to me know to be same persons who executed the forgoing memorandum of Agreement and who acknowledged to me that the same is their free and voluntary act and deed.

This instrument consisting of four (4) pages including this page on which this acknowledgment is written has been signed by the parties and their witness on the left margin on each and every page thereof.

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

Doc. No. 122
Page no. 42
Book No. D
Series of 2017


BENEDICTO E. ABELLANO
NOTARY PUBLIC
UNTIL DEC. 31, 2017
PTR. NO. 2054119