

This Agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2020 at Pasay City, by and between:

**SECURITIES AND EXCHANGE COMMISSION**, a government agency created by virtue of Commonwealth Act No. 83 as amended, with office address at Secretariat Building, Philippine International Convention Center, Pasay City represented herein by **VICENTE GRACIANO FELIZMENIO, JR.**, OIC-Director of the Information and Communications Technology Department, duly authorized to sign this Contract under SEC Office Order No. 270, series of 2019 copy of which is hereto attached and, marked as Annex "A", hereinafter referred to as the "SEC";

**-AND-**

**MICROIMAGING SALES AND SERVICES, INC.**, a domestic corporation duly organized and existing under the laws of the Philippines, with principal office address at 2<sup>nd</sup> Floor, Kodak Building 2247 Chino Roces Avenue, Makati City, herein represented by its Director for Operations, **MARTIN JEREMY U. CASTRO**, duly authorized to sign this contract as indicated in the Secretary's certificate dated \_\_\_\_\_ copy of which is hereto attached as annex "B" hereinafter referred to as "MSSI";

**WHEREAS**, the Public Bidding for this project is in compliance with DBM Circular No. 2019-01 requiring all government agencies to undertake Early Procurement Activity (EPA) of projects included in the Approved Indicative APP;

**WHEREAS**, the project with an Approved Budget for the Contract of Four Million Two Hundred Thousand Pesos (P4,200,000.00) as indicated in the Approved Purchase Order No. 201910169 is included under item no. B-9 in FY 2020 Indicative Annual Procurement Plan (IAPP);

**WHEREAS**, on January 20, 2020, Microimaging Sales and Services Inc. (MSSI) attended the scheduled Pre-Bid Conference;

**WHEREAS**, on January 21 and 24, 2020, Supplemental Bid Bulletins were issued to clarify modify and amend items in the bidding documents;

**WHEREAS**, on February 3, 2020, the deadline of submission and opening of bids, only MSSI submitted its eligibility and technical and financial documents;

**WHEREAS**, on the same date, the BAC using the non-discretionary "pass/fail" criterion opened the bid documents submitted by MSSI. Upon examination, the BAC found the eligibility and technical documents of MSSI compliant with the minimum requirements;

**WHEREAS**, the BAC opened the financial offer of MSSI and that its bid in the amount of Four Million Ninety Two Thousand Pesos (Php4,092,000.00) inclusive of VAT is within the Approved Budget for the Contract of Four Million Two Hundred Thousand (Php4,200,000.00) Pesos;

**WHEREAS**, the price quoted by MSSI, was declared as the Single Calculated Bid (SCB);

**WHEREAS**, on February 7, 2020, the ICTD issued a Certificate of Acceptance to MSSI after passing the Proof of Concept;

**WHEREAS**, on February 10, 2020 the BAC endorsed the bidding documents of MSSI, to the Technical Working Group (TWG) for post-qualification and evaluation;

**WHEREAS**, the TWG, in accordance with its mandate under Section 34, Rule X of RA9184 and its IRR, conducted a post-qualification and evaluation process;

**WHEREAS**, on February 12, 2020, the TWG presented to the BAC its Post-Qualification and Evaluation Report and recommends award of contract to MSSI;



WHEREAS, on February 19, 2020, the HOPE approved the recommendation of the BAC and accordingly issued the Notice of Award;

WHEREAS, on February 24, 2020 the MSSSI submitted its Performance Security in the form of Performance Bond;

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

1. The Contract shall be valid for a period one (1) year ("Term"), effective February 28, 2020;
2. In this Contract, the words and expressions shall have the same meaning as are respectively assigned to them in the General Specification of this Contract.
3. The following documents shall be deemed to form and be read and construed as part of this Agreement, namely;

ANNEX	DESCRIPTION OF DOCUMENTS	NO. OF PAGES
A	Authority to Sign SEC Office Order No. 270 series of 2019	1
B	Secretary's Certificate of MSSSI	5
C	SEC Bidding Documents	77
D	Bid Bulletin No. 1 and 2	2
E	Bidder's Eligibility and Technical Documents	93
F	Bidder's Financial Proposal	2
G	General Conditions of the Contract	15
H	Special Conditions of the Contract	3
I	Notice of Award	1
J	Performance Security	

4. In consideration of the payments to be made by SEC, MSSSI hereby covenants with SEC to the **Lease of Production Scanner for the SEC** in conformity in all respects with the provision of this Contract;
5. The SEC hereby agrees to pay MSSSI the amount of **Four Million Ninety Two Thousand Pesos (P4,092,000.00), inclusive of 12% VAT**, in consideration of its performance of the services and delivery of goods under the provisions of this Contract at the times and in the manner prescribed herein;
6. If any legal action is necessary to enforce the terms and conditions of this Contract, the parties agree that the City of Pasay, at the option of the plaintiff, shall be the sole venue and jurisdiction.
7. If any term, provision, covenant or condition of this Contract and its annexes is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated.
8. In carrying out the provisions of this Contract, there shall be no personal liability on the officials and employees of the SEC, it being understood that in such matters they act as agents and representatives of the SEC. Any right of action by the SUPPLIER against any official or employees of the SEC is waived.

SECURITIES AND EXCHANGE  
COMMISSION  
TIN 000-190-308-000


MICROIMAGING SALES AND  
SERVICES, INC.  
TIN 005-339-584-000

Signing for, and on Behalf of the Chairperson;


By:

By:

  
**VICENTE GRACIANO P. FELIZMENIO, JR.**  
OIC-Director, ICTD  
TIN: 116-242-160

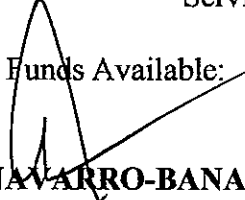
  
**MARTIN JEREMY U. CASTRO**  
Director for Operations  
TIN: 236-060-480

**SIGNED IN THE PRESENCE OF**

  
**NOEL B. ARA**  
End-user Representative

  
**CHRISTOPHER M. PECAJAS**  
Service Assurance Manager

Certified Funds Available:

  
**ADELAIDA NAVARRO-BANARIA**  
Director-Financial Management Department

Fund available  
02-206442-2020-04-00609  
Date: 01/22/2020  
*If contract period exceeds the current year,  
only the current year requirement will be  
able to be fulfilled. Between the  
current year and the following year, the  
obligation will be*  
*obligated at the start of ensuing year.*



**AUG 03 2020**

BEFORE ME, This \_\_\_\_\_ day of \_\_\_\_\_ 2020 personally appeared the following:

**VICENTE GRACIANO P. FELIZMENIO, JR.**

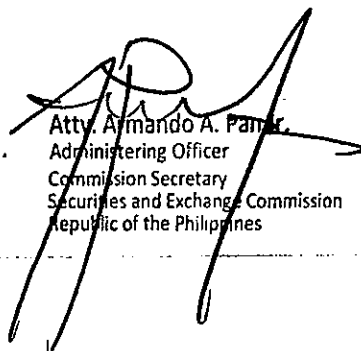
**TIN: 116-242-160**

known to me and to me known to be the same persons who executed this instrument and they acknowledged to me that the same is their free and voluntary act and deed and that of the government agency and corporation which they respectively represent.

I further certify that this instrument refers to a Contract Agreement for the **Lease of Production Scanners for a period of one (1) year** and all its Annexes and sealed with my notarial seal.

NOTARY PUBLIC

Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of 2020



Atty. Armando A. Panik  
Administering Officer  
Commission Secretary  
Securities and Exchange Commission  
Republic of the Philippines

15 JUN 2020


BEFORE ME, This \_\_\_\_\_ day of \_\_\_\_\_ 2020 personally appeared the following:

MARTIN JEREMY U. CASTRO

TIN: 236-060-480

known to me and to me known to be the same persons who executed this instrument and they acknowledged to me that the same is their free and voluntary act and deed and that of the government agency and corporation which they respectively represent.

I further certify that this instrument refers to a Contract Agreement for the **Lease of Production Scanners for a period of one (1) year** and all its Annexes and sealed with my notarial seal.

  
DWIGHT M. GALAPITAN  
APPOINTMENT NO. 254-20  
NOTARY PUBLIC FOR MAKATI CITY  
PTR NO. 10055307/01-07-2018/MKT.  
IBP NO. 0202 /01-07-2018 QUEZON  
MCLE # NO. 0421190/07-09-20  
Roll No. 38847

Doc. No. 57  
Page No. 1/1  
Book No. 143  
Series of 2020

ACKNOWLEDGEMENT

