

KNOW ALL MEN BY THESE PRESENTS:

This Contract for Supply of Services made and entered into this JUN 22 2020 day of \_\_\_\_\_ 2020 at Pasay City, Metro Manila, Philippines, by and between:

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

And

**IP CONVERGE DATA SERVICES, INC.** a corporation duly organized and existing under and by virtue of Philippine laws and with principal office address at 34<sup>TH</sup> Floor, RCBC Plaza, Tower II, Ayala Ave., Makati City, represented herein by its duly authorized Vice President for Operations, **MR. DOMINICO F. RATUISTE**, duly authorized to sign this contract under Authority of the signatory which is hereto attached as annex "B" hereinafter referred to as the "IP CONVERGE"

**WHEREAS**, the SEC Bids and Awards Committee (BAC) conducted a public bidding, for the project, **E-Mail Services for a Period of One (1) Year with Approved Budget for the Contract (ABC) of THREE MILLION PESOS (P3,000,000.00)**;

**WHEREAS**, on November 26, 2019, the Invitation to Bid for the said project was posted in the SEC and PhilGEPS websites and in SEC Bulletin Boards;

**WHEREAS**, on December 4, 2019, Mybusybee Incorporated (Mybusybee), Simplevia technologies Incorporation (Simplevia) and Bentaco Information Technology Services (Bentaco) attended the scheduled Pre-Bid Conference;

**WHEREAS**, on December 16, 2019, during the submission and opening of bids, only IP CONVERGE and Mybusybee submitted their eligibility, technical and financial documents;

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

**WHEREAS**, the BAC opened the financial offer of IP Converge and Mybusybee with the former having the bid amounting to One Million Seven Hundred Fifty Thousand Pesos (1,750,000.00), and the latter having the bid amounting to Two Million Thirty Nine Thousand Four Hundred Pesos (Php2,039,400.00) inclusive of VAT;

**WHEREAS**, the price quoted by IP Converge was declared as the Lowest Calculated Bid;

**WHEREAS**, on January 16, 2020 the BAC endorsed the bidding documents of IP Converge, to the Technical Working Group (TWG) for post-qualification and evaluation;

**WHEREAS**, the Technical Working group upon careful examination, validation, and verification of the eligibility, technical and financial proposal, found the submission of the IP CONVERGE as the **Lowest Calculated and Responsive Bid**;

**WHEREAS**, in the BAC Resolution No. 2020-006 dated January 22, 2020, the BAC recommended to the Chairperson the award of the contract for the **E-Mail Services for a Period of One (1) Year** to IP CONVERGE;



**WHEREAS**, on January 20, 2020 the Chairperson approved the recommendation of the BAC and accordingly issued the Notice of Award;

**WHEREAS**, on February 21, 2020 IP CONVERGE submitted its Performance Security in the form of Performance Bond in the amount of Five Hundred Twenty Five Thousand Pesos (Php525,000.00);

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

1. The Contract shall have a term of one (1) year commencing on July 1, 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	Authority to Sign of IP CONVERGE	7
C	SEC Bidding Documents	74
D	Bid Bulletin No	N/A
E	Bidder's Eligibility and Technical Documents	126
F	Bidder's Financial Proposal	3
G	General Conditions of the Contract	15
H	Special Conditions of the Contract	3
I	Notice of Award	1
J	Performance Security	2
K	Service Contract	5

4. In consideration of the payments to be made by SEC, IP CONVERGE hereby covenants with SEC to the **E-Mail Services** in conformity in all respects with the provision of this Agreement.
5. The SEC hereby agrees to pay IP CONVERGE the amount of **One Million Seven Hundred Fifty Thousand Pesos (P1,750,000.00), inclusive of 12% VAT**, in consideration of its performance for the E-Mail Services under the provisions of this agreement at the times and in the manner prescribed herein;
6. If any legal action is necessary to enforce the terms and conditions of this Agreement, the parties agree that the City of Pasay shall be the sole venue and jurisdiction of the filing of such action.
7. If any term, provision, covenant or condition of this Agreement and its annexes is held by court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provision hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated.
8. In carrying out provisions of this Agreement, 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 IP CONVERGE against any official or employees of the SEC is waived.

IN WITNESS WHEREOF, the parties have caused this contract to be executed in accordance with laws of the Republic of the Philippines on the day and year first above written.

**SECURITIES & EXCHANGE  
COMMISSION ("SEC")**  
T.I.N. 000-190-308-000


**IP CONVERGE DATA SERVICE, INC.**  
T.I.N. 240-837-867-000

Signing for, and on Behalf of the Chairperson;

By:

By:

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

  
**DOMINICO F. RATUISTE**  
Vice President for Operations  
TIN

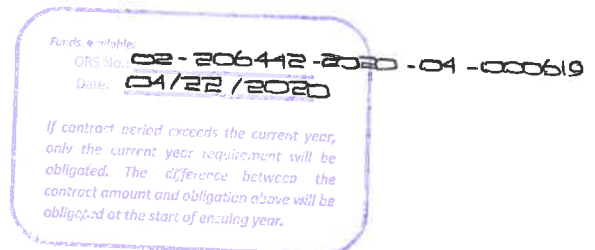
Signed in the Presence of Witnesses

  
**RODEL SJ PRESCO**  
End-user Representative

  
**MARIA CHRISTINA S. ROBLES**  
Senior Account Manager

Certified Funds Available:

  
**ADELAIDA NAVARRO BANARIA**  
Director, FMD



ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES }  
MAKATI CITY CITY } S.S.

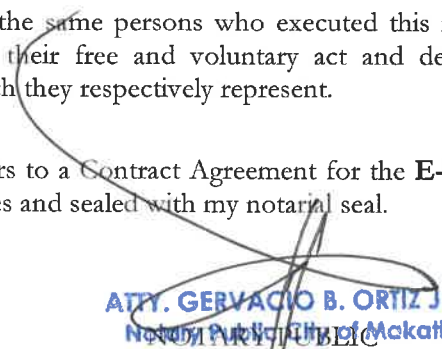
BEFORE ME, This \_\_\_\_\_ day of JUN 22 2020 2020 personally appeared the following:

**DOMINICO F. RATUISTE**

**TIN:**

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 **E-Mail Services for a period of one (1) year** and all its Annexes and sealed with my notarial seal.

  
**ATTY. GERVACIO B. ORTIZ JR.**  
Notary Public in and for the City of Makati  
Until December 31, 2020  
IBP No. 05729-Lifetime Member  
MCLE Compliance No. VI-0024312  
Appointment No. M-183-(2019-2020)  
PTR No. 8116014 Jan. 2, 2020  
Makati City Roll No. 40091  
101 Urban Ave. Campos Rueda Bldg.  
Brgy. Pio Del Pilar, Makati City

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Book No. XIII  
Series of 2020



ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES }  
\_\_\_\_\_ CITY } S.S.

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 **E-Mail Services for a period of one (1) year** and all its Annexes and sealed with my notarial seal.

NOTARY PUBLIC

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

  
Atty. Arron P. A. Pan Jr.  
Administering Officer  
Commission Secretary  
Securities and Exchange Commission  
Republic of the Philippines

