

CONTRACT AGREEMENT FORM No. 2020-3-019

**LEASE CONTRACT FOR THIRTY-TWO (32) UNITS OF DIGITAL COPIER MACHINES
FOR SEC HEAD OFFICE AND EXTENSION OFFICES
FOR A PERIOD OF ONE (1) YEAR**

KNOW ALL MEN BY THESE PRESENTS:

This Agreement made and entered into this ____ day of November, 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 Human Resources and Administrative Department OIC-Director **MARYLOU I. DUKA-CASTILLO**, duly authorized to sign contract under SEC Office Order No. 271, Series of 2019, a copy of which is hereto attached as annexes "A", hereinafter referred to as the "**SEC**";

-AND-

UBIX CORPORATION (UBIX), a domestic corporation duly registered and existing under the laws of the Philippines, with principal office address at 1331 & 1334 Angono St., Makati City herein represented by the Head, Riso Business, **JESSIE M. ECHON**, who is duly authorized to sign this contract as indicated in the Authority of Signatory dated July 1, 2020, a copy of which is hereto attached as Annex "B", hereinafter referred to as "**UBIX**";

WITNESSETH:

WHEREAS, the SEC Bids and Awards Committee (BAC) conducted a public bidding for the project, **Lease Contract for Thirty-Two (32) Units Digital Copier Machine for SEC Head Office and Extension Offices for a Period of One (1) Year** with an Approved Budget for the Contract of Php 3,070,000;

WHEREAS, on June 22, 2020 scheduled Pre-Bid Conference, OTUS Copy Systems Inc. (OTUS) and Ubix Corporation (UBIX) signifies their intentions via e-mail at attended the said conference;

WHEREAS, on June 24, 2020, Bid Bulletin No.1 was issued to clarify, modify and amend items in the bidding documents;

WHEREAS, on July 5, 2020, Bid Bulletin No. 2 issued postponing the scheduled deadline for submission and opening of bids from July 6, 2020 to July 7, 2020;

WHEREAS, on July 7, 2020 re-scheduled deadline for submission and opening of bids, Ubix and Otus submitted their respective bids;

WHEREAS, on the same date, the BAC, using a non-discretionary "pass/fail" criterion opened their bid envelope and declared both bidders eligible and their financial offers were both within the Approved Budget for Contract (ABC);

Marylou Anka-Castillo

[Signature]

[Signature]

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Bidder	Financial Offer (Php)
Otus Copy Systems, Inc	3,029,644.80
U-bix Corporation	2,754,097.92

WHEREAS, in reference to the TWG report, the BAC unanimously resolve to declare UBIX as the Lowest Calculated Bid (LCB) and notice to submit post qualification documents be issued accordingly;

WHEREAS, on September 3, 2020, based on the TWG Post-Qualification and Evaluation Report submitted to the BAC, **UBIX** was established to be compliant with the legal, financial and technical requirements and was declared as **Lowest Calculated and Responsive Bid**;

WHEREAS, in BAC Resolution No. 2020-050 dated September 10, 2020, the BAC recommended to the Chairperson the award of the contract to **UBIX**;

WHEREAS, on September 21, 2020, the Chairperson approved the recommendation of the BAC and accordingly, issued the Notice of Award;

WHEREAS, on October 8, 2020, **UBIX** submitted its Performance Security in the form of Irrevocable Domestic Standby Letter of Credit issued by the Bank of Philippine Island with LC No. 02026520238310 in the amount of One Hundred Thirty-Seven Thousand Seven Hundred Four and 90/100 Pesos (P137,704.90);

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

- In this Agreement, the words and expressions shall have the same meaning as are respectively assigned to them in the General and Special Conditions of this Contract.
- 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
C	SEC Bidding Document	76
D	Bidder's Eligibility/Technical Documents	152
E	Bidder's Financial Proposal	3
F	Supplemental Bid Bulletin No. 1 & 2	2
G	General Conditions of Contract	15
H	Special Conditions of Contract	7
I	Notice of Award	1
J	Performance Security	2

- The Contract of Lease shall have a term of **one (1) year** from the delivery of digital copier machine.
- In consideration of the payments to be made by SEC, UBIX hereby covenants with SEC to the Lease Contract for Thirty-Two (32) Units Digital Copier Machine for SEC Head Office and Extension Offices for a Period of One (1) Year in conformity in all respects with the provisions of this Agreement.
- The SEC hereby agrees to pay the UBIX the amount **Two Million Seven Hundred Fifty-Four Thousand Ninety-Seven and 92/100 Pesos (P2,754,097.92)** inclusive of VAT in consideration of its performance for the Lease Contract for Thirty-Two (32) Units Digital Copier Machine for SEC Head Office and Extension Offices for a Period of One (1) Year under the provisions of this Agreement at the times and in the manner prescribed herein.

Margaret Amara-Cortez

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 for the filing of such action.
7. If any term, provision, covenant or condition of this Agreement is held by a 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 UBIX against any official or employees of the SEC is waived.

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

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

**UBIX CORPORATION
TIN: 000-171-929-000**

Signing for, and in Behalf of the Chairperson
By:


MARYLOU I. DUKA-CASTILLO
OIC-Director, HRAD
TIN: 116-241-950-000

By:


JESSIE M. ECHON
Head – RISO Business
TIN: 171-060-583-000

SIGNED IN THE PRESENCE OF:

By:

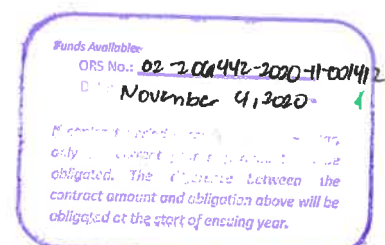

MARCELO Q. RABARA
Witness

By:


KATRINA GILLIAN MASANGKAY
Witness

Certified Funds Available:


ADELAIDA C. NAVARRO-BANARIA
Director, FMD



ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
PASAY CITY) S. S.

BEFORE ME, a Notary Public for and in the City of PASAY on this ____ day of *November* 2020, personally came and appeared the following; and presenting competent evidence of identity, as follows:

Name

Evidence of Identity

MARYLOU I. DUKA-CASTILLO

TIN: 116-241-950-000

all known to me and to me known to be the same persons who executed this Agreement consisting of Five (5) including this page, where the acknowledgement is written, and they acknowledged to me that the same is their free and voluntary act and deed as well as the entity/corporation they represent.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the date and at the place first hereinabove written.

Notary Public

Doc. No. _____
Page No. _____
Book No. _____
Series of 2020 _____

[Signature]
Atty. Armando A. Pan J.
Administering Officer
Commission Secretary
Securities and Exchange Commission
Republic of the Philippines

Marylou I. Duka-Castillo

[Signature]

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
PASAY CITY) S. S.

18 NOV 2020

BEFORE ME, a Notary Public for and in the City of PASAY on this ____ day of *November* 2020, personally came and appeared the following; and presenting competent evidence of identity, as follows:

Name

Evidence of Identity

JESSIE M. ECHON

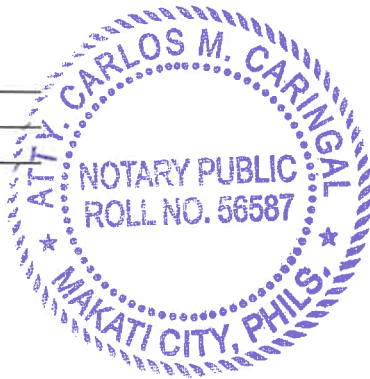
TIN: 171-060-583-000

all known to me and to me known to be the same persons who executed this Agreement consisting of Five (5) including this page, where the acknowledgement is written, and they acknowledged to me that the same is their free and voluntary act and deed as well as the entity/corporation they represent.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the date and at the place first hereinabove written.

Doc. No. _____
Page No. _____
Book No. _____
Series of 2020 _____

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02
XXXI



Notary Public

[Signature]

ATTY. CARLOS M. CARINGAL
Notary Public for Makati City
1344 Angono St., Poblacion, Makati City
Appointment No. M-51
Until December 31, 2021
Roll of Attorney No. 56587
PTR No. 8126013; 1-07-2020; Makati City
IBP Lifetime Member No. 010282; Bataan

AD
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