

Contract for the Subscription to Multi-Protocol Label Switching

This Contract for Supply of Services "Contract" made and entered into this ____ 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 as amended, with office address at Secretariat Building, Philippine International Convention Center, Pasay City represented herein by **OLIVER V. CHATO** 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

PLDT INC., a corporation duly organized and existing under and by virtue of Philippine laws and with principal office address at Ramon Cojuanco Building Makati Avenue, Makati City, represented herein by the First Vice President and Sector Head of PLDT Alpha-Business, **VICTOR Y. TRIA**, authorized to sign this contract under Secretary's Certificate dated January 15, 2020 a copy of which are hereto attached as annex "B" hereinafter referred to as the "PLDT"

WITNESSETH That:

WHEREAS, the Securities and Exchange Commission through its Bids and Awards Committee (BAC) posted the Invitation to Bid for the Subscription to Multi-Protocol Label Switching in the PhilGEPS and SEC websites and in the SEC Bulletin Boards continuously for at least seven (7) days starting December 14, 2019;

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 Eight Million Pesos (P8,000,000.00) as indicated in the Approved Purchase Order No. 201912208 is included under item no. B-7 in FY 2020 Indicative Annual Procurement Plan (IAPP);

WHEREAS, on January 7, 2020, PLDT, Inc. (PLDT) attended the scheduled Pre-Bid Conference;



WHEREAS, on January 10, 2020, Supplemental Bid Bulletins were issued to clarify modify and amend items in the bidding documents;

WHEREAS, on January 22, 2020, the deadline of submission and opening of bids, only PLDT 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 PLDT. Upon examination, the BAC found the eligibility and technical documents of PLDT compliant with the minimum requirements;

WHEREAS, the BAC opened the financial offer of PLDT and that its bid in the amount of Six Million Five Hundred Thousand Pesos (Php 6,500,000.00) inclusive of VAT is within the Approved Budget for the Contract of Eight Million (P8,000,000.00) Pesos;

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

WHEREAS, on January 24, 2020 the BAC endorsed the bidding documents of PLDT 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 7, 2020, the TWG presented to the BAC its Post-Qualification and Evaluation Report and recommends award of contract to PLDT;

WHEREAS, in the BAC Resolution No. 2020-007 dated February 12, 2020, the BAC resolved to recommend to the SEC Chairperson as Head of the Procuring Entity (“HOPE”) the award of the contract for the **Subscription to Multi-Protocol Label Switching** to PLDT;

WHEREAS, on February 10, 2020, the HOPE approved the recommendation of the BAC and accordingly issued the Notice of Award;

WHEREAS, on February 2020 the PLDT submitted its Performance Security in the form of Surety Bond in the amount of One Million Nine Hundred Fifty Thousand Peso (P1,950,000.00);

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;
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 PLDT, Inc.	1
C	SEC Bidding Documents	76
D	Bid Bulletin No. 1	3
E	Bidder’s Eligibility and Technical Documents	163
F	Bidder’s Financial Proposal	4
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, PLDT hereby covenants with SEC to the **Subscription to Multi-Protocol Label Switching** conformity in all respects with the provision of this Contract;
5. The SEC hereby agrees to pay PLDT the amount of **Six Million Five Hundred Thousand Pesos (P6,500,000.00), 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. In order to assure that manufacturing defects shall be corrected by the supplier, a Warranty Security shall be required from the contract awarded for a period of one (1) year after acceptance of the Information and Communications Technology Department (ICTD).

7. If any legal action is necessary to enforce the terms and conditions of this Contract, the parties agree that in City of Pasay or in the City of Makati, at the option of the plaintiff, shall be the sole venue and jurisdiction of the filing of such action.
8. 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.
9. 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.

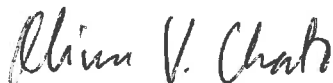
IN WITNESS WHEREOF, the parties have caused this Contract to be executed in accordance with the laws of the Republic of the Philippines on the day and year first above written.

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

PLDT INC.
("SUPPLIER")
T.I.N. 000-488-793-000

Signing for, and on Behalf of the Chairperson;

By:



OLIVER V. CHATO
OIC-Director, ICTD
TIN: 116-242-160

By:



VICTOR Y. TRIAS
First Vice-President and
and Sector Head of Alpha Business

Signed in the Presence of Witnesses



RODEL SJ PRESO
End-user Department Representative



LEA R. AMURAO
Relationship Manager, PLDT Inc.

Certified Funds Available:



ADELAIDA NAVARRO BANARIA
Director, FMD

ACKNOWLEDGEMENT

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

BEFORE ME, This _____ day of NOV 20 2020 2020 personally appeared the following:

VICTOR Y. TRIA **P8794830A** **Sept 18, 2018/DFA NCR South**

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 **Subscription to Multi-Protocol Label System for a period of one (1) year** and all its Annexes and sealed with my notarial seal.

NOTARY PUBLIC



ABNER TITO L. ALBERTO
Notary Public for the City of Makati
Until December 31, 2020
Appointment No. 83

Roll of Attorney's No. 38834
PTR O.R. No. 8125097 - 01/07/2020 Makati City
IBP Lifetime No. 02968 - 08/09/01
2/F MGO Bldg. Legazpi St. Legazpi Vill., Makati City, MM

Doc. No. 308
Page No. 43
Book No. IV
Series of 2020

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES }
SAN JUAN CITY CITY } S.S.

BEFORE ME, This DEC 10 2020 day of 2020 personally appeared the following:

OLIVER V. CHATO


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.

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NOTARY PUBLIC

Doc. No. 240
Page No. 49
Book No. XVII
Series of 2020


ATTY VIRGINIA B. PINAROC
Notary Public
Pasig, San Juan, Pateros
Until December 31, 2020
IBP Lifetime No. 016285
Rizal Chapter
Roll No. 68151
PTR No. 1399344 Jan. 2, 2020 San Juan City
MCLF No. VI-0004705-Dec. 15-2017
App. No. 1812019-2020, TIN No. 10013480
No. 10 Eisenhower St., San Juan City