

CONTRACT AGREEMENT FORM 2020-3-021

**SUPPLY OF GOODS FOR THE JANITORIAL MANPOWER AND UTILITY SERVICES FOR
SEC MAIN OFFICE AND EXTENSION OFFICES FOR A PERIOD OF ONE (1) YEAR**

KNOW ALL MEN BY THESE PRESENTS:

DEC 1 0 2020

This Agreement made and entered into this ___ day of December, 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 3rd Floor, PICC Secretariat Building, PICC Complex, Pasay City, represented herein by its Chairperson **EMILIO B. AQUINO**, hereinafter referred to as the "**SEC**";

-AND-

LSERV CORPORATION (LSERV), a corporation duly registered and existing under the laws of the Philippines, with principal office address at Units C & D, 21st Floor, Petron Mega Plaza, 358 Sen. Gil Puyat Ave., Makati City herein represented by the Chief Operating Officer, **JOSEPH V. ANGELES**, who is duly authorized to sign this contract as indicated in the Authority of Signatory dated July 2, 2020, a copy of which is hereto attached as Annex "B", hereinafter referred to as "**LSERV**";

WITNESSETH:

WHEREAS, the SEC Bids and Awards Committee (BAC) conducted a public bidding for the project, **Service Contract for the Janitorial and Utility Manpower Services for SEC Main Office and Extension Offices for a Period of One (1) Year** with an Approved Budget for the Contract of **Php 17,500,000.00**;

WHEREAS, on June 26, 2020, scheduled Pre-bid Conference, only LSERV Corporation (LSERV) signify its intent via mail and attended the conference via Zoom:

WHEREAS, on June 30, 2020, Bid Bulletin No.2 was issued to clarify, modify and amend items in the bidding documents;

WHEREAS, per SEC advisory extending the lockdown on SEC premises, the BAC per Bid Bulletin No. 3, re-scheduled the deadline for submission and opening of bids from July 10, 2020 to July 13, 2020;

WHEREAS, on July 11, 2020, per Bid Bulletin No. 4, deadline for submission and opening bid was again re-scheduled to July 27, 2020 per SEC advisory extending the lockdown of SEC premises in the PICC;

WHEREAS, on July 27, 2020, deadline for submission and opening of bids, only LSERV submitted its bid documents;

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

WHEREAS, the BAC opened the financial envelope of LSERV and that its financial bid in the amount of Sixteen Million Three Hundred Fifty-Five Thousand Two Hundred Thirty-Five and



36/100 Pesos (P16,355,235.36) inclusive of VAT. was found to be responsive and within the ABC;

WHEREAS, the BAC instructed the TWG to review, evaluate and re-compute the financial proposal of LSERVE prior to declaration and issuance of notice as Single Calculated Bidder;

WHEREAS, based on the re-computation of the TWG on the basis of three (3) year depreciation cost of the equipment, LSERVE financial offer should be P15,536,355.96 instead of 16,355.235.36. Hence, LSERVE TWG through the BAC Secretariat informed LSERVE of this recomputed amount;

WHEREAS, LSERV was declared as the Single Calculated Bid for the project in recalculated amount of **Fifteen Million Five Hundred Thirty-Six Thousand Three Hundred Fifty-Five and 96/100 (Php 15,536,355.96)**;

WHEREAS, on September 9, 2020 the BAC endorsed the bidding documents of LSERV, 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 October 27, 2020, based on the TWG Post-Qualification and Evaluation Report submitted to the BAC, LSERV was established to be compliant with the legal, financial and technical requirements and was declared by the BAC as the **Single Calculated and Responsive Bid**;

WHEREAS, in BAC Resolution No. 2020-054 dated November 4, 2020, the BAC recommended to the Chairperson the award of the contract to LSERV;

WHEREAS, the Chairperson approved the recommendation of the BAC and accordingly, issued the Notice of Award on November 9, 2020;

WHEREAS, LSERV submitted its Performance Security in the form of Surety Bond on November __, 2020 issued by Malayan Insurance Company, Inc. in the sum of Four Million Four Hundred Sixty-Six Thousand Nine Hundred Six and 79/100 Pesos (Php4,466,906.79);

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

1. 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.
2. The following documents shall be deemed to form and be read and construed as part of this Agreement, namely:

<u>Annexes</u>	<u>Description of Document</u>	<u>No. of Pages</u>
C	SEC Bidding Document	88
D	Bidder's Eligibility/Technical Documents	139
E	Bidder's Financial Proposal	16
F	Supplemental Bid Bulletin	4
G	General Condition of Contract	16
H	Special Conditions of Contract	4
I	Notice of Award	1
J	Performance Security	1

3. The Contract shall have a term of **one (1) year** commencing on December __, 2020.

 Page 2 of 6

Reviewed by
OFFICE OF THE GENERAL COUNSEL
LSERV CORPORATION

✓

4. In consideration of the payments to be made by SEC, LSERV hereby covenants with SEC to the Service Contract for the Janitorial and Utility Manpower Services for SEC Main Office and Extension Offices for a Period of One (1) Year in conformity in all respects with the provisions of this Agreement.

Should extra services beyond regular working hours be needed or required by SEC, its authorized representative/s may request LSERV to perform such services; provided that such extra services shall be within the scope of the existing contract. Payment for extra services actually rendered shall be made in a separate billing, the computation of which shall be on the employee's basic pay.

5. The SEC hereby agrees to pay the LSERV the amount of "**Fifteen Million Five Hundred Thirty-Six Thousand Three Hundred Fifty-Five and 96/100 (Php 15,536,355.96) inclusive of VAT**" in consideration of its performance of the services and delivery of goods, under the provisions of this Agreement at the times and in the manner prescribed herein.
6. If before the expiration of this Contract, a successor-service provider shall not have been selected and qualified, the SEC, as its interest may require, may extend the same, on a month-to month basis, for a period not exceeding one year, until such time that a successor-service provider shall have been selected and qualified pursuant to the appropriate procurement process.
7. 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.
8. 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.
9. 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 LSERV 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

**LSERV CORPORATION
TIN 000-171-929-000**

Signing for Commission by:


EMILIO B. AQUINO
Chairperson
TIN: 125-673-135

By:



JOSEPH V. ANGELES
Chief Operating Officer
TIN: 121-427-075

SIGNED IN THE PRESENCE OF:


By:

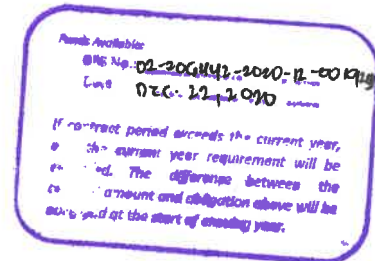

RICKY M. ABUNDO
Asst. Director HRAD
Witness

By:


GENEROSO T. CANLAS, JR.
Vice President
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 City on this 23 day of December 2020, personally came and appeared the following; and presenting competent evidence of identity, as follows:

Name

Evidence of Identity

EMILIO B. AQUINO

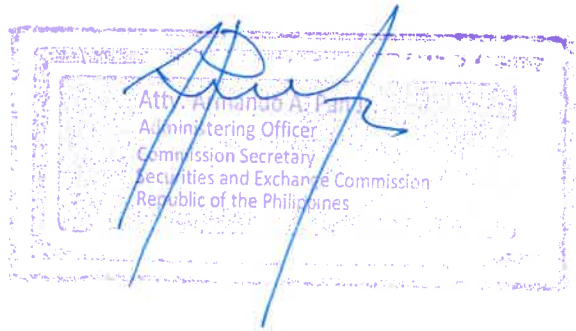
TIN: 125-673-135

all known to me and to me known to be the same persons who executed this Agreement consisting of Six (6) 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



ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
Pasay City) S. S.

Makati City

Makati City

DEC 1 0 2020

BEFORE ME, a Notary Public for and in the City of Pasay City on this ____day of December 2020, personally came and appeared the following; and presenting competent evidence of identity, as follows:

Name

Evidence of Identity

JOSEPH V. ANGELES

TIN: 121-427-075

all known to me and to me known to be the same persons who executed this Agreement consisting of Six (6) 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. 51
Book No. 12
Series of 2020 35

ATTY. GEORGE DAVID D. SITON
NOTARY PUBLIC FOR MAKATI CITY
APPT. NO. M-372 UNTIL DEC 31, 2021
RCLL NO. 68402
MCLE COMPLIANCE NO. VI-0021936 3-29-2019
IBP OR NO. 002282- LIFETIME MEMBER- 5-8-17
PTR NO. 2275859 - JAN 21, 2020- PARAÑAQUE CITY
EXECUTIVE BLDG., CENTER MAKATI AVE., COR JUPITER ST.,
MAKATI CITY