

## Contract for Supply of Services

KNOW ALL MEN BY THESE PRESENTS:

This Contract for Supply of Services 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, with office address at Secretariat Building, PICC Complex, Pasay City, represented herein by **MR. OLIVER V. CHATO**, OIC-Director of Information and Communications Technology Department duly authorized to sign this contract under SEC Office Order No. 270 series of 2019, copy of which are hereto attached as annex "A" respectively, hereinafter referred to as the "**SEC**";

-and-

**EASTERN TELECOMMUNICATIONS PHILIPPINES, INC.**, a corporation duly organized and existing under and by virtue of Philippine laws and with principal office address at Telecom Plaza, 316 Gen. J. Puyat Avenue, Salcedo Village, Makati City, represented herein by its duly authorized Sales Head, **MR. MICHAEL S. CASTAÑEDA**, duly authorized for this purpose a copy of which are hereto attached as annex "B" hereinafter referred to as the "**ETPI**"

**WHEREAS**, the Securities and Exchange Commission (SEC) through its Bids and Awards Committee (BAC) poste the Invitation to Bid for the Hosting/Co-Location Facility of SEC in the PhilGEPS and SEC websites and in the SEC Bulletin Boards continuously for at least seven (7) days starting June 9, 2020;

**WHEREAS**, the project with an Approved Budget for the Contract of Ten Million Pesos (P10,000,000.00) is included under item no. B-7 in FY2020 Annual Procurement Plan (APP);

**WHEREAS**, on June 4, 2020, Eastern Telecommunications Philippines, Inc. (ETPI) (June 3, 2020), American Technologies Incorporated (ATI) (June 3, 2020) and Infoshare Management Systems (Infoshare) (May 30, 2020) signified their intentions to bid via electronic mail (e-mail) only ETPI attended the scheduled Pre-Bid Conference;

**WHEREAS**, on May 27 and June 9, 2020, Supplemental Bid Bulletins was issued to clarify, modify and amend items in the bidding documents;

**WHEREAS**, on June 16, 2020, the deadline for submission and opening of bids, only ETPI submitted its eligibility technical and financial documents;

**WHEREAS**, to determine the Bidder's compliance with the documents prescribed in the ITB, the BAC, checking against a checklist found the submitted documents of the ETPI, compliant and was declared as the Lowest Calculated Bid in the amount of **Eight Million Nine Hundred Thirty-Four Thousand Nine Hundred Twelve Pesos (P8,934,912.00), inclusive of vat;**

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

**WHEREAS**, in the BAC Resolution No. 2020-000 dated July \_\_, 2020, the BAC recommended to the Chairperson the award of the contract for the **Hosting/Co-Location Facility of SEC (Re-bidding)** to ETPI;



**WHEREAS**, the Chairperson approved the recommendation of the BAC and accordingly issued the Notice of Award on July 16, 2020;

**WHEREAS**, ETPI submitted its Performance Security in the form of Surety Bond on 21<sup>st</sup> day of July 2020 in the amount of **Two Million Six Hundred Eighty Thousand Four Hundred Seventy-Three and Sixty Cents (PhP2,680,473.60)**;

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

1. 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.
2. 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 Resolution No. 270 series of 2019	1
B	Authority to Sign of ETPI	7
C	SEC Bidding Documents	81
D	Bid Bulletin No. 1 and 2	3
E	Bidder's Eligibility and Technical Documents	164
F	Bidder's Financial Proposal	3
G	General Conditions of the Contract	1
H	Special Conditions of the Contract	2
I	Notice of Award	1
J	Performance Security	4

3. The Contract shall have a term of one (1) year reckoned from the delivery of the Hosting/Co-Location Facility of SEC;
4. In consideration of the payments to be made by SEC to ETPI, hereby covenants with SEC for **the Hosting/Co-Location Facility of SEC** in conformity in all respects with the provision of this Agreement for a period of One (1) year from the delivery of the Hosting/Co-Location Facility of SEC;
5. The SEC hereby agrees to pay ETPI the amount of **Eight Million Nine Hundred Thirty-Four Thousand Nine Hundred Twelve Pesos (P8,934,912.00), inclusive of 12% 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 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 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 EASTERN 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**  
T.I.N. 000-190-308-000

**EASTERN TELECOMMUNICATIONS  
PHILIPPINES, INC.**  
T.I.N. 000-451-549-000

Signing for, and on Behalf of the Chairperson:

By:

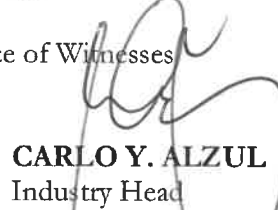
  
**OLIVER V. CHATO**  
OIC-Director, ICTD  
TIN \_\_\_\_\_

By:

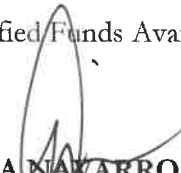

  
**MICHAEL S. CASTAÑEDA**  
Sales Head  
TIN 137-924-855

Signed in the Presence of Witnesses

  
**RODEL SJ PRESCO**  
End-user

  
**CARLO Y. ALZUL**  
Industry Head

Certified Funds Available:

  
**ADELAIDA NAVARRO BANARIA**  
Director, FMD 



ACKNOWLEDGEMENT

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

BEFORE ME, This \_\_\_\_\_ day of 15 JAN 2021 2021 personally appeared the following:

**MICHAEL S. CASTAÑEDA**

**TIN: 137-924-855**

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 **Hosting/Co-Location Facility of SEC** and all its Annexes and sealed with my notarial seal.

Doc. No. 457  
Page No. 97  
Book No. 11  
Series of 2021

**ATTY. HENRY D. ADASA**  
NOTARY PUBLIC CITY OF MANILA  
UNTIL DECEMBER 31, 2021  
NOTARIAL COMMISSION 2020-097 MLA  
IBP NO. 141253 - 01/04/2021, PASIG  
PTR NO. 9826148 - 01/05/2021 MLA  
ROLL NO. 29679, TIN: 172-528-620  
MCLE COMPL. NO. VII-0000165  
URBAN DECA HOMES MANILA, B-2, UNIT 355

ACKNOWLEDGEMENT

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

BEFORE ME, This JAN 19 2021 day of \_\_\_\_\_ 2020 personally appeared the following:

**OLIVER V. CHATO**

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 **Hosting/Co-Location Facility of SEC** and all its Annexes and sealed with my notarial seal.

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

**Atty. Edhona C. Tantuan**  
Administering Officer  
SEC. Chief Counsel  
Securities and Exchange Commission  
Republic of the Philippines