

p.339



NOTICE TO PROCEED

27 December 2019

MEDICAL GALLERY TRADING CO.
1357 Rizal Ave., Sta Cruz, Manila
Tel. No.: 8781-7137 / 8781-7138
Fax No.: 8742-4193

Dear Sir/Madame:

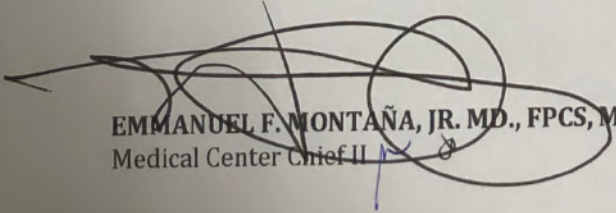
The attached Contract Agreement having been approved, notice is hereby given to **MEDICAL GALLERY TRADING CO.** that the delivery of **ONE (1) LOT SUPPLY, DELIVERY, TESTING AND COMMISSIONING OF FOUR (4) UNITS BRAND NEW AMBULANCE** in the amount of **NINE MILLION SEVEN HUNDRED NINETY TWO THOUSAND PESOS (P9,792,000.00)** only. You may deliver the following items within **Ninety (90) days**:

ITEM NO.	ITEM DESCRIPTION	BRAND / COUNTRY OF ORIGIN	QTY.	UNIT	UNIT PRICE (PHP)	TOTAL PRICE (PHP)
1	Supply, Delivery, Testing and Commissioning of Four (4) Units Brand New Ambulance	NISSAN / JAPAN	1	Lot	9,792,000.00	9,792,000.00
GRAND TOTAL						9,792,000.00

Upon receipt of this notice, you are responsible for performing the services under the terms and conditions of the Agreement and in accordance with the Implementation Schedule.

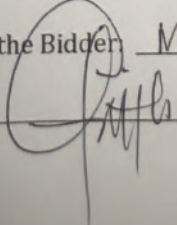
Please acknowledge receipt and acceptance of this notice by signing both copies in the space provided below. Keep one copy and return the other to the JOSE R. REYES MEMORIAL MEDICAL CENTER.

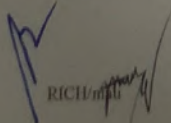
Very truly yours,


EMMANUEL F. MONTAÑA, JR. MD., FPCS, MHA
Medical Center Chief II

I acknowledge receipt of this Notice on DECEMBER 27, 2019

Name of the Representative of the Bidder MARILYN FLORES

Authorized Signature 


RICHARD

**CONTRACT FOR THE PROCUREMENT OF
ONE (1) LOT SUPPLY, DELIVERY, TESTING & COMMISSIONING OF
FOUR (4) UNITS BRAND NEW AMBULANCE**

KNOW ALL MEN BY THESE PRESENTS:

THIS CONTRACT ENTERED INTO THIS 23rd day of December 2019, BY AND BETWEEN:

The **Jose R. Reyes Memorial Medical Center**, a government hospital under the Department of Health of the Republic of the Philippines, with address at San Lazaro Compound, Rizal Avenue, Sta. Cruz, Manila, represented by its Medical Center Chief II, **EMMANUEL F. MONTAÑA, Jr., MD, FPCS, FACS, MHA** and hereinafter referred to as the "ENTITY"

- and -

MEDICAL GALLERY TRADING CO. a corporation created under Philippine Law with office address at 1357 Rizal Ave., Sta. Cruz, Manila herein represented by its Owner, **ELVA ESPINO** and hereinafter referred to as the "SUPPLIER".

WITNESSETH:

WHEREAS, a competitive bidding was conducted last 19 November 2019 by the Entity through the Hospital Bids and Awards Committee for the procurement of **ONE (1) LOT SUPPLY, DELIVERY, TESTING & COMMISSIONING OF FOUR (4) UNITS BRAND NEW AMBULANCE** hereinafter called the "ITEM."

WHEREAS, the SUPPLIER being the lone bidder which purchased the bidding documents, submitted the specified requirements on the above mentioned item and was found eligible during the preliminary examination of bids last 19 November 2019. The SUPPLIER was awarded the project in the sum of **NINE MILLION SEVEN HUNDRED NINETY TWO THOUSAND PESOS (₱9,792,000.00)** only, inclusive of local taxes and the ENTITY has accepted the bid for the following particular/s:

ITEM NO.	ITEM DESCRIPTION	BRAND / MODEL / COUNTRY OF ORIGIN	QTY.	UNIT	UNIT PRICE (PhP)	TOTAL PRICE (PhP)
1	Supply, Delivery, Testing and Commissioning of Four (4) Units Brand New Ambulance	NISSAN / JAPAN	1	Lot	9,792,000.00	9,792,000.00
GRAND TOTAL						9,792,000.00

The Supplier, having the necessary resources and expertise, is willing and competent to provide the required items.

NOW THEREFORE, in consideration of the premises and of terms and conditions hereinafter set forth, the parties hereby agree as follows:

[Signature]
EMMANUEL F. MONTAÑA, JR., MD, FPCS, FACS, MHA
Medical Center Chief II

[Signature]
JAYSON G. DELA CRUZ, CPA, MPA
Financial & Management Officer II

[Signature]
MARICELA TORRES
HR Officer / Sales Specialist

[Signature]
ELVA ESPINO
Owner

Article I- SCOPE OF CONTRACT

1. In this Agreement words and expressions shall have the same meaning as are respectively assigned to them in the Conditions of Contract referred to.
2. The following documents shall be deemed to form and be read and construed as part of this Agreement, viz.:
 - a. Hospital Bids and Awards Committee Resolution to Award no. 3325 s. 2019 (Annex 1);
 - b. Notice of Award (Annex 2);
 - c. Purchase Request No. 2019-10-5420 (Annex 3);
 - d. Certificate of Availability of Fund No. 2019-11-1251 (Annex 4);
 - e. Bid Bulletin (Annex 5);
 - f. The Bid Form and the Price Schedule submitted by the Bidder (Annex 6);
 - g. The Schedule of Requirements (Annex 7);
 - h. The Technical Specifications (Annex 8);
 - i. The General Conditions of Contract (Annex 9);
 - j. The Special Conditions of Contract (Annex 10);
 - k. The Abstract of Bids (Annex 11);
 - l. The Warranty (Annex 12);
 - m. The Performance Security (Annex 13);
 - n. Project Procurement Management Plan (Annex 14);
 - o. Brochures and Other Certifications for the Standard Requirements (Annex 15).

ARTICLE II - EFFECTIVITY OF THE CONTRACT

The effectivity date of this contract is the date of the SUPPLIER's receipt of the Notice to Proceed (NTP) unless a different date is stated in the NTP.

The SUPPLIER shall deliver the ITEM within the period specified in the Notice To Proceed (NTP).

ARTICLE III- DURATION OF ENGAGEMENT

Unless sooner terminated, this Contract shall be valid for *Ninety (90) days* reckoned from the receipt of Notice to Proceed (NTP).

ARTICLE IV- TERMS OF PAYMENT

- a) In consideration of the payments to be made by the Entity to the Supplier as hereinafter mentioned, the Supplier hereby covenants with the Entity to provide the goods and to remedy defects therein in conformity in all respects with the provisions of the Contract.
- b) The Entity hereby covenants to pay the Supplier in consideration of the provision of the goods and services and the remedying of defects therein, the Contract Price or such other sum as may become payable under the provisions of the contract at the time and in the manner prescribed by the contract.

ARTICLE V- SETTLEMENT OF DISPUTES

Any and all disputes arising from the implementation of this contract shall be submitted to arbitration in the Philippines according to the provisions of Republic Act (R.A) 876, otherwise known as the "Arbitration Law" and RA 9285 otherwise known as the "Alternative Dispute Resolution Act of 2004": Provided however, that disputes that are within the competence of

the Construction Industry Arbitration Commission to resolve shall be referred thereto. Provided further, that by mutual agreement, the parties may agree in writing to resort to other alternative modes of disputes resolution.

ARTICLE VI- LIQUIDATED DAMAGES

When SUPPLIER fails to perform its obligation within the period as set in the Contract, SUPPLIER shall be liable for damages for the delay and shall indemnify the ENTITY liquidated damages in an amount of one-tenth (1/10) of one percent (1%) of the cost of the unperformed portion for everyday of delay. Provided, that such delay is not attributed to ENTITY'S failure to meet its obligation to SUPPLIER, or due to force majeure. Provided further that, in the event the cumulative amount of liquidated damages reaches ten percent (10%) of the amount of the contract, ENTITY may rescind or terminate the Contract, without prejudice to other courses of action and remedies available with the circumstances.

ARTICLE VII- ADDITIONAL PROVISIONS

- a) It is understood that no employer-employee relationship exists between the ENTITY and SUPPLIER and/or the latter's staff or employees by reason of this Contract;
- b) Should the ENTITY be constrained to resort to court action to protect its right and interests hereunder, the SUPPLIER shall pay the ENTITY an amount equivalent to 20% of the total sum claimed in the complaint as and by way of attorney's fees plus expenses of litigation recoverable under pertinent laws provided, that the attorney's fees shall in no case be less than Twenty Thousand Pesos (Php20,000.00). Venue of such court action shall be laid exclusively in the proper court of Manila Philippines.

IN WITNESS whereof the parties hereto 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.

Signed:

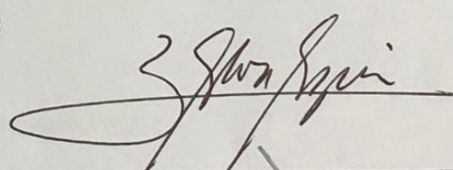
**JOSE R. REYES MEMORIAL
MEDICAL CENTER**

MEDICAL GALLERY TRADING CO.

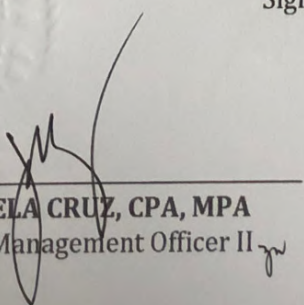
By:

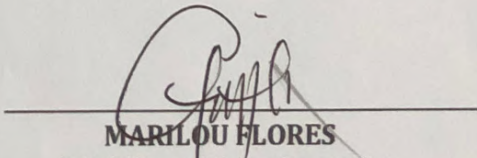
By:


EMMANUEL F. MONTAÑA, JR., M.D., FPCS, FACS, MHA
Medical Center Chief II


ELVA ESPINO
Owner

Signed in the presence of:


JAYSON DELA CRUZ, CPA, MPA
Financial & Management Officer II


MARILOU FLORES
HR Officer / Sales Specialist

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
City of Manila) ss.

BEFORE ME, a Notary Public for and in the City of Manila, Philippines, personally appeared:

Name	CTC No./Govt. ID	Date/Place Issued
<u>EMMANUEL F. MONTAÑA, JR., MD, FPCS, FACS MHA</u>	<u>02468888</u>	<u>Manila; January 05, 2019</u>
<u>ELVA ESPINO</u>	<u>PS637186A</u>	<u>Manila / Feb. 07, 2018</u>

Known to me and to me known to be the same persons who executed the foregoing contract and acknowledged to me the same as free and voluntary act and deed of the entities herein represented.

This **CONTRACT** consisting of four (4) pages including this page of which this acknowledgement is written and has been signed by the parties and their witnesses on each and every page thereof.

WITNESS MY HAND AND SEAL on this DEC 26 2019 day of _____, 2019 at MANILA, Philippines.

[Signature]
EMMANUEL F. MONTAÑA, JR., MD, FPCS, FACS, MHA
Medical Center Chief II

[Signature]
JAYSON G. DELA CRUZ, CPA, MPA
Financial & Management Officer II

[Signature]
MARIANO TORRES
HR Officer / Sales Specialist

[Signature]
ELVA ESPINO
Owner

Notary Public

~~ATTY BUENAVENTURA S. MEDINA JR.
NOTARY PUBLIC
ROLL NO# 4191-A-03
IBP LIFETIME NO. # 9765437 A-02
MCLE NO. # 07653167-A-06
PTR # 3142622-01-09-19
VERIFICATION # 26340003 MANILA
VALID UNTIL 12/31/18~~

Doc. No. 05
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Book No. 25
Series of 2019



HBAC-A2 RESOLUTION NO. 3325 s. 2019

**BAC Resolution Declaring SCRB and Recommending Award
To MEDICAL GALLERY TRADING CO.**

WHEREAS, the JOSE R. REYES MEMORIAL MEDICAL CENTER posted the Invitation to Bid for the procurement of **ONE (1) LOT SUPPLY, DELIVERY, TESTING AND COMMISSIONING OF FOUR (4) UNITS BRAND NEW AMBULANCE** at the G-EPS and a conspicuous place at the premises of the JOSE R. REYES MEMORIAL MEDICAL CENTER continuously for 26 days;

WHEREAS, HBAC received approved Purchase Request No. 2019-10-5420 of **ONE (1) LOT Supply, Delivery, Testing and Commissioning of Four (4) Units Brand New Ambulance**;

WHEREAS, Execom Resolution No. 109 s. 2019 was received last 29 November 2019;

WHEREAS, Certificate of Availability of Funds (CAF) was received last 02 December 2019 with CAF number 2019-11-1251 is available out of HFEP 2019 Fund;

WHEREAS, a public bidding for the following items was held last **19 November 2019**;

Item No.	Description	Quantity	Unit	Unit Price	Total ABC
1	Supply, Delivery, Testing and Commissioning of Four (4) Units Brand New Ambulance	1	Lot	10,000,000.00	10,000,000.00

WHEREAS, in response to the said advertisements, one (1) bidder purchased bidding documents, submitted the specified requirements on the above mentioned item and was found eligible during the preliminary examination of bids last **19 November 2019**;

WHEREAS, the detailed evaluation of bids was completed and received by BAC Secretariat on **17 December 2019** resulted in the following:


Item No.	Description	Qty.	Unit	Name of Bidder	Bid Price (As Calculated)	% Variance from ABC
1	Supply, Delivery, Testing and Commissioning of Four (4) Units Brand New Ambulance	1	Lot	MEDICAL GALLERY TRADING CO.	9,792,000.00	2.08

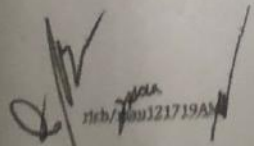
WHEREAS, the bid proposal of **MEDICAL GALLERY TRADING CO.** was found to be substantially complying;

WHEREAS, upon careful examination, validation and verification of all the eligibility, technical and financial requirements submitted by the **MEDICAL GALLERY TRADING CO.** have been found to be **responsive**;

NOW, THEREFORE, We, the Members of the Hospital Bids and Awards Committee, hereby RESOLVE as it is hereby RESOLVED:

- a) To declare **MEDICAL GALLERY TRADING CO.** as the Bidder with Single Calculated and Responsive Bid for the procurement of the following:


 MARITES L. DELA CRUZ
 ID No.: 600292


 11eb/Nov121719AM



Item No.	Description	Qty.	Unit	ABC/Unit (PhP)	Total ABC	Bid Price (As Calculated)	% Variance from ABC	Total Amount (Php)
1	Supply, Delivery, Testing and Commissioning of Four (4) Units Brand New Ambulance BRAND: NISSAN / JAPAN	1	Lot	10,000,000.00	10,000,000.00	9,792,000.00	2.08	9,792,000.00
GRAND TOTAL								9,792,000.00

- b) To award to **MEDICAL GALLERY TRADING CO.** the contract price of **NINE MILLION SEVEN HUNDRED NINETY TWO THOUSAND PESOS (P9,792,000.00)** only for the procurement of the above mentioned item;
- c) To recommend for approval by the MEDICAL CENTER CHIEF II of the JOSE R. REYES MEMORIAL MEDICAL CENTER the foregoing findings.

RESOLVED, this 17th day of **December 2019**, at JOSE R. REYES MEMORIAL MEDICAL CENTER, Santa Cruz, Manila.

Recommending Approval:

NATIVIDAD R. SARMIENTO
Vice-Chairperson

EMELITO VALDEZ-TAN, MD
Chairperson

ON LEAVE
CECILIO VIVAR, M.D.
Member

BLANQUITA JIMENEZ-BELEN
Member

ARLIE FELVIN GACIAS
Member

Approved by:

MARITES L. DEBA CRII7

EMMANUEL F. MONTANA, JR., M.D.
Medical Center Chief II

Approved on _____