

Section VIII. Bidding Forms

Supply and Delivery of DND-Wide POL Requirements for CY 2018

Section VIII. Bidding Forms

Sample Form 11

Republic of the Philippines

<Name of Procuring Entity>

<Address of Procuring Entity>

CONTRACTOR'S/DISTRIBUTOR'S/MANUFACTURER'S/CONTRACTOR'S PROFILE

Date:			
Name of Firm/Company:			
Contractor ID:		<u>Tax Account No.</u>	
General Information		Foreign Contractor	
Address:		Nationality:	
		Philippine Address:	
Telephone Number:			
Fax Number:		Telephone Number:	
E-mail Address:		Fax Number:	
Cable Address:		E-mail Address:	
Telex Number:		Cable Address:	

DND Core Values: Patriotism, Professionalism, Good Governance

Bids and Awards Committee, DND Bldg., Camp General Emilio Aguinaldo, Quezon City. Tel. 982-5626 / 982-5627 Fax: 421-3531, dndbacsecretariat5626@yahoo.com

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Section VIII. Bidding Forms

		Telex Number:	
Legal Aspect		Percent of Filipino Ownership:	
		Person Managing Affairs of the Firm	
		Name:	
		Designation:	
		Telephone Number:	
		<u>Authorized Liaison Officer</u>	
		Name:	
		Designation:	
		Telephone Number:	
		Authorized Liaison Officer	
		Name:	
		Designation:	
		Telephone Number:	

Supply and Delivery of DND-Wide POL Requirements for CY 2018

Section VIII. Bidding Forms

(continuation) Sample Form 11

Projects/Contracts						
Kinds				Respective		
Of Projects/Contracts				Size Ranges		
Financial Aspect						
Record	Total	Current	Total	Current	Present	
Year	Assets	Assets	Liabilities	Liabilities	Net Worth	

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Section VIII. Bidding Forms

Completed Projects								
Contract ID	Name of Contract	Owner	Participation Percentage	Contract Date				
				Started	Completed			
Ongoing Projects								
Contract ID	Name of Contract	Owner	Participation Percentage	Contract Date		% of Work Accomplished		
				Started	Completed			

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Section VIII. Bidding Forms

SAMPLE CONTRACT AGREEMENT

Supply and Delivery of DND-Wide Petroleum Requirements Nationwide for CY 2018 (Lot 2)

This agreement made and entered into this ____ day of _____ at the DND Conference Room, DND Building Camp General Emilio Aguinaldo, Quezon City by and between:

The **DEPARTMENT OF NATIONAL DEFENSE (DND)** represented by the Secretary of National Defense, **HON DELFIN N. LORENZANA** with office address at Camp General Emilio Aguinaldo, Quezon City (herein collectively called "the Entity");

-and-

NAME OF SUPPLIER, (_____, for brevity) represented by _____ - (*pls indicate the name and title of the authorized representative*), with office address at _____ (hereinafter called the "Supplier");

WITNESSETH:

WHEREAS, DND conducted Public Bidding on _____ for the Supply and Delivery of DND-Wide Petroleum, Oil and Lubricant Requirements Nationwide (Lot 2) in the amount of **PhP212,465,963.68**

WHEREAS, the Supplier was declared as the Single Calculated and Responsive Bidder (SCRB) / Lowest Calculated and Responsive Bidder (LCRB) (*please select one*) with a bid offer of _____ (**PhP** _____), broken down as follows:

UNIT	CONTRACT PRICE
DND Proper	
PA	
PAF	
PN	
GHQ	
OCD	
PVAO	

Section VIII. Bidding Forms

NDCP	
VMMC	
GA	
TOTAL	

WHEREAS, the Notice of Award was issued on _____ and was duly conformed by the Supplier on _____;

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereto attached as part of the Contract Agreement.

2. Each and every page of this Contract and above-mentioned documents must be signed by the Legal Officer of the Technical Working Group (TWG) of the Project and Supplier or his duly authorized representative as witnesses.

3. The following documents shall be deemed to form and be read and construed as part of this Agreement, viz.:

- (a) the Bid Form and the Price Schedule submitted by the Bidder;
- (b) the Bidding Documents comprising of the eligibility, technical and financial documents submitted by the Supplier during the submission and opening of bids as well as documents submitted during the post-qualification;
- (c) the Schedule of Requirements;
- (d) the Technical Specifications;
- (e) the General Conditions of Contract;
- (f) the Special Conditions of Contract;
- (g) the Notice of Award; and,
- (h) the Memorandum of Agreement.

4. In consideration of the payments to be made by the PROCURING ENTITY to the Supplier as hereinafter mentioned, the Supplier hereby covenants with the PROCURING ENTITY to provide the POL products required and the services relevant to its delivery,

Section VIII. Bidding Forms

as well as to remedy defects therein in conformity in all respects with the provisions of the Contract.

5. The PROCURING 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.

6. If during contract implementation, the total contract price for the project would have been consumed notwithstanding that the requirements were not fully delivered in the units/volumes contemplated, no further order in payments under this contract shall be made.

7. For the purpose of bidding requirements, allocation per line items will be implemented; however, in case of war, disaster, national security or increase in operational tempo, the PROCURING ENTITY may transfer its POL requirements to other location as required for operation support, allocation per lots may decrease or increase depending on operational support requirements of the PROCURING ENTITY.

8. The Supplier shall, at its own expense, repair, maintain, rehabilitate and construct POL facilities, and procure additional POL equipment for the PROCURING ENTITY in accordance with the Program of Expenditures (POEs) duly approved by the Head of the PROCURING ENTITY, equivalent to 5.5% of the total Contract Price. This will form part of the PROCURING ENTITY's Repair, Maintenance and Construction (RMC) Fund. Details for the implementation of such are specified in the attached Memorandum of Agreement (Tab H)

9. The Supplier will issue on a monthly/quarterly basis the balances of DND POL Fund to the PROCURING ENTITY for accounting purposes.

10. This Agreement shall be applicable until the obligated amount has been fully exhausted.

11. The Supplier is expected to have examined all instructions, terms and specifications in the Contract and its attachments. It shall be the Supplier's sole responsibility to determine and to satisfy itself by such means as it considers necessary or desirable as to all matters pertaining to the contract including but not limited to (a) the location and the nature of this

Section VIII. Bidding Forms

Project; (b) climatic conditions; (c) transportation facilities; and (d) other factors that may affect the cost, duration, and execution or implementation of this Project. The ENTITY shall not assume any responsibility regarding erroneous interpretations or conclusions by the SUPPLIER.

12. Conflicting texts and interpretations of this Contract and its attached documents shall be resolved in accordance with the provisions of RA 9184 and its revised IRR.

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

SUPPLIER (*pls indicate the name*)

DEPARTMENT OF NATIONAL DEFENSE (DND)

By:

By:

**NAME
POSITION**

**DELFIN N LORENZANA
The Secretary
DEPARTMENT OF NATIONAL DEFENSE**

SIGNED IN THE PRESENCE OF:

AUTHORIZED REP (name)
Position

MAJLUAINNE L LOMAS-E JAGS
Legal Officer
TWG for AFP POL

ACKNOWLEDGEMENT

Republic of the Philippines)
Quezon City) SS.

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Section VIII. Bidding Forms

Before me, a Notary Public for and in Quezon City, this _____ day of _____ 2014 appeared the following persons presenting to me their respective identifications, to wit:

	Passport No./ ID No	Issued at	Expiry date
DELFIN N. LORENZANA	Phil Passport No. XX1846419	Manila	_____
Supplier	Phil Passport No. EA0006480	Manila	8/19/13

Known to me and known to be same persons who executed and voluntarily signed the foregoing Contract which they acknowledged before me as their own free and voluntary act and deed with full authority to sign in that capacity.

This instrument refers to the Contract Agreement and consisting of four (4) pages including this page where the acknowledgment is written duly signed by the parties and their instrument witnesses whereof.

WITNESS MY HAND AND SEAL, on the date and place above written.

Doc. No. _____:
Page No. _____:
Book No. _____:
Series of 2017.