



CONTRACT AGREEMENT

THIS AGREEMENT, made this 24th day of August, 2023 between **WESTERN MINDANAO STATE UNIVERSITY**, Zamboanga City (hereinafter called the "Entity") represented by **DR. MA. CARLA A. OCHOTORENA** – President, with office address at Normal Road, Baliwasan and **DAB CONSTRUCTION AND ENTERPRISES** (hereinafter called the "Contractor"), represented by **ENGR. DANTE A. BACANI** – with office address at Gregorio Compound, Luyahan, Barangay Pasonanca, Zamboanga City.

WHEREAS, the Entity is desirous that the Contractor execute Board Resolution No. 105 s. 2023 – **RENOVATION OF NURSING SIMULATION LABOTARY AND SUPPORT FACILITIES** (Hereinafter called the "Works") and the Entity has accepted the Bid **SEVEN MILLION SIX HUNDRED FOURTEEN THOUSAND SIX HUNDRED SIXTY-SIX AND TWENTY-SIX CENTAVOS (Php 7,614,666.26)** by the Contractor for the execution and completion of such Works and the remedying of any defects therein.

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 hereinafter referred to.
2. The following documents as required by the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184 shall be deemed to form and be read and construed as part of this Agreement, viz.:

- a. Philippine Bidding Documents (PBDs);
 - i. Drawings/Plans;
 - ii. Specifications;
 - iii. Bill of Quantities;
 - iv. General and Special Conditions of Contract;
 - v. Supplemental or Bid Bulletins, if any;
- b. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

Bid form, including all the documents/statements contained in the Bidder's bidding envelopes, as annexes, and all other documents submitted (e.g., Bidder's response to request for clarifications on the bid), including corrections to the bid, if any, resulting from the Procuring Entity's bid evaluation;

- c. Performance Security;
- d. Notice of Award of Contract and the Bidder's conforme thereto; and
- e. Other contract documents that may be required by existing laws

Christianne Dawn R. Sicat
CHRISTIANNE DAWN R. SICAT, CPA
OIC-UNIVERSITY ACCOUNTANT

Al-Ghani D. Mohammad
AL-GHANI D. MOHAMMAD
WMSU/BOR-SECRETARY

Dante A. Bacani
DANTE A. BACANI
Proprietor

Dr. Ma. Carla A. Ochotorena
DR. MA. CARLA A. OCHOTORENA
President, WMSU



Republic of the Philippines
WESTERN MINDANAO STATE UNIVERSITY

Normal Road, Baliwasan Zamboanga City
 Telephone: 062-991-7875
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and/or the Procuring Entity concerned in the PBDS.

Winning bidder agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for submission after the contract execution, such as the Notice to proceed, Variation Orders, and warranty Security, shall likewise form part of the Contract.

3. The ENTITY also hereby covenants to pay CONTRACTOR, in consideration of the completion of work herein mentioned, the contract price at the time and in the manner prescribed in this contract, as follows:

Schedule of Payment	Percentage (%) of work accomplishment
First Payment	20% accomplishment
Second Payment	30% accomplishment
Third Payment	40% accomplishment
Fourth Payment	50% accomplishment
Sixth Payment	60% accomplishment
Seventh Payment	70% accomplishment
Eight Payment	80% accomplishment
Ninth Payment	90% accomplishment
Final Payment	100% accomplishment

The CONTRACTOR shall submit a Progress Billing or a request for payment for work accomplished. Such request for payment, including the Statement of Work Accomplished by the contractor, must be verified and approved by the government project engineer concerned. Except as otherwise stipulated in the ITB, materials and equipment delivered on the site but not completely put in place shall not be included for payment.

The ENTITY has the right to deduct from the contractor's progress billing such amount as may be necessary to cover third party liabilities. It must not process any progress payment unless the discovered defects are corrected.

Furthermore, the payment of the contract price shall be subject to 10% retention of contract price as retention fee to the condition that such claims for payment shall be supported by the following documents:

- a. Report of accomplishment by the **CONTRACTOR** which shall be certified correct by the Technical and Inspection Committee of the **ENTITY**;
- b. If applicable, passing result of Materials Testing of concrete and reinforcing steel bars equivalent to the given structural design criteria duly certified by the DPWH Bureau of Materials Testing, WMSU Universal Testing Machine, College of Engineering and or any other authorized government agency; and
- c. Technical Inspection report made by COA TPI;

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 Proprietor

Dr. Ma. Carla A. Ochotorena
 DR. MA. CARLA A. OCHOTORENA
 President, WMSU



**AS PER PROCUREMENT MANUAL ON RETENTION:
 The total “retention money” shall be due for release after the defects liability period, upon final acceptance of the works.**

4. In consideration for the **SEVEN MILLION SIX HUNDRED FOURTEEN THOUSAND SIX HUNDRED SIXTY-SIX AND TWENTY-SIX CENTAVOS (Php 7,614,666.26)** or such other sums as may be ascertained, **DAB CONTRUCTION AND ENTERPRISES** agrees the **RENOVATION OF THE NURSING SIMULATION LABORATORY AND SUPPORT FACILITIES** in accordance with his/her/its Bid.

5. The **WESTERN MINDANAO STATE UNIVERSITY** agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

IN WITNESS whereof the parties thereto have caused this Agreement to be executed the day and year first before written.

DR. MA. CARLA A. OCHOTORENA, R.N.
 President

for:

WESTERN MINDANAO STATE UNIVERSITY

ENGR. DANTE A. BACANI
 Proprietor

for:

DAB CONTRUCTION AND ENTERPRISES

Witnesses:

ASSO PROF. AL-GHANI D. MOHAMMAD
 WMSU/BOR, Secretary

CHRISTIANNE DAWN R. SICAT, CPA
 OIC-University Accountant

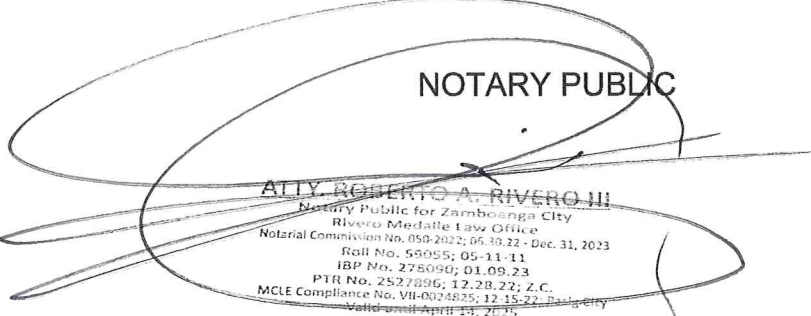


ACKNOWLEDGMENT

BEFORE ME, a Notary Public for and in the City of Zamboanga, Philippines, on this 24th day of August 2023, personally appeared: **DR. MA. CARLA A. OCHOTORENA** with WMSU Employee ID No. 410040 and **ENGR. DANTE A. BACANI** with PRC Registration No. 0119302 all duly issued in Zamboanga City, are known to me and to me known to be the same persons who executed the foregoing Contract consisting of four (4) pages, and signed by all the parties and their witnesses on each and every page thereof, including this page on which this Acknowledgment is written and acknowledged to me that the same is their free and voluntary act and deed.

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

Doc. No. 070 ;
 Page No. 015 ;
 Book No. 43 ;
 Series of 2023.

NOTARY PUBLIC

ATTY. ROBERTO A. RIVERO III
 Notary Public for Zamboanga City
 Rivero Medalle Law Office
 Notarial Commission No. 058-2022; 05-30-22 - Dec. 31, 2023
 Roll No. 59055; 05-11-11
 IBP No. 278990; 01.09.23
 PTR No. 2527936; 12.28.22; Z.C.
 MCLE Compliance No. VII-0624825; 12-15-22; Zamboanga City
 Valid until April 13, 2025