

Per LOI 968 dtd. 12/17/79
JUANITA S. STAZAR
Accountant III


AUREALITA N. CABRERA
Administrative Officer V

By: 
GLENN FRANCIS H. FABIAN
General Manager


VIRGILIO H. ORALLO
Representative from
Construction Section as End -User

Department of Public Works and Highways

Contract ID: 23OH0051

Contract Name: Organizational Outcome 2: Protect Lives and Properties Against Major Floods / Flood Management Program/ Construction/Maintenance of Flood Mitigation Structures and Drainage Systems- Improvement of Harbor View Pumping Station, South Dr. Ermita, Manila City Phase II

Contract Location: Manila City

CONTRACT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This **CONTRACT AGREEMENT**, made this APR 18 2023, by and between:

The **GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES** through the **Department of Public Works and Highways (DPWH)** represented herein by **ERNESTO P. LEONES, Officer-In-Charge, Office of the District Engineer**, duly authorized for this purpose, with main office address at **Department of Public Works and Highways-SMDEO, Bonifacio Drive corner 8th Street, Port Area, Manila**, hereinafter referred to as the "**PROCURING ENTITY**";

-and-

G.F. FABIAN CONSTRUCTION a single proprietorship/partnership/corp./joint venture organized and existing under and by virtue of laws of the Republic of the Philippines, with main Office address at **#772 F. Halili Ave., Turo, Bocaue, Bulacan** represented herein by **GLENN FRANCIS H. FABIAN, General Manager**, duly authorized for this purpose, hereinafter referred to as the "**CONTRACTOR**";

WITNESSETH:

WHEREAS, the **PROCURING ENTITY** is desirous that the **CONTRACTOR** execute the Works under **Contract ID 23OH0051: Organizational Outcome 2: Protect Lives and Properties Against Major Floods / Flood Management Program/ Construction/Maintenance of Flood Mitigation Structures and Drainage Systems- Improvement of Harbor View Pumping Station, South Dr. Ermita, Manila City Phase II**, hereinafter called "the Works", and the **PROCURING ENTITY**, has accepted the Calculated Bid of the **CONTRACTOR** for the execution and completion of the Works at the calculated unit bid prices shown in the attached Bill of Quantities, or a total Contract price of **NINETY FOUR MILLION EIGHTY SEVEN THOUSAND ONE HUNDRED THIRTY TWO PESOS AND 95/100 (P 94,087,132.95) ONLY**.

The whole works comprised in the contract shall be completed within **THREE HUNDRED SIXTY (360) CALENDAR DAYS** in accordance with the provision of bid documents.

NOW, THEREFORE, for and consideration of the foregoing premises, the parties hereto agree as follows:

1. In this **CONTRACT 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 shall be attached, deemed to form, and be read and construed as part of this **CONTRACT AGREEMENT**, and shall be interpreted in the following order of priority:
 - a. This Contract Agreement
 - b. Documents forming part of the Contract Agreement:

By: 
ERNESTO P. LEONES
Officer-In-Charge
Office of the District Engineer

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Accountant III


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Administrative Officer V

PARTY OF THE SECOND PART
By: 
GLENN FRANCIS H. FABIAN
General Manager


VIRGILIO H. ORALLO
Representative from
Construction Section as End -User

Department of Public Works and Highways

Contract ID: 23OH0051

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- (1) Notice of Award (NOA) with the Contractor's signed "conforme"
 - (2) Contractor's Bid in the Form of Bid, including its Technical and Financial Proposals, as calculated by the Procuring Entity and conformed to by the Contractor through NOA.
 - (3) Bidding Documents with Bulletins
 - (4) Specifications
 - (5) Drawings
 - (6) Special Conditions of Contract (SCC)
 - (7) General Conditions of Contract (GCC)
 - (8) Performance Security
 - (9) Integrity Pledge under Department Order No. 86, series of 2013
 - (10) Other Documents
 - (a) Construction Methods
 - (b) Construction Schedule in the form of PERT/CPM Diagram or Precedence Diagram and Bar Chart with S-Curve, or other approved tools of project scheduling, and Cash Flow.
 - (c) Manpower Schedule
 - (d) Equipment Utilization Schedule
 - (e) Construction Safety and Health Program initially approved by The Head of the Procuring Entity
 - (f) Contractor's All Risk Insurance (CARI)
3. In consideration of the payments to be made by the **PROCURING ENTITY** to the CONTRACTOR as hereinafter mentioned, the CONTRACTOR hereby covenants with the **PROCURING ENTITY** to execute and complete the Works and remedy and defects therein in conformity with the provisions of this **CONTRACT AGREEMENT** in all respects.
4. In consideration of the execution and completion of the Works by the CONTRACTOR, the **PROCURING ENTITY** hereby covenants to pay the CONTRACTOR the unit prices in the CONTRACTOR'S Calculated Bid, as applied to the actual quantities accomplished as certified by the **PROCURING ENTITY** under the provisions of this **CONTRACT AGREEMENT**, at the times and in the manner prescribed by this **CONTRACT AGREEMENT**.
5. This **CONTRACT AGREEMENT** also stipulates compliance with the instructions by the President of the Republic of the Philippines regarding "**Contractual Provisions to Penalized Slippage**" which states that a "*slippage of more than 30 days in the original schedule would result in nonpayment, the cancellation of the contract, blacklisting of the erring contractor, and the entry of a new contractor who will finish the project*".

Department of Public Works and Highways

Contract ID: 230H0051

Contract Name: Organizational Outcome 2: Protect Lives and Properties Against Major Floods / Flood Management Program/ Construction/Maintenance of Flood Mitigation Structures and Drainage Systems- Improvement of Harbor View Pumping Station, South Dr. Ermita, Manila City Phase II

Contract Location: Manila City

IN WITNESS WHEREOF, the parties hereto set their respective hands on the day, month and year first above written.

DEPT. OF PUBLIC WORKS & HIGHWAYS-SMDEO

G.F. FABIAN CONSTRUCTION

PARTY OF THE FIRST PART

By:


ERNESTO P. LEONES
Officer-In-Charge

Office of the District Engineer

PARTY OF THE SECOND PART

By:


GLENN FRANCIS H. FABIAN
General Manager

SIGNED IN THE PRESENCE OF:


AUREALITA N. CABRERA
Administrative Officer V


VIRGILIO H. ORALLO
Representative from
Construction Section as End-User

Per LOI #968 dtd. 12/17/79


JUANITA S. SIAZAR
Accountant III

Date of Approval: APR 18 2020

GOVERNMENT OF THE REPUBLIC)

THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES
DEPT. OF PUBLIC WORKS AND HIGHWAYS-SMDEO
PARTY OF THE FIRST PART

By: 
ERNESTO P. LEONES
Officer-In-Charge
Office of the District Engineer

Per LOI 968 dtd. 12/17/79
JUANITA S. STAZAR
Accountant III

SIGNED IN THE PRESENCE OF:

By: 
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Administrative Officer V

G.F. FABIAN CONSTRUCTION

PARTY OF THE SECOND PART
By: 
GLENN FRANCIS H. FABIAN
General Manager

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OF THE PHILIPPINES)
CITY OF MANILA) S.S.

ACKNOWLEDGEMENT

BEFORE ME, a Notary Public for and within the City of Manila, personally appeared **ERNESTO P. LEONES, Officer-In-Charge, Office of the District Engineer**, representing the Republic of the Philippines (Department of Public Works and Highways), with **PRC No. 0028551** and **GLENN FRANCIS H. FABIAN, General Manager**, representing **G.F. FABIAN CONSTRUCTION** with PRC No. **0130688**, known to be the same persons who executed the foregoing CONTRACT AGREEMENT and they acknowledged to me that the same is their true act and deed for and in behalf of the parties they represented.

This instrument consists of four (4) pages, including this page, on which this acknowledgement is written duly signed by the contracting parties and their witnesses on the left margin of the other pages.

IN WITNESS WHEREOF, I have hereunto affixed my signature and official seal this day of APR 18 2023.

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Book No. 04
Series of 2023



ATTY. ROLANDO E. LAS PIÑAS
Notary Public for City of Manila
Notarial Commission No. 2023/016
Until Dec. 31-2024
240-C.A. Hallacion St., Samp. Mla.
Roll of Attorney No. 84035
PTR. NO. 0822024 / Jan. 3, 2023/MLA.
TBP. Membership No. 243548 / 06-20-2022
MCLE Exempted G.B.O. 1, s. 2008