

Framework Agreement For the Supply and Delivery of Battery, Dry Cell, D for the Procurement Service **CERTIFIED COPY ON FILE**

KNOW ALL MEN BY THESE PRESENTS:

JUL 05 2021

3/1/21

This Agreement made and entered into this ___ day of _____ 2021, by and between:

PROCUREMENT SERVICE – DEPARTMENT OF BUDGET AND MANAGEMENT, a government agency duly organized and existing under the laws of the Republic of the Philippines having its principal office at PS Complex, Cristobal Street, Paco, Manila, represented by ATTY. JASONMER L. UAYAN, OIC-Executive Director, hereinafter referred to as the “PS-DBM”;

and

G.T.K. Trading, a corporation duly organized and existing under the laws of the Republic of the Philippines and having its principal office at 496 E.T. Yuchengco St. (Nueva St.) Binondo, Manila, represented by JANETE QUINANTA, Authorized Representative hereinafter referred to as the “Supplier”;

WITNESSETH, that:

WHEREAS, the PS-DBM, decided to use Framework Agreement on its procurement project Supply and Delivery of Battery, Dry Cell, D for the Procurement Service;

WHEREAS, this Agreement is for the option to purchase the goods determined to be necessary and desirable to address and satisfy the needs of PS-DBM as the central source of commonly used supplies and equipment of the Philippine Government, but by its nature, use or characteristic, the quantity and exact time of need cannot be accurately pre-determined, viz:

Lot No.	Item	Maximum Quantity/UOM	Unit Price	Total Price
3	Battery, Dry Cell, D	6,000 packs	₱ 83.00	₱ 498,000.00

WHEREAS, PS-DBM has the option to purchase the items provided in the Framework Agreement List, attached and made an integral part of this Agreement as provided in Article I, on a date and time to be determined in the Call-Off to be issued for such purpose by PS-DBM;

WHEREAS, the Supplier which passed the eligibility screening conducted by PS-DBM, shall maintain and update the eligibility requirements during the period of this Agreement and shall honor all obligations under this Framework Agreement.

NOW, THEREFORE, the parties hereby agree as follows:

Article I GENERAL CONSIDERATIONS

1. This Framework Agreement is an option contract. PS-DBM is given the option to either purchase the identified items in the Framework Agreement or not to purchase at all. The discretion to exercise the option falls solely with PS-DBM as the Procuring Entity. The Supplier may not require or demand for the latter to purchase the items in the Framework Agreement List.
2. In this Framework Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract as reflected in the Bid Documents attending the procurement and made and integral part of this Agreement;

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

- a. the Supplier's Bid, including the Technical and Financial Proposals, and all other documents/statements submitted (e.g. bidder's response to clarifications on the bid), including corrections to the bid resulting from the Procuring Entity's bid evaluation;
- b. the Framework Agreement List and the Technical Specifications;
- c. the General Conditions of Contract;
- d. the Special Conditions of Contract;
- e. the Bid Documents, including the Supplemental Bid Bulletins issued;
- f. the Performance Security or Performance Securing Declaration;
- g. the Procuring Entity's Notice to Execute Framework Agreement;
- h. Mini Competition, when necessary; and
- i. Call-Offs.

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**Article II
DURATION**

The term of this Agreement shall be from _____ to _____ unless sooner revoked by both parties or until the full exhaustion of the maximum quantities;

**Article III
CONSIDERATION**

For the consideration of one peso (Php 1.00), **PS-DBM** has the option to purchase any or all of the items in the Framework Agreement List through the issuance of Call-off and the **Supplier** commits to deliver the goods and perform the services subject to the conditions of the Call-off.

**Article IV
PERFECTION OF PROCUREMENT CONTRACT**

The Framework Agreement being an option contract, a procurement contract is perfected only when the Procuring Entity exercises the option to procure any item from the Framework Agreement List through the issuance of a Call-off.

**Article V
OBLIGATION TO ANSWER A CALL-OFF**

Once **PS-DBM** issues a Call-off, the **Supplier** is bound to deliver the goods or perform the services identified at the time and date specified in the Call-off. All rules and guidelines governing the implementation of procurement contracts under RA No. 9184 and its revised IRR shall be applicable.

Failure on the part of the **Supplier** to deliver goods or perform the services shall warrant the forfeiture of performance security or performance securing declaration and imposition of liquidated damages as provided for in the Guidelines on the use of Framework Agreement by all Procuring Entities without prejudice to all other applicable sanctions.

**Article VI
TERMS AND CONDITIONS**

The terms and conditions of this Framework Agreement shall be governed by Guidelines on the Use of Framework Agreement by all Procuring Entity and all relevant issuance of the GPPB.

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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.

**PROCUREMENT SERVICE –
DEPARTMENT OF BUDGET AND
MANAGEMENT**

G.T.K. TRADING

By signing this Agreement, I also confirm that I am authorized to sign on behalf of PS-DBM.

By signing this Agreement, I also confirm that I am authorized to sign on behalf of G.T.K. Trading.

SIGNATURE REDACTED

SIGNATURE REDACTED

ATTY. JASON MER L. UAYAN
OIC-Executive Director V

JADE
Authorized Representative

SIGNATURE REDACTED

WITNESSES

SIGNATURE REDACTED

ATTY. EARVIN JAY I. ALPARAQUE
OIC- Director IV, Procurement Group
PS-DBM

ALBERT H. MANQUINIC

QUINTANA ROY OFFICE

7/6/21

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ACKNOWLEDGMENT

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

[Signature]
7/6/2021

BEFORE ME, a Notary Public for and in the City of Manila this ___ day of _____ 2021 appeared the following persons presenting to me their respective identifications, to wit:

Name	Competent Evidence of Identity	Date of Issue	Place of Issue
ATTY. JASONMER L. UAYAN	Passport P5414448A	21 December 2017	Davao
	<i>SCC 73-89588 28</i>		

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

This instrument refers to the FRAMEWORK AGREEMENT FOR THE SUPPLY AND DELIVERY OF BATTERY, DRY CELL, D FOR THE PROCUREMENT SERVICE and consists of four (4) pages including this page where the Acknowledgment is written, duly signed by the parties and their instrumental witnesses thereof.

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

Doc. No. 559
Page No. 77
Book No. 28
Series of 2021.

NOTARY PUBLIC
ATTY. PEDRO D. GENATO
Notary Public Until Dec 31, 2021
Notarial Commission 2020 - 044 Mla
1150 Gen. Luna St., Ermita, Manila
IBP# 092834 Pasig - For 2021
PTR # 9823043 Mla. 1-4-2021
Roll # 12038, TIN # 132-436-687
Mla. Compl. No. VI-0021170