

Contract Agreement

Contract No. MWSS-ARR-001-2018

Structural Investigation/Assessment in the Proposed

Retrofitting/Strengthening/Rehabilitation of the Old MWSS Arroccros Building

THIS AGREEMENT, made this 26th day of June, 2019 between **METROPOLITAN WATERWORKS AND SEWERAGE SYSTEM (MWSS)**, holding office at 4th floor, Administration Building, MWSS Complex, 489 Katipunan Road, Balara, Quezon City, herein represented by its Administrator, **PDDG REYNALDO V. VELASCO (Ret.), PhD**, duly authorized by its Board of Trustees as confirmed by Board Resolution No. 2019-048-CO, herein attached as *Annex "A"*;

and

A.C. ONG CONSULTING INC. (ACO), holding principal office at 2/F LTA Building, 118 Perea St., Legaspi Village, 1229, Makati City, herein represented by its President and CEO, **ENGR. ALDEN C. ONG**, as confirmed in the attached Secretary's Certificate dated June 25, 2019, herein attached as *Annex "B"*.

ANTECEDENTS

WHEREAS, the MWSS is desirous that ACO execute the Structural Investigation/Assessment in the Proposed Retrofitting/Strengthening/Rehabilitation of the Old MWSS Arroccros Building (Contract No. MWSS-ARR-001-2018) and the MWSS has accepted the bid for **FOUR MILLION ONE HUNDRED NINETY-NINE THOUSAND TWO HUNDRED NINETY-FOUR AND 40/100 PESOS (PHP4,199,294.40)** by ACO for the execution and completion of such Consulting Services and the remedying of any defects therein;

WHEREAS, MWSS, pursuant to MWSS Resolution No. 2019-048-CO, has declared ACO as the Highest Rated Responsive Bid (HRRB) in its Notice of Award (NOA) dated 25 March 2019, to which ACO expressed its conformity on 01 April 2019.

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 shall be attached, deemed to form, and be read and construed as part of this Agreement, to wit:
 - a) General and Special Conditions Contract;
 - b) Terms of Reference;

ENGR. ALDEN C. ONG
President and CEO, ACO

PDDG REYNALDO V. VELASCO (Ret.), Ph.D.
Administrator, MWSS-CO



MR. ARDEN C. ONG
President and CEO, ACO



PDDG REYNALDO V. VELASCO (Ret.), Ph.D.
Administrator, MWSS-COM

- a) Request for Expression of Interest;
 - d) Instruction to Bidders;
 - e) Bid Data Sheet;
 - f) Addenda and/or Supplemental/Bid Bulletins, if any;
 - g) Bid forms, including all the documents/statement contained in the Bidder's bidding envelopes, as annexes, and all other documents/statements 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;
 - h) Eligibility requirements, documents and/or statements;
 - i) Performance Security;
 - j) Notice of Award of Contract and the Bidder's conforme thereto;
 - k) Other contract documents that may be required by existing laws and/or by MWSS.
3. In consideration of the payments to be made by MWSS to ACO as hereinafter mentioned, ACO hereby covenants with MWSS to execute and complete the Consulting Services and remedy and defects therein in conformity with the provisions of ACO in all respects.
 4. MWSS hereby covenants to pay ACO in consideration of the execution and completion of the Consulting Services, **FOUR MILLION ONE HUNDRED NINETY-NINE THOUSAND TWO HUNDRED NINETY-FOUR AND 40/100 PESOS (PHP4,199,294.40)**, under the provisions of this Contract at the times and in the manner prescribed by this Contract.
 5. The term of this Agreement shall be that as provided in Section 22 and 24 of the General Conditions of Contract (GCC).
 6. ACO warrants and represents its eligibility and performance in accordance with Section 16 and 43, respectively, of the GCC.
 7. ACO agrees to defend, indemnify, and hold MWSS free and harmless from any and all claims, damages, expenses, fines, penalties and/or liabilities of whatever nature and kind, whether in law or equity, that may arise by reason of the implementation of the Agreement. In addition, the ACO agrees to indemnify MWSS for any damage as a result of said implementation.
 8. This Agreement may be terminated in accordance with Clause 27 and 28 of the GCC.

9. Any conflict or dispute arising out of this Agreement shall be governed by Clause 32 and 34 of the GCC.

IN WITNESS whereof the parties thereto have caused this Agreement to be executed this ____ day of June 2019.

MWSS CORPORATE OFFICE:



PDDG REYNALDO V. VELASCO (Ret.), Ph. D.

Administrator



A.C. ONG CONSULTING INC.:





ENGR. ALDEN C. ONG

President and CEO

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES
QUEZON CITY) S.S.

Before me, personally appeared:

NAME	IDENTIFICATION DOCUMENT	DATE/PLACE OF ISSUE
PDDG REYNALDO V. VELASCO, (Ret.), Ph.D. Representing MWSS-CO		March 2017, Quezon City
ENGR. ALDEN C. ONG Representing A.C. ONG CONSULTING INC.		December 02, 1993, Sampaloc, Manila

Known to me the same persons who executed the foregoing *Contract Agreement* and they acknowledged to me that the signatures affixed is their own free and voluntary act and deed and that of the entities they represented.

SIGNED AND SEALED on JUL 09 2019 day of July 2019 in Quezon City.

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Series of 2019.



Atty. Jan Freeman C. Villegas
Notary Public for Makati City
Appl. No. M-528, dated September 2019
Unit SC LTA Building, 118 Parea St
Legaspi Village, Makati City
Roll No. 58650
IDP No. 096378 / 12-07-2013 / Pasig City
PTR No. 7338000 / 01-03-2019 / Makati City
MILE Compliance No. V40013777 / Feb. 5, 2016



Republic of the Philippines
METROPOLITAN WATERWORKS AND SEWERAGE SYSTEM
Kalipunan Road, Balara, Quezon City 1105, Philippines

ANNEX A

Excerpts from the Minutes of the Fifth (5th) Regular Board Meeting held on 11 March 2019:

"RESOLUTION NO. 2019-048-CO

(In re: Award of Consultancy Services Contract for the Structural Investigation/Assessment for the Retrofitting/Strengthening/Rehabilitation of the Old MWSS Arroceros Building under Contract No. ARR 001-2018)

WHEREAS, on 24 January 2019, the Board approved, through Resolution No. 2019-010-CO declaring A.C. Ong Consulting, Inc. as the bidder with the Highest Rated Bid (HRB), and authorized the MWSS-Corporate Office Bids Awards Committee (BAC) to proceed with the negotiation and thereafter with the post qualification process;

WHEREAS, in a letter dated 11 February 2019, A.C. Ong Consulting, Inc. confirmed that they have no objection with all the deliverables provided in the Terms of Reference (TOR) as mentioned during the negotiation held last 08 January 2019;

WHEREAS, the result of the post qualification process disclosed in BAC Resolution No. 2019-12 dated 7 March 2019, that A.C. Ong Consulting, Inc. passed all the criteria required in said process to be considered as the bidder with the Highest Rated and Responsive Bid (HRRB);

WHEREFORE, as recommended by Management and favorably endorsed by the Executive and Governance Committee (EGC), on motion made and duly seconded, **RESOLVE**, as it is hereby **RESOLVED**, to **APPROVE**, the following:

1. Declare A.C. Ong Consulting, Inc. as the bidder with the Highest Rated Responsive Bid (HRRB);
2. Award the Consultancy Contract to A.C. Ong Consulting, Inc; and
3. Authorize the Administrator to sign the contract of Consultancy Services for the Structural Investigation/Assessment for the Retrofitting/ Strengthening/Rehabilitation of the Old Arroceros Building under Contract No. ARR-001-2018."

I, the undersigned, hereby certify that the foregoing is a true copy of the Resolution adopted by the Board of Trustees of Metropolitan Waterworks and Sewerage System, and spread in the Minutes of a duly constituted meeting of said Board held on 11 March 2019.

FLORENDO B. BAYASIK, JR.
Manager, IAD/OIC, Board Secretariat

AUTHORITY OF SIGNATORY

SECRETARY'S CERTIFICATE

I, **Ma. Cynthia M. Ong**, a duly elected and qualified Corporate Secretary of **A.C.Ong Consulting Inc.**, a corporation duly organized and existing under and by virtue of the law of the Philippines, DO HEREBY CERTIFY, that:

I am familiar with the facts herein certified and duly authorized to certify the same;

At the special meeting of the Board of Directors of the said Corporation duly convened and held on **24th day of June 2019** at which meeting a quorum was present and acting throughout, the following resolutions were approved, and the same have not been annulled, revoked and amended in any way whatever and are in full force and effect on the date hereof:

RESOLVED, that the corporation be, as it hereby is authorized to participate in the bidding for the Request for Expression of Interest for the **Consultancy Services for the Structural Investigation/Assessment in the Proposed Retrofitting/Strengthening/Rehabilitation of the Old MWSS Arroceros Building, Arroceros, Manila, denominated as Contract No. MWSS-ARR 001-2018** if awarded the project shall enter into a contract with the **Metropolitan Waterworks and Sewerages System**; and designated representatives of **A.C.Ong Consulting Inc.**, are granted full power and authority to do, execute and perform any and all acts necessary and/or to represent **A.C.Ong Consulting Inc.** in the bidding as fully and effectively as the official representative might do if personally present with full power of substitution and revocation and hereby satisfying and confirming all that my said representative shall lawfully do or cause to be done by virtue hereof;

RESOLVED FURTHER THAT, the corporation hereby authorizes its President, Engr. Aldor C. Ong to:

- (1) To make binding declarations, assurances, representations and commitments in behalf of the corporation, and to execute and submit document/s, statements and declarations for and in the corporation's behalf, including Bid-Securing Declarations as a form of bid security, as may be deemed necessary;
- (2) Execute a waiver of jurisdiction whereby the corporation hereby submits itself to the jurisdiction of the Philippine government and hereby waives its right to question the jurisdiction of the Philippine courts;
- (3) Execute a waiver that the corporation shall not seek and obtain writ of Injunctions or prohibition or restraining order against **Metropolitan Waterworks and Sewerages System** or any other agency in connection with this project to prevent and restrain the bidding procedures related thereto, the negotiating of and award of a contract to a successful bidder, and the carrying out of the awarded contract.

WITNESS the signature of the undersigned as such officer of the said corporation this 24th day of June 2019.


Ma. Cynthia M. Ong

201 LTA Building, 118 Perea Street,
Legaspi Village, Makati City
Tel/Fax No. 63 2 896 8827; 093 5829 loc. 118
Email: acoconsulting@aco.com.ph
busdev@aco.com.ph

Corporate Secretary

ACKNOWLEDGMENT

JUN 25 2019 **SUBSCRIBED AND SWORN** to before me this ___ day of _____ 2018, at Makati City, Philippines Affiant exhibited to me her PRC ID No. CC76037 issued on June 17, 1996 at Manila, Philippines.

Notary Public

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Series of 2019



Jan Freeman C. Vilingas
Atty. Jan Freeman C. Vilingas
Notary Public for Makati City
Appt. No. M-128 until December 2018
Unit 3C LTA Building, 118 Peres St.
Legaspi Village, Makati City
Zol No. 50650
BP No. 056378 / 12-07-2008 / Pasig City
PTR No. 7333099701-02-2019 / Makati City
MCLE Compliance No. V-0X13777 / Feb. 6, 2016

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