

CONTRACT FOR THE PROCUREMENT OF 17,463,123 PIECES MALE CONDOM FOR STI/HIV PREVENTION (SUPPLY FOR SOCIAL HYGIENE CLINICS AND OTHER HEALTH FACILITIES) FOR THE DEPARTMENT OF HEALTH – CENTRAL OFFICE (DOH-CO) UNDER BID REF. NO. GPG-B1-2017-054

THIS CONTRACT made this _____ day of _____ by and between the **PHILIPPINE INTERNATIONAL TRADING CORPORATION** with office address at NDC Building, 116 Tordesillas St., Salcedo Village, Makati City, Philippines (hereinafter called "**the Procuring Entity**") of the one part and **I.E. MEDICA, INC.** of 5/F RFM Corporate Center, Pioneer Street, Mandaluyong Center (hereinafter called "**the Supplier**") of the other part.

WHEREAS, the Procuring Entity invited Bids for certain goods and ancillary services, viz., the *Supply and Delivery of 17,463,123 Pieces Male Condom for STI/HIV Prevention (Supply for Social Hygiene Clinics and Other Health Facilities) for the Department of Health – Central Office (DOH-CO) Under Bid Ref. No. GPG-B1-2017-054* and has accepted a Bid for the Supply of those goods and services in the sum of **PESOS: TWENTY NINE MILLION FIVE HUNDRED SIXTY FIVE THOUSAND SIXTY SEVEN AND 239/1000 (P29,565,067.239)** inclusive of VAT (hereinafter called "**the Contract Price**").

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Contract, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of the Contract referred to below.
2. The following documents shall be deemed to form and be read and construed as part of this Contract, viz.:
 - A. Amended Bidding Documents
 - 1) Invitation to Bid (hereto attached as **Annex "A"**);
 - 2) Instructions to Bidders (hereto attached as **Annex "B"**);
 - 3) Bid Data Sheet (hereto attached as **Annex "C"**);
 - 4) General Conditions of Contract (hereto attached as **Annex "D"**);
 - 5) Special Conditions of Contract (hereto attached as **Annex "E"**);
 - 6) Technical Bid Form (hereto attached as **Annex "F"**);
 - 7) Terms of Reference (hereto attached as **Annex "G"**);
 - 8) Financial Bid Form (hereto attached as **Annex "H"**);
 - 9) Supplemental/Bid Bulletin No.1 (hereto attached as **Annex "I"**);
 - 10) Supplemental/Bid Bulletin No.2 (hereto attached as **Annex "J"**);
 - B. Bid Submissions by the Supplier
 - 1) Eligibility Documents (hereto attached as **Annex "K"**);
 - 2) Technical Documents (hereto attached as **Annex "L"**);
 - 3) Financial Documents (hereto attached as **Annex "M"**);
 - C. Notice of Award (hereto attached as **Annex "N"**); and
 - D. Performance Security (hereto attached as **Annex "O"**)
3. The Completion/ Delivery period is within one hundred eighty (180) calendar days upon receipt of Notice to Proceed (NTP).

Shelf Life : Supplies must be fresh commercial stock with a total shelf life of sixty (60) months from date of manufacture but not less than fifty-five (55) months from date of delivery to the Designated DOH Warehouse (within Metro Manila)

Flavors : Assorted flavors

Partial Delivery within the completion / delivery period is allowed as follows:

- 1st Delivery : 50% within **ninety (90) calendar days** upon receipt of the Notice to Proceed (NTP)
- 2nd Delivery : 25% within **sixty (60) calendar days** after the due date of the 1st delivery
- Final Delivery : 25% within **thirty (30) calendar days** after the due date of the 2nd delivery

There will be random sampling and testing per delivery. Testing fee at Supplier's expense. The Supplier must deliver two (2) additional boxes of 24 packs of male condom per Batch/Lot Number which will be subjected to FDA testing. For every Batch/Lot Number that fails in FDA testing, the supplier will be required to replace the whole quantity with the same Batch/Lot Number.

4. The Delivery Site is at **Designated Department of Health (DOH) Warehouse (within Metro Manila)** c/o Logistics Management Division- Department of Health Central Office (LMD-DOH CO), San Lazaro Compound, Sta. Cruz, Manila
5. 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 goods and services and to remedy defects therein in conformity in all respects with the provisions of the Contract.
6. Payment to Supplier of the Contract Price, subject to applicable withholding taxes shall be made within fifteen (15) days after full delivery and submission of the required documents as indicated below. Progress billing/payment maybe allowed as follows:
 - First progress billing/payment : 50% of the goods has been delivered and accepted;
 - Second progress billing/payment : 25% of the goods has been delivered and accepted
 - Third progress billing/payment : Remaining 25% of the goods has been delivered and accepted.
 - a. Original and duplicate BIR VAT registered Supplier's Invoice issued under the name of the Department of Health (DOH) indicating DOH TIN No. 000-794-464-000 and PITC Contract number. All entries in the Invoice must be typewritten or computer printed and must be received by DOH authorized representative/s;
 - b. Original and duplicate BIR Delivery Receipt issued under the name of DOH duly acknowledged and received by PITC's and DOH's authorized representative;
 - c. Valid Certificate of Product Registration of the Product issued by Food and Drug Administration (FDA);
 - d. Original Joint Certificate of Acceptance signed by PITC and DOH representatives;
 - e. One percent (1%) retention money (to cover the first twelve (12) months of the warranty period) will be deducted from each progress billing / payment UNLESS a Special Bank Guarantee (issued by a local commercial bank equivalent to the 1% retention money) is submitted to PITC. The Retention Money or Special Bank Guarantee shall only be released after the lapse of the said first twelve (12) months, provided that the supplies delivered are free from patent and latent defects and all the conditions imposed under this Contract have been fully met;

- f. As applicable, certified true copies of pertinent tax receipts and duties paid on the imported parts/equipment pursuant to COA Memo No. 90-684 dated Dec. 5, 1990/Administrative Order No. 200 dated December 20, 1990. For locally purchased materials, the BIR registered sales invoice of the seller is acceptable.
7. 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 subject to applicable withholding tax under the provisions of this Contract at the time and in the manner prescribed by the Contract.

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

PHILIPPINE INTERNATIONAL TRADING CORPORATION

I.E. MEDICA, INC.

By:



DAVE M. ALMARINEZ
President and CEO

By:



JOY F. BARRIENTOS
Account Officer

SIGNED IN THE PRESENCE OF:



CHRISTABELLE P. EBRIEGA
Vice President



MARK DENNIS N. USÓN
Sales Officer

WITH THE CONFORMITY OF:

DEPARTMENT OF HEALTH



PAULYN JEAN B. ROSELL-UBIAL, MD, MPH, CESO II
Secretary of Health

CERTIFICATION OF FUNDS AVAILABILITY

I hereby certify that in accordance with Section 86, PD 1445:

1. Funds amounting to **₱29,565,067.239** have been duly appropriated for the purpose of **Supply and Delivery of 17,463,123 Pieces Male Condom for STI/HIV Prevention (Supply for Social Hygiene Clinics and Other Health Facilities) for the Department of Health – Central Office (DOH-CO) Under Bid Ref. No. GPG-B1-2017-054**; and
2. The amount necessary to cover the proposed contract for the current fiscal year is available for expenditure on account thereof:

(With Fund transferred by the DOH amounting to **₱ 52,389,369.00** PITC AR#0001522 dated February 18, 2016)



ESTER A. ILAO
Accounting Manager

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
MAKATI CITY) S.S
City of Mandaluyong

SEP 29 2017

At the above stated locality, on this _____ day of _____, 2017, before me personally appeared:

Name	Competent Evidence of Identity	Date and Place Issued
DAVE MIRANDA ALMARINEZ	Passport No. EC7439487	19 April 2016 / DFA Manila
JOY F. BARRIENTOS	Passport No. P2439766A	23 March 2017 / DFA NCR East

Known to me to be the same persons who executed the foregoing instrument and acknowledged the same to be their free ad voluntary act and deed and those of the corporations herein represented.

Said instrument refers to a **Supply and Delivery of 17,463,123 Pieces Male Condom for STI/HIV Prevention (Supply for Social Hygiene Clinics and Other Health Facilities) for the Department of Health – Central Office (DOH-CO) Under Bid Ref. No. GPG-B1-2017-054** consisting of four (4) pages, including this page whereon the Acknowledgement is written, signed by the parties and their witnesses on the signature page hereof, initialed on every page and sealed with my notarial seal.

Doc. No. 503
Page No. 101
Book No. xx1
Series of 2017


ATTY. ADREAN O'S BEA-ALBERTO
APPOINTMENT NO. 0250-17
NOTARY PUBLIC
MANDALUYONG CITY
UNTIL DECEMBER 31, 2018
5th Floor RPM Corporation Centre
Pioneer corner Sheridan Sts., Mandaluyong City
ROLL NO. 51045
PTR NO. 255073 / 01.02.2017 / MAND. CITY
IBP NO. 1054452 / 12.22.2016 / RSM



Ref. No.: NTP-2017-09-158

NOTICE TO PROCEED

I.E. MEDICA, INC.
5/F RFM Corporate Center, Pioneer Street
Mandaluyong Center

ATTENTION : Ms. Joy F. Barrientos

Bid Reference No. : GPG-B1-2017-054

Bid Project : Supply and Delivery of 17,463,123 Pieces Male Condom for STI/HIV Prevention (Supply for Social Hygiene Clinics and Other Health Facilities) for the Department of Health – Central Office (DOH-CO)

Dear Ms. Barrientos:

Please be advised that Contract Reference No. 2017-181 relative to this project has been approved by this Office. You are requested to proceed in accordance with the terms thereof.

We have attached hereto your copy of the said approved contract for your file and reference.

Kindly acknowledge receipt hereof and send back to us.

Very truly yours,

DAVE M. ALMARINEZ
President and CEO
Date Issued: September 28, 2017

Received by:

JOY F. BARRIENTOS
(Signature Above Name of Bidder's
Authorized Representative)
Date: 02 OCT. 2017

(For posting at PhilGeps, Website and Bulletin Board)



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