



Republic of the Philippines
Department of Health
JOSE R. REYES MEMORIAL MEDICAL CENTER
HOSPITAL BIDS AND AWARDS COMMITTEE

RIZAL AVE., STA. CRUZ, MANILA
711-9491 local 245

NOTICE TO PROCEED

20 August 2020

MEDILINES DISTRIBUTORS, INC.
#7 Pioneer cor Sheridan St.
Mandaluyong City, Philippines
Tel No. : 634-9132

Dear Sir/Madame:

The attached Contract Agreement having been approved, notice is hereby given to **MEDILINES DISTRIBUTORS, INC.** that the delivery of **ONE (1) UNIT SUPPLY AND INSTALLATION OF A BRAND NEW LINEAR ACCELERATOR WITH IMRT** is in the total amount of **ONE HUNDRED THIRTY NINE MILLION NINE HUNDRED SEVENTY EIGHT THOUSAND EIGHT HUNDRED NINETY NINE PESOS (P139,978,899.00) only**. You may deliver the following item within **Forty Five (45) days upon 2nd issuance of Certification of Site Readiness**:

ITEM NO.	ITEM DESCRIPTION	BRAND / MODEL / COUNTRY OF ORIGIN	QTY.	UNIT	UNIT PRICE (PhP)	TOTAL PRICE (PhP)
1	Supply and Installation of a Brand New Linear Accelerator With IMRT	CLINAC CX / USA	1	Unit	139,978,899.00	139,978,899.00
GRAND TOTAL						139,978,899.00

Upon receipt of this notice, you are responsible for performing the services under the terms and conditions of the Agreement and in accordance with the Implementation Schedule.


Please acknowledge receipt and acceptance of this notice by signing both copies in the space provided below. Keep one copy and return the other to the JOSE R. REYES MEMORIAL MEDICAL CENTER.

Very truly yours,


EMMANUEL F. MONTANA, JR. MD., FPCS, MHA
Medical Center Chief

I acknowledge receipt of this Notice on August 27, 2020

Name of the Representative of the Bidder: DANIEL C. ZULUETA

Authorized Signature 


RICHARD

CONTRACT FOR THE PROCUREMENT OF
ONE (1) UNIT SUPPLY AND INSTALLATION OF A BRAND NEW
LINEAR ACCELERATOR WITH IMRT

KNOW ALL MEN BY THESE PRESENTS:

THIS CONTRACT ENTERED INTO THIS 1st day of July 2020, BY AND BETWEEN:

The **JOSE R. REYES MEMORIAL MEDICAL CENTER**, a government hospital under the Department of Health of the Republic of the Philippines, with address at San Lazaro Compound, Rizal Avenue, Sta. Cruz, Manila, represented by its Medical Center Chief II, **EMMANUEL F. MONTAÑA, Jr., MD, FPCS, FACS, MHA** and hereinafter referred to as the "ENTITY"

- and -

MEDILINES DISTRIBUTORS, INC. a corporation created under Philippine Law with office address at #7 Pioneer cor Sheridan Sts. Mandaluyong City herein represented by its President, **VIRGILIO B. VILLAR** and hereinafter referred to as the "SUPPLIER".

WITNESSETH:

WHEREAS, a competitive bidding was conducted last *05 May 2020* by the Entity through the Hospital Bids and Awards Committee for the procurement of **ONE (1) UNIT SUPPLY AND INSTALLATION OF A BRAND NEW LINEAR ACCELERATOR WITH IMRT** hereinafter called the "ITEM."

WHEREAS, the SUPPLIER being the lone bidder which purchased the bidding documents, submitted the specified requirements on the above mentioned item and was found eligible during the preliminary examination of bids last *05 May 2020*. The SUPPLIER was awarded the project in the sum of **ONE HUNDRED THIRTY NINE MILLION NINE HUNDRED SEVENTY EIGHT THOUSAND EIGHT HUNDRED NINETY NINE PESOS (P139,978,899.00)** only, inclusive of local taxes and the ENTITY has accepted the bid for the following particular/s:

ITEM NO.	ITEM DESCRIPTION	BRAND / MODEL / COUNTRY OF ORIGIN	QTY	UNIT	UNIT PRICE (PhP)	TOTAL PRICE (PhP)
1	Supply and Installation of a Brand New Linear Accelerator With IMRT	CLINAC CX / USA	1	Unit	139,978,899.00	139,978,899.00
GRAND TOTAL						139,978,899.00

The Supplier, having the necessary resources and expertise, is willing and competent to provide the required items.

NOW THEREFORE, in consideration of the premises and of terms and conditions hereinafter set forth, the parties hereby agree as follows:

Article I- SCOPE OF CONTRACT

1. In this Agreement words and expressions shall have the same meaning as are respectively assigned to them in the Conditions of Contract referred to.
2. The following documents shall be deemed to form and be read and construed as part of this Agreement, viz.:
 - a. Hospital Bids and Awards Committee Resolution to Award no. 0670 s. 2020 (Annex 1);
 - b. Notice of Award (Annex 2);
 - c. Purchase Request No. 2020-01-497 (Annex 3);
 - d. Certificate of Availability of Fund No. 2020-04-430 (Annex 4);
 - e. Bid Bulletin (Annex 5);
 - f. The Bid Form and the Price Schedule submitted by the Bidder (Annex 6);
 - g. The Schedule of Requirements (Annex 7);
 - h. The Technical Specifications (Annex 8);
 - i. The General Conditions of Contract (Annex 9);
 - j. The Special Conditions of Contract (Annex 10);
 - k. The Abstract of Bids (Annex 11);
 - l. The Warranty (Annex 12);
 - m. The Performance Security (Annex 13);
 - n. Project Procurement Management Plan (Annex 14);
 - o. Brochures and Other Certifications for the Standard Requirements (Annex 15).

ARTICLE II - EFFECTIVITY OF THE CONTRACT

The effectivity date of this contract is the date of the SUPPLIER's receipt of the Notice to Proceed (NTP) unless a different date is stated in the NTP.

Unless sooner terminated, this Contract shall remain valid until all obligations herein are fulfilled.

ARTICLE III- DURATION OF ENGAGEMENT

The SUPPLIER shall deliver the **ITEM** within the period specified in the Notice to Proceed (NTP).

ARTICLE IV- TERMS OF PAYMENT

- a) In consideration of the payments to be made by the Entity to the Supplier as hereinafter mentioned, the Supplier hereby covenants with the Entity to provide the goods and to remedy defects therein in conformity in all respects with the provisions of the Contract.
- b) The 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 under the provisions of the contract at the time and in the manner prescribed by the contract.

ARTICLE V- SETTLEMENT OF DISPUTES

Any and all disputes arising from the implementation of this contract shall be submitted to arbitration in the Philippines according to the provisions of Republic Act (R.A) 876, otherwise known as the "Arbitration Law" and RA 9285 otherwise known as the "Alternative Dispute Resolution Act of 2004": Provided however, that disputes that are within the competence of the Construction Industry Arbitration Commission to resolve shall be referred thereto.

Provided further, that by mutual agreement, the parties may agree in writing to resort to other alternative modes of disputes resolution.

ARTICLE VI- LIQUIDATED DAMAGES

When SUPPLIER fails to perform its obligation within the period as set in the Contract, SUPPLIER shall be liable for damages for the delay and shall indemnify the ENTITY liquidated damages in an amount of one-tenth (1/10) of one percent (1%) of the cost of the unperformed portion for everyday of delay. Provided, that such delay is not attributed to ENTITY'S failure to meet its obligation to SUPPLIER, or due to force majeure. Provided further that, in the event the cumulative amount of liquidated damages reaches ten percent (10%) of the amount of the contract, ENTITY may rescind or terminate the Contract, without prejudice to other courses of action and remedies available with the circumstances.

ARTICLE VII- ADDITIONAL PROVISIONS

- a) It is understood that no employer-employee relationship exists between the ENTITY and SUPPLIER and/or the latter's staff or employees by reason of this Contract;
- b) Should the ENTITY be constrained to resort to court action to protect its right and interests hereunder, the SUPPLIER shall pay the ENTITY an amount equivalent to 20% of the total sum claimed in the complaint as and by way of attorney's fees plus expenses of litigation recoverable under pertinent laws provided, that the attorney's fees shall in no case be less than Twenty Thousand Pesos (Php20,000.00). Venue of such court action shall be laid exclusively in the proper court of Manila Philippines.

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.

Signed:

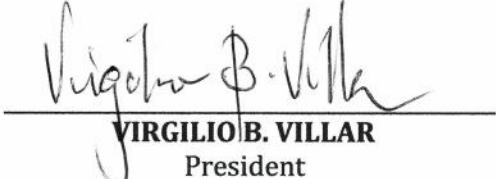
**JOSE R. REYES MEMORIAL
MEDICAL CENTER**

By:

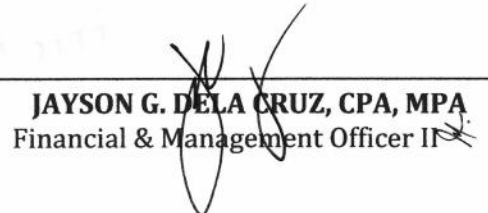

EMMANUEL F. MONTANA, JR., M.D., FPCS, FACS, MHA
Medical Center Chief II

MEDILINES DISTRIBUTORS, INC.

By:


VIRGILIO B. VILLAR
President

Signed in the presence of:


JAYSON G. DELA CRUZ, CPA, MPA
Financial & Management Officer II


DANIEL C. ZULUETA
General Manager

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
City of Manila) ss.

BEFORE ME, a Notary Public for and in the City of Manila, Philippines, personally appeared:

Name	CTC No./Govt. ID	Date/Place Issued
EMMANUEL F. MONTAÑA, JR., MD, FPCS, FACS MHA	06280835	January 04, 2020 / Manila

VIRGILIO B. VILLAR

Known to me and to me known to be the same persons who executed the foregoing contract and acknowledged to me the same as free and voluntary act and deed of the entities herein represented.

This **CONTRACT** consisting of four (4) pages including this page of which this acknowledgement is written and has been signed by the parties and their witnesses on each and every page thereof.

WITNESS MY HAND AND SEAL on this JUL 09 2020 day of QUEZON CITY, 2020 at _____
Philippines.

EMMANUEL F. MONTAÑA, JR. MD, FPCS, FACS, MHA
Medical Center Chief II

JAYSON S. DELA CRUZ, CPA, MPA
Financial & Management Officer II

DANIEL C. ZULUETA
General Manager

VIRGILIO B. VILLAR
President

Doc. No. 169
Page No. 17
Book No. XXIV
Series of 2020

Notary Public

AM Adm. Not. Com. No. NP-124 1-12-18 until 12-31-2020
IBP O.R. No. 055266 Jan. 2019 & IBP O.R. No. 055266 Jan. 2020
PTR O.R. No. 9332194 C 1-3-2020 / Toll No. 30232 / TOLL 129-071-00
MCLE No. VI-0026083 valid from 12/10/19 Valid until 04/14/22 Quezon City
Address: 31-F Harvard St. Cubao, Q.C.



HBAC-A2 RESOLUTION NO. 0670 s. 2020

**BAC Resolution Declaring SCRB and Recommending Award
To MEDILINES DISTRIBUTORS, INC.**

WHEREAS, the JOSE R. REYES MEMORIAL MEDICAL CENTER posted the Invitation to Bid for the procurement of **ONE (1) UNIT SUPPLY AND INSTALLATION OF A BRAND NEW LINEAR ACCELERATOR WITH IMRT** at the G-EPS and a conspicuous place at the premises of the JOSE R. REYES MEMORIAL MEDICAL CENTER continuously for 21 days;

WHEREAS, HBAC received approved Purchase Request No. 2020-01-497 of **One (1) Unit Supply and Installation of a Brand New Linear Accelerator With IMRT**;

WHEREAS, One (1) Unit Supply and Installation of a Brand New Linear Accelerator with IMRT was included in the Approved Annual Procurement Plan for the CY 2020;

WHEREAS, Execom Resolution No. 5 s. 2020 was received last 06 February 2020;

WHEREAS, Certificate of Availability of Funds (CAF) was received last 03 April 2020 with CAF number 2020-04-430 is available out of *CY 2020 GAA HFEP Fund (SAA 2020-03-374)*;

WHEREAS, a public bidding for the following items was held last **05 May 2020**;

Item No.	Description	Quantity	Unit	Unit Price	Total ABC
1	Supply and Installation of a Brand New Linear Accelerator With IMRT	1	Unit	140,000,000.00	140,000,000.00

WHEREAS, in response to the said advertisement, only one (1) bidder purchased bidding documents, submitted the specified requirements on the above mentioned item and was found eligible during the preliminary examination of bids last **05 May 2020**;

WHEREAS, a letter of Notice of Post-disqualification dated 02 June 2020 was forwarded and acknowledged by **MEDILINES DISTRIBUTORS, INC.** thru email last 03 June 2020 with the following grounds;

ITEM DESCRIPTION	FINDINGS	REMARKS
Chest and Breast a. Two (2) Breast boards (carbon fiber) b. Two (2) Wing Boards (carbon fiber) c. Two (2) Chest baseplate (carbon fiber) d. Thirty (30) thermoplastic mask compatible with the chest baseplate.	Offered item for Breast Board and Chest Baseplate were the same (MT-350)	Non-Complying
Multi-purpose precision alignment device a. Quality control checks of isocenter for wall mounted lasers b. Mechanical isocenter of the gantry, collimator and treatment couch c. Phantom for verification of field size, jaw symmetry and coincidence of radiation and light field d. Accommodates radiochromic film for light-radiation field verification at different angles e. Capable of checking the accuracy at different distances of the Optical Distance Indicator f. Must include plastic base	Item offered were different from each purpose however the purpose of this device is to simplify the quality control process by using a single device in performing different tasks.	
Branded brand-new desktop printer with continuous ink system a. With scanner b. Print Resolution: at least 5700 x 1400 dpi	Offered resolution of the item did not met the required specification.	
Branded brand-new laptop computer f. 64-bit operating system with ethernet connection using RJ 45	Item offered did not mention about RJ 45 connection which is essential in connecting the dosimetry tools.	



WHEREAS, the BAC received a Motion for Reconsideration last 05 June 2020 and forwarded the same day to TWG – End User for comments and recommendations;

WHEREAS, the TWG – End User forwarded their recommendation letter for the Motion for Reconsideration with remarks of acceptable last 10 June 2020;

WHEREAS, the BAC granted the Motion for Reconsideration and was received by **MEDILINES DISTRIBUTORS, INC.** thru email last 11 June 2020;

WHEREAS, the detailed evaluation of bids was completed and received by BAC Secretariat on 16 June 2020 resulted in the following:

Item No.	Description	Qty.	Unit	Name of Bidder	Bid Price (As Calculated)	% Variance from ABC
1	Supply and Installation of a Brand New Linear Accelerator With IMRT	1	Unit	MEDILINES / DISTRIBUTORS, INC.	139,978,899.00	0.02

WHEREAS, the bid proposal of **MEDILINES DISTRIBUTORS, INC.** was found to be substantially complying;

WHEREAS, upon careful examination, validation and verification of all the eligibility, technical and financial requirements submitted by the **MEDILINES DISTRIBUTORS, INC.** have been found to be **responsive**;

NOW, THEREFORE, We, the Members of the Hospital Bids and Awards Committee, hereby RESOLVE as it is hereby RESOLVED:

- a) To declare **MEDILINES DISTRIBUTORS, INC.** as the Bidder with Single Calculated and Responsive Bid for the procurement of the following:

Item No.	Description	Qty.	Unit	ABC/Unit (PhP)	Total ABC	Bid Price (As Calculated)	% Variance from ABC	Total Amount (Php)
1	Supply and Installation of a Brand New Linear Accelerator With IMRT BRAND: CLINAC CX / USA	1	Unit	140,000,000.00	140,000,000.00	139,978,899.00	0.02	139,978,899.00
G R A N D T O T A L								139,978,899.00

- b) To award to **MEDILINES DISTRIBUTORS, INC.** the contract price of **ONE HUNDRED THIRTY NINE MILLION NINE HUNDRED SEVENTY EIGHT THOUSAND EIGHT HUNDRED NINETY NINE PESOS (P139,978,899.00)** only for the procurement of the above mentioned item;




- c) To recommend for approval by the MEDICAL CENTER CHIEF II of the JOSE R. REYES MEMORIAL MEDICAL CENTER the foregoing findings.

RESOLVED, this 23rd day of June 2020, at JOSE R. REYES MEMORIAL MEDICAL CENTER, Santa Cruz, Manila.

Recommending Approval:


EMELITO VALDEZ-TAN, MD
Chairperson


NATIVIDAD R. SARMIENTO
Vice-Chairperson

ON LEAVE/OFF

MARIA REDENCION BUKID - ABELLA, M.D.
Member

ON LEAVE/OFF


BLANQUITA JIMENEZ- BELEN
Member

ARLIE FELVIN GACIAS
Member

Approved by:


EMMANUEL F. MONTAÑA, JR., M.D.
Medical Center Chief II

Approved on _____



Republic of the Philippines
Department of Health
JOSE R. REYES MEMORIAL MEDICAL CENTER
HOSPITAL BIDS AND AWARDS COMMITTEE

RIZAL AVE., STA. CRUZ, MANILA
711-9491 local 245

NOTICE OF AWARD

25 June 2020

MEDILINES DISTRIBUTORS, INC.
#7 Pioneer cor Sheridan St.
Mandaluyong City, Philippines
Tel No. : 634-9132

Dear Sir/Madame:


We are happy to notify you that your Bid for the **ONE (1) UNIT SUPPLY AND INSTALLATION OF A BRAND NEW LINEAR ACCELERATOR WITH IMRT** in the amount of **ONE HUNDRED THIRTY NINE MILLION NINE HUNDRED SEVENTY EIGHT THOUSAND EIGHT HUNDRED NINETY NINE PESOS (P139,978,899.00)** only, as corrected and modified in accordance with the Instructions to Bidders is hereby accepted:


ITEM NO.	ITEM DESCRIPTION	BRAND / MODEL / COUNTRY OF ORIGIN	QTY.	UNIT	UNIT PRICE (PhP)	TOTAL PRICE (PhP)
1	Supply and Installation of a Brand New Linear Accelerator With IMRT	CLINAC CX / USA	1	Unit	139,978,899.00	139,978,899.00
GRAND TOTAL						139,978,899.00

You are hereby required to provide within **three (3) calendar days** the performance security in the form of cash or cashier's/manager's check or bank draft/guarantee or irrevocable letter of credit. Failure to provide the performance security shall constitute sufficient ground for cancellation of the award.

Very truly yours,


EMMANUEL F. MONTANA, JR., M.D.
Medical Center Chief II

Conforme: 
DANIEL C. ZULUETA
Date: **June 25, 2020**


rich/mau062320AM