

**CONTRACT for the Procurement of
ENDOSCOPIC VIDEO INFORMATION SYSTEM SET (GASTRO
VIDEOSCOPE, COLONO VIDEOSCOPE, LCD HIGH DEFINITION,
VIDEO SYSTEM LIGHT SOURCE)**

KNOW ALL MEN BY THESE PRESENTS:

THIS CONTRACT ENTERED INTO THIS 30th day of October 2019, 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 -

RITE-TECH MARKETING a corporation created under Philippine Law with office address at B7 L22 NHA Compound, San Pablo City, Laguna, herein represented by its General Manager/ Owner, **CLEMENTE G. CHAN**, and hereinafter referred to as the "SUPPLIER".

WITNESSETH:

WHEREAS, a competitive bidding was conducted on 30 August 2019 by the Entity through the Hospital Bids and Awards Committee for the procurement of **Endoscopic Video Information System Set (Gastro Videoscope, Colono Videoscope, LCD High Definition, Video System Light Source)** hereinafter called the "ITEM." The SUPPLIER was awarded the project in the sum amount of **EIGHTEEN MILLION EIGHT HUNDRED THOUSAND PESOS (Php18,800,000.00)** only, inclusive of local taxes and the ENTITY has accepted the bid for the following particular/s:

Item No.	Item Description	BRAND/ COUNTRY ORIGIN	QTY.	UNIT PRICE (PhP)	TOTAL PRICE (PhP)
1	Endoscopic Video Information System Set (Gastro Videoscope, Colono Videoscope, LCD High Definition, Video System Light Source)	<i>Gastro Scope & Duodenoscope, LCD HD</i> Brand: Fujifilm Model: EPX 4450, EG-600WR, ED-580XT, EX2621-FJ/ Japan	1 unit	18,800,000.00	18,800,000.00
GRAND TOTAL					18,800,000.00

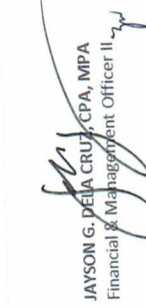
WHEREAS, the Supplier, having the necessary resources and expertise, is willing and competent to provide the required items.

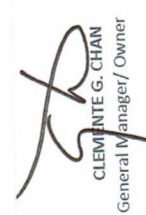
NOW THEREFORE, for and in consideration of the premises and of terms and conditions hereinafter set forth, the parties hereby agree as follows:

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.


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


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


CLEMENTE G. CHAN
General Manager / Owner


JENNY ROSELYN VELUZ
Authorized Representative

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. 2732 s. 2019 (Annex 1);
- b. Notice of Award (Annex 2);
- c. Purchase Request No. 2019-07-3426 (Annex 3);
- d. Certificate of Availability of Fund No. 2019-10-1038 (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); and
- m. The Performance Security (Annex 13);
- n. Project Procurement Management Plan (Annex 14);
- o. Brochure (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.

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

ARTICLE III- DURATION OF ENGAGEMENT

Unless sooner terminated, this Contract shall be valid for thirty (30) days reckoned from the receipt of 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 further, that by mutual agreement, the parties may agree in writing to resort to other alternative modes of disputes resolution.

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

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

CLEMENTE G. CHAN
General Manager / Owner

JENNY ROSE V. VELUZ
Authorized Representative

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 the amount equivalent to 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

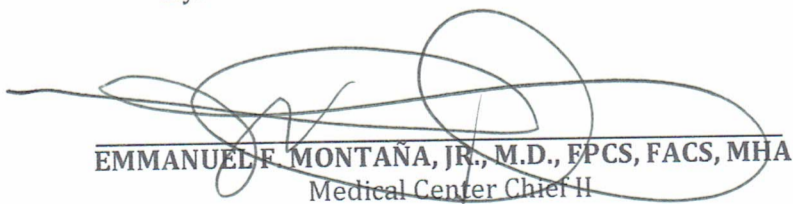
- a) It is understood that no employer-employee relationship exists between the ENTITY and SUPPLIER and/or the latter's staff or employees by reason of this Contract;
- b) Should the ENTITY be constrained to resort to court action to protect its right and interests hereunder, the SUPPLIER shall pay the 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

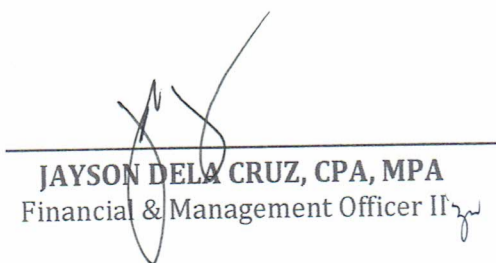
RITE-TECH MARKETING

By:

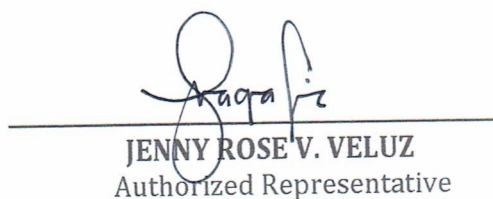


CLEMENTE G. CHAN
 General Manager/ Owner

Signed in the presence of:



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



JENNY ROSE V. VELUZ
 Authorized Representative

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
City of Manila) ss.

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



QUEZON CITY

QUEZON CITY

Name	CTC No./Govt. ID	Date/Place Issued
<u>EMMANUEL F. MONTAÑA, JR., MD, FPCS, FACS MHA</u>	<u>02468888</u>	<u>Manila; January 05, 2019</u>
<u>CLEMENTE G. CHAN</u>	<u>Passport NO. EC5950635</u>	<u>Nov. 12, 2015/DFA NCR CENTRAL</u>



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.

NOV 11 2019

WITNESS MY HAND AND SEAL on this ___ day of _____, 2019 at _____, Philippines.

QUEZON CITY

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

JENNY ROBEY VELUZ
Authorized Representative

Doc. No. 165
Page No. 34
Book No. 10
Series of 2019

Notary Public

ATTY. ROSELIO B. BOLIVAR
NOTARY PUBLIC IN QUEZON CITY

AM Adm. Not. Com. No. NP-124 1-12-19 until 12-31-2020
IBP O.R. No. 055256 Jan. 2019 & IBP O.R. No. 055256 Jan. 2020
PTR O.R. No. 7376155 C 1-7-19 / ROLL No. 33832 / TIN# 121-811-009
MCLE No. V-0019296 valid from 04/15/2016 until 04/14/2019/ PASIG CITY
Address: 31-F Harvard St. Cubao, Q.C.



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 loc. 245

HBAC-A RESOLUTION NO. 2732 s. 2019

**BAC Resolution Declaring LCRB and Recommending Award
To Rite-Tech Marketing**

WHEREAS, the JOSE R. REYES MEMORIAL MEDICAL CENTER posted the Invitation to Bid for the procurement of *Endoscopic Video Information System Set (Gastro Videoscope, Colono Videoscope, LCD High Definition, Video System Light Source)* at the G-EPS and a conspicuous place at the premises of the JOSE R. REYES MEMORIAL MEDICAL CENTER continuously for 14 days;

WHEREAS, Endoscopic Video Information System Set (Gastro Videoscope, Colono Videoscope, LCD High Definition, Video System Light Source) was included in the Approved Annual Procurement Plan (APP) for year 2019;

WHEREAS, Execom Resolution was issued with Reso No.: 75 dated 22 July 2019;

WHEREAS, Certificate of Availability of Fund was issued with CAF No. 2019-10-1038 dated 01 October 2019 which the fund was available out of HFEP 2019;

WHEREAS, a public bidding for the following item was held last 30 August 2019:

Item No.	Description	Quantity	unit	Price/ Unit	Total ABC
1	Endoscopic Video Information System Set (Gastro Videoscope, Colono Videoscope, LCD High Definition, Video System Light Source)	1	unit	21,000,000.00	21,000,000.00

WHEREAS, in response to the said advertisements, two (2) bidders purchased bidding documents, submitted the specified requirements on the following item, was found eligible and passed the preliminary examination of bids last 30 August 2019;

WHEREAS, the detailed evaluation of bids was completed on 17 October 2019 resulted in the following:

Item No.	Description	QTY	unit	Name of Bidder	Bid Price (As Calculated)	% Variance from ABC
1	Endoscopic Video Information System Set (Gastro Videoscope, Colono Videoscope, LCD High Definition, Video System Light Source)	1	unit	Rite-Tech Marketing	18,800,000.00	10.48
				The Pharmedic, Corp.	19,899,894.00	5.24

WHEREAS, the bid proposal of Rite-Tech Marketing, was found to be substantially complying;

WHEREAS, upon careful examination, validation and verification of all the eligibility, technical and financial requirements submitted by Rite-Tech Marketing, has 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 **Rite-Tech Marketing** as the Bidder with Lowest Calculated and Responsive Bid for the procurement of the following:



Republic of the Philippines
Department of Health

**JOSE R. REYES MEMORIAL MEDICAL CENTER
HOSPITAL BIDS AND AWARDS COMMITTEE**

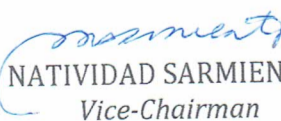
RIZAL AVE., STA. CRUZ
MANILA, 711-9491 loc. 245

Item No.	Description	QTY	Unit	ABC/ lot (PhP)	TOTAL ABC	Bid Price (As Calculated)	% Variance from ABC	Total Amount (PhP)
1	Endoscopic Video Information System Set (Gastro Videoscope, Colono Videoscope, LCD High Definition, Video System Light Source) Gastro Scope & Duodenoscope, LCD HD) Brand: Fujifilm Model: EPX 4450, EG-600WR, ED-580XT, EX2621-FJ/ Japan	1	unit	21,000,000.00	21,000,000.00	18,800,000.00	10.48	18,800,000.00
T O T A L								18,800,000.00


- b) To award to **Rite-Tech Marketing** the contract price of **EIGHTEEN MILLION EIGHT HUNDRED THOUSAND PESOS (P18,800,000.00)** only for the procurement of 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 21st day of October 2019, at JOSE R. REYES MEMORIAL MEDICAL CENTER, Santa Cruz, Manila.

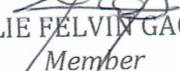
Recommending Approval:


NATIVIDAD SARMIENTO
Vice-Chairman


EMELITO O. VALDEZ-TAN, M.D.
Chairman


CECILIO VIVAR, MD
Member


BLANQUITA JIMENEZ-BELEN
Member


ARLIE FELVIN GACIAS
Member

Approved by:


EMMANUEL F. MONTANA, JR., M.D.

Medical Center Chief II

Approved on OCT 29 2019



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

11 November 2019

RITE TECH MARKETING
 B7 L22 NHA Compound,
 San Pablo, Laguna
 Telephone No.: 920-3614; 332-4894

Dear Sir/Madame:

The attached Contract Agreement having been approved, notice is hereby given to Rite-Tech Marketing that delivery of Endoscopic Video Information System Set (Gastro Videoscope, Colono Videoscope, LCD High Definition, Video System Light Source) in the amount of **EIGHTEEN MILLION EIGHT HUNDRED THOUSAND PESOS (P18,800,000.00)**. You may deliver the following items within thirty (30) days:

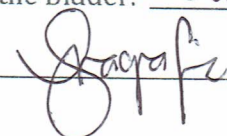
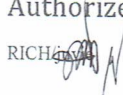
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GRAND TOTAL						18,800,000.00

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. MONTAÑA, JR. MD., FPCS, MHA
 Medical Center Chief II

I acknowledge receipt of this Notice on 11-11-19
 Name of the Representative of the Bidder: Jenny Rose V. Veluz
 Authorized Signature 
 RICHARD 



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

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

08 August 2019

MR. ERIC JUDE ALVIA
Secretary General
NAMFREL
Room 601 DMG Center
Domingo M. Guevarra St.,
Barangay Mauway, Mandaluyong City
Telefax: 470-4151

Dear Mr. Alvia:

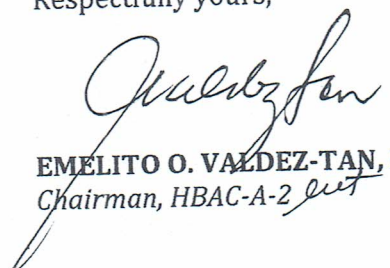
This is to invite you or to send one of your representatives in our Procurement Activities to serve as an Observer for the procurement of *Various Medical Equipment* for Jose R. Reyes Memorial Medical Center:

The schedule of the BAC activities is as follows:

Activities	Schedule Dates
Advertisement/ Posting of ITB	09 August 2019 (Friday)
Issuance of Bidding Documents	09-30 August 2019
Pre-bidding Conference	16 August 2019 (Friday) <i>1:00PM, CBB Conference Room, 2nd Floor, CBB Building</i>
Deadline for Submission of Bids/ Bid Opening	30 August 2019 (Friday) <i>1:00PM, CBB Conference Room, 2nd Floor, CBB Building</i>
Bid Evaluation/Post Qualification	2-13 September 2019
Notice of Award	17 September 2019

We are looking forward to your presence.

Respectfully yours,


EMELITO O. VALDEZ-TAN, MD
Chairman, HBAC-A-2

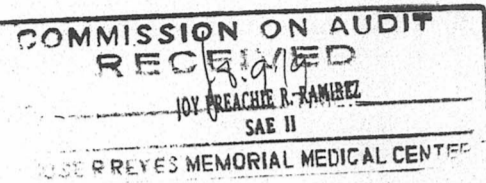


Republic of the Philippines
Department of Health
JOSE R. REYES MEMORIAL MEDICAL CENTER
COMMITTEE ON BIDS AND AWARDS

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

08 August 2019

MS. NENETTE MONICA L. TADEO
State Auditor IV, Audit Team Leader
Commission on Audit



Dear Ms. Tadeo:

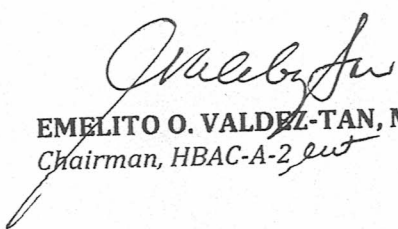
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Respectfully yours,


EMELITO O. VALDEZ-TAN, MD
Chairman, HBAC-A-2



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

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

04 April 2019

MS. AURORA ANGELES - SANTIAGO
Episcopal Commission for the Laity and Chairman,
Advocacy against Graft & Corruption,
Sangguniang Laiko ng Pilipinas
Telephone No.: 527-3124

Dear Ms. Santiago:

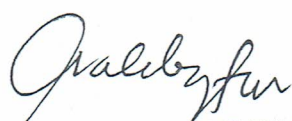
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Thank you for your usual cooperation.

Respectfully yours,


E MELITO O. VALDEZ-TAN, MD
Chairman, HBAC-A-2



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

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

08 August 2019

Ms. CRISTY VILLAHERMOSA-DONGUINES
Alliance of Health Workers
This Medical Center

Dear Ms. Donguines,

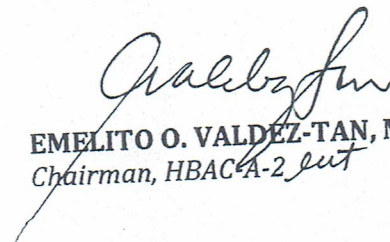
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We are looking forward to your presence.

Respectfully yours,


EMELITO O. VALDEZ-TAN, MD
Chairman, HBAC-A-2 *cut*

Veron
8/9/19
zp