



## NOTICE TO PROCEED

17 July 2020

**SAVIOUR MeDEVICES, INC.**

5<sup>th</sup> Floor BTTC Centre, Ortigas Avenue,  
Greenhills, San Juan City  
Tel No.: 8583-0798

Dear Sir/Madame:

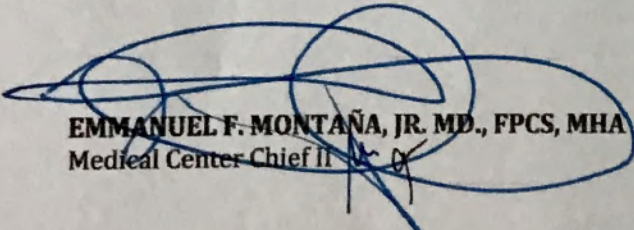
The attached Contract Agreement having been approved, notice is hereby given to **SAVIOUR MeDEVICES, INC.** that the delivery of **ONE (1) UNIT OB LAPAROSCOPY TOWER WITH HAND INSTRUMENTS** is in the total amount of **SEVEN MILLION NINE HUNDRED NINETY EIGHT THOUSAND PESOS (P7,998,000.00) only**. You may deliver the following items within **Thirty (30) days**:

ITEM NO.	ITEM DESCRIPTION	BRAND / MODEL / COUNTRY OF ORIGIN	QTY.	UNIT	UNIT PRICE (PhP)	TOTAL PRICE (PhP)
1	OB Laparoscopy Tower with Hand Instruments	KARL STORZ / GERMANY	1	Unit	7,998,000.00	7,998,000.00
GRAND TOTAL						7,998,000.00

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 July 21, 2020

Name of the Representative of the Bidder: Janice T. Iguerra

Authorized Signature 

# **CONTRACT FOR THE PROCUREMENT OF ONE (1) UNIT OB LAPAROSCOPY TOWER WITH HAND INSTRUMENTS**

**KNOW ALL MEN BY THESE PRESENTS:**

**THIS CONTRACT ENTERED INTO THIS 1<sup>st</sup> 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 -

**SAVIOUR MeDEVICES, INC.** a corporation created under Philippine Law with office address at 5th Floor BTTC Centre, Ortigas Avenue, Greenhills, San Juan City herein represented by its Chairwoman / President, **MARIA ANNA B. NARVASA** and hereinafter referred to as the **"SUPPLIER"**.

## **WITNESSETH:**

**WHEREAS**, a competitive bidding was conducted last *19 May 2020* by the Entity through the Hospital Bids and Awards Committee for the procurement of **ONE (1) UNIT OB LAPAROSCOPY TOWER WITH HAND INSTRUMENTS** 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 *19 May 2020*. The SUPPLIER was awarded the project in the sum of **SEVEN MILLION NINE HUNDRED NINETY EIGHT THOUSAND PESOS (P7,998,000.00)** 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	OB Laparoscopy Tower with Hand Instruments	KARL STORZ / GERMANY	1	Unit	7,998,000.00	7,998,000.00
<b>GRAND TOTAL</b>						<b>7,998,000.00</b>

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:

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

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

**DARLENE J. JUANILLO**  
Assistant Corporate Secretary

**MARIA ANNA B. NARVASA**  
Chairwoman / President

## 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. 0623 s. 2020 (Annex 1);
  - b. Notice of Award (Annex 2);
  - c. Purchase Request No. 2020-03-1680 (Annex 3);
  - d. Certificate of Availability of Fund No. 2020-03-389 (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**

**SAVIOUR MeDEVICES, INC.**


**By:**

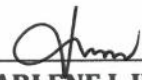
**By:**

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

  
**MARIA ANNA B. NARVASA**  
Chairwoman / President

Signed in the presence of:

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

  
**DARLENE J. JUANILLO**  
Assistant Corporate Secretary

**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
<b>EMMANUEL F. MONTAÑA, JR., MD, FPCS, FACS MHA</b>	<b>06280835</b>	<b>January 04, 2020 / Manila</b>
<b>MARIA ANNA B. NARVASA</b>	<b>940090449</b>	<b>15 AUGUST 2020 / MANILA</b>

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 17 2020 day of MANILA, 2020 at \_\_\_\_\_, Philippines.

**ATTY. HERNAN ADASA**  
 Notary Public  
 NOTARY PUBLIC UNTIL DEC. 31, 2020  
 NOTARIAL COMMISSION 2020-162 MLA  
 IBP NO. 100920 - 01/03/2020, PASIG  
 PTR NO. 9124087 - 01/03/2020 MLA  
 ROLL NO. 29679, TIN: 172-528-620  
 MCLE COMPL. NO. VII-0000165

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 Book No. 87  
 Series of 2020

**MARIA ANNA B. NARVASA**  
 Chairwoman / President

**DARLEN J. JUANILLO**  
 Assistant Corporate Secretary

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

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



**HBAC-A2 RESOLUTION NO. 0623 s. 2020**

**BAC Resolution Declaring SCRB and Recommending Award  
To SAVIOUR MeDEVICES, INC.**

**WHEREAS**, the JOSE R. REYES MEMORIAL MEDICAL CENTER posted the Invitation to Bid for the procurement of **ONE (1) UNIT OB LAPAROSCOPY TOWER WITH HAND INSTRUMENTS** 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. 2020-03-1680 of **One (1) Unit OB Laparoscopy Tower with Hand Instruments**;

**WHEREAS**, OB Laparoscopy Tower with Hand Instruments was included in the Approved Annual Procurement Plan for the CY 2020;

**WHEREAS**, Execom Resolution No. 19 s. 2020 was received last 11 March 2020;

**WHEREAS**, Certificate of Availability of Funds (CAF) was received last 18 March 2020 with CAF number 2020-03-389 is available out of *INCOME Fund*;

**WHEREAS**, a public bidding for the following items was held last **19 May 2020**;

Item No.	Description	Quantity	Unit	Unit Price	Total ABC
1	OB Laparoscopy Tower with Hand Instruments	1	Unit	8,000,000.00	8,000,000.00

**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 **19 May 2020**;

**WHEREAS**, the detailed evaluation of bids was completed and received by BAC Secretariat on **15 June 2020** resulted in the following:

Item No.	Description	Qty.	Unit	Name of Bidder	Bid Price (As Calculated)	% Variance from ABC
1	OB Laparoscopy Tower with Hand Instruments	1	Unit	SAVIOUR MeDEVICES INC.	7,998,000.00	0.03

**WHEREAS**, the bid proposal of **SAVIOUR MeDEVICES 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 **SAVIOUR MeDEVICES 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 **SAVIOUR MeDEVICES INC.** as the Bidder with Single Calculated and Responsive Bid for the procurement of the following:



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

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

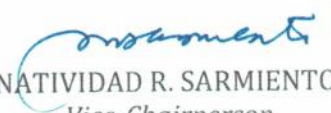
Item No.	Description	Qty.	Unit	ABC/Unit (Php)	Total ABC	Bid Price (As Calculated)	% Variance from ABC	Total Amount (Php)
1	OB Laparoscopy Tower with Hand Instruments BRAND: KARL STORZ / GERMANY	1	Unit	8,000,000.00	8,000,000.00	7,998,000.00	0.03	7,998,000.00
GRAND TOTAL								7,998,000.00

- b) To award to **SAVIOUR MeDEVICES INC.** the contract price of **SEVEN MILLION NINE HUNDRED NINETY EIGHT THOUSAND PESOS (P7,998,000.00)** 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 **18<sup>th</sup>** 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

  
**MARIA REDENCION BUKID - ABELLA, M.D.**  
Member

  
**BLANQUITA JIMENEZ- BELEN**  
Member

  
**ARLIE FELVIN GACIAS**  
Member

Approved by:

  
**EMMANUEL F. MONTAÑA, JR., M.D.**  
Medical Center Chief II  
Approved on 6/27