

NOTICE TO PROCEED

MS. MA. CECILIA C. SUGAY

Authorized Representative

MIGHTY AND STRONG FOOD CORPORATION

No. 1 Punturin Industrial Compound, Kabesang Porong St.
Valenzuela City

Mobile No. 09177251102

Email Address: cecille.sugay@masfoods.com.ph

Dear **Ms. Sugay**:

Please be informed that you may now proceed as the Supplier for the contract entitled "**Item No. 3 – Instant Coffee Mix for the "Procurement of Raw Materials for the Production of Family Food Packs Through Framework Agreement"** under **Contract No. 2021-02-0026**. The cost per sachet is **Three Pesos and Eighty Centavos (PHP3.80)**, inclusive of all applicable taxes.

This Notice binds you to your bid price proposal, schedule of requirements, technical specifications, and other terms and conditions stipulated in the Contract. Please note that **the contract duration is from receipt of this notice until 31 December 2021, or upon consumption of the total quantity in the Framework Agreement List, which is 2,941,680 sachets, whichever comes first**. Further, we acknowledge receipt of your Performance Bond issued by the Metropolitan Insurance Company, Inc. in the amount of PHP3,353,515.20, which you declared as guarantee of your faithful performance and obligations under the Framework Agreement.


Kindly affix your signature and the corresponding date in the space provided below.

Very truly yours,


FELICISIMO C. BUDIONGAN

Undersecretary for Disaster Response Management Group
(Head of the Procuring Entity/Authorized Representative)

CONFORME:


MA. CECILIA C. SUGAY
Authorized Representative

Date: June 7, 2021

Framework Agreement

KNOW ALL MEN BY THESE PRESENTS:

This Agreement made and entered into by and between **DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT**, of the Philippines with office address at IBP Road, Constitution Hills, Quezon City, Metro Manila, represented herein by **Undersecretary FELICISIMO CALACAT BUDIONGAN, Office of the Undersecretary for Disaster Response Management Group** and hereinafter referred to as the "THE PROCURING ENTITY".

and

MIGHTY AND STRONG FOODS CORPORATION, a duly registered entity existing under the laws of the Philippines, with postal address at No. 1 Punturin Industrial Compound, Kabesang Porong St., Valenzuela City, represented by **MS. MA. CECILIA C. SUGAY, Authorized Representative**, hereinafter referred to as the "THE SUPPLIER",

WITNESSETH, that:

WHEREAS, THE PROCURING ENTITY decided to use Framework Agreement on its procurement project for **Item No. 3 – Instant Coffee Mix for the "Procurement of Raw Materials for the Production of Family Food Packs Through Framework Agreement for CY 2021" under ITB No. GOP/20-DSWD-066-A;**

WHEREAS, this Agreement is for the option to purchase of goods determined to be necessary and desirable to address and satisfy the needs of THE PROCURING ENTITY but by its nature, use or characteristic, the quantity and/or exact time of need cannot be accurately pre-determined;

WHEREAS, THE PROCURING ENTITY has the option to purchase the items provided in the Framework Agreement List, attached and made an integral part of this Agreement as provided in Article I, on a date and time to be determined in the Call-Off to be issued for such purpose by THE PROCURING ENTITY; and

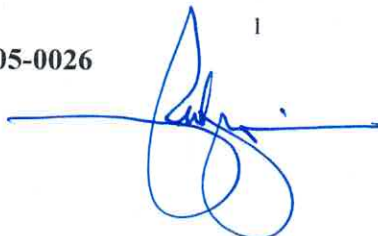
WHEREAS, THE SUPPLIER which passed the eligibility screening conducted by THE PROCURING ENTITY, shall maintain and update the eligibility requirements during period of this Agreement and shall honor all obligations under this Framework Agreement.

NOW, THEREFORE, the parties hereby agree as follows:

Article I GENERAL CONSIDERATIONS

CONTRACT No. 2021-05-0026



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1. This Framework Agreement is an option contract. THE PROCURING ENTITY is given the option to either purchase the identified items in the Framework Agreement or not to purchase at all. The discretion to exercise the option falls solely with THE PROCURING ENTITY. THE SUPPLIER may not require or demand for the latter to purchase the items in the Framework Agreement List.
2. In this Framework Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract which is attached thereto and made and integral part thereof.
3. The following documents shall be deemed to form and be read and construed as part of this Agreement:
 - (a) the Supplier's Bid, including the Technical and Financial Proposals, and all other documents/statements submitted (e.g. bidder's response to clarifications on the bid, if any), including corrections to the bid resulting from the Procuring Entity's bid evaluation;
 - (b) the Schedule of Requirements (Framework Agreement List) and the Technical Specifications;
 - (c) the General Conditions of Contract;
 - (d) the Special Conditions of Contract;
 - (e) the Performance Security or Performance Securing Declaration;
 - (f) the Procuring Entity's Notice to Execute Framework Agreement; and
 - (g) Call-Offs

Article II DURATION

The term of this Agreement is a Single Year Framework Agreement which shall commence from the receipt of Notice to Proceed (NTP) until 31 December 2021 or upon consumption of the total quantity in the Framework Agreement List, whichever comes first.

Article III CONSIDERATION

For the consideration of one peso (Php1.00), THE PROCURING ENTITY have the option to purchase any or all of the items in the Framework Agreement List through the issuance of Call-off and THE SUPPLIER commits to deliver the goods and perform the services subject to the conditions of the Call-off.

Article IV PERFECTION OF PROCUREMENT CONTRACT

The Framework Agreement being an option contract, a procurement contract is perfected only when THE PROCURING ENTITY exercises the option to procure any item from the Framework Agreement List through the issuance of a Call-off.

 **CONTRACT No. 2021-05-0026**  

Article V
OBLIGATION TO ANSWER A CALL-OFF

Once THE PROCURING ENTITY issues a Call-off, THE SUPPLIER is bound to deliver the goods or perform the services identified at the time and date specified in the Call-off.

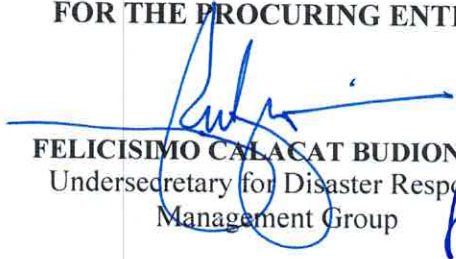
Failure on the part of THE SUPPLIER to deliver goods or perform the services shall warrant forfeiture of performance security or performance securing declaration and imposition of liquidated damages as provided for in the Guidelines on use of Framework Agreement by all Procuring Entities without prejudice to all other applicable sanctions.

Article VI
TERMS AND CONDITIONS

The terms and conditions of this Framework Agreement shall be governed by Guidelines on the Use of Framework Agreement by all Procuring Entity and all relevant issuance of the GPPB.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines, on the day and year first above written. Signed, sealed, delivered in Quezon City, Philippines on the **12th day of May 2021**.

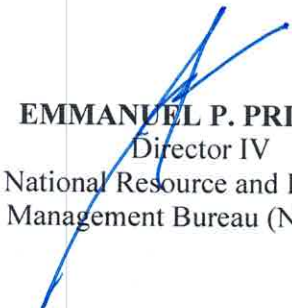
FOR THE PROCURING ENTITY

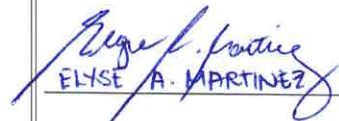

FELICISIMO CALACAT BUDIONGAN
Undersecretary for Disaster Response
Management Group

FOR THE SUPPLIER



MA. CECILIA C. SUGAY
Authorized Representative

-Witnesses-


EMMANUEL P. PRIVADO
Director IV
National Resource and Logistics
Management Bureau (NRLMB)


ELYSE A. MARTINEZ

Certifies as to availability of Fund / Disbursement
of fund shall be subject to existing budgeting,
accounting and auditing rules and regulations.
Certified Funds Available:


JOAN V. BINÁS
Officer-In-Charge, Accounting Division-Regular Programs
Financial Management Service Chief, Accounting Division (AD)

01-20201- MBL- 2021- 05- 01064

May 25, 2021 P 1.00

33100-1-3 502030600

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2,941,680 sachets of Instant coffee mix

P 3.80 each

CONTRACT No. 2021-05-0026

Republic of the Philippines)
MANDALUYONG CITY S.S.

JUN 08 2021

MANDALUYONG CITY
BEFORE ME, a Notary Public for and in Quezon City, on this ___ day of May 2021 personally appeared the following with their respective proof of Identification;

FELICISIMO C. BUDIONGAN	ID Type/No. :	TIN/ 186235183
	Place Issued :	BIR
MA. CECILIA C. SUGAY	ID Type/No. :	Passport/ P7374759A
	Place Issued :	DFA Manila

Both known to me to be the same people who executed the foregoing instrument and who acknowledge to me that the same is their own free will and voluntary act and deed.

This Agreement consisting of four (4) pages with Annexes (a) to (g) signed by the parties and their instrumental witnesses in all pages refer to an AGREEMENT for the Item No. 3 – Instant Coffee Mix for the “Procurement of Raw Materials for the Production of Family Food Packs Through Framework Agreement for CY 2021” under ITB No. GOP/20-DSWD-066-A by the SUPPLIER.

WITNESS MY HAND AND NOTARIAL SEAL on the date and place first above written.

NOTARY PUBLIC

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Book No. 42
Series of 2021

ATTY. JAMES L. ABUGAN
NOTARY PUBLIC
APPT. NO. 0442-19
Until 06/30/2021
IBP No. 134105 Dec. 9, 2020 Rizal Chapter
Roll No. 26890 Lifetime
MCLE No. VI-0012875 until 4/14/2022
TIN No. 116-239-956
PTR No. 4574511 01/04/2021
Tel. No. 631-40-90
Rm. 314 J&B Bldg., 251 EDSA,
Mandaluyong City



CONTRACT No. 2021-05-0026

