



Signature
Estelita R. Magtibay
 METRO MOBILIA's Witness

PROJECT: Mass Production and Supply of Science and Mathematics Equipment Packages to Public Elementary for Grades 1 to 3 & Grades 4 to 6, Public Junior High School for Grades 7 to 10 and Public Senior High School for Grades 11 to 12 (Core and Stem)

CONTRACT NO.: 2021-BLR4(001to006)-BV-CB-009-C13

CONTRACT AGREEMENT

THIS AGREEMENT made and entered into this 27 day of August 2021 by and between **DEPARTMENT OF EDUCATION**, located at DepEd Complex, Meralco Avenue, Pasig City, Philippines, represented herein by its Secretary, **LEONOR MAGTOLIS BRIONES**, as per Department Order No. 023, s. 2021 (hereinafter referred to as "DEPED"); and **METRO MOBILIA CORPORATION** represented herein by its Authorized Representative, **ENERO P. MAGTOTO**, with office address at 7th Floor, Asian Star Bldg., ASEAN Drive Corner Singapura Lane, Filinvest City, Alabang, Muntinlupa City, Metro Manila, Philippines (hereinafter referred to as "METRO MOBILIA").

DEPED and METRO MOBILIA are collectively called "PARTIES."

WHEREAS, DEPED invited bids for the mass production and supply of Science and Mathematics Equipment Packages consisting of sixteen (16) Lots and received bids from eight (8) bidders; DEPED opened, read, and evaluated the bids of the eight (8) bidders and declared METRO MOBILIA as having the lowest calculated bid for Lot No. 9; after evaluation, DEPED post-qualified and declared the bid of METRO MOBILIA as the lowest calculated responsive bid for Lot No. 9 in the sum of **PHILIPPINE PESOS ONE HUNDRED EIGHTEEN MILLION, ONE HUNDRED FIFTY-NINE THOUSAND, ONE HUNDRED SEVENTY-NINE and 21/100 (PhP 118,159,179.21) ONLY**, (hereinafter called the "Contract Price") detailed as follows:

Lot No.	Description	Amount (PhP)
9	MODELS: EARTH AND OTHER HEAVENLY BODIES (MI-LOT 9)	118,159,179.21

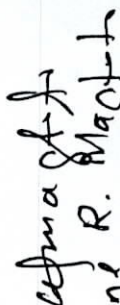
NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract referred to.

Signature
ENERO P. MAGTOTO
 METRO MOBILIA

Signature
ARIZ DELSON ACAY D. CAWILAN
 DEPED's Witness

Signature
LEONOR MAGTOLIS BRIONES
 Department of Education


Elaine R. Magtoto
METRO MOBILIA's Witness


Eneop P. Magtoto
METRO MOBILIA


Ariz Delson Acay D. Cawilan
DEPED's Witness


Leonor Magtolis Briones
Department of Education

2. The following documents as required by the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184 shall be deemed to form and be read and construed as part of this Agreement, viz:
 - i. Philippine Bidding Documents (PBD);
 - a. Schedule of Requirements;
 - b. Technical Specifications;
 - c. General and Special Conditions of the Contract;
 - d. Bid Bulletin No. 1 dated June 1, 2021;
 - e. Bid Bulletin No. 2 dated June 4, 2021;
 - f. Bid Bulletin No. 3 dated June 9, 2021; and
 - g. Bid Bulletin No. 4 dated June 15, 2021.
 - ii. **METRO MOBILIA's** bid, including the Eligibility Requirements, Technical and Financial Proposals, and all other documents or statements submitted;
 - iii. Performance Security;
 - iv. Notice of Award of Contract and **METRO MOBILIA's** conforme thereto; and
 - v. Other contract documents required by existing laws and/or DepEd in the PBD. **METRO MOBILIA** agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for submission after the contract execution, such as the Notice to Proceed, Variation Order, and Warranty Security, shall form part of the Contract.
3. The goods supplied by **METRO MOBILIA** under this Contract shall be picked-up or hauled by the third-party logistics provider designated by **DEPED**. Risk and title to the goods shall pass from **METRO MOBILIA** to **DEPED** upon receipt and final acceptance at **METRO MOBILIA's** warehouse. However, assembly, installation, start-up and/or commissioning of items, in cases where they are necessary, shall remain to be the responsibility and for the account of **METRO MOBILIA** notwithstanding inspection and acceptance at its warehouse or premises.
4. The goods shall be ready for pick-up or hauling by the third party logistics within **one hundred forty-four (144) calendar days** from receipt of **METRO MOBILIA** of the Notice to Proceed.
5. **METRO MOBILIA** shall post a Performance Security within ten (10) calendar days from receipt of the Notice of Award in the form and amount prescribed therein. The performance security shall be posted in favor of **DEPED**, and shall be forfeited in the event it is established that **METRO MOBILIA** is in default of any of its obligation under this contract. **METRO MOBILIA** shall be responsible for the extension of its performance security and/or undertake to renew its performance security whenever necessary, and without need of prior notice or

Elaine P. Magtoto
Elaine P. Magtoto
METRO MOBILIA's Witness

ENEROP. MAGTOTO
ENEROP. MAGTOTO
METRO MOBILIA

ARIZ DELSON ACAY D. CAWILAN
ARIZ DELSON ACAY D. CAWILAN
DEPED's Witness

LEONOR MAGTOLIS BRIONES
LEONOR MAGTOLIS BRIONES
Department of Education

instruction from the **DEPED**, to ensure that it is in force and effect for the whole duration of the contract and until a Certificate of Final Acceptance is duly issued.

6. The goods supplied under this Contract should conform to and comply with the standards mentioned in Section VI. Schedule of Requirements of the Bidding Documents, as amended by Bid Bulletin Nos. 1, 2, 3 and 4 dated June 1, 2021, June 4, 2021, June 9, 2021 and June 15, 2021, respectively, and must be in accordance with the technical specifications, a copy of which is hereto attached as Annex "A" and made an integral part hereof. Any proposal to deliver items of equivalent, higher or superior technical specifications, in lieu of those of the approved bids or samples shall be discretionary to **DEPED** and is subject to the evaluation and recommendation of the end-user or implementing units and the approval of the herein authorized representative and signatory.
7. Goods with defects or non-compliant with the required specifications during pre-delivery inspection shall be replaced immediately by **METRO MOBILIA**, and replacement items shall be subjected to re-inspection. Goods with defects or non-compliant with the required specifications upon delivery shall be rejected by **DEPED** and replaced by **METRO MOBILIA** in accordance with the warranty provisions in the bidding documents. **DEPED** shall have the option to inspect **METRO MOBILIA's** premises covered by the Contract, at any time or stage of contract implementation, to monitor and assess **METRO MOBILIA's** capacity to discharge its contractual obligations.
8. The procured goods or items contemplated under this Contract shall be inspected by **DEPED** Inspectorate Team prior to pick-up or hauling from **METRO MOBILIA's** warehouse in accordance with the provisions of the Special Conditions of the Contract, the Schedule of Requirements, or otherwise indicated in other parts of the bidding documents.
9. In case **METRO MOBILIA** encounters condition(s) impeding timely delivery of the goods, **METRO MOBILIA** shall promptly notify **DEPED** Procurement Management Service-Contract Management Division (ProcMS-CMD) in writing of such condition(s). As a rule and on account of the emergency nature of this project, no work suspensions and/or contract delivery period extension shall be allowed.
10. The Contract Price shall be paid to **METRO MOBILIA** in accordance with the following disbursement procedures:
 - 10.1. An advance payment not to exceed fifteen percent (15%) of the Contract Price shall be allowed and paid within sixty (60) calendar days from signing of the contract. An irrevocable Letter of Credit or Bank Guarantee of an equivalent amount must be submitted, and shall remain valid until the goods are delivered, and accompanied by a claim for advance payment.

8.26.2021
ORIGINAL SIGNED
CERTIFIED DUPLICATE COPY
CMCDDC-2021C131-015


Elaine R. Magtoto
METRO MOBILIA's Witness


ANIZ DELSON ACAY D. CAWILAN
DEPED's Witness


LEONOR MAGTOLIS BRIONES
Department of Education

10.2. **METRO MOBILIA** may submit a request for payment based on Progress Reports which shall be attached to the progress billing and include the following: (i) cumulative quantities of items delivered based on the schedule of deliveries and other relevant terms and conditions of the Contract; (ii) Inspection and Acceptance Reports (IARs), including certification by **METRO MOBILIA**, duly signed and dated by the authorized representative of the **DEPED** indicating that the items have been delivered in accordance with the Contract. Other documents in support of a request for payment may be prescribed by **DEPED** pursuant to existing disbursement, accounting and auditing rules and procedures.

10.3. Subject to the recoupment of the advance payment contemplated in Clause 10.1. above, and retention contemplated in the immediately succeeding clause, payment shall be made to **METRO MOBILIA** within sixty (60) days from submission of the documents specified in SCC Clause 2.2 and other documents as may be prescribed by **DEPED**, in the following manner:

10.3.1. For the initial progress payment, a minimum of twenty-five percent (25%) of the Contract Price shall be paid to **METRO MOBILIA** upon a minimum of twenty-five percent (25%) delivery and acceptance of the items by **DEPED's** authorized representative;

10.3.2. Final payment shall constitute release of the retention money in case of expiry of the warranty period, or whatever is left of it, after it has been called for use under the warranty provision.

11. Payments shall be subject to the "Warranty" provision in the form of either retention money in an amount equivalent to three percent (3%) of every progress payment or a Special Bank Guarantee in the amount equal to three percent (3%) of the Contract Price required under Section 62 of R.A. 9184 and its revised IRR.

11.1. The warranty period of one year shall reckon from the date of issuance of Certificate of Final Acceptance by **DEPED**.

12. **METRO MOBILIA** shall be liable for liquidated damages for the delay in its performance in an amount equal to one-tenth (1/10) of one percent (1%) of the cost of the delayed goods scheduled for delivery, for every day of delay until such goods are finally delivered and accepted by **DEPED**. **DEPED** shall deduct the liquidated damages from any money due or which may become due to **METRO MOBILIA**, or collect from any of the securities or warranties posted by **METRO MOBILIA**, whichever is convenient to **DEPED**. Once the cumulative amount of liquidated damages reaches ten percent (10%) of the Contract Price,

Elaine R. Magtibay
Elaine R. Magtibay
METRO MOBILIA's Witness

DEPED may rescind or terminate the Contract, without prejudice to other courses of action and remedies available under the circumstances.

13. The PARTIES shall make every effort to resolve amicably and by mutual consultation any and all disputes or differences arising between the Parties in connection with the implementation of the Agreement. Should such dispute not be resolved amicably, it shall be submitted to arbitration in the Philippines according to the provisions of Presidential Decree No. 242 and Executive Order No. 292. Provided, however, that by mutual agreement, the Parties may agree in writing to resort to other alternative modes of dispute resolution.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed in accordance with governing laws on the day and year first above written.

SIGNED, SEALED AND DELIVERED BY:

Leonor Magtolis Briones
LEONOR MAGTOLIS BRIONES
Secretary
Department of Education

Enero P. Magtoto
ENERO P. MAGTOTO
Authorized Representative
Metro Mobilia Corporation
P5985221B

SIGNED IN THE PRESENCE OF:

Ariz Delson Acay D. Cawilan
ARIZ DELSON ACAY D. CAWILAN
DEPED's Witness

Elaine R. Magtibay
Elaine R. Magtibay
METRO MOBILIA's Witness

CERTIFIED FUNDS AVAILABLE: ₱ 118, 129, 179, 21

Ma. Rhunna L. C. ...
MA. RHUNNA L. C. ...
Chief Accountant
Chief Accountant

Enero P. Magtoto
ENERO P. MAGTOTO
METRO MOBILIA

Ariz Delson Acay D. Cawilan
ARIZ DELSON ACAY D. CAWILAN
DEPED's Witness

Leonor Magtolis Briones
LEONOR MAGTOLIS BRIONES
Department of Education

REPUBLIC OF THE PHILIPPINES)
MUNTINLUPA CITY, METRO MANILA) S.S

ACKNOWLEDGMENT MUNTINLUPA CITY

BEFORE ME, a Notary Public in and for _____, Philippines,
this ____ day of AUG 27 2021 personally appeared:

NAME

GOVERNMENT ISSUED ID
(Number, Issued On, Issued By)

LEONOR MAGTOLIS BRIONES

Department of Education
D0001058A

ENERO P. MAGTOTO

Metro Mobilia Corporation
P5985221B

Known to me and to me known to be the same persons who executed the foregoing instrument and acknowledge to me that the same is the free and voluntary act and deed of the entities which they respectively represent.

The foregoing instrument is a CONTRACT consisting of six (6) pages (exclusive of attachments), including this page on which this acknowledgment is written and signed by the parties hereto and their instrument witness on the left-hand margin of each and every page hereof.

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

Doc. No. 41:
Page No. 10:
Book No. 10:
Series of 2021.

PATRICIO L. BONCAYAO, JR.
NOTARY PUBLIC
2ND FLOOR, KLC (FORMERLY ANCESTRY)
BLDG. ROSTRO
MUNTINLUPA CITY
MCLE COMPLIANCE NO. VI-0008192-04-23-18
IBP LIFETIME NO. 019651-11-06-15 PASAY CITY
PTR NO. 3950937 - 01-04-21
NC20-004 MUNTINLUPA CITY UNTIL 12-31-21
TIN 137-734-581
ROLL NO. 33796
TELE. NO. 800-70-16
patricio_boncayao_jawoffice@yahoo.com.ph

Blaine R. May Jr.
Blaine R. May Jr.
METRO MOBILIA'S Witness

ARIZ DELSON AGAYO
ARIZ DELSON AGAYO
GAMILLAN
DEPED'S Witness
METRO MOBILIA

LEONOR MAGTOLIS BRIONES
LEONOR MAGTOLIS BRIONES
Department of Education

ORIGINAL SIGNED
CERTIFIED DUPLICATE COPY
CMDCDC-2021C131-015

Annex "A"

Lot No. 9. MODELS: EARTH AND OTHER HEAVENLY BODIES

Item No.	Description	Technical Specifications
1	<p>Globe, Celestial</p> <p>Quantity: 24,355</p>	<p>Functional Specifications: Used to illustrate the relative locations of observable celestial objects with respect to the earth in the celestial sphere (celestial sphere is what we commonly called sky)</p> <p>Performance Specifications: Able to illustrate the relative locations of observable celestial objects with respect to the earth in the celestial sphere (celestial sphere is what we commonly called sky)</p> <p>Design Specifications:</p> <ol style="list-style-type: none"> 1. 4 inches/12.1/4 inches 2. Ursa minor and ursa major 3. Months and days are found 4. The horizon mounting allows the Globe to be set for any location. 5. Hard/tough plastic 6. With English User's Manual includes: <ol style="list-style-type: none"> a. on the Guide on Using the Model and Sample Student Activity. b. Guide on Using the Model c. Student Activity Sheet and Teacher's Guide 7. Includes training on use, maintenance, and storage. 8. Metro Mobilla
2	<p>Globe, Terrestrial</p> <p>Quantity: 20,810</p>	<p>Functional Specifications: Used to represent the earth in three dimensions and the locations and sizes of land masses and water bodies in scale accuracy</p> <p>Performance Specifications: Able to represent the earth in three dimensions and the locations and sizes of land masses and water bodies in scale accuracy</p> <p>12 3/4 inches</p> <ol style="list-style-type: none"> (a) All continents, countries with their capitals, and important cities and places (b) Updated with newly established countries, or re-named countries and cities. (c) Illustrates the flow and directions of ocean currents (d) Lines of Latitudes (0° to 90°), graduated both in Northern and Southern Latitudes and Longitudes (0° to

		<p>180°), graduated both in Eastern and Western Longitudes</p> <p>(e) International Date Line, Arctic Circle, Tropic of Cancer, Tropic of Capricorn and Antarctic Circle</p> <p>(f) Lines of Equator and Prime Meridian</p> <p>(g) Names of mountain, mountain ranges, volcano, ocean floors, gulfs, seas and lakes</p> <p>(h) Names of continents, seas and country boundaries is according to international standard.</p> <p>(i) Philippine territory emphasizing the "West Philippine Sea" as one of the Philippine territorial sea boundaries.</p> <p>(j) The Nine Dashed Line did not appear.</p> <p>The globe which is made of plastic is mounted on a plastic meridian ring (C-shape) with movable magnifier. The base stand is made of hard/tough plastic.</p> <p>Metro Mobilla</p>
3	<p>Landform Demonstration Kit</p> <p>Quantity: 14,940</p>	<p>Functional Specifications: Used to represent the different landforms on the earth's surface in three-dimensions</p> <p>Performance Specifications: Able to to represent the different landforms on the earth's surface in three-dimensions</p> <p>Watertight demonstration tray 20.0inches x 4.25inches x 2.0inches (minimum)</p> <p>Three pieces of flexible colored foam</p> <p>Three pieces fault structures</p> <p>a. Made of 6 colored layer of rubber or plastic</p> <p>b. 12inches x 3.75 inches x 2.5 inches</p> <p>c. can demonstrates normal, reverse and slide slip fault 5 1/4 inches x 10 3/4inches</p> <p>With English User's Manual that includes Guide on how to assemble and use the model.</p> <p>For geological study</p> <p>Metro Mobilla</p>
4	<p>Model, Earth Internal Structure, 1/4 part detachable</p> <p>Quantity: 2,988</p>	<p>Functional Specifications: Used to illustrate the external and internal parts of the earth in three dimensions</p> <p>Performance Specifications: Able to illustrate the external and internal parts of the earth in three dimensions</p> <p>Design Specifications:</p> <ol style="list-style-type: none"> 1. 12 1/4 inches 2. Shows continents and ocean

		<ol style="list-style-type: none"> 3. 1/4 part detachable and shows the different layer 4. <ol style="list-style-type: none"> a. Crust b. Upper Mantle c. Outer core d. Lower core 5. Plastic 6. hard/tough plastic. 7. Removable parts are intact and not falling. 8. Metro Mobilia
5	<p>Model, Seismograph</p> <p>Quantity: 11,395</p>	<p>Functional Specifications: Used to demonstrate how a seismograph records earthquakes and their comparative strengths</p> <p>Performance Specifications: Able to demonstrate how a seismograph records earthquakes and their comparative strengths</p> <p>Design Specifications:</p> <ol style="list-style-type: none"> 1. Demonstrates the basic components and principles of operation of an actual seismograph unit. 2. The recording pen is attached to a weight suspended from a support that is connected to a metal base stand. 3. The support moves with the vibrations & the pen records on a recording paper as the paper is manually pulled through a metal frame 4. Earthquakes are simulated by vibrating the table on which the model is mounted. 5. Consist of a roll of recording paper (65 mm wide) with mounting, recording pens, suspended weight, support with a painted metal base stand, recording frame, and table clamp (opening-72 mm). The metal stand rod (328 mm long) and metal support are chrome-plated. The metal frame is of galvanized iron sheet. 6. Base dimensions : 295mm x 155mm x 25mm (minimum) 7. With English User's manual that includes the operation and guide on how to assemble the model. 8. Metro Mobilla
6	<p>Model, Solar System</p> <p>Quantity: 709</p>	<p>Functional Specifications: Used to show the sun and the eight (8) major planets of the solar system in three dimensions, in correct order from the nearest to the farthest from the sun</p> <p>Performance Specifications: Should be able to show the</p>

		<p>sun and the eight (8) major planets of the solar system in three dimensions, in correct order from the nearest to the farthest from the sun</p> <p>Design Specifications:</p> <ol style="list-style-type: none"> Shows the eight (8) major planets of the solar system namely: a) Mercury, b) Venus, c) Earth, d) Mars, e) Jupiter, f) Saturn, g) Uranus, and h) Neptune with each planet color code and shaded correctly Each planet can be manually operated to revolve around sun Package Dimensions: 21 x 18.2 x 6 cm Made of plastic material Metro Mobilla
7	<p>Model, Sun Internal Structure, 1/4 part detachable</p> <p>Quantity: 2,988</p>	<p>Functional Specifications: Used to illustrate the external and internal parts of the sun in three dimensions</p> <p>Performance Specifications: Able to illustrate the external and internal parts of the sun in three dimensions</p> <p>Design Specifications:</p> <ol style="list-style-type: none"> Model diameter: minimum of 2 3/8 inches 1/4 part detachable and shows the different layer Must have correct permanent markings of the following parts as follows: <ol style="list-style-type: none"> Core Radiation Zone Convection Zone Chromosphere Photosphere Prominence Sunspots The layers of the model is correctly labelled with permanent markings. Made of Plastic The base stand is made of hard/tough plastic. The removable parts is intact and not falling. Metro Mobilla
8	<p>Model, Sun-Earth-Moon</p> <p>Quantity: 24,355</p>	<p>Functional Specifications: Used to show the relative locations of the sun, the earth and the moon three dimensions, and the synchrous revolutions of the moon around the earth and the earth's revolution around the sun</p>

		<p>Performance Specifications: Able to show the relative locations of the sun, the earth and the moon three dimensions, and the synchronous revolutions of the moon around the earth and the earth's revolution around the sun</p> <p>Design Specifications:</p> <ol style="list-style-type: none"> 1. A standard scientific instrument designed to demonstrate Sun-Earth-Moon relationships. Hand-operated gear drive that moves the Earth's and moon in relation to the Sun. Shows the Earth's rotation, revolution, day and night, tilt of its axis, phases and eclipses of the Moon. Supported by a sturdy base and chrome-plated steel parts 2. Sun's sphere is illuminated with hole to focus a beam of light always to the globe; also indicates the month and phase of the moon in relation to the sun. 3. All spheres (Sun, Earth, Moon) made of plastic; sizes must reflect relative differences of sizes between Sun, Moon, and Earth. Sun's diameter is at least 6 inches. 4. With English User's Manual that includes operation guide and guide on how to replace the bulb in the model
9	<p>Model, Tectonics Demonstrator</p> <p>Quantity: 2,988</p>	<p>Functional Specifications: Used to simulate tectonic processes</p> <p>Performance Specifications: Able to simulate tectonic processes</p> <p>Design Specifications:</p> <ol style="list-style-type: none"> 1. 10 1/2 inches x 7 1/2 inches 7 inches 4 inches Rectangular 2. <ol style="list-style-type: none"> a. Two pieces L-shaped plastic plates with screw type long push handles b. One piece Rectangular / Square plastic plates with screw type short push handle used to flatten the sand inside the tectonic container. c. 12 pieces of washers d. 12 pieces of nuts e. 2kilogram yellow sand and 2 kilograms green sand. 3. Clearly demonstrate the powerful forces of tectonic processes with this easy-to-use, hands-on model 4. Simulate the formation of folds, faults, erosion,

		<p>tectonics, compression and rift valleys.</p> <p>5. With English User's Manual that includes</p> <ol style="list-style-type: none"> Operation Guide Guide on how to assemble the model. Guide on how to use the model with pictures Student Activity Sheets <p>6. Metro Mobilla</p>
10	<p>Model, Volcano, cross section</p> <p>Quantity: 14,940</p>	<p>Functional Specifications: Used to illustrate the major external and internal parts of a volcano in three dimensions</p> <p>Performance Specifications: Able to represent the major external and internal parts of a volcano in three dimensions</p> <p>Design Specifications:</p> <ol style="list-style-type: none"> 11 inches x 11 1/4 inches Sill, Strata, Dike, Crust, Magma Chamber, Upper Mantle, Lower Mantle, and Vent Detailed cross-section shows the inside of the volcano With removable red tube 12 1/4 inches x 12 1/2 inches It simulates the volcano eruption Easy to clean and reusable. With English Users' Manual that includes operation guide with easy-to-prepare lava recipe Metro Mobilla
11	<p>Rock Samples, 24 pcs/set, (minerals of 3 rock types)</p> <p>Quantity: 1,418</p>	<p>Functional Specifications: Used to show actual samples of most common rocks found on the earth's crust</p> <p>Performance Specifications: Able to show actual samples of most common rocks found on the earth's crust</p> <p>Design Specifications:</p> <ol style="list-style-type: none"> Samples/references for in identifying and classifying rocks Boxed mineral and rock collection. Should have at least 24 samples comprising minerals: 8 types igneous, 8 types sedimentary, and 8 types metamorphic rocks. Samples are individually bagged in appropriate size transparent plastic and numbered and correspond to the description in the lid of the box. Each rock name should be accompanied with rock type, Example: "Basalt" (igneous) Sturdy plastic