



Republic of the Philippines
Department of Education
Region VIII
SCHOOLS DIVISION OF TACLOBAN CITY
Tacloban City

Date: SEP 23 2022

NOTICE TO PROCEED

EDISA L. TANTIANSU
Proprietor / Vice-President
58-60 Plaridel Street,
Cebu City, Cebu

Dear Ms. TANTIANSU:

The attached Contract Agreement having been approved, notice is hereby given that the work may proceed on the Project: **PROCUREMENT OF (128,250PCS) E-NUTRIBUN FOR THE IMPLEMENTATION OF THE SCHOOL-BASED FEEDING PROGRAM – (SBFP) FOR F.Y.2022, TWO MILLION TWO HUNDRED NINE THOUSAND SEVEN HUNDRED FORTY-SEVEN PESOS AND 50/100 CENTAVOS ONLY [Php 2,209,747.50]** effective within Thirty (30) calendar days after the receipt of this notice.

Upon receipt of this notice, you are responsible for performing your obligations 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 Department of Education-Division of Tacloban City, Real St., Tacloban City.

Very truly yours,


MARIZA S. MAGAN EdD, CESO V
Schools Division Superintendent

Received By:

I acknowledge receipt of this Notice on: SEP 26 2022

Name of the Bidder/Representative: Edisa L. Tantiatsu

Authorized Signature: 

Brgy. 54 Real Street, Tacloban City
Telephone #: 053-832-2904
Email address: sdotaclobancity@gmail.com





Republic of the Philippines
Department of Education
Region VIII
SCHOOLS DIVISION OF TACLOBAN CITY
Tacloban City

CONTRACT AGREEMENT

SEP 21 2022

THIS AGREEMENT made this ____ day of _____ 2022 between the **Department of Education (DepEd) - Schools Division of Tacloban City**, with office address at Real Street, 6500 Tacloban City, Leyte, represented herein by **MARIZA S. MAGAN, Schools Division Superintendent of DepEd Schools Division of Tacloban City**, hereinafter referred as to the "Entity" of the one part and the **ESTEEMS INDUSTRIES INC.**, with office address at **58-60 Plaridel Street, Cebu City**, represented herein by **EDISA L. TANTIANSU** hereinafter referred to as "Supplier".

WHEREAS, the Entity invited bids for certain goods and ancillary services, particularly **PROCUREMENT OF 128,250 PCS E-NUTRIBUN FOR THE IMPLEMENTATION OF THE SCHOOL-BASED FEEDING PROGRAM - (SBFP) FOR F.Y.2022** and has accepted a bid by the Supplier for the supply of those goods and services in the sum of **TWO MILLION TWO HUNDRED NINE THOUSAND SEVEN HUNDRED FORTY-SEVEN PESOS AND 50/100 CENTAVOS ONLY [Php 2,209,747.50]** (hereinafter called "the Contract Price").

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.
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 integral part of this Agreement, *viz.*:
 - a. Philippine Bidding Documents (PBDs);
 - i. Schedule of Requirements;
 - ii. Technical Specifications;
 - iii. General and Special Conditions of Contract; and
 - iv. Supplemental or Bid Bulletins, if any
 - b. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

Bid form, including all the documents/statements contained in the Bidder's bidding envelopes, as annexes, and all other documents submitted (*e.g.*, Bidder's response to request for clarifications on the bid), including corrections to the bid, if any, resulting from the Procuring Entity's bid evaluation;

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- c. Performance Security;
 - d. Notice of Award of Contract; and the Bidder's conforme thereto; and
 - e. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the PBDs. **Winning bidder 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 Orders, and Warranty Security, shall likewise form part of the Contract.**
3. In consideration for the sum of **TWO MILLION TWO HUNDRED NINE THOUSAND SEVEN HUNDRED FORTY-SEVEN PESOS AND 50/100 CENTAVOS ONLY [Php 2,209,747.50]** or such other sums as may be ascertained, **ESTEEMS INDUSTRIES INC.** agrees to supply/deliver **PROCUREMENT OF (128,50PCS) E-NUTRIBUN FOR THE IMPLEMENTATION OF THE SCHOOL-BASED FEEDING PROGRAM - (SBFP) FOR F.Y.2022** to the DepEd Division of Tacloban City, in accordance with its Bid.
 4. 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 services and to remedy defects therein in conformity in all respects with the provisions of the Contract.
 5. When the Supplier fails to satisfactorily deliver goods under the contract within the specified delivery schedule, inclusive of duly granted time extensions, if any, the Supplier shall be liable for damages for the delay and shall pay the procuring entity liquidated damages, not by way of penalty, an amount equal to one-tenth (1/10) of one percent (1%) of the cost of the delayed good scheduled for delivery for everyday of delay until such goods are finally delivered and accepted by the procuring entity concerned.
 6. The Entity need not prove that it has incurred actual damages to be entitled to liquidated damages. Such amount shall be deducted from any money due or which may become due to the Supplier, or collected from any securities or warranties posted by the Supplier, whichever is convenient to the procuring entity concerned. In no case shall the total sum of liquidated damages exceed ten percent (10%) of the total contract price, in which event the procuring entity concerned may rescind the contract and imposed appropriate sanctions over and above the liquidated damages to be paid.
 7. 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.
 8. The **DepEd Division of Tacloban City** agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

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Brgy. 54 Real Street, Tacloban City
Telephone #: 053-832-2904
Email address: sdotaclobancity@gmail.com

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.

[Signature]
MARIZA S. MAGAN EdD, CESO V
Schools Division Superintendent
for:
DepEd Division of Tacloban City

[Signature]
EDISA L. TANTIANSU
Proprietor / Vice-President
for:
ESTEEMS INDUSTRIES INC.

Funds Available:

[Signature]
MA. NESSA HOMERES
Accountant III *10/03/2022*

SIGNED IN THE PRESENCE OF:

Entity's Witness

Supplier's Witness

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF _____) S.S.

BEFORE ME, personally appeared

Name
MARIZA S. MAGAN EdD, CESO V
EDISA L. TANTIANSU

Competent Evidence of Identity
PRC License: 0017638
Passport P3845757B issued 11/14/2019
expiry 11/15/2029

Known to me to be the same persons who executed the foregoing instrument and who acknowledged to me that the same is their free and voluntary act and deed and that of the offices they respectively represent.

The foregoing instrument is a Contract Agreement consisting of three (3) pages including this page on which this Acknowledgement is written and signed by the parties hereto and their instrumental witnesses on the left margin of each and every page hereof.

SEP 21 2022

Witness my hand and seal this _____th day of _____ 2022 at _____ **CEBU CITY**

Doc. No. 38 ;
Page No. 79 ;
Book No. 5 ;
Series of 2022.

[Signature]
ATTY. FAITH MARIE N. BORDEN
Notary Public for Cebu City
Notarial Commission No. 027-20 until December 31, 2023
9-D Jakosalem St., Cebu City
Roll of Attorney's No. 72405
IBP No. OR1911832 / March 28, 2022 / Cebu
PTR No. 3516753 / December 32, 2021 / Cebu City
MCLE Exemption No. VII-BEP004192 until April 14, 2025
atty.fmborden@gmail.com / fborden@bafitlaw.com

Brgy. 54 Real Street, Tacloban City
Telephone #: 053-832-2904
Email address: sdotaclobancity@gmail.com





Republic of the Philippines
Department of Education
 Region VIII
SCHOOLS DIVISION OF TACLOBAN CITY
Tacloban City

Date: SEP 05 2022

NOTICE OF AWARD

EDISA L. TANTIANSU
 Proprietor / Vice-President
 58-60 Plaridel Street,
 Cebu City, Cebu

Dear Ms. TANTIANSU:

Please be informed that your bid for the **PROCUREMENT OF (128,250PCS) E-NUTRIBUN FOR THE IMPLEMENTATION OF THE SCHOOL-BASED FEEDING PROGRAM – (SBFP) FOR F.Y.2022** at a contract price equivalent to **TWO MILLION TWO HUNDRED NINE THOUSAND SEVEN HUNDRED FORTY-SEVEN PESOS AND 50/100 CENTAVOS ONLY [Php 2,209,747.50]** is hereby accepted.

In view thereof, you are to formally enter into a contract with the Agency within ten (10) days from receipt of this Notice to Award and to submit the Performance Security required in accordance with the following schedules:

Form of Performance Security	Amount of Performance Security (Not less than the Percentage of the Total Contract Price)
(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	Five percent (5%)
(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, That it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	
(c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.	Thirty percent (30%)

Failure to enter into the said contract or to post the required Performance Security within the prescribed period shall constitute sufficient ground for disqualification and forfeiture of your Bid Security.

Very truly yours,

MARIZA S. MAGAN EdD, CESO V
 Schools Division Superintendent

Received By:

I acknowledge receipt of this Notice on: Sept. 15, 2022
 Name of the Bidder/Representative: JONATHAN OLAYAN
 Authorized Signature: [Signature]

Brgy. 54 Real Street, Tacloban City
 Telephone #: 053-832-2904
 Email address: sdotaclobancity@gmail.com





BAC Resolution Declaring LCRB and Recommending Approval

RESOLUTION No. **2022-03-002**

PROCUREMENT OF E-NUTRIBUN FOR THE IMPLEMENTATION OF THE SCHOOL-BASED FEEDING PROGRAM - (SBFP) FOR F.Y. 2022

WHEREAS, the Department of Education Division of Tacloban City advertised/posted the Invitation to Bid/Request for CY 2022 General Appropriation Act under the **PROCUREMENT OF FOOD FOR THE IMPLEMENTATION OF THE SCHOOL BASED FEEDING PROGRAM (SBFP) FOR FY 2021-2022**, for the **E-Nutriban Squash 160gms / E-Nutriban Carrot 160gms**, in the DepEd-Division of Tacloban City website, the PHILGEPS and at conspicuous place at the premises of the Department of Education-Division of Tacloban City;

WHEREAS in response to the said advertisements, THREE (3) bidder/s purchased bid documents;

WHEREAS, on August 17, 2022, during the Opening of Bids, the financial documents of Han's Cakes and Pastries contained different bid amounts in the Original copy, in Copy 1 and in Copy 2;

WHEREAS, on August 18, 2022, through an electronic mail, Esteems Industries Inc. submitted a notarized contest regarding the result of opening of Financial Bids for the procurement of E-Nutribun for the Implementation of the School Based Feeding Program – (SBFP) for FY 2022;

WHEREAS, on August 24, 2022, a special meeting attended by BAC, TWG and Representatives of Han's Cakes and Pastries and Esteems Industries Inc. for the opening of the sealed enveloped of the financial documents of Han's Cakes and Pastries;

WHEREAS, the BAC resolved that Han's Cakes and Pastries is DISQUALIFIED due to the submission of bids with three (3) different bid amounts, which was considered as alternative bids;

Name of Bidder	Bid Amount (As Read)	% Variance from ABC
ESTEEMS INDUSTRIES INC.	PHP 2,209,747.50	4.28%
AE ENTERPRISES	PHP 2,302,087.50	0.28%
HAN'S CAKES AND PASTRIES	Disqualified	

WHEREAS, the detailed evaluation of bids conducted on August 30, 2022 resulted in the following:

Name of Bidder	Bid Amount (As Calculated)	% Variance from ABC
ESTEEMS INDUSTRIES INC.	PHP 2,209,747.50	4.28%

WHEREAS, upon post-qualification or careful examination, validation and verification of all the eligibility, technical and financial requirements submitted by the Bidder with the Lowest Calculated Bid, **ESTEEMS INDUSTRIES INC.**, its bid has been found to be responsive;

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

- a) To declare Han's Cakes and Pastries as disqualified;
- b) To declare **ESTEEMS INDUSTRIES INC.** as the Bidder with the Lowest Calculated Responsive Bid in the amount of **TWO MILLION TWO HUNDRED NINE THOUSAND SEVEN HUNDRED FORTY SEVEN PESOS AND 50/100 CENTAVOS ONLY [Php 2,209,747.50]** for the **E-Nutriban Squash 160gms / E-Nutriban Carrot 160gms.**
- b) To recommend for approval by the Schools Division Superintendent of the Department of Education- Division of Tacloban City the foregoing findings.

RESOLVED, at the 2nd Floor Conference Hall DepED Building, Division of Tacloban City, this 30th day of August, 2022.


FRANCISCO A. ANCHOJAS

BAC - Member

MIGUEL V. DUMAS, Jr.

BAC - Member


MARDONIO B. MACAPUGAS

BAC - Member


MELANI D. ESCOBARTE

BAC - Vice-Chairman


EDGAR Y. TENASAS, CESO VI

BAC - Chairman

Approved by:


MARIZA S. MAGAN, ED.D., CESO V

Head of Procuring Entity

Date approved: _____