

CONTRACT

FOR THE PROCUREMENT OF POINT-TO-POINT CONNECTION BETWEEN PSALM VERTIS NORTH OFFICE AND DISASTER RECOVERY SITE (Project Reference No. 2020-SVP- PTPC-044-03)

PLDT, Inc.

This CONTRACT is executed on the 16th day of December 2020, at Quezon City between:

The POWER SECTOR ASSETS AND LIABILITIES MANAGEMENT (PSALM) CORPORATION with principal office address at the 24th Floor Vertis North Corporate Center 1, Astra cor. Lux Drives, North Avenue, Diliman, 1101 Quezon City, Philippines, represented by its President and Chief Executive Officer, IRENE JOY BESIDO-GARCIA, duly authorized for this purpose under Board Resolution No. 2015-0616-10 dated 16 June 2015, as evidenced by the Secretary's Certificate dated 13 September 2019, a copy which is attached as Annex "A", hereinafter referred to as "PSALM";

-and-

The PLDT, INC. with principal office address at Ramon Cojuangco Building, Makati Avenue, Makati City, Philippines, represented by its Assistant Vice President and Center Head of Corporate Relationship Management, JOYCELYN R. HILAO duly authorized for this purpose under the Company's Administrative Order No. 2526-20 dated 03 September 2020, as evidenced by the Secretary's Certificate dated 30 October 2020, a copy which is attached as Annex "B", hereinafter referred to as "the SUPPLIER";

ANTECEDENTS:

PSALM submitted a request to its Bids and Awards Committee (BAC) for the Procurement of Point-to-Point Connection Between PSALM Vertis North Office and Disaster Recovery Site (Project Reference No. 2020-SVP-PTPC-044-03), through Negotiated Procurement (Small Value Procurement), with an Approved Budget for the Contract of Eight Hundred Thousand Pesos (PhP800,000.00), inclusive of taxes.

Pursuant to such request, the BAC sent out Requests for Proposal (RFP) to at least three suppliers of known qualifications and at the same time, posted the RFP in the Philippine Government Electronic Procurement System (PhilGEPS) and PSALM's websites and at conspicuous areas of its premises for three (3) calendar days.

Based on the Abstract of Quotations gathered from the proposals submitted, the BAC recommend the SUPPLIER, through BAC Resolution No. SBAC-2020-064, as the one who submitted the Single Calculated and Responsive Quotation in the amount of Six Hundred Thirty-Four Thousand Three Hundred Sixty-Eight Pesos (PhP634,368.00) ("Contract Price"), which recommendation was approved by PSALM.

ACCORDINGLY, the Parties agree as follows:

- 1. All words and expressions shall have the same meaning as are respectively assigned to them in this CONTRACT and all documents deemed part of it, unless the context of the use of the words and expressions require otherwise.
2. The following documents shall be deemed to form and be read and construed as part of this Contract, viz:
(a) the Supplier's proposal, including the Technical and Financial Proposals, and all other documents/statements submitted, including corrections to the bid resulting from PSALM's bid evaluation;
(b) the RFP, including Terms of Reference;

Signed in the Presence of:

ERNESTO Y. TINAAN, JR. Head, TWG PSALM Corporation

PLDT, INC.

JOYCELYN R. HILAO AVP and Center Head of Corporate Relationship Management

PSALM Corporation

IRENE JOY BESIDO-GARCIA President and CEO

- (c) the BAC Resolution No. SBAC-2020-064;
 - (d) the Office of the Government Corporate Counsel (OGCC) Contract Review No. 1239, Series of 2020 dated 20 October 2020;
 - (e) the Notice of Award;
 - (f) the Performance Bond; and
 - (g) the Notice to Proceed.
3. In consideration of the payments to be made by PSALM to the Supplier as hereinafter mentioned, the Supplier hereby covenants with PSALM to provide the goods and services and to remedy defects therein in conformity in all respects with the provisions of the Contract.
 4. PSALM 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.
 5. The failure of PSALM to insist upon a strict performance of any of the terms, conditions and covenants hereof shall not be deemed a relinquishment or waiver of any of the rights or remedies that PSALM may have, nor shall it be construed as a waiver of any subsequent breach or default of its terms, conditions and covenants which shall continue to be in full force and effect. Silence on the part of PSALM shall not be considered as condonation or waiver of any breach or default by the Supplier of any covenant or condition herein provided. No waiver by PSALM of its rights under this Contract shall be deemed to have been made unless expressed in writing and signed by PSALM through its duly authorized representative.
 6. The parties hereby agree that that venue of the action for any cause or causes of action which may arise from this Contract shall be exclusively in the proper court of Quezon City, Philippines to the exclusion of all other courts.
 7. This Contract shall be subject to the review and approval of the OGCC. Any of its ensuing comments, recommendations, or directives shall form part of this Contract.

Signed, sealed, and delivered by Irene Joy Besido-Garcia, the President and CEO of PSALM




IRENE JOY BESIDO-GARCIA

Signed, sealed, and delivered by Joycelyn R. Hilao, the Assistant Vice President and Center Head of Corporate Relationship Management of PLDT, Inc.

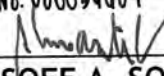


JOYCELYN R. HILAO

Witnessed by:


ERNESTO Y. TINAAN, JR.
Head, TWG
PSALM Corporation

Certification of Funds Availability: ₱ 24,432.00 & CBI ₱ 607,996.00
(Per BUR No. 000094609 Dated 02 Dec 2020 & CBI Dated 07 Dec 2020)



SOFE A. SOTERAÑA
Manager, Controllership
PSALM Corporation

Republic of the Philippines)
QUEZON CITY) s.s.

PLDT, Inc.

ACKNOWLEDGMENT

BEFORE ME, a Notary Public for and in QUEZON CITY, Philippines, this ___ day of 19 JAN 2021, personally appeared:

Name	Identification Document	Issued on	Issued at
IRENE JOY BESIDO-GARCIA	Passport No. P0087701B	03 January 2019	DFA Manila
JOYCELYN R. HILAO			

known to me and to me known to be the same person who executed the foregoing instrument consisting of three (3) pages, including the page whereon this Acknowledgment is written, all pages signed by both parties and their instrumental witnesses, and they acknowledged before me that the same is their free and voluntary act and deed and that of the Corporations they represent.

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

Notary Public

Rogelio J. Bolivar
ATTY. ROGELIO J. BOLIVAR
NOTARY PUBLIC IN QUEZON CITY

AM Adm. Not Com. No. NP-124 1-12-19 until 12-31-2020

Commission Extended until June 30, 2021

as per SC ENBANC B.M No. 3795 12/1/2020

IBP O.R. No. 132134 MD 2021 & IBP O.R. No. 133076 MD 2022

PTR O.R. No. 0695112 D 1/4/21 / Roll No. 33832 / TIN# 129-871-009

MCLE No. VI-0029583 valid from 12/16/19 valid until 04/14/22 Quezon City

Address: 31-F Harvard St. Cubao, Q.C

Doc. No. 125;
Page No. 28;
Book No. 1;
Series of 2021.

Digitized by the E-Registry Unit.

Ernesto Y. Tinaan, Jr.
ERNESTO Y. TINAAN, JR.
Head, TWG
PSALM Corporation

PLDT, Inc.

Joycelyn R. Hilao
JOYCELYN R. HILAO
AVP and Center Head of Corporate
Relationship Management

PSALM Corporation

Irene Joy Besido-Garcia
IRENE JOY BESIDO-GARCIA
President and CEO
Irene Joy Besido-Garcia



POWER SECTOR
ASSETS & LIABILITIES
MANAGEMENT CORPORATION



Management
System
ISO 9001:2015

www.lux.com
ID 5105076859



SECRETARY'S CERTIFICATE

I, MARIA BELEN P. MONTES-NERA, of legal age, Filipino, and with office address at 24th Floor Vertis North Corporate Center I, Astra corner Lux Drives, North Avenue, Quezon City 1105, hereby certify that:

1. I am the duly appointed Corporate Secretary of the Power Sector Assets and Liabilities Management Corporation ("PSALM"), a corporation duly organized and existing under and by virtue of Republic Act 9136, with office address as stated above. As such Corporate Secretary, I am the custodian of the corporate records of the Corporation including, but not limited to, Board Resolutions.
2. As per records on file, at a regular meeting of the Board of Directors held on 16 June 2015, at which meeting a quorum was present and acting throughout, the following resolution, among others, was approved and adopted by the Board, thus:

BOARD RESOLUTION NO. 2015-0616-10

REVISED MANUAL OF APPROVALS

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that, as recommended by the Management of the Power Sector Assets and Liabilities Management Corporation ("PSALM") and favorably endorsed by the PSALM Board Review Committee, the PSALM Board of Directors resolve the following:

Section 14.01 Item 5 of PSALM's Manual of Approval


x x x

ITEM	LIMIT OF AUTHORITY	APPROVING AUTHORITY
5. Signing and Issuance of NOA, Contract and NTP	Regardless of amount	President and CEO

x x x

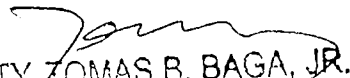
APPROVED AND CONFIRMED this 16th June 2015.

3. The foregoing resolution has not been revoked, amended, nor in any manner modified and may be relied upon until written notice to the contrary is issued by PSALM.


MARIA BELEN P. MONTES-NERA
Corporate Secretary

Republic of the Philippines }
Quezon City, Metro Manila }

SUBSCRIBED AND SWORN TO BEFORE ME on 13 September 2019 at Quezon City, Metro Manila, Affiant exhibiting to me her IBP ID No. 37737, IBP Chapter Quezon Province.


ATTY. TOMAS B. BAGA, JR.
NOTARY PUBLIC
UNTIL DECEMBER 31, 2019
ADM. NO. NP-013 (2018-2019)
ATTYS. ROLL NO. 13003
IBP NO. 088254, 01/03/19
PTR NO. 882/389 / 1-3-19 N. COT.
MOLE NO. IV-8838888
RGH BLDG. TIMOG COR. PANAY AVE. QC

DOC NO. 46 ;
PAGE NO. 11 ;
BOOK NO. LXXXI ;
SERIES OF 201 9 ;

ANNEX "E"

Omnibus Sworn Statement

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF MAKATI) S.S.

AFFIDAVIT

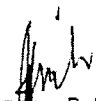
I, **Joycelyn R. Hllao** of legal age, Married, Filipino, and residing at **PLDT INC.**, Makati General Office, Dela Rosa Street corner Legaspi Street, Makati City, after having been duly sworn in accordance with law, do hereby depose and state that:

1. I am the duly authorized and designated representative of **PLDT INC.** with office address at **Ramon Cojuangco Building, Makati Avenue, Makati City**;
2. I am granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for the **Procurement of Point-to-Point Connection Between PSALM Veris North Office and Disaster Recovery Site (Project Reference No. 2020SVP-PTPC-044-03)** of the **Power Sector Assets and Liabilities Management (PSALM) Corporation**, as shown in the attached duly notarized Secretary's Certificate issued by the corporation;
3. **PLDT INC.** is not "blacklisted" or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board;
4. Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;
5. **PLDT INC.** is authorizing the Head of the Procuring Entity or its duly authorized representative(s) to verify all the documents submitted;
6. None of the officers, directors, and controlling stockholders of **PLDT INC.** is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;
7. **PLDT INC.** complies with existing labor laws and standards;
8. **PLDT INC.** is aware of and has undertaken the following responsibilities as a Bidder:
 - a) Carefully examine all of the Bidding Documents;
 - b) Acknowledge all conditions, local or otherwise, affecting the implementation of the Contract;
 - c) Made an estimate of the facilities available and needed for the contract to be bid, if any; and
 - d) Inquire or secure Supplemental/Bid Bulletin(s) issued for the **Procurement of Point-to-Point Connection Between PSALM Veris North Office and Disaster Recovery Site (Project Reference No. 2020SVP-PTPC-044-03)**; and

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9. **PLDT INC.** did not give or pay directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.
10. In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code


IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of ___, 2020 at Makati City, Philippines.

Oct. 30, 2020

Joyelyn R. Hilao
Bidder's Representative/ Authorized Signatory

SUBSCRIBED AND SWORN to before me this 30th day of October 2020 at Makati City, Philippines. Affiant is personally known to me and was identified by me through competent evidence of identity as defined in 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC). Affiant exhibited to me her Passport, with her photograph and signature appearing thereon, with no. P2611966A issued on April 05, 2017 at DFA MANILA.

Witness my hand and seal this 30th day of October 2020,

NAME OF NOTARY PUBLIC _____
Serial No. of Commission _____
Notary Public for _____ until _____
Roll of Attorneys No. _____
MCLE Compliance No. _____
PTR No. _____
IBP No. _____


ABNER TITO L. ALBERT
Notary Public for the City of Makati
Until December 31, 2020
Appointment No. 93
Roll of Attorney's No. 33834
PTR O.R. No. 8125097 - 01/07/2020 Makati City
IBP Lifetime No. 02359 - 05/09/01
2/F, MGO Bldg. Legazpi St. Legazpi Vill., Makati City, S

Doc. No. 292
Page No. 60
Book No. N
Series of 2020.

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SECRETARY'S CERTIFICATE

I, FLORENTINO D. MABASA, JR., Assistant Corporate Secretary of PLDT Inc. (the "Company") hereby certify that pursuant to the Company's Administrative Order No. 2526-20 dated September 3, 2020, Ms. Joycelyn R. Hilao, in her capacity as Assistant Vice President and Center Head of Corporate Relationship Management, in order to carry out the objectives of her Group, is authorized, for and in behalf of the Company to: (a) sign, execute and deliver contracts for the provision of telecommunications and value added services, including the Procurement of Point-to-Point Connection Between PSALM Vertis North Office and Disaster Recovery Site (Project Reference No. 2020SVP-PTPC-044-03) provided that the amount involved therein does not exceed Five Million Pesos (P5,000,000.00), Philippine Currency ("the Bid Transaction"), and (b) issue orders or instructions, as she may deem necessary.

For the Bid Transaction, Ms. Hilao has instructed and ordered Mr. Elpidio M. Juan, Jr., Relationship Manager of the Company, to transact with the Power Sector Assets and Liabilities Management (PSALM) Corporation and its personnel, and to sign, execute and deliver any and all bid documents and papers required thereof.

Witness my hand and the Company's seal this _____ day of _____ 2020 at Makati City, Philippines.

Oct. 30, 2020
FLORENTINO D. MABASA, JR.
Assistant Corporate Secretary
PLDT Inc.

Attested by:

Specimen Signature/Specimen Initial

Oct 30, 2020
JRH
Joycelyn R. Hilao
Assistant Vice President and
Center Head of Corporate Relationship Management
PLDT Inc.

30th day of October 2020. SUBSCRIBED AND SWORN to before me, a notary public in and for the City of Makati, this Affiant, whom I identified through the following competent evidence of identity: SSS# 03-72515207 personally signed the foregoing instrument before me and avowed under penalty of law to the whole truth of the contents of said instrument.

WITNESS MY HAND AND SEAL on the date and at the place first abovementioned.

Doc. No. 289 ;
Page No. 59 ;
Book No. N ;
Series of 2020

MA
ABNER LEO L. ALBERTI
Notary Public for the City of Makati
Until December 31, 2020
Appointment No. 658834
Roll of Attorney's No. 38834
PTR O.R. No. 8125097 - 01/07/2020 Makati City
IBP Lifetime No. 02359 - 05/09/01
2/F, MGO Bldg. Legazpi St. Legazpi Vill., Makati City
Original
By: *[Signature]*



Republic of the Philippines)
 City of Makati) S.S.

AUTHORIZATION

I, Joycelyn R. Hilao, Assistant Vice President and Center Head of Corporate Relationship Management of PLDT INC., a company established and duly registered under the laws of the Philippines, with its registered office address at Ramon Cojuangco Building, Makati Avenue, Makati City, do hereby make, constitute and appoint any of the following:

	Name of Duly Authorized Representative/s	Position	with Conformity	
			Signature	Initial
1.	Elpidio M. Juan, Jr.	Relationship Manager		

To be my true and lawful attorney/s, for it and its name, place and stead, to submit, sign, and deliver bid documents and all other related writings of whatever nature or kind, and transact with Power Sector Assets and Liabilities Management (PSALM) Corporation and execute and perform any and all acts necessary, and/or represent PLDT INC. in the public bidding of Power Sector Assets and Liabilities Management (PSALM) Corporation for the Procurement of Point-to-Point Connection Between PSALM Vertis North Office and Disaster Recovery Site (Project Reference No. 2020SVP-PTPC-044-03). Fully and effectively as a corporation might do if personally present with full power of substitution and revocation and hereby confirming all that said representative/s shall lawfully do or cause to be done by virtue hereof.

IN WITNESS, WHEREOF, I have hereunto set my hand this, 30 day of October, 2020 at Makati City, Philippines.

JOYCELYN R. HILAO
 Assistant Vice President and
 Center Head of CRM
 PLDT INC.

SUBSCRIBED AND SWORN to before me, a notary public in and for the City of Makati this 30 day of October 2020. The affiant, whom I identified through the following competent evidence of identity: Passport P2611966A issued on April 5, 2017 at DFA MANILA personally signed the foregoing instrument before me and avowed under penalty of law to the whole truth of the contents of said instrument.

WITNESS MY HAND AND SEAL on the date and at the place first abovementioned.

Doc. No. 290 ;
 Page No. 59 ;
 Book No. 14 ;
 Series of 2020.

ABNER TITO L. ALBER
 Notary Public for the City of Makati
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