

CONTRACT FOR THE PROCUREMENT OF DATA CENTER PREVENTIVE MAINTENANCE

THIS AGREEMENT made the _____ day of 04 NOV 2021 2021 between **DEPARTMENT OF FINANCE** of the Philippines (hereinafter called "the Entity") of the one part and **POWERCRAFT SOLUTIONS AND DATA INFRASTRUCTURE, INC.** of U301 3F Armal Plaza Building, C. Raymundo Avenue, Brgy. Maybunga, Pasig City 1607 (hereinafter called "the Supplier") of the other part;

WHEREAS, the Entity invited Bids for certain goods and ancillary services, particularly **Procurement of Data Center Preventive Maintenance** and has accepted a Bid by the Supplier for the supply of those goods and services in the sum of **Two Million Nine Hundred Ninety-Five Thousand Nine Hundred Sixty-Eight Pesos (₱2,995,968.00)** (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.:

Philippine Bidding Documents (PBDs);

- a. Schedule of Requirements;
- b. Technical Specifications;
- c. General and Special Conditions of Contract; and
- d. Supplemental or Bid Bulletins, if any

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;

Performance Security;

Notice of Award of Contract; and the Bidder's conforme thereto; and

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 Nine Hundred Ninety-Five Thousand Nine Hundred Sixty-Eight Pesos (₱2,995,968.00)** or such other sums as may be ascertained, **POWERCRAFT SOLUTIONS AND DATA INFRASTRUCTURE, INC.** agrees for the **Procurement of Data Center Preventive Maintenance** in accordance with its Bid.
4. The **DEPARTMENT OF FINANCE** agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

5. Data Privacy Compliance

The PARTIES shall comply with the provisions of Republic Act (RA) No. 10173, otherwise known as the "Data Privacy Act of 2012", its Implementing Rules and Regulations (IRR), issuances of the National Privacy Commission (NPC), and other applicable laws on processing of personal information. These shall include compliance with all relevant data protection policies of the Entity and other measures reasonably necessary to prevent any use or disclosure of personal data other than as allowed under this contract.

The PARTIES shall implement security measures aimed at maintaining the availability, integrity, and confidentiality of personal data including the protection of personal data against any accidental or unlawful destruction, alteration, and disclosure, as well as against any other unlawful processing.

6. Consent to the Processing of Personal Information

As part of the data privacy compliance, the Supplier hereby grants its consent to the Entity's processing of its personal information collected under this contract, which may include the disclosure of such information to third parties, to comply with requirements of law in relation to the implementation of this contract.

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.

DEPARTMENT OF FINANCE

POWERCRAFT SOLUTIONS AND DATA INFRASTRUCTURE, INC.

BY:

BY:

Bayani H. Agabin
BAYANI H. AGABIN
Undersecretary

Micha Joy Baeño Pesuelo
MICHA JOY BAEÑO PESUELO
Authorized Representative

Mark Dennis Y.C. Joven
MARK DENNIS Y.C. JOVEN
Undersecretary

SIGNED IN THE PRESENCE OF

Jervie B. Sarmiento
JERVIE B. SARMIENTO
Operations Manager

ACKNOWLEDGMENT

Republic of the Philippines }
City of Manila } S.S

BEFORE ME, this 04 NOV 2021 day of PASIG CITY, 2021 at PASIG CITY, personally appeared Undersecretary Bayani H. Agabin with TIN 172-571-956 issued at Manila on and Undersecretary Mark Dennis Y.C. Joven with TIN 167-305-432 issued at Manila on in their capacity as the authorized signatories of the DEPARTMENT OF FINANCE, and Ms. Micha Joy Baeño Pesuelo with ID No. 0113-0828379-3 issued at Quezon City on February 09, 2021 in her capacity as the authorized signatory of Powercraft Solutions and Data Infrastructure, Inc., known to me and to me known to be the same persons who executed the foregoing Contract (with attachments and appendices), consisting of three (3) pages, including the page on which this acknowledgment is written, and who acknowledge to me that the same is their free and voluntary act and deed, and the free and voluntary act and deed of the government entity and company which they represent, respectively.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at the place and on the day first above written.

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Series of 2021

Edwin G. Condaya
EDWIN G. CONDAYA
NOTARY PUBLIC
PASIG PATEROS & SAN JUAN
EXTENDED UP TO DEC. 31, 2021
PTR NO. 7187109/1-2-2021
IBP NO. 0560331/APP. NO.54 2019/2020
ROLL NO. 26683
MCLE V. 000493
2ND FLOOR ARMALL BLDG. URBANO
VELASCO AVE, MALINAO, PASIG CITY



Republic of the Philippines
DEPARTMENT OF FINANCE

Roxas Boulevard Corner Pablo Ocampo, Sr. Street
Manila 1004

8 October 2021

Ms. MICHA JOY BAEÑO PESUELO
Authorized Representative
Powercraft Solutions and Data Infrastructure, Inc.
U301 3F Armal Plaza Bldg.
C. Raymundo Avenue, Brgy. Maybunga,
Pasig City 1607


Subject: NOTICE TO PROCEED

Dear Ms. PESUELO:

In view of the award of contract to POWERCRAFT SOLUTIONS AND DATA INFRASTRUCTURE, INC., you are hereby given Notice to Proceed with the Procurement of Data Center Preventive Maintenance (the "Contract").


The effective date of the Contract is upon receipt of this Notice.

Very truly yours,


BAYANI H. AGABIN
Undersecretary


MARK DENNIS Y.C. JOVEN
Undersecretary

CONFORME:


MICHA JOY BAEÑO PESUELO
Date: Nov. 4, 2021