

## MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement made and entered into this \_\_\_ March 2021 by and between the following:

The **DEPARTMENT OF BUDGET AND MANAGEMENT**, a government agency duly organized and existing under the laws of the Republic of the Philippines with principal office address at General Solano St., San Miguel, Manila, represented herein by its **SECRETARY, WENDEL E. AVISADO**, hereinafter called the "**DBM**";

-and-

The **APO PRODUCTION UNIT, INC.**, a government agency duly organized and existing under the laws of the Republic of the Philippines with office address at 2nd Floor, PIA Building, Visayas Avenue, Brgy. Vasra, Quezon City, represented by its **CHAIRMAN, MICHAEL J. DALUMPINES**, hereinafter called the "**APO**";

Collectively, the "**Parties**";

### WITNESSETH:

**WHEREAS**, the DBM, particularly its Budget Technical Bureau (BTB), is in need of printing services for the production of FY 2022 Budget Documents specifically the a) National/Corporate Budget Call; b) National Expenditure Program (NEP) Volumes 1-3; c) Budget of Expenditures and Sources of Financing (BESF) Tables; d) President's Budget Message (PBM); e) Technical Notes on the Proposed Budget/"BESF Text"; f) Staffing Summary; g) Fiscal Risks Statements; and h) General Appropriations Act (GAA) Volumes 1A, 1B, 2, and Annex;

**WHEREAS**, the CY 2021 Annual Procurement Plan of the DBM includes the Project, "Budget Documents," with an Approved Budget for the Contract of P24,708,979.68;

**WHEREAS**, Section 23 of the General Provisions of the FY 2021 GAA, pRepublic Act (RA) No. 11518, provides, among others, that all agencies of the government shall engage the services of the National Printing Office (NPO), Bangko Sentral ng Pilipinas (BSP), and APO as Recognized Government Printers (RGPs) for the printing of accountable forms and sensitive, high quality or high volume requirements;



**WHEREAS**, given that the Budget Documents are considered as accountable forms and/or sensitive, high quality and high volume printing requirement of the DBM and in accordance with the Guidelines on the Procurement of Printing Services,<sup>1</sup> on February 4, 2021, the DBM-Bids and Awards Committee (BAC) issued Requests for Quotation to APO, BSP and NPO to determine which RGP is the most capable in performing the printing services required for the Project;

**WHEREAS**, after careful review and evaluation of the quotations submitted by APO and NPO, the DBM-BAC found that APO is the most capable RGP to perform the required printing services, with the most advantageous terms for the DBM;

**WHEREAS**, APO submitted an Offer to Print<sup>2</sup> the Budget Documents in the total amount of Twenty Four Million Seven Hundred Eight Thousand Nine Hundred Seventy Nine and 68/100 Pesos (P24,708,979.68) and a Certification which states the following:

1. that APO, as an RGP, has the mandate to undertake the printing of the Budget Documents;
2. that APO owns or has access to the necessary tools and equipment to exercise and fulfill its mandate;
3. that APO has the absorptive capacity to undertake the aforementioned printing requirements of the DBM; and
4. that APO shall not engage the services of sub-contractors;

**WHEREAS**, item 4.5 of the Guidelines on the Procurement of Printing Services provides that the procuring entity shall then engage the services of the appropriate RGP through an Agency-to-Agency Agreement pursuant to Section 53.5<sup>3</sup> of the 2016 Revised Implementing Rules and Regulations (IRR) of RA No. 9184;

**WHEREAS**, item 6 (d) of the Implementing Guidelines on Agency-to-Agency Agreements, issued by the Government Procurement Policy Board (GPPB) through Resolution No. 018-2007 dated May 31, 2007, provides that the use of Agency-to-Agency Agreement shall be subject to the prior approval of the Secretary, as the Head of the Procuring Entity (HoPE), upon recommendation of the BAC;

**WHEREAS**, in accordance with Section V.D.5(c.iii) of Annex "H" of the 2016 Revised IRR of RA No. 9184, the DBM-BAC, through Resolution No. 2021-06, recommended to the Secretary of the DBM as the HoPE, that the contract for the

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<sup>1</sup> Appendix 20 of the 2016 Revised IRR of RA No. 9184

<sup>2</sup> Annex B

<sup>3</sup> Agency-to-Agency. Procurement of Goods, Infrastructure Projects and Consulting Services from another agency of the GoP, such as the DBM-PS, which is tasked with a centralized procurement of Common-Use Supplies for the GoP in accordance with Letters of Instruction No. 755 and EO No. 359, s. 1989.



*N* *[Signature]* *VF*

Project, "Budget Documents ," in the amount of Twenty Four Million Seven Hundred Eight Thousand Nine Hundred Seventy Nine and 68/100 Pesos (P24,708,979.68) be awarded to APO through an Agency-to-Agency Agreement, pursuant to Section 53.5 of the same IRR of RA No. 9184;

**WHEREAS**, the aforesaid recommendation of the DBM-BAC was subsequently approved by the Secretary of the DBM as the HoPE;

**NOW, THEREFORE**, for and in consideration of the foregoing premises and the mutual covenants, stipulations and agreements, the Parties have agreed, as they do hereby agree, and bind themselves as follows:

1. The following documents shall form and be read and construed as part of this Memorandum of Agreement (MOA):

Annex A – Technical Specifications  
B – Submitted Offer to Print  
C – Submitted Certification  
D – Notice of Award

2. In consideration of the payments to be made by the DBM pursuant to this MOA, APO hereby covenants with the DBM to print and deliver the Budget Documents in accordance with the following Technical Specifications specified in Annex A.
3. Further, APO warrants the following:
  - i. that APO, as an RGP, has the mandate to undertake the printing of the Budget Documents;
  - ii. that APO owns or has access to the necessary tools and equipment to exercise and fulfill its mandate;
  - iii. that APO has the absorptive capacity to undertake the aforementioned printing requirements of the DBM; and
  - iv. that APO shall not engage the services of sub-contractors.
4. The DBM hereby covenants to pay APO, upon satisfactory completion of the printing and delivery of the Budget Documents, the amount of Twenty Four Million Seven Hundred Eight Thousand Nine Hundred Seventy Nine and 68/100 Pesos (P24,708,979.68).
5. The period for the performance of the obligations under this MOA shall not go beyond the validity of the appropriation for this Project.
6. Entire Agreement. The Parties agree that this MOA, including the attached Annexes, contains their full agreement and supersedes all previous

  



agreements, either written or oral, if there are any. No agreements, understandings, commitments, discussions, warranty, representations or other covenants, whether oral or written, between the Parties are included in this MOA, including the attached Annexes, except as set forth herein.

7. Confidentiality. The Parties are required to maintain the confidentiality of information which shall pertain to those which: (i) are by its nature confidential; (ii) are designated by the Parties as such; and (iii) they know or ought reasonably to know are confidential. Disclosure of any confidential information may only be made upon consent of the party to whom the confidential information belong or pertain to.
8. Governing Law. This MOA shall be governed by and construed in accordance with the laws of the Republic of the Philippines. Any action brought to enforce or interpret this MOA shall be brought to the courts of the City of Manila to the exclusion of all other courts.
9. Good Faith. The Parties undertake to act in good faith with respect to each other's rights under this MOA and to adopt all reasonable measures to ensure the realization of the objectives of this MOA.

**IN WITNESS WHEREOF**, the Parties hereto have signed this MOA on this \_\_\_ day of March 2021 at General Solano St., San Miguel, Manila, Philippines.

**DEPARTMENT OF BUDGET AND  
MANAGEMENT**

By:

  
**WENDEL E. AVISADO**  
Secretary

**APO PRODUCTION UNIT, INC.**

By:

  
**MICHAEL J. DALUMPINES**  
Chairman

**SIGNED IN THE PRESENCE OF:**

  
**MARIA CREENCIA D. SUNGA**  
Officer-in-Charge Director IV  
DBM-Budget Technical Bureau

  
**DOMINIC F. TAJON**  
Sales and Marketing Manager

**ACKNOWLEDGMENT**

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

**BEFORE ME**, a Notary Public for and in the City of MANILA, Philippines on this \_\_\_ day of \_\_\_\_\_ 2021, personally appeared the following:

<b>NAME</b>	<b>VALID ID</b>	<b>VALID UNTIL</b>
<b>WENDEL E. AVISADO</b>	DBM ID No. 4601	
<b>MICHAEL J. DALUMPINES</b>	_____	_____

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 of the entities they respectively represent.

This MOA for the Printing of the Budget Documents was signed by the Parties, and their material witnesses on each and every page thereof.

WITNESS MY HAND AND SEAL this \_\_\_ day of MAR 04 2021, 2021.

Doc. No 920;  
Page No 06;  
Book No L 14;  
Series of 2021.

**ATTY. GARY CAMITAN AURE**  
 NOTARY PUBLIC, ROLL NO. 60777  
 PTR No. 9826458 issued on Jan 4, 2021 until Dec 31, 2021 Manila  
 IBP License No. 02001 issued on Feb 2, 2016  
 Commission No. 2020-024 issued on Nov 10, 2020 until Dec 31, 2021 Manila  
 MCLP No. VI-0001750 issued on Apr 14, 2020 until April 14, 2022  
 Office Address: G/F YACA Building, 350 Antonio Villegas Street, Ermita, Manila