

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

NOV 27 2020

This Memorandum of Agreement made and entered into this ___ November 2020 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 Organization, Position Classification and Compensation Bureau (OPCCB), pursuant to its core function to evaluate agency proposals on organization, staffing, position classification, and compensation matters, is in need of printing services for the production of Notice of Organization, Staffing and Compensation Action (NOSCA) Forms;

WHEREAS, the CY 2020 Annual Procurement Plan of the DBM included the Project, "Printing of the Notice of Organization, Staffing and Compensation Action (NOSCA) Forms," with an Approved Budget for the Contract of P1,000,000.00;

WHEREAS, Section 22 of the General Provisions of the FY 2020 General Appropriations Act (GAA), Republic Act (RA) No. 11465, 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 NOSCA Forms are accountable forms and in accordance with the Guidelines on the Procurement of Printing Services,¹ on October 28, 2020, 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;

¹ Appendix 20 of the 2016 Revised IRR of RA No. 9184

WHEREAS, after careful review and evaluation of the received submissions from 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's submission included an Offer to Print² the NOSCA Forms in the amount of Three Hundred Thirty-Six Thousand Pesos (P336,000.00) and a Certification which states the following:

1. that APO, as an RGP, has the mandate to undertake the printing of the DBM NOSCA Forms;
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 53.5³ 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. 2020-50, recommended to the Secretary of the DBM, as the HoPE, that the contract for the Project, "Printing of the Notice of Organization, Staffing and Compensation Action (NOSCA) Forms," in the amount of Three Hundred Thirty-Six Thousand Pesos (P336,000.00) 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):

² Annex A

³ 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.

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- Annex A – Submitted Offer to Print
- B – Submitted Certification
- C – 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 NOSCA Forms in accordance with the following Technical Specifications:

NOSCA Forms	
Number of copies	80 boxes (500 x 4 ply sets)
Packing	In box of 500 x 4 ply sets
Size	11" x 14-3/4"
Materials	Carbonless Paper With one (1) color print With tint on 2 nd and 4 th ply With ID copy, with both sides Perforation, pre-numbered
Delivery schedule	Within 15 working days from the receipt of the Notice to Proceed

3. Further, APO warrants the following:

- i. that APO, as an RGP, has the mandate to undertake the printing of the DBM NOSCA Forms;
 - 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 NOSCA Forms, the amount of Three Hundred Thirty-Six Thousand Pesos (P336,000.00).
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.

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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 November 2020 at General Solano St., San Miguel, Manila, Philippines.

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

By:

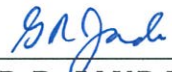

WENDEL E. AVISADO
Secretary

APO PRODUCTION UNIT, INC.

By:


MICHAEL J. DALUMPINES
Chairman

SIGNED IN THE PRESENCE OF:



GERALD R. JANDA
Director
DBM-Organization, Position
Classification and Compensation 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
NOV 27 2020 day of _____ 2020, personally appeared the following:

NAME	VALID ID	VALID UNTIL
WENDEL E. AVISADO	DBM ID No. 4601	

MICHAEL J. DALUMPINES _____

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 NOSCA Forms was signed by the Parties, and their material witnesses on each and every page thereof.

WITNESS MY HAND AND SEAL this NOV 27 2020 day of _____, 2020.

Doc. No 666 ;
Page No 14 ;
Book No 2 ;
Series of 2020.

ATTY. GARY CANTAN AURE
 NOTARY PUBLIC, ROLL NO. 60777
 PTR No. 9132171 Issued on Jan. 3, 2020 Until Dec. 31, 2020 Manila
 ICP Lifetime No. 016300 Issued on Feb. 2, 2016
 Commission No. 2020-021 Issued on Jan. 31, 2020 Until Dec. 31, 2021 Manila
 MCLE No. VI-0006796 Issued on Feb. 20, 2019 at Pasig City Valid Until April 14, 2022
 Office Address: G/F YMCA Building, 358 Antonio Villagas Street, Ermita, Manila