



CONTRACT / PURCHASE ORDER

TOTAL INFORMATION MANAGEMENT CORPORATION 5600 Sergio Osmeña Highway Makati City Tel. No (632) 857-1846 TIN: 000-149-566-00000	Reference No.: Date: RFQ No. Mode of Procurement:	2022-CIMS(014)-NPSVP0048-PO0046 November 11, 2022 2022-CIMS(014)-NPSVP-0048 Negotiated Procurement - Small Value Procurement
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Please deliver the hereunder listed article(s)/supplies/materials in accordance with the description and technical specifications stated in the above-referred Quotation subject to its Terms and Conditions.

Item	QTY.	UOM	ARTICLES / DESCRIPTION	UNIT PRICE	TOTAL PRICE
	1	Lot	Procurement of Hypervisor and Management Solution Licenses Basic Support Coverage VMware vSphere 6 Enterprise for 1 processor Instance No: 154545612 Part No: VS6-ENT-G-SSS-C Basic Support Coverage VMware vCenter Server 6 Standard for vSphere 6 (Per Instance) Instance No: 154763190 Part No: VCS6-STD-G-SSS-C	P 945,000.00	P 945,000.00

Terms of Payment:
 1. Payment shall be made on a one-time basis subject to submission of billing statement and other supporting documents by the SP, subject to the issuance of Certificate of Satisfactory Service by CIC.
 2. The start of billing shall be based on the date of issuance of "Certificate of Acceptance".

Payments shall be subject to the "Warranty" provisions in the form of retention money in an amount equivalent to at least one percent (1%) of the Contract Price required in Section 62 of R.A. 9184 and its IRR.

Contract Termination
 Both parties have the option or terminate the contract acceptable to both parties based on the Philippine Government Procurement Reform Act and its Implementing Rules and Regulations, GPPB Guidelines or its issuances, and other Philippine laws as applicable.

Pursuant to Annex I of the 2016 Revised Implementing Rules and Regulations, as of 15 July 2022, of the Republic Act No. 9184, the CIC reserves the right to terminate the Procurement of Hypervisor and Management Solution Licenses on the following grounds:

- a. Termination by Default:
1. Pursuant to Section 68 of the 2016 Revised IRR, when outside of force majeure, the SP fails to deliver or perform any or all of the contract deliverables within the period specified in the contract, or within any extension thereof granted by the CIC pursuant to a request made by the SP prior to the delay, and such failure amounts to at least ten percent (10%) of the contract price;
 2. Pursuant to Section 68 of the 2016 Revised IRR, the SP, as a result of the force majeure, is unable to deliver or perform any or all of the contract deliverables, amounting to at least ten percent (10%) of the contract price, for a period of not less than sixty (60) calendar days after receipt of notice from the CIC stating that the circumstances of force majeure is deemed to have ceased; or
 3. The SP fails to perform any other obligation under the contract.
- b. Termination for Convenience, in whole or in part. If the CIC has determined the existence of conditions that make the contract implementation economically, financially or technically impractical and/or unnecessary, such as, but not limited to, fortuitous event/s or changes in law and national government policies.
- c. Termination for Insolvency. If the SP is declared bankrupt or insolvent as determined with finality by a court of competent jurisdiction.
- d. Termination for Unlawful Acts. In case it is determined prima facie that the SP engaged, before or during the implementation of the contract, in unlawful deeds and behaviors relative to contract acquisition and implementation.

Price Validity: Thirty (30) calendar days		Total Amount	Php 945,000.00
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Delivery Schedule: Within 30 calendar days upon receipt of the Notice to Proceed	Delivery Place: 6F Exchange Corner Building, V.A. Rufino St. cor. Esteban St., Legaspi Village, Makati City
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Subject to the Provisions under RA 9184 and its Revised IRR

In case of failure to make the full delivery within the time specified above, a penalty of one-tenth (1/10) of one (1) percent for every day of delay shall be imposed.

Subject to Expanded Withholding Tax, Final Withholding Tax and Other Percentage Taxes Reference:
RA 9337 Tax Revenue Nos. 16-05, 14-02, 12-01, and 2-98.

Certified Correct: PHOEBE ANN R. WAGAN Administrative Services Officer V Date: <u>11-11-2022</u>	Funds Available: Digitally signed by Cabasis Maria Siena Masaoy MARIA SIENA M. CABASIS Acting Chief Accountant Date: _____
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Approved by:

ATTY. BEN JOSHUA A. BALTAZAR
 President and CEO
 Date: _____

Merchant's copy received by:

Sunver Z. Bastes
 Signature over name in print
 Date: Nov.15,2022