

**CONTRACT FOR THE SUPPLY AND
DELIVERY OF LICENSE WITH SOFTWARE
ASSURANCE OF THREE (3) YEARS**

KNOW ALL MEN BY THESE PRESENTS:

THIS AGREEMENT made on the ____ day of _____ 2012 between the **ENERGY REGULATORY COMMISSION (ERC) of the Philippines (hereinafter called "THE ENTITY"**, a government agency duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at 16th Floor, Pacific Center Bldg., San Miguel Avenue, Pasig City, represented by its Chairperson and Chief Executive Officer, **ATTY. ZENAIDA G. CRUZ-DUCUT**, on the one part and the **FIRST DATA CORP.**, a corporation duly organized and existing under and by virtue of the laws of the Philippines, with principal address at 3RD Floor, Citibank Center, 8741 Paseo de Roxas, Makati City, Metro Manila, hereinafter referred to as "**THE SUPPLIER**", represented by its duly authorized representative, **MS. MARY ANN I. ESER JOSE**, of the other part:

WHEREAS, THE ENTITY invited Bids for certain goods and ancillary services, viz., **Supply and Delivery of License with Software Assurance of Three (3) Years** and has accepted a Bid by **THE SUPPLIER** for the supply of those goods and services in the sum of **ONE MILLION SIX HUNDRED FIVE THOUSAND AND NINE HUNDRED SIXTY SEVEN PESOS AND 41/100 (PhP1,605,967.41)**, VAT inclusive, [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 shall be deemed to form and be read and construed as part of this Agreement, viz:
 - (a) the Bid Form and the Price Schedule submitted by the Bidder (Annex "A");
 - (b) the Schedule of Requirements (Annex "B");
 - (c) the Technical Specifications (Annex "C");
 - (d) the General Conditions of Contract (Annex "D");
 - (e) the Special Conditions of Contract (Annex "E"); and
 - (f) the Client's Notification of Award (Annex "F").
3. In consideration of the payments to be made by the Entity to the Supplier as hereinafter mentioned, the Supplier hereby covenants with the Entity to provide the goods and services and to remedy defects therein in conformity in all respects with the provisions of the Contract, Provided, that the Supplier shall provide training for the use of the equipment subject of this contract.
4. The Entity 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.

FUNDS AVAILABLE

.....
BUDGET OFFICER

Mary Ann I. Eser Jose

by

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines by their duly authorized representatives at the place and on the date first above written.

**ENERGY REGULATORY
COMMISSION**

FIRST DATA CORP.

BY:

BY:

Zenaida G. Cruz-Ducut
ZENAIDA G. CRUZ-DUCUT
Chairperson & CEO, ERC

Mary Ann I. Eser Jose
MARY ANN I. ESER JOSE

24 24 Signed in the presence of:

ACKNOWLEDGEMENT

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

BEFORE ME, a Notary Public for and in the City of Pasig, personally
Appeared the following:

<u>NAME</u>	<u>RES. CERT. NO.</u>	<u>ISSUED AT/ON</u>
ATTY. ZENAIDA G. CRUZ-DUCUT		
MS. MARY ANN I. ESER JOSE	<i>SSS 33-4160842-7</i>	

known to me and to me known to be the same persons who executed the foregoing agreement consisting of two (2) pages including this page wherein the acknowledgement is written and has been assigned by both parties and their witnesses on each and every page thereof.

DEC 28 2012

WITNESS MY HAND AND SEALS, this _____ day of _____, 2012.

Doc. No. *324* ;
Page No. *06* ;
Book No. *17* ;
Series of 2012.

Robert N. Lluz
ATTY. ROBERT N. LLUZ
NOTARY PUBLIC
Until December 31, 2013
Appt. No. M-521, Makati City
IBP # 867547-Mar. 7, 2012-Taytay
PTR # 0157132-Mar. 7, 2012- Taytay Rizal
S.C. Roll No. 59597
Unit 6E Cityland Tower, #98 Rufino St.,
cor. Valero St., Balcedo Vill., Makati City

FUNDS AVAILABLE
[Signature]
BUDGET OFFICER