

21-00179

Contract for the Procurement of Consulting Services for the Digital Media Planning and Placements for the Global Campaign of the Department of Tourism

This *Contract for the Procurement of Consulting Services for the Digital Media Planning and Placements for the Global Campaign of the Department of Tourism* ("Agreement") is made and entered into this ____ day of **NOV 10 2021** 2021 between:

The DEPARTMENT OF TOURISM (DOT), a government agency with principal office at New DOT Building, 351 Sen. Gil Puyat Avenue, Makati City, represented by its **Assistant Secretary, HOWARD LANCE A. UYKING** ("Procuring Entity");

and

TOUCH XDA, INC., a private entity with business address at 16F Two World Square, 22 Upper McKinley Road, McKinley Hill, Fort Bonifacio, Taguig City, represented by its **Group Chief Financial Officer, MR. JUDD B. BALAYAN** ("Consultant");

Each a "Party" and collectively, the "Parties"

WITNESSETH:

WHEREAS, the Procuring Entity is mandated to be the primary planning, programming, coordinating, implementing, and regulatory government agency in the development and promotion of the tourism industry, both domestic and international;

WHEREAS, pursuant to this mandate, the Procuring Entity aims to position the Philippines as the "more fun" travel destination even in the new normal with an added focus on health and safety;

WHEREAS, the Procuring Entity needs to engage the services of a consultant to craft a digital media plan to further strengthen the Philippines' digital presence in opportunity and emerging international markets, such as Western Europe, Russia and the CIS, the Middle East, the Mediterranean and Southeast Asia;

WHEREAS, the Bids and Awards Committee (BAC) of the Procuring Entity, through **BAC Resolution No. 2021-198**, has declared the Consultant to be the **Single Rated and Responsive Bidder (SRRB)** following a competitive bidding procedure for the procurement of consulting services for the Digital Media Planning and Placements for the Global Campaign of the Department of Tourism with a contract duration of three (3) months effective from the receipt of the Notice to Proceed;

WHEREAS, pursuant to the abovementioned BAC Resolution, the Procuring Entity has accepted the bid of the Consultant in the amount of **Forty Million Pesos (PhP40,000,000.00)**, inclusive of all applicable taxes;

NOW, THEREFORE, based on the foregoing, the Parties agree 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 hereinafter referred to.
2. The following documents shall be attached, deemed to form and be read and construed as part of this Agreement, to wit.:

- (a) General and Special Conditions of Contract;
- (b) Terms of Reference;
- (c) Request for Expression of Interest;
- (d) Instruction to Bidders;
- (e) Bid Data Sheet;
- (f) Addenda and/or Supplemental/Bid Bulletins, if any;
- (g) Bid forms, including all the documents/statements contained in the Bidder's bidding envelopes, as annexes, and all other documents/statements submitted (e.g., bidder's response to request for clarifications on the bid), including corrections to the bid, if any, resulting from Procuring Entity's bid evaluation;
- (h) Eligibility requirements, documents and/or statements;
- (i) Performance Security;
- (j) Notice of Award of Contract and the Bidder's conforme thereto;
- (k) Other contract documents that may be required by existing laws and/or the Entity.

3. In consideration of the payments to be made by the Procuring Entity to the Consultant as hereinafter mentioned, the Consultant hereby covenants with the Procuring Entity to execute and complete the Consulting Services and remedy any defects therein in conformity with the provisions of this Consultant in all respects.

4. The Procuring Entity hereby covenants to pay the Consultant in consideration of the execution and completion of the Consulting Services, the Contract Price or such other sum as may become payable under the provisions of this Contract at the times and in the manner prescribed by this Contract.

IN WITNESS whereof the parties hereto have caused this Agreement to be executed the day and year first above written.

DEPARTMENT OF TOURISM
(Procuring Entity)

TOUCH XDA, INC.
(Consultant)


By:

By:


HOWARD LANCE A. UYKING
Assistant Secretary



MR. JUDD B. BALAYAN
Group Chief Financial Officer

SIGNED IN THE PRESENCE OF:




_____ Josephine P. Barba

Certified Funds Available:


ROMAN G. BERSAMIRA
Chief, Accounting Division

21-00179

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
MAKATI)S.S.

BEFORE ME, a Notary Public, in and for Makati, this 12th day of November 2021, personally appeared:

Name	Government ID	Date/Place Issued
Howard Lance A. Uyking	DOT ID # 1800JT	
Judd B. Balayan	OL# NOJ-92-161247	

known to me to be the same persons who executed the foregoing Agreement and they acknowledged the same to be their free and voluntary act and deed and of the entities they represent.

WITNESS MY HAND AND SEAL on this 12th day of November 2021.

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Series of 2021


 ATTY. AUDELEEN ZAMORA
 NOTARY PUBLIC
 UNTL DECEMBER, 2021
 PENTHOUSE, LEGAL AFFAIRS SERVICE, DOT BLDG
 PTR NO. 8144622 - 1/15/20 - MAKATI CITY
 IBP LIFETIME MEMBER 04546 / MAKATI CITY
 ROLL NO. 44115-MCLE VI-0024349

