

**CONTRACT FOR THE PROCUREMENT OF SERVER UPGRADE FOR THE
DEPARTMENT OF FINANCE
IB No. 2023-03-G**

THIS AGREEMENT made the AUG 03 2023 day of _____ 2023 between **DEPARTMENT OF FINANCE** of the Philippines (hereinafter called "the Entity") of the one part and **AMERICAN TECHNOLOGIES, INC.** of #5 Ideal St., cor. McCollough, Brgy. Addition Hills, Mandaluyong City (hereinafter called "the Supplier") of the other part;

WHEREAS, the Entity invited Bids for certain goods and ancillary services, particularly the **Procurement of Server Upgrade for the Department of Finance** and has accepted a Bid by the Supplier for the supply of those goods and services in the sum of **Eight Million Eight Hundred Eighty-Eight Thousand Six Hundred Twenty-Eight Pesos (P8,888,628.00)** (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 as required by the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184 shall be deemed to form and be read and construed as integral part of this Agreement, viz.:

Philippine Bidding Documents (PBDs);

- a. Schedule of Requirements;
- b. Technical Specifications;
- c. General and Special Conditions of Contract; and
- d. Supplemental or Bid Bulletins, if any

Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

Bid form, including all the documents/statements contained in the Bidder's bidding envelopes, as annexes, and all other documents submitted (e.g., Bidder's response to request for clarifications on the bid), including corrections to the bid, if any, resulting from the Procuring Entity's bid evaluation;

Performance Security;

Notice of Award of Contract; and the Bidder's conforme thereto; and

Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the PBDs. Winning bidder agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for submission after the contract execution, such as the Notice to Proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract.

3. In consideration for the sum of **Eight Million Eight Hundred Eighty-Eight Thousand Six Hundred Twenty-Eight Pesos (P8,888,628.00)** or such other sums as may be ascertained, **AMERICAN TECHNOLOGIES, INC.** agrees for the **Procurement of Server Upgrade in the Department of Finance** in accordance with its Bid.
4. The **DEPARTMENT OF FINANCE** agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

5. Data Privacy Compliance

The PARTIES shall comply with the provisions of Republic Act (RA) No. 10173, otherwise known as the "Data Privacy Act of 2012", its Implementing Rules and Regulations (IRR), issuances of the National Privacy Commission (NPC), and other applicable laws on processing of personal information. These shall include compliance with all relevant data protection policies of the Entity and other measures reasonably necessary to prevent any use or disclosure of personal data other than as allowed under this contract.

The PARTIES shall implement security measures aimed at maintaining the availability, integrity, and confidentiality of personal data including the protection of personal data against any accidental or unlawful destruction, alteration, and disclosure, as well as against any other unlawful processing.

6. Consent to the Processing of Personal Information

As part of the data privacy compliance, the Supplier hereby grants its consent to the Entity's processing of its personal information collected under this contract, which may include the disclosure of such information to third parties, to comply with requirements of law in relation to the implementation of this contract.



IN WITNESS whereof the parties hereto have caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines on the day and year first above written.

DEPARTMENT OF FINANCE

AMERICAN TECHNOLOGIES, INC.

BY:

BY:

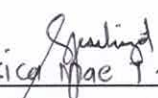

BENJAMIN E. DIOKNO
Secretary
JUL 31 2023




ALICIA JUNIZZEL SY
Authorized Representative

SIGNED IN THE PRESENCE OF


Allan Chester D. Ramos


Ma. Jessica Mae T. Lingat

ACKNOWLEDGMENT

Republic of the Philippines}
City of Manila } S.S.
MANDALUYONG CITY

BEFORE ME, this _____ day of AUG 03 2023 2023 at **MANDALUYONG CITY**, personally appeared Secretary Benjamin E. Diokno with TIN 110-841-046 issued at _____ on _____ in his capacity as the authorized signatory of the DEPARTMENT OF FINANCE, and Ms. Alicia Junizzel Sy with ID No. _____ issued at _____ on _____ in her capacity as the authorized signatory of American Technologies, Inc., known to me and to me known to be the same persons who executed the foregoing Contract (with attachments and appendices), consisting of three (3) pages, including the page on which this acknowledgment is written, and who acknowledge to me that the same is their free and voluntary act and deed, and the free and voluntary act and deed of the government entity and company which they represent, respectively.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at the place and on the day first above written.

NOTARY PUBLIC

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ATTY. AIRA ALYSSA CABALLERO
NOTARY PUBLIC FOR MANDALUYONG
Until December 31, 2023
PTR No. 0162283 01/05/2023 Mand. City
IBP No. 271893 01/05/2023 RSM
Comm. No. 0621-22/Roll No. 77968 05/11/2022
MCLE No. Exempted/Newly Admitted
304-B A.A. Tanco Bldg., 22 Shaw Blvd., Mand. City