

CONTRACT AMENDMENT
Negotiated Procurement of Bid Project No. CTABAC2-2022-02
Procurement of One (1) Van

THIS AGREEMENT made on the 7th day of June, 2023 between the **COURT OF TAX APPEALS ("CTA")** created under Republic Act No. 1125, as amended by Republic Act Nos. 9282 and 9503, with principal office address at CTA Building National Government Center, Agham Road, Diliman, Quezon City (hereinafter called "the Entity") represented by **ATTY. DANILO B. FERNANDO** of the one part and **TOYOTA OTIS, INC.** with office address at 1770 Paz M. Guazon St., Paco, Manila (hereinafter called "the Supplier") represented by **MS. YVONNE JAYCA NIETO** of the other part:


WHEREAS, on November 28, 2022, the Entity and the Supplier entered into a Contract for the Negotiated Procurement of Bid Project No. CTABAC2-2022-02, Procurement of One (1) Brand New Van in the sum of **Two Million Seven Hundred Ninety-Five Thousand Pesos (P2,795,000.00)**, inclusive of all applicable government taxes;


WHEREAS, the Supplier wrote a letter dated June 1, 2023 (**Annex A**) addressed to the Entity, informing the latter that the only available color of the unit subject of the aforementioned contract is Black instead of Shade of Pearl and that there is no assurance that the said color preference will be delivered within the set delivery date due to production and delivery constraints. The Supplier offered to deliver the unit in Black with a price adjustment for the color difference in the amount of **Five Thousand Pesos (P5,000.00)** thereby reducing the total contract price to **Two Million Seven Hundred Ninety Thousand Pesos (P2,790,000.00)**, inclusive of all applicable government taxes;


WHEREAS, the end-user unit in a letter dated June 1, 2023 (**Annex B**) accepted the offer of the Supplier regarding the change in the color of the unit to be delivered with the condition that all other items listed in the Technical Specifications of the Negotiated Procurement of Bid Project No. CTABAC2-2022-02 are complied with;


WHEREAS, the Manual of Procedures for the Procurement of Goods and Services allows the Procuring Entity to issue an Amendment to Order when there is an unforeseen contingencies arising during the project/contract implementation, and such contingencies have an impact on the procurement at hand;

NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING PREMISES, THE PARTIES hereby mutually agree to amend the original Contract dated November 28, 2023, as follows:


Joshua A. Libres
(Witness) Toyota Otis, Inc.



Amelita M. Landicho
(Witness) Court of Tax Appeals


Yvonne Jayca Nieto
Toyota Otis, Inc.



Danilo B. Fernando
Court of Tax Appeals

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.:
 - I. Invitation for Negotiation dated September 30, 2022;
 - II. Request for Quotation (RFQ) dated October 13, 2022 submitted by the Supplier, including eligibility requirements, Technical and Financial Proposals, and all other documents or statement submitted:
 - i. Schedule of Requirements stated in the RFQ;
 - ii. Technical Specifications stated in the RFQ; and
 - iii. General and Special Terms and Conditions including warranties stated in the RFQ.
 - III. Notice of Award of Contract; and the Supplier's conforme thereto;
 - IV. Performance Security;
 - V. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the RFQ. **Winning Supplier 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, and Warranty Security, shall likewise form part of the Contract;**
 - VI. Letter of Toyota Otis, Inc. dated June 1, 2023;
 - VII. Letter of the end-user addressed to Toyota Otis, Inc. dated June 1, 2023;
3. In consideration for the sum of **Two Million Seven Hundred Ninety Thousand Pesos (P2,790,000.00)**, inclusive of all applicable government taxes, the Supplier hereby agrees to supply and deliver One (1) Brand New Van to the CTA in accordance with the terms and conditions of the contract.
4. The Entity agrees to pay the above-mentioned sum in accordance with the terms and conditions of the contract.

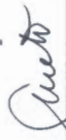
IN WITNESS whereof the parties hereto have caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines on the day and year first above written.



Joshua A. Libres
(Witness) Toyota Otis, Inc.



Amelita M. Landicho
(Witness) Court of Tax Appeals



Yvonne Jayca Nieto
Toyota Otis, Inc.



Danilo B. Fernando
Court of Tax Appeals



DANILO B. FERNANDO
Executive Clerk of Court IV

for:
COURT OF TAX APPEALS

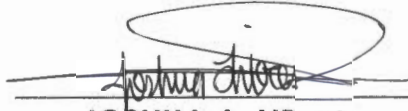

MS. YVONNE JAYCA NIETO
Marketing Professional

for:
TOYOTA OTIS, INC.

SIGNED IN THE PRESENCE OF:



AMELITA M. LANDICHO
Chief Judicial Staff Officer
Accounting Division



JOSHUA A. LIBRES
Marketing Professional

Acknowledgment

REPUBLIC OF THE PHILIPPINES)
QUEZON CITY, METRO MANILA) SS

BEFORE ME, a Notary Public, for and in the above jurisdiction, this
_____ day of 08 JUN 2023, personally appeared:

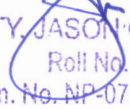
Name	Competent Evidence of Identity
DANILO B. FERNANDO	CTA ID No. 00640044
YVONNE JAYCA NIETO	LTO Driver's License No. N01-13-013416

known to me and to me known to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their free and voluntary act and deed and that of the judicial agency/company they respectively represent.

This instrument consisting of three (3) pages, including this page, has been signed by the parties and their witnesses on each and every page thereof.

WITNESS MY HAND AND SEAL this _____ day of 08 JUN 2023 in Quezon City, Metro Manila, Philippines.

Doc. No. 222 ;
Page No. 45 ;
Book No. 338 ;
Series of 2023 .


ATTY. JASON G. DE BELEN
Roll No. 36259
Adm. No. NP-070 Notary Public
Notary Public for Quezon City
My Commission expires on December 31, 2023
No. 7M Sgt. Borromeo St. cor. Panay Ave., Q.C.
IBP No. 259495; Q.C.; 1-3-2023
PTR No. 4007196; Q.C.; 1-3-2023
MCLE VII-0019570; 5-30-22



1770 Paz M. Guazon St.,
Paco, Manila
564- 1811 to 20 loc211 / 203

June 1, 2023

**Court of Tax Appeals
Ground Floor, CTA Building I
1101 Agaham Road
National Government Center
Diliman**

To Whom It May Concern:

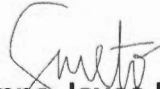
This is in connection with the Bid Project No. CTA BAC2-2022-02 entitled "**Procurement of One (1) Van**" in the amount of Php 2,795,000.00.

Relative to this, the undersigned would like to respectfully inform you that as of this day, Toyota Otis, Inc. has no available Toyota Hiace Super Grandia Leather with your preferred color specification – Shade of Pearl that there is no assurance that the said color preference will be delivered within the set delivery date due to **production and delivery constraints.**

In view of the foregoing, Toyota Otis Inc., would like to make a counter-offer for the delivery of a Black Van instead, which is compliant with all the technical specification and with the price adjustment for the color difference in the amount of Php 5,000.00

Hoping this will merit your favorable consideration.

Sincerely,


Yvonne Jayca Nieto
Toyota Otis Inc.



REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

June 1, 2023

MS. YVONNE JAYCA NIETO

Marketing Professional
Toyota Otis, Inc.
1770 Paz M. Guazon St.
Paco, Manila

Subject: Delivery of ONE (1) VAN in accordance with NTP dated
Nov. 28, 2022

Dear **Ms. Nieto**:

I write with regard to **CTABAC2-2022-02 "Procurement of One (1) Van"**, the **Notice to Proceed** for which was sent to and received by your office on November 28, 2022.

As stated in your letter dated June 1, 2023, the only available unit at Toyota Otis is **BLACK** instead of Shade of Pearl as indicated in the Technical Specifications of the Bid Project. Kindly note that, as the end-user, I accept the change in the color of the unit to be delivered, with the condition that all other items listed in the Technical Specifications are complied with. (See attached)

Given that the Court is now operating with 100% on-site work force, the most prompt delivery of the procured van would be appreciated. Should there be any concerns or questions, please do not hesitate to contact us.

Thank you for your assistance.

Very truly yours,

ROMAN G. DEL ROSARIO
Presiding Justice

Denick 6/2/23

