

CONTRACT AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____ 2024 between the **Bases Conversion and Development Authority (BCDA)**, a government instrumentality vested with corporate powers created by virtue of Republic Act (RA) No. 7227, as amended, with office address at the BCDA Corporate Center, 2nd Floor, Bonifacio Technology Center, 31st Street corner 2nd Avenue, Bonifacio Global City, Taguig City, represented by its President and CEO Engr. Joshua M. Bingcang, who is duly authorized for this purpose as evidenced by the Secretary's Certificate dated 29 April 2024, a copy of which is hereto attached as **Annex "A"** and **Atalian Global Services Philippines, Inc.** (the Service Provider) with principal place of business at Unit 1001 10th Floor Mega Tower EDSA, corner J. Vargas Avenue, Mandaluyong City, Philippines represented by its Authorized Representative, Mr. Jerry G. Cambal, who is duly authorized for this purpose as evidenced by the Secretary's Certificate dated 15 May 2024, a copy of which is hereto attached as **Annex "B"**;

WHEREAS, the Entity invited Bids for certain goods and ancillary services, particularly Procurement of a Service Provider for the Interim Operations and Maintenance (O&M) of the New Clark City (NCC) Sports Facilities under a Fifteen (15) - Month Service Contract and has accepted a Bid by the Supplier for the supply of those goods and services in the sum of **One Hundred Three Million Two Hundred Forty Thousand Two Hundred Eighty-Eight Pesos and 40/10 (Php103,240,288.40)**.

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.:
 - i. Philippine Bidding Documents (PBDs);
 - i. Schedule of Requirements;
 - ii. Technical Specifications;
 - iii. General and Special Conditions of Contract; and
 - iv. Supplemental or Bid Bulletins, if any
 - ii. 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;
 - iii. Performance Security;
 - iv. Notice of Award of Contract; and the Bidder's conforme thereto; and
 - v. 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 **One Hundred Three Million Two Hundred Forty Thousand Two Hundred Eighty-Eight Pesos and 40/10 (Php103,240,288.40)** or such other sums as may be ascertained, *Atalian Global Services Philippines, Inc.* agrees to *execute* Interim Operations and Maintenance (O&M) of the New Clark City (NCC) Sports Facilities under a Fifteen (15) - Month Service Contract in accordance with its Bid.

4. **BCDA** agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.
5. SERVICE PROVIDER has not made and will not make any offer, promise to pay authorization of the payment of any money, gift or any other inducement to any official, political party, employee of Government or any other person, in contravention with applicable laws in connection with the execution of this Contract and performance of its obligations thereunder. Violations of this provision shall be ground for immediate termination of this Contract.
6. SERVICE PROVIDER shall not assign this Contract or sub-contract the performance of any portion of it, without BCDA's prior written consent. Prior to the assignment or subcontracting and the approval by BCDA thereof, SERVICE PROVIDER must disclose to BCDA the name of its assignee/s or subcontractor who/which should have a written agreement/s with SERVICE PROVIDER indicating: (i) that the assignee/s or subcontractor/s is aware if and shall abide with all the terms and conditions of this Contract, as may be applicable; (ii) that the term of the assignment/sub-contract shall not exceed the term of this Contract; and (iii) the detailed of the assignment/sub-contract.
7. To ensure continuing compliance with tax laws pursuant to Executive Order No. 398:
 - a. SERVICE PROVIDER shall pay taxes in full and on time.
 - b. SERVICE PROVIDER is likewise required to regularly present, within the duration of the Contract, a tax clearance form the Bureau of Internal Revenue (BIR) as well as a copy of its income and business tax returns duly stamped and receive by the BIR and duly validated with the tax payments made thereon.
8. This Agreement was submitted for review and comment to the Office of the Government Corporate Counsel (OGCC) under Contract Review No. 410 series of 2024, whose comments and recommendations have been incorporated herein prior to execution by the Parties.

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.


ENGR. JOSHUA M. BINGCANG
President and Chief Executive Officer

for:

Bases Conversion and Development Authority



General Services Division
 FE2024-1719


MR. JERRY G. CAMBAL
Authorized Representative

for:

Atalian Global Services Philippines, Inc.

Signed in the presence of:


ATTY. GISELA Z. KALALO
Executive Vice President and COO


MARIANO P. PAGATPATAN
Chief Operational Officer





ACKNOWLEDGEMENT

Republic of the Philippines)
Taguig City) ss

BEFORE ME, a Notary Public, for and in Taguig City, personally appeared the following:

Name	Government Issued ID	Date/ Place Issued
JOSHUA M. BINGCANG	[REDACTED]	[REDACTED]
JERRY G. CAMBAL	[REDACTED]	[REDACTED]

known to me to be the same person who executed the foregoing instrument and they acknowledge to me that their signature confirm their own free acts and the entities they represent.

SIGNED AND SEALED on AUG 08 2024 in Taguig City, Philippines.

Doc. No. 473
Page No. 96
Book No. 4
Series of 2024 _____

[REDACTED]
ATTY. MARICEL C. CORONACION-SANTOS
NOTARY PUBLIC FOR AND IN TAGUIG CITY
NOTARIAL COMMISSION UNTIL DECEMBER 31, 2025
ROLL OF ATTORNEYS NO. 63834
IBP NO. 423744 / 1-16-2024 / RIZAL
PTR NO. 6089649 / 1-16-2024 / TAGUIG CITY
MCLE COMPLIANCE NO. VIII-0004912 / 11-20-2023

[REDACTED]

[REDACTED]

[REDACTED]

SECRETARY'S CERTIFICATE

Republic of the Philippines)
Taguig City) SS.

I, **CHRISTIAN T. DULDULAO**, of legal age, being the Corporate Secretary of the Bases Conversion and Development Authority (BCDA), with office address at the 2/F Bonifacio Technology Center, 31st Street corner 2nd Avenue, Bonifacio Global City, Taguig City, do hereby certify that on the occasion of the 655th Regular BCDA Board Meeting held on 11 April 2024, with a quorum being present, the Board of Directors, upon motion duly seconded, unanimously approved the following resolution:

Resolution No. 2024-04-041

Resolve, as it is hereby resolved, that the authority to proceed with the procurement of a Service Provider for the Interim Operations and Maintenance Services (O&M) of the New Clark City Sports Facility through public bidding with an Approved Budget for the Contract (ABC) of One Hundred Ten Million Six Hundred Sixty Four Thousand Pesos (Php110,664,000.00), inclusive of all applicable taxes and fees for fifteen (15) months service contract be, as it is hereby APPROVED.

Resolve further, as it is hereby further resolved, that the authority of the BCDA President and Chief Executive Officer (PCEO), or in his absence the Executive Vice President and Chief Operating Officer, or in the absence of both, the Officer-in-Charge of the Office of the PCEO to approved and sign the following documents for the subject stated procurement project be, as it is hereby APPROVED.

- a. Bidding Documents and Terms of Reference;
- b. Lowest Calculated and Responsive Bid / Single Calculated Responsive Bid;
- c. Notice of Award;
- d. Contract;
- e. Notice to Proceed
- f. Declaration of failure of bidding, if any; and
- g. All other documents related to the implementation of the Project.

This certification is being issued subject to the final approval of the Minutes of the 11 April 2024 BCDA Board Meeting.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 17th day of April 2024.


CHRISTIAN T. DULDULAO
Corporate Secretary

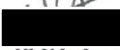
APR 29 2024

SUBSCRIBED AND SWORN to before me this _____ at
Taguig City, Philippines, by Atty. CHRISTIAN T. DULDULAO who exhibited to me his
Passport No. P8274275B, issued at DFA Manila on 24 November 2021 and valid until 23 November
2031.

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Book No. A
Series of 2024.

Purpose: For reference BCDA-PPMD-GSD
SC2024-042

YB2024-0183


ATTY. MARICEL C. CORONACION-SANTOS
NOTARY PUBLIC FOR AND IN TAGUIG CITY
NOTARIAL COMMISSION UNTIL DECEMBER 31, 2025
ROLL OF ATTORNEYS NO. 63834
IBP NO. 423744 / 1-16-2024 / RIZAL
PTR NO. 6089649 1-16-2024 / TAGUIG CITY
MCLC COMPLIANCE NO. VII-0005758 30 JULY 2021