

CONTRACT AGREEMENT

CONSULTING SERVICES FOR THE CONSTRUCTION MANAGEMENT AND SUPERVISION (CMS) OF THE DESIGN AND BUILD PROJECT FOR THE NATIONAL ACADEMY OF SPORTS (NAS) – PHASE 1 AT NEW CLARK CITY

THE PUBLIC IS INFORMED:

THIS AGREEMENT, made this ___ day of _____ 2021 by and between:

The **BASES CONVERSION AND DEVELOPMENT AUTHORITY**, a government instrumentality vested with corporate powers, duly organized and existing pursuant to Republic Act No. 7227, as amended, with principal office at BCDA Corporate Center, 2nd Floor Bonifacio Technology Center, 31st Street Crescent Park West, Bonifacio Global City, Taguig, Metro Manila, Philippines, represented herein by its President and Chief Executive Officer, **VIVENCIO B. DIZON**, duly authorized for this purpose under BCDA Board Resolution No. 2021-01-002, as evidenced by Secretary's Certificate dated 17 February 2021, hereto attached as **Annex "A"** and made an integral part hereof, and hereinafter referred to as "**BCDA**";

- and -

The **FILIPINAS DRAVO CORPORATION**, a company with principal office at V. Aurora St., Villa Aurora Subdivision, Brgy. Loyola Heights, Aurora Blvd., Quezon City, represented herein by its President and COO, **VIRGILIO G. DE ASIS**, duly authorized for this purpose as evidenced by Secretary's Certificate dated 16 July 2021 hereto attached as **Annex "B"** and made an integral part hereof, and hereinafter referred to as "**CONSULTANT**";

The **BCDA** and **CONSULTANT** shall be collectively referred to as "Parties", and each a "Party".

ANTECEDENTS

The Bases Conversion and Development Authority (BCDA) is implementing the New Clark City Project (NCC), a flagship project of the Government of the Republic of the Philippines. This 9,450-hectare metropolis is a planned city landscape north of Metro Manila that will host businesses, domestic and international trade, schools and hospitals, research and development entities, regional tourism centers, national government offices, and international headquarters.

On 09 June 2020, the Republic Act No. 11470 or the National Academy of Sports Act ("NAS Act") was created to establish the National Academy of Sports System (NAS System) for secondary education program integrated with a special curriculum on sports to be offered to natural-born Filipino citizens on a full scholarship basis.

The Sec. 5 and 21 of the NAS Act mandates the BCDA with critical undertakings towards the establishment of the NAS System by requiring the provision of the project site, undertake the construction and ensure that funding for the construction works is secured. thus:

(Section 5) Construction and Site of the NAS Main Campus "Provide the land for the site by way of usufruct in perpetuity", and "be in charge of the construction of classrooms, dormitories, and other sports facilities, and related amenities as may be determined by the Board of Trustees at the New Clark City campus".

(Section 21) Appropriations. Design and Build of the National Academy of Sports (NAS) - Phase 1 at New Clark City 40 "BCDA shall likewise immediately include in its procurement plan the construction of classrooms, dormitories, and other sports facilities and related amenities for the NAS main campus whose funding shall also be included in the General Appropriations Act."

BCDA divided the construction by phases to manage the works required and has conducted a competitive bidding for the procurement of Consulting Services for the Construction Management and Supervision (CMS) of the Design and Build Project for the National Academy of Sports (NAS) - Phase 1 at New Clark City. The Invitation to Bid was posted on 05 February 2021 at the PhilGEPS website but no bids were received and the Bids and Awards Committee for Consultancy declared a failure of Bidding on 16 February 2021.

On 30 April 2021, the Invitation to Bid was posted at the PhilGEPS website for the Re-Bidding of the same project. Only one (1) bid was received during the opening of bids conducted on 30 June 2021. After validation and verification of the submission, the **CONSULTANT** has been determined to have complied with

the eligibility requirements, and is responsive to all the requirements of the Project and the conditions as specified in the bidding documents. The Notice of Award was issued on 24 August 2021 and was received by the **CONSULTANT** on 25 August 2021.

BCDA is desirous that the **CONSULTANT** execute the Consulting Services for the Construction Management Supervision (CMS) of the Design and Build Project for the National Academy of Sports (NAS) - Phase 1 at New Clark City (NCC) (hereinafter called "the Services") and the **BCDA** has accepted the Bid for Pesos: **Twenty Seven Million Eight Hundred Twenty Thousand Eight Hundred and 00/100 (Php 27,820,800.00)** by the **CONSULTANT** for the execution and completion of such Consulting Services and the remedying of any defects therein.

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 hereinafter referred to.
2. The following documents shall be attached, deemed to form, and be read and construed as integral part of this Agreement, to wit:
 - (a) General and Special Conditions of Contract;
 - (b) Invitation to Bid;
 - (c) Instructions to Bidders;
 - (d) Bid Data Sheet;
 - (e) Addenda and/or Supplemental/Bid Bulletins, if any;
 - (f) BAC Resolutions;
 - (g) 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;
 - (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 **BCDA** to the **CONSULTANT** as hereinafter mentioned, the **CONSULTANT** hereby covenants with the **BCDA** to execute and complete the Consulting Services and remedy any defects therein in conformity with the provisions of this Contract in all respects.

4. The **BCDA** hereby covenants to pay the **CONSULTANT** in consideration of the execution and completion of the Consulting Services and the remedying of defects wherein, the Contract Price or such other sum 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 have caused this Agreement to be executed the day and year first before written.

**BASES CONVERSION AND
DEVELOPMENT AUTHORITY
(BCDA)**

By:


VIVENCIO B. DIZON
President and CEO




New Clark City - Engineering Division

ZE2021-0274

**FILIPINAS DRAVO
CORPORATION
(FDC)**

By:


VIRGILIO G. DE ASIS
President and COO

Signed in the Presence of:


Joshua M. Bingcang
Senior Vice President
Conversion and Development Group


Alfredo R. Revilla
Senior Vice President
Construction Management Supervision

ZE 2021 - 0274

ACKNOWLEDGMENT

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

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

| NAME | IDENTIFICATION DOCUMENT | DATE AND PLACE OF ISSUE |
|---------------------|--|---|
| Vivencio B. Dizon | ██ | Valid until ████████████████████ Manila |
| Virgilio G. De Asis | ██ | ████████████████████ PRC |

who represented to me that they are the same persons who signed and executed the foregoing Contract Agreement and acknowledged to me that the same is their free and voluntary act and deed, as well as of the entities herein represented.

I further certify that said Contract Agreement consisting of five (5) pages, including the page whereon this Acknowledgment is written and signed by the above-mentioned individuals and their witnesses.

SIGNED AND SEALED on OCT 01 2021 in Taguig City, Philippines.

Doc No. 417 ;
 Page No. 87 ;
 Book No. 02 ;
 Series of 2021.

MCS
 ATTY MARICEL C. CORONACION-SANTOS
 NOTARY PUBLIC FOR AND IN TAGUIG CITY
 NOTARIAL COMMISSION UNTIL DECEMBER 31 2021
 ROLL OF ATTORNEYS NO 83834
 IBP NO 1492918 1-07-2021 HIZAL
 PTR NO A-106446 1-07-2021 TAGUIG CITY
 MCLE COMPLIANCE NO VI-0014157 05 NOV 2018