

CONTRACT FOR THE ASEAN CONVENTION CENTER ROOF REPAIR WORKS

THE PUBLIC IS INFORMED:

This **Contract** is executed between:

BASES CONVERSION AND DEVELOPMENT AUTHORITY, a government instrumentality vested with corporate powers, created by virtue of Republic Act No. 7227, as amended, with principal office address at the BCDA Corporate Center, 2nd Floor Bonifacio Technology Center, 31st corner 2nd Avenue, Bonifacio Global City, Taguig City, represented herein by its Executive Vice President, **AILEEN ANUNCIACION R. ZOSA**, duly authorized for this purpose under Item 178 of the BCDA Manual of Approval duly approved by the BCDA Board on 22 November 2017, a copy of which is hereto attached as **Annex "A"**, hereinafter referred to as "**BCDA**";

- and -

ALMERIA INTERNATIONAL CONSTRUCTION CORPORATION, an entity duly organized and existing under the laws of the Republic of the Philippines, with office at 114 PNB Building, Barangay Kamuning Tomas Morato Avenue, Quezon City, represented herein by its Chief Executive Officer, **ALDWIN E. ALMERIA**, duly authorized for this purpose as evidenced by Secretary's Certificate dated _____, a copy of which is hereto attached as **Annex "B"**, hereinafter referred to as "**CONTRACTOR**".

Individually referred to as "Party" and collectively, as "Parties".

ANTECEDENTS

On 24 March 2020, Republic Act (RA) 11469 otherwise known as the "Bayanihan to Heal as One Act" ("Bayanihan Act") was enacted to combat the COVID-19 pandemic in the Philippines.

Pursuant to said law, President Rodrigo Roa Duterte was authorized to undertake the procurement of identified goods and services as exemptions from the provisions of RA No. 9184 or the Government Procurement Reform Act in response to the Declaration of a State of National Emergency due to the Coronavirus Disease 2019 (COVID-19) outbreak.

The Executive Secretary issued a Memorandum directing the DBM Secretary, who is likewise the Chairperson of the Government Procurement Policy Board (GPPB), to craft the guidelines for the conduct of procurement activities for the items exempted from RA No. 9184 under the Bayanihan Act.

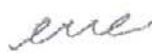
On 12 April 2020, GPPB Circular No. 01-2020 which provides the Guidelines for Emergency Procurement (EP) under the Bayanihan Act was approved to guide the Procuring Entities (PEs) in the conduct of Emergency Procurement under the Bayanihan Act and specifically summarizing the procurement procedures and requirements.



Pursuant thereto, BCDA is desirous to execute the Contract for the ASEAN Convention Center Roof Repair Works (hereinafter called "the Works") located at Clark Freeport Zone, Pampanga and BCDA has accepted the Bid for the amount of **TWO MILLION SEVEN HUNDRED NINE THOUSAND and 00/100 PESOS (PhP 2,709,000.00)** by the Contractor for the execution and completion of such Works and remedying of any defects therein.

ACCORDINGLY, for and in consideration of the foregoing premises, and in accordance with the stipulations and conditions hereinafter stated, the Parties hereby agree and bind themselves to the following:

1. In this Contract, 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 Contract, to wit:
 - (a) Project Requirements which shall include the following details: project name; approved budget for the contract (ABC); technical specifications, scope of work, or terms of reference; date of delivery or implementation; other relevant information that BCDA may require;
 - (b) Contractor's Bid;
 - (c) General Conditions of Contract;
 - (d) Special Conditions of the Contract;
 - (e) Contractor's updated file particularly mayor's or business permit, income tax returns or business tax returns; omnibus sworn statement (OSS); and other relevant documents.
 - (f) Drawings/ Plans;
 - (g) Specifications;
 - (h) Instructions to Contractor;
 - (i) Performance Security or Performance Bond;
 - (j) Notice of Award of Contract and the Contractor's conforme thereto; and
 - (k) Other contract documents and relevant requirements that may be required by existing laws and/ or BCDA.
3. In consideration of the payments to be made by BCDA to the Contractor as hereinafter mentioned, the Contractor hereby covenants with BCDA to execute and complete the Works and remedy any defects therein in conformity with the provisions of this Contract in all respects.
4. BCDA hereby covenants to pay the Contractor in consideration of the execution and completion of the Works and the remedying of defects therein, 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.



SIGNED BY THE PARTIES on _____ in Taguig City, Philippines.


BASES CONVERSION AND DEVELOPMENT AUTHORITY

ALMERIA INTERNATIONAL CONSTRUCTION CORPORATION

By:


AILEEN ANUNCIACION R. ZOSA
Executive Vice President


ALDWIN E. ALMERIA
Chief Executive Officer



Signed in the presence of: _____

ACKNOWLEDGMENT

Republic of the Philippines)
Taguig City)
ss.

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

Name	Competent Evidence of Identity	Date of Issue / Expiry	Place of Issue
Aileen Anunciacion R. Zosa	PASSPORT No. P0189020B	10 JAN 2019 / 09 JAN 2020	DFA MANILA
Aldwin E. Almeria	PASSPORT No. P2553957A	01 APR 2017 / 31 MAR 2022	DFA CALASIAO

who are known to me to be the same persons who executed the foregoing instrument and they acknowledged to me that the signatures they affixed confirm their voluntary act and the entities they represent.

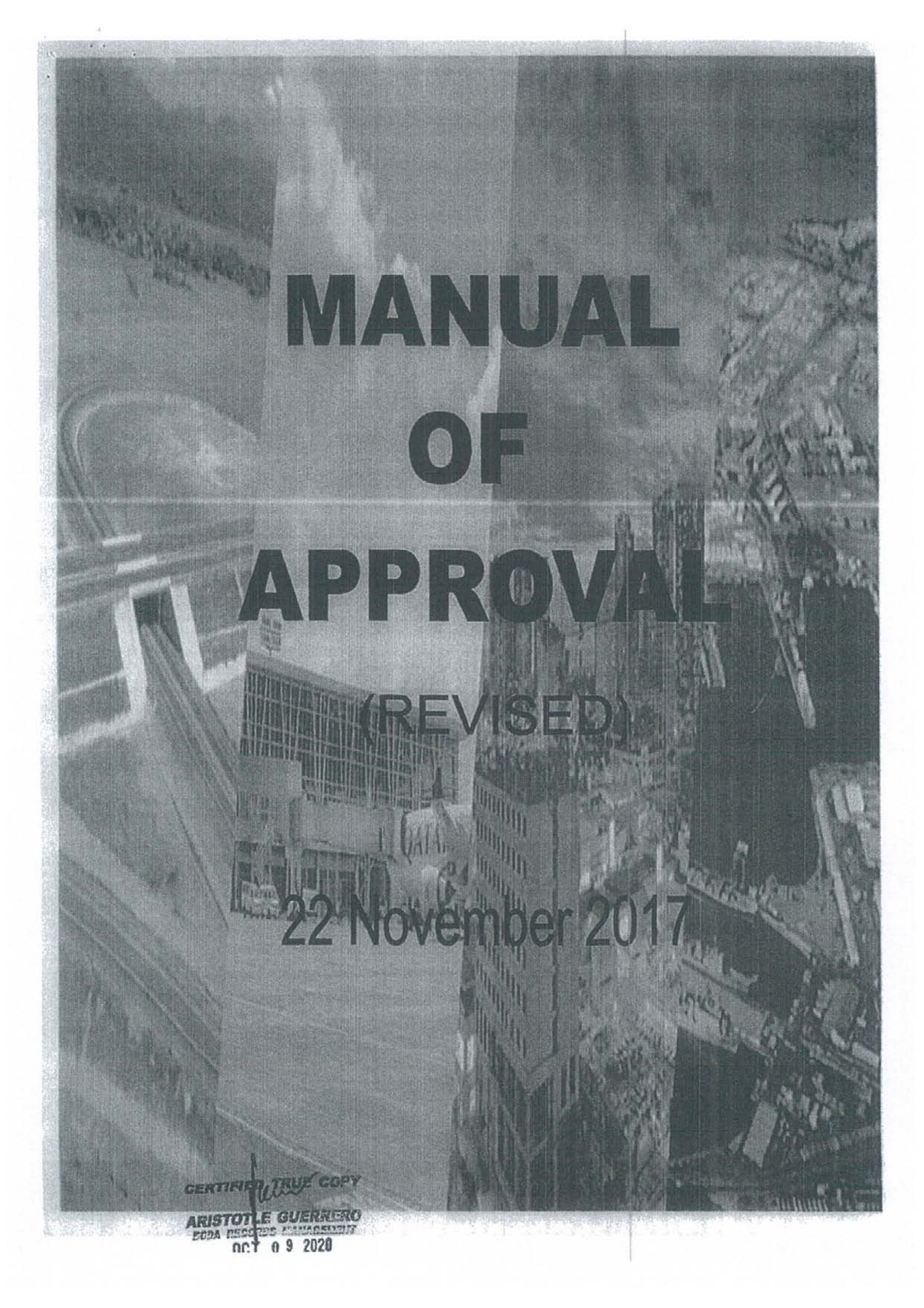
SIGNED AND SEALED on _____ in Taguig City, Philippines.

Doc. no. 188
Page no. 39
Book no. 02
Series of 2020


ATTY. MARICEL C. CORONACION-SANTOS
NOTARY PUBLIC FOR AND IN TAGUIG CITY
NOTARIAL COMMISSION UNTIL DECEMBER 31, 2021
ROLL OF ATTORNEYS NO. 63834
IBP NO. 100529 / 1-02-2020 / RIZAL
PTR NO. A-4751330 / 1-02-2020 / TAGUIG CITY
MCLE COMPLIANCE NO. VI-0014157 / 05 NOV 2018





An aerial, black and white photograph of a city. In the foreground, a large stadium with a curved roof is visible. The city extends into the distance with various buildings and streets.

MANUAL OF APPROVAL

(REVISED)

22 November 2017

CERTIFIED TRUE COPY

ARISTOTELE GUERRERO
202A RECORDS MANAGEMENT
OCT 09 2020



BASES CONVERSION AND DEVELOPMENT
AUTHORITY

Manual of Approval (REVISED)


PREPARED AND RECOMMENDED
BY THE MANUAL OF APPROVAL COMMITTEE:



AILEEN ANNUNCIACION R. ZOSA
Chairperson


NENA D. RADOC
Vice-Chairperson

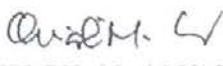
MEMBERS:


JOANNA EILEEN M. CAPONES


BLAISE MARIE ALARAS-MALABANAN


NANCY V. PAJE


CLEMENCIA P. VICENTE



VIRGIL M. ALVAREZ


EDUARDO G. POLICARPIO, JR.

SECRETARIAT:


QUEENNIE P. BAUTISTA 
MELINDA M. DOCALLOS 

APPROVED BY THE BCDA BOARD
(Board Resolution No. 2017-11-183)


VIVENCIO B. DIZON
President and CEO

CERTIFIED TRUE COPY

ARISTOTLE GUERRERO
BCDA RECORDS MANAGEMENT


	BASES CONVERSION AND DEVELOPMENT AUTHORITY	Page No. Page 26
	Manual of Approval	Issue No. 002
		BOD Approval Date 22 Nov. 2017

No.	Item	Upon Recommendation of, thru EVP/COO
	of Consulting Services	
161	Disposal through public bidding of Movable Properties considered unserviceable and serviceable but no longer needed as well as scrap materials (including authority to enter into negotiated sale) with an agency Appraised Value of above P10 Million	Disposal Committee/BAC for Disposal of unserviceable properties
162	Annual Physical Inventory Report of movable properties	Annual Inventory Committee/PPMD

FOR APPROVAL OF THE EXECUTIVE VICE PRESIDENT

No.	Item	Upon Recommendation of
	BUSINESS MANAGEMENT (covers BCDA assets/properties and assets/properties under BCDA administration, supervision, and disposition)	
163	Permits and licenses for utilities requiring the approval of BCDA	BDOG Head
	FINANCE MANAGEMENT	
164	Realignment of budget P3 Million and below, summary of approved realignments shall be reported to BOD on a quarterly basis	BD Head/FSG Head
165	Request for issuance of Heritage Park Certificates	TID Head
	LEGAL REVIEW	
166	Transmittal letter to OGCC for Contract Review/Approval/Legal Opinion (Signing)	GC
	SUBSIDIARIES, AFFILIATES, AND PROJECTS MONITORING	
167	Issuance of second letters for violations of the JV contract, COL and other business contracts	SAPMD Head
168	Communication to the Utility and Facility Operator in SCTEX on infractions, violations, and/or non-compliance (Signing)	SAPMD Head
	CORPORATE AFFAIRS	
169	Corporate Social Responsibility (CSR) Projects with a budget of below P500,000.00	CSG head
	ADMINISTRATIVE MATTERS	
170	Authority to pay/release regular BCDA benefits/incentives and benefits/incentives authorized by regulatory authorities/agencies (alternate of PCEO)	CSG Head

CERTIFIED TRUE COPY
ARISTOTLE GUERRERO
 BCDA RECORDS MANAGEMENT

	BASES CONVERSION AND DEVELOPMENT AUTHORITY	Page No. Page 27
	Manual of Approval	Issue No. 002
		BOD Approval Date 22 Nov. 2017

No.	Item	Upon Recommendation of
171	Vacation/Sick/Privilege Leave, within the Philippines for 15 days or more for all positions	Concerned Department Head through ODMD and CSG Head
172	Vehicle assignment/deployment to a particular office; use of vehicle to an office or entity, government or private, internal or external	CSG Head
173	Rehabilitation Leave on job-related injuries for all positions	CSG Head
174	Conduct of seminars, trainings, team building, and physical fitness activities	CSG Head
175	Request for new provision of mobile data or wi-fi as well as post-paid line and cellcard for ranks SG 24 and below	Concerned Group Head
176	Filing/Submission of claims for Directors and Officers Liability Fund (DOLF)	DOLF Committee (based on DOLF policy)
177	Performance Ratings of Group Heads, subject to review by P/CEO	
178	<p>Procurement covered by R.A. 9184 and its revised IRR for Goods with an ABC of above ₱1 Million to ₱10 Million and below as well as for Consulting Services and Infrastructure with an ABC of ₱10 Million and below:</p> <ol style="list-style-type: none"> Authority to procure Approved budget for the contract (ABC) Terms of Reference (TOR) Award of Contract BAC Resolution on re-bidding, authority to enter into negotiated procurement, use of alternative methods of procurement and delegation of authority to the concerned end-user or to the Procurement Division (involving goods) to process procurement using the allowed alternative methods of procurement, if applicable BAC Resolution on the ranking of shortlisted bidder/s and declaration of highest rated bid (HRB) for the procurement of Consulting Services with an ABC of ₱10 Million and below Contract Cancellation/termination of procurement, award, or contract Amendment to Order above ₱1 Million to ₱10 Million and below for Goods 	<p>Group Head of end-user (a, b, c, g, h, i, and j)</p> <p>BAC (d, e, f, and h)</p>

CERTIFIED TRUE COPY

ARISTOTLE GUERRERO
 BCDA RECORDS MANAGEMENT

REPUBLIC OF THE PHILIPPINES)
MAKATI CITY

) S.S.

SECRETARY'S CERTIFICATE

I, **ELAINE C. CORDOVA**, Filipino, of legal age and with office address at *114 Tomas Morato Ave., Brgy. Kamuning, Quezon City*, after having been duly sworn in accordance with law, hereby depose and state that:

1. I am the *Corporate Secretary* of **ALMERIA INTERNATIONAL CONSTRUCTION CORPORATION**, a corporation duly organized and existing under the laws of the Republic of the Philippines with principal office address as afore-stated;

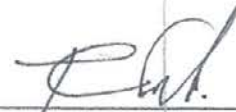
2. On 18 September 2020, a special meeting was held by the Board of Directors at the principal place of business of the corporation and wherein the said directors were present and acting throughout, the following resolutions were approved and adopted by the majority:

"RESOLVED, that the corporation duly designated **MR. ALDWIN E. ALMERIA**, as the official representative of **ALMERIA INTERNATIONAL CONSTRUCTION CORPORATION** and bind the corporation under such terms and conditions as they may deem acceptable and to negotiate, sign any documents, such as contracts, bids, necessary to complement such authority for the *ASEAN Convention Center Roof Repair Works located at ASEAN Convention Center, Clark Freeport Zone, Philippines*.

RESOLVED, FINALLY, that the foregoing have been duly presented to and approved by the Board of Directors of the corporation."

3. Said resolution was duly approved, existing and binding to the corporation, the same not having been revoked, altered, cancelled or modified whatsoever as of the date of this Certification.

AFFIANT FURTHER SAYETH NAUGHT.



ELAINE C. CORDOVA
Corporate Secretary

SEP 25 2020

SUBSCRIBED AND SWORN TO before me this _____ day of _____, affiant exhibiting to me her _____ issued on _____ at _____.

Doc. No. 3/6
Page No. 2/3
Book No. 3/3
Series of 2020.

RUBEN T.M. RAMIREZ
NOTARY PUBLIC
UNTIL DEC. 31, 2021
IBP NO. 093489 / 10-18-19 / CY2020
JLL NO. 28247 / RCLC-NO. VI-0020244 / 3-22-19
PTR NO. MKT. 8117044/1-2-20 APPT. NO. M-168
MAKATI CITY

AFFIDAVIT OF PAYMENT

I, **ALDWIN E. ALMERIA**, Filipino citizen, of legal age, Single and with office address at 114 Tomas Morato Ave., Brgy. Kamuning, Quezon City, after having been lawfully sworn to in accordance with law, hereby depose and state that:

1. I am the Chief Executive Officer of Almeria International Construction Corporation.
2. One of the projects of the company is the **ASEAN Convention Center Roof Repair Works** at ASEAN Convention Center, Clark Freeport Zone, Philippines.
3. All obligations of the company to its supplier of materials and to its workers were duly paid, and I guarantee that the owner of the building will not held liable for whatever claim by the third persons.
4. I am executing this affidavit to attest to the truth of all the foregoing and for whatever legal purpose this may serve.

NOV 25 2020

IN WITNESS WHEREOF, I hereunto affixed my hand this ___day of November 2020.



ALDWIN E. ALMERIA
Affiant

Republic of the Philippines)

QUEZON CITY) Sc.

SUBSCRIBED AND SWORN to before me this 25th day of November, 2020. Affiant exhibiting to me his Community Tax Certificate 06273894 issued at Quezon City, issued on February 24, 2020.



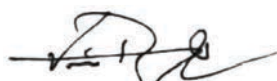
ATTY. CONCEPCION P. VILLAREÑA
Notary Public for Quezon City
Until December 31, 2021
PTR No. 9296041 – 1-2-2020/ QC
IBP No. 093586 – 10-22-2019/ QC
Roll No. 30457 – 05-09-80
MCLE VI – 0030379
Adm. Matter No. NP-001(2020-2021)
TIN No. 131-942-754

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CERTIFICATION

This is to certify that the project **“Roof Repair Works for the ASEAN Convention Center”** was undertaken as part of the mandates vested to the Bases Conversion and Development Authority under the Republic Act No. 11469 Bayanihan to Heal as One Act whereby the ASEAN Convention Center at the Clark Freeport Zone was identified and approved by the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) to be used as isolation or quarantine and medical treatment facilities for COVID-19 patients from Clark and nearby provinces.

This is to further certify that the Bases Conversion and Development Authority exerted all efforts to secure the most advantageous price government for the services required based on existing price data of the agency and through preliminary market scanning done by the agency showing prevailing market prices and practices.



VIVENCIO B. DIZON
President and CEO

**Omnibus Sworn Statement
For Emergency Procurement under Republic Act No. 11469
Otherwise known as the "Bayanihan to Heal as One Act"**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY ~~CITY OF ANGELES~~


AFFIDAVIT

I, **ALDWIN E. ALMERIA**, of legal age, *Single, Filipino*, and residing at *114 Tomas Morato Ave., Brgy. Kamuning, Quezon City*, after having been duly sworn in accordance with law, do hereby depose and state that:

1. I am the duly authorized and designated representative of *Almeria International Construction Corporation* with office address at *114 Tomas Morato Ave., Brgy. Kamuning, Quezon City*;
2. I am granted full power and authority to do, execute and perform any and all acts necessary and/or to represent the *Almeria International Construction Corporation* in the bidding as shown in the attached; duly notarized Special Power of Attorney, notarized Secretary's Certificate issued by the corporation or the members of the joint venture, whichever is applicable;
3. *Almeria International Construction Corporation* is not "blacklisted" or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board;
4. *Almeria International Construction Corporation* commits to submit all the mandatory documentary requirements in Item 4.1 of the Guidelines for the procurement Activities under RA No. 11469 or the *Bayanihan to Heal as One Act* at anytime before award of contract or after award but prior to payment of contract but before payment;
5. *Almeria International Construction Corporation* confirms that the posting of a performance security has been dispensed with due to the urgent need for the procurement covered by Republic Act (RA) No. 11469 or the *Bayanihan to Heal as One Act*. In lieu thereof, *Almeria International Construction Corporation* hereby commits to perform and deliver all of the obligations and undertakings, including the warranty provisions under the contract covering the procurement at hand. *Almeria International Construction Corporation* further agrees and accepts that failure to perform or deliver any of such obligations and undertakings shall result in Blacklisting of *Almeria International Construction Corporation* for two (2) years in all government procurement activities following the procurement under the Guidelines for the Procurement Activities under RA No. 11469 or the *Bayanihan to Heal as One Act*. Moreover, in case advance payment was made or given, failure to perform or deliver any of said obligations and undertakings shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 Act No. 3815 s. 1930, as amended, or the Revised Penal Code;

6. *Almeria International Construction Corporation* for a period stipulated in the contract covering the procurement at hand that the Goods or Infrastructure projects to be delivered shall be free from defects and conform with quality standards and technical specifications of the said contract;
7. Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;
8. *Almeria International Construction Corporation* is authorizing the Head of the Procuring Entity or its duly authorized representative(s) to verify all the documents submitted;
9. None of the officers, directors, and controlling stockholders of *Almeria International Construction Corporation* is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;
10. *Almeria International Construction Corporation* complies with existing labor laws and standards;
11. *Almeria International Construction Corporation* is aware of and has undertaken the following responsibilities as a Bidder:
 - a) Carefully examine all of the Bidding Documents;
 - b) Acknowledge all conditions, local or otherwise, affecting the implementation of the Contract;
 - c) Made an estimate of the facilities available and needed for the contract to be bid, if any; and
 - d) Inquire or secure Supplemental/Bid Bulletin(s) issued for the *ASEAN Convention Center Roof Repair Works located at ASEAN Convention Center, Clark Freeport Zone, Philippines*
12. *Almeria International Construction Corporation* did not give or pay directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.

IN WITNESS WHEREOF, I have hereunto set my hand this SEP 01 2020 day of 1 2020 at CITY OF ANGELES Philippines.



ALDWIN E. ALMERIA
Bidder's Representative/Authorized Signatory

SUBSCRIBED AND SWORN to before me this SEP 01 day 2020 August 2020 at CITY OF ANGELES Philippines. Affiant/s is/are personally known to me and was/were identified by me through competent evidence of identity as defined in the 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC). Affiant/s exhibited to me his Passport, with his photograph and signature appearing thereon, with no. P2553957A and his/her Community Tax Certificate No. 06273894 issued on Feb. 24, 2020 at Quezon City.

Witness my hand and seal this SEP 01 day 2020 August 2020.

NAME OF NOTARY PUBLIC

Serial No. of Commission _____

Notary Public for _____ until _____

Roll of Attorneys No. _____

PTR No. __, [date issued], [place issued]

IBP No. __, [date issued], [place issued]

MCLE No. _____

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Series of 2020



RODOLFO S. UYENGCO, ESQ.
Notary Public
Until Dec. 31, 2021
Com. SN-2019-803/A.C.
IBP No. 095853/13/27/19/CSF(P)
PTR No. AC-1469547/12-23-19
Atty's Roll No. 10798
MCLE Corp. No. VI-0009930
J&oville Building, McArthur Highway,
Sto. Domingo, Angeles City
Tel. No. 901-0932