

**CONTRACT FOR THE DESIGN, BUILD, AND ESTABLISHMENT OF THE  
NATIONAL FIBER BACKBONE - PHASE I**

THE PUBLIC IS INFORMED:

This Contract, made this 26<sup>th</sup> day of May 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. 2021-01-009, as evidenced by Secretary's Certificate dated 01 May 2021 hereto attached as Annex "A" and made an integral part hereof, and hereinafter referred to as "**BCDA**";

and

The **NET PACIFIC, INC. / COMCLARK NETWORK AND TECHNOLOGY CORPORATION / TRENDS AND TECHNOLOGIES, INC. JOINT VENTURE**, with principal office at Manuel Roxas Ave., Clark Special Economic Zone (CSEZ), Clarkfield, Angeles City, represented herein by its Authorized Managing Officer, **CECIL S. GARCIA**, duly authorized for this purpose evidenced by its Joint Resolution dated 11 March 2021 hereto attached as Annex "B" and made an integral part hereof, and hereinafter referred to as "**CONTRACTOR**";



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


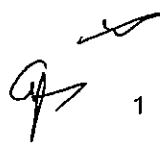

**ANTECEDENTS:**

BCDA, being a major stakeholder of the National Broadband Plan (NBP) of the Department of Information and Communications Technology (DICT) has been entrusted and authorized by the DICT to undertake the procurement of the National Fiber Backbone Phase 1 ("NFB-Phase 1) and closely-related projects or undertakings through a Memorandum of Agreement (MOA) dated 29 December 2020. BCDA shall be compensated for its services and reimbursed of any costs it may incur in the performance of its duties under the MOA.

On 11 February 2021, the parties executed a Supplemental MOA for the transfer of additional funds to BCDA for the NFB – Phase 1.

BCDA has conducted a competitive bidding for the Design, Build, and Establishment of the National Fiber Backbone - Phase 1 (hereinafter called the "Works") in accordance with Republic Act (RA) 9184 and its Revised Implementing Rules and Regulations.

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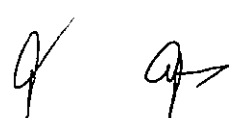
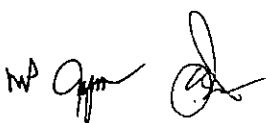
The Contractor has been determined to have complied with the eligibility requirements and is responsive to all the requirements of the Project, as well as the conditions specified in the bidding documents.

BCDA is desirous that the Contractor execute the Design, Build, and Establishment of the National Fiber Backbone - Phase I (hereinafter called "the Works") and the BCDA has accepted the Bid for **PESOS: One Billion Twenty-Five Million Nine Hundred Eighty-Eight Thousand One Hundred Ninety-Five and 75/100 (PhP1,025,988,195.75)**, inclusive of all applicable taxes and fees, by the Contractor for the execution and completion of such Works and the remedying of any defects therein.

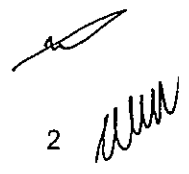
ACCORDINGLY, the Parties agree as follows:

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 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), (Annex "C");
    - a. Schedule of Requirements;
    - b. Technical Specifications;
    - c. General and Special Conditions of Contract; and
    - d. Supplemental or Bid Bulletin, if any.
  - ii. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted, (Annex "D");

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, (Annex "E");
  - iv. Notice of Award of Contract and the Bidder's conforme thereto, (Annex "F"); 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, (Annex "G").



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- d. In consideration for the sum of **PESOS: One Billion Twenty-Five Million Nine Hundred Eighty-Eight Thousand One Hundred Ninety-Five and 75/100 (PhP1,025,988,195.75)**, inclusive of all applicable taxes and fees, or such other sums as may be ascertained, **Net Pacific, Inc. / Comclark Network and Technology Corporation / Trends and Technologies, Inc. Joint Venture** agrees to Design, Build, and Establishment of the National Fiber Backbone - Phase 1 in accordance with its Bid.
- e. BCDA agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

SIGNED by the Parties on 06 May 2021 in TAGUIG CITY, Philippines.

**BASES CONVERSION AND DEVELOPMENT AUTHORITY**

**NET PACIFIC, INC. / COMCLARK NETWORK AND TECHNOLOGY CORPORATION / TRENDS AND TECHNOLOGIES, INC. JOINT VENTURE**

By:

By:



**VIVENCIO B. DIZON**

President and Chief Executive Officer



Office of the Executive Vice President  
  
**BA2021-0062**



**CECIL S. GARCIA**

Authorized Managing Officer

Signed in the Presence of:

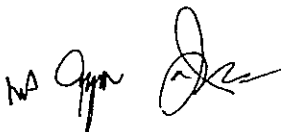
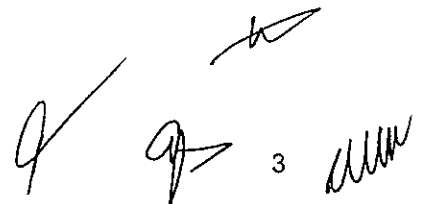


**EMMANUEL REY R. CAINTIC**

Undersecretary for Digital Philippines,  
 Department of Information and Communications Technology



**MELINDA M. DAVID**  
 TEAM HEAD  
 COMCLARK NETWORK & TECHNOLOGY CORP.

ACKNOWLEDGMENT

Republic of the Philippines)  
          TAGUIG CITY          ) S.S.


BEFORE ME, a Notary Public for and in           TAGUIG CITY          , personally appeared the following:

NAME	IDENTIFICATION DOCUMENT	DATE AND PLACE OF ISSUE
VIVENCIO B. DIZON		
CECIL S. GARCIA		


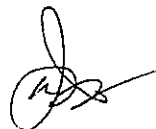
Who are personally known to me and who represented to me that they are the persons who signed and executed the foregoing Contract and acknowledged to me that the same is their free and voluntary act and deed, as well as of the entities herein represented.




SIGNED AND SEALED on           MAY 12 2021           in           TAGUIG CITY          , Philippines.

Doc No.   35   ;  
Page No.   8   ;  
Book No.   34   ;  
Series of 2021.

  
ATTY. EDUARDO P. BAROT  
Notary Public for Taguig, Roll No. 36248  
Commission No. 3 Until December 31, 2022  
PTR No. 4578428/01.04.21/Mandaluyong City  
IBP Lifetime Member No. 013895/06.02.15/ RSM  
MCLE Compliance No. VI-0007875 /04.14.22/  
3/F Bonifacio Technology Center 31st Street  
Corner 2nd Avenue Crescent Park West  
Global City Taguig City, Philippines

UNCONTROLLED WHEN PRINTED OR EMAILED

  
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