

CONTRACT AGREEMENT

Design and Build of the National Academy of Sports - Phase 1

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 corner 2nd Avenue, 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. 2001-01-002, 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 **HILMARC’S CONSTRUCTION CORPORATION**, a company with principal office at #1835 E. Rodriguez Sr. Avenue, Cubao, Quezon City, represented herein by its Chairman of the Board, **EFREN M. CANLAS**, duly authorized for this purpose under Hilmarc’s Construction Corporation Board Resolution No. HCC 21-0108-001, as evidenced by Secretary’s Certificate dated 05 February 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

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."*

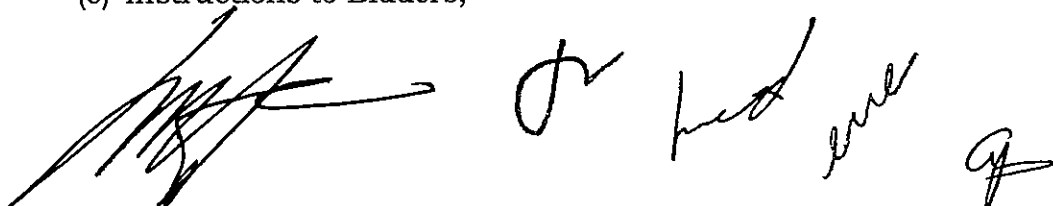
BCDA divided the construction by phases to manage the works required and has conducted a competitive bidding for the procurement of the Design and Build of the National Academy of Sports (NAS) - Phase 1 at New Clark City. The Invitation to Bid was posted on 25 January 2021 at the PhilGEPS website. A total of four (4) bids were received during the opening of bids for the Design and Build of the National Academy of Sports (NAS) - Phase 1 at New Clark City conducted on 12 March 2021.

The **CONTRACTOR** 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 to the **CONTRACTOR** on 06 June 2021.

BCDA is desirous that the **CONTRACTOR** execute the Design and Build of the National Academy of Sports (NAS) - Phase 1 at New Clark City (hereinafter called "the Works") and the **BCDA** has accepted the Bid for **Pesos: Five Hundred Fifty Seven Million Eight Hundred Seven Thousand One Hundred Twenty One and 50/100 (Php 557,807,121.50)** by the **CONTRACTOR** for the execution and completion of such Works 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) Drawings/Plans;
 - (c) Specifications;
 - (d) Invitation to Bid;
 - (e) Instructions to Bidders;



- (f) Bid Data Sheet;
- (g) Addenda and/or Supplemental/Bid Bulletins, if any;
- (h) 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;
- (i) Eligibility requirements, documents and/or statements;
- (j) Performance Security;
- (k) Notice of Award of Contract and the Bidder's conforme thereto;
- (l) 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 **CONTRACTOR** as hereinafter mentioned, the **CONTRACTOR** hereby covenants with the **BCDA** to execute and complete the Works (Design and Build of the National Academy of Sports (NAS) - Phase 1 at New Clark City) and remedy any defects therein in conformity with the provisions of this Contract in all respects.
4. The **BCDA** hereby covenants to pay the **CONTRACTOR** in consideration of the execution and completion of the Works 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



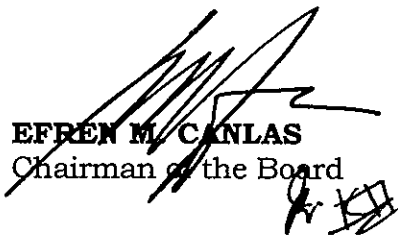
New Clark City - Engineering Division

 ZE2021-0179

HILMARC'S CONSTRUCTION CORPORATION

(HCC)

By:

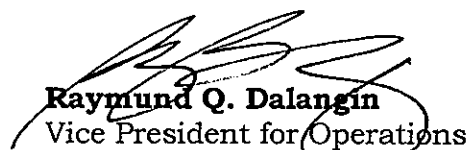


EFREN M. CANLAS
Chairman of the Board

Signed in the Presence of:



Joshua M. Bingcang
Senior Vice President-CDG



Raymund Q. Dalangin
Vice President for Operations



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

NAME	IDENTIFICATION DOCUMENT	DATE AND PLACE OF ISSUE
Vivencio B. Dizon	Phil. Passport No. 101-91-12297	08/10/2011
Efren M. Canlas	PRC License No. 0010011	08/10/1977

who represented to me that they are the same persons who signed and executed the foregoing Framework 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 Framework Agreement consists of four (4) pages including the page whereon this Acknowledgment is written and signed by the above-mentioned individuals and their witnesses.

SIGNED AND SEALED on AUG 03 2021 in Taguig City, Metro Manila, Philippines.

Doc No. 395 ;
Page No. 80 ;
Book No. 02 ;
Series of 2021.

MFS
 ATTY MARIFFEL C. CORONACION-SANTOS
 NOTARY PUBLIC FOR THE REGIONAL BAR COUNCIL
 NOTARIAL COMMISSIONER WITH EFFECTIVE 31 2021
 RULE OF ATTORNEYS NO. 01610
 BEHOLDENESS 107 2021 0724
 PTR NO. A-001141 100 2011 TAGUIG CITY
 MCLE COMPLIANCE NO. VI-0014157 05 NOV 2018

[Handwritten signatures]