

## CONTRACT AGREEMENT

### SUPPLY, DELIVERY AND INSTALLATION OF ANCILLARY EQUIPMENT FOR SEWAGE AND DRAINAGE SYSTEM FOR THENATIONAL ACADEMY OF SPORTS (NAS) – PHASE 1 AT NEW CLARK CITY

THE PUBLIC IS INFORMED:

THIS AGREEMENT made the \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ by and between:

**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 Office, 2<sup>nd</sup> Floor Bonifacio Technology Center, 31<sup>st</sup> street corner 2<sup>nd</sup> Avenue, Bonifacio Global City, Metro Manila, Philippines, represented herein by its President and CEO, **AILEEN ANUNCIACION R. ZOSA**, duly authorized for this purpose under BCDA Board Resolution No. \_\_\_\_\_ as evidenced by its Secretary's Certificate dated \_\_\_\_\_ hereto attached as **Annex "A"** and made an integral part hereof, and hereinafter referred as "BCDA";

- and -

The **ECOSYSTEM TECHNOLOGIES INTERNATIONAL (ESTII), INC.**, a company with principal office at Unit 2401-2402, 24<sup>th</sup> Floor Citynet Central, 298-B EDSA corner Sultan Street, Brgy. Highway Hills, Mandaluyong City Metro Manila represented herein by its Chief Executive Officer, **NATHANIEL C. DELGADO** duly authorized for this purpose as evidenced by Secretary's Certificate dated \_\_\_\_\_ 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.** “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 Goods and Equipment for the National Academy of Sports (NAS) – Phase 1 at New Clark City. The Invitation to Bid was posted on 01 July 2022 at the PhilGEPS website and published on a newspaper (Business Mirror) last 08 July 2022. Only one (1) bid was received during the opening of Bids conducted on 29 July 2022. After validation and verification of the submission, 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 on 05 September 2022 and was received by the CONTRACTOR on 29 September 2022. However, on 05 October 2022, the BCDA issued a letter to the CONTRACTOR, suspending the execution of Contract in compliance with Memorandum Circular (MC) No.3, series of 2022 and was received by the CONTRACTOR on 14 October 2022. On 09 November 2022, BCDA issued a letter to the CONTRACTOR, resuming the execution of Contract in compliance with Memorandum Circular (MC) No.9, series of 2022 and was received by the CONTRACTOR on 15 November 2022.

BCDA is desirous that the CONTRACTOR execute the supply, delivery and installation of the **Ancillary Equipment for Sewage and Drainage System** for the NAS – Phase 1 at New Clark City (hereinafter called “the Goods”) and the BCDA has accepted the Bid for Pesos: **Ten Million Seven Hundred Forty Four Thousand Six Hundred Twenty-Five Pesos and 81/100 (Php10,744,625.81)** by the CONTRACTOR for the execution and completion of the supply, delivery and installation of Goods and Equipment 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 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;

*no*

*Handwritten signatures and initials: N, [unclear], [unclear], L, 8*

*Handwritten signature*

- 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 **Ten Million Seven Hundred Forty-Four Thousand Six Hundred Twenty-Five Pesos and 81/100 (Php10,744,625.81)** or such other sums as may be ascertained, **ECOSYSTEM TECHNOLOGIES INTERNATIONAL (ESTII), INC.** agrees to supply, deliver and install ancillary equipment for sewage and drainage system for the National Academy of Sports (NAS) – Phase 1 in accordance with his/her/its Bid.
  4. BCDA agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.

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)**

**ECOSYSTEM TECHNOLOGIES INTERNATIONAL (ESTII), INC. (CONTRACTOR)**

By:

By:

*Aileen Anunciacion R. Zosa*  
**AILEEN ANUNCIACION R. ZOSA**  
 President and CEO

*Nathaniel C. Delgado*  
**NATHANIEL C. DELGADO**  
 Chief Executive Officer



Signed in the Presence of:

\_\_\_\_\_

*[Signature]*  
 \_\_\_\_\_

*[Handwritten initials]* *[Handwritten signature]* *[Handwritten number 8]*

**ACKNOWLEDGEMENT**

REPUBLIC OF THE PHILIPPINES)  
City of Taguig City ) S.S.

BEFORE ME, a Notary Public for and in the City of Taguig City, Philippines  
this    day of DEC 24 2022 personally appeared the following:

NAME	GOVERNMENT ID PRESENTED	DATE/PLACE OF ISSUE
AILEEN ANUNCIACION R. ZOSA		

Known to me to be the same persons who executed the foregoing instruments, and they acknowledged to me that the signatures they affixed confirm their voluntary acts and the entities they represent

This instrument dominated as Contract Agreement, consisting of        ( ) pages, including the page where this Acknowledgement is written, has been signed in the left margin of each page and every page by the parties and their witnesses, and sealed with my notarial seal.

SIGNED AND SEALED at the place and on the date stated above.

Doc. No. 278 ;  
Page No. 57 ;  
Book No. 03 ;  
Series of 2022.

*MST*  
Notary Public  
ATTY. MARICEL C. CORONACION-SANTOS  
NOTARY PUBLIC FOR AND IN TAGUIG CITY  
NOTARIAL COMMISSION UNTIL DECEMBER 31, 2023  
ROLL OF ATTORNEYS NO 63834  
IBP NO 178142 / 2-14-2022 / RIZAL  
PTR NO A-5395113 / 02-03-22 / TAGUIG CITY  
MCLE COMPLIANCE NO. VII-0005758 30 JULY 2021

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**ACKNOWLEDGEMENT**

REPUBLIC OF THE PHILIPPINES)  
City of Mandaluyong City S.S.

BEFORE ME, a Notary Public for and in the City of Mandaluyong City, Philippines this  
day of DEC 01 2022 2022 personally appeared the following:

NAME	GOVERNMENT ID PRESENTED	DATE/PLACE OF ISSUE
<b>NATHANIEL C. DELGADO</b>		

Known to me to be the same persons who executed the foregoing instruments, and they acknowledged to me that the signatures they affixed confirm their voluntary acts and the entities they represent

This instrument dominated as Contract Agreement, consisting of \_\_\_\_\_ ( ) pages, including the page where this Acknowledgement is written, has been signed in the left margin of each page and every page by the parties and their witnesses, and sealed with my notarial seal.

SIGNED AND SEALED at the place and on the date stated above.

Doc. No. 240 ;  
Page No. 49 ;  
Book No. 129 ;  
Series of 2022

Notary Public

**ATTY. JAMES K. ABUGAN**  
Notary Public  
Appt. No. 0442-21 Until Dec. 31, 2022  
IBP No. 175123 01/06/2022 Rizal Chapter  
Roll No. 25890 Lifetime  
MCLE No. VII-0020184 Until 4/14/2025  
TIN No. 116-239-956  
PTR No. 4871351 / 01-06-2022  
Mandaluyong City Tel. No. 02-85452321

*Handwritten mark*