

FORM OF CONTRACT AGREEMENT

THIS AGREEMENT, made this 19 AUG 2023 day of August, 2023 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 BCDA Corporate Center, 2nd Floor Bonifacio Technology Center, 31st Street Corner 2nd Avenue, Bonifacio Global City, Taguig City, represented herein by its President and CEO, **JOSHUA M. BINGCANG**, who is duly authorized for this purpose under item 159 of the Revised Manual of Approval dated 22 November 2017, a copy of which is hereto attached as *Annex "A"*, hereinafter referred to as "**BCDA**";

- and -

E&R BUILDERS AND MANAGEMENT SERVICES, INC., a private corporation duly organized and existing under the laws of Republic of the Philippines, with office address at Regus Marco Polo Centre, 19/F Marco Polo Ortigas Manila, Sapphire Road, Ortigas Center, Pasig City 1600, represented herein by its President & CEO, **EDGARDO C. RODRIGUEZ**, who is duly authorized for this purpose as evidenced by a Secretary's Certificate, dated 04 May 2023, a copy of which is hereto attached as *Annex "B"*, hereinafter referred to as "**CONSULTANT**".

ANTECEDENTS

Republic Act (RA) No. 7227, otherwise known as the Bases Conversion and Development Act of 1992, as amended, transferred the ownership of certain portions of Fort Bonifacio in Taguig City to BCDA for development and disposition, in order to raise funds for the Armed Forces of the Philippines (AFP) Modernization Program, as well as for the development of other former US Military Bases into alternative productive civilian uses.

In the exercise of its mandate, BCDA executed a Joint Venture Agreement (JVA) with SM Prime Holdings on 10 August 2018, for the privatization and development of the Bonifacio South Pointe (BSP) Property, a 33.13-hectare property which is currently occupied by the Philippine Navy (PN) and the Philippine Marine Corps (PMC) Facilities.

To implement the planned development and disposition of the BSP Property, there is a need to relocate the PN and PMC facilities.

By virtue of the Memorandum of Agreement (MOA) executed between BCDA and DND/AFP-PN, PN Facilities shall be relocated to the 25-hectare area of the Bonifacio Naval Station (BNS) Lot 1, while the PMC facilities shall be transferred to the 100-hectare area in Morong Discovery Park, formerly known as the Bataan Technology Park (BTP).

Under the said MOA, BCDA shall be responsible for the procurement of the Design

Consultant to prepare the designs, drawings, and technical specifications for the PMC Offices and PN quarters, structures/facilities, and utilities, subject to the approval of DND/AFP-PN; and shall be responsible for executing the functional replication of said facilities as per the approved design, drawings, and specifications.

The implementation of the Detailed Architectural and Engineering Design (DAED) for the PMC facilities in Morong Discovery Park was divided into phases, with phase 1 further divided into three (3) packages.

In compliance with Republic Act (R.A.) No. 9184 and its Revised Implementing Rules and Regulations, the bidding for the procurement of the contractor for construction of various structures and facilities within the 100-hectare area in Morong Discovery Park (Phase 1, Packages 2 and 3) was conducted and subsequently awarded last December 2021.

BCDA is in the process of procurement for the construction of Package 1 or the construction of Roads, Utilities and Preparatory Works at Morong Discovery Park (the Project), thereby necessitating the procurement of a Construction Management and Supervision (CMS) Consultant to manage the daily activities of the Project (the Consulting Services).

The procurement of the Consulting Services was posted on the BCDA and PHILGEPS website on 21 January 2023

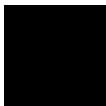
The Consultant has submitted its bid and, upon evaluation and post qualification by the Bids and Awards Committee for Consulting Services (BAC-C) following the Implementing Rules and Regulations of Republic Act 9184, has been determined to be the bidder that has submitted the Highest Rated and Complying Bid.

BCDA issued a Notice of Award on 14 July 2023 in favor of the Consultant.

ACCORDINGLY, BCDA and the Consultant agrees to execute the Contract for Consulting Services in the amount of **Pesos: Forty Million Two Hundred Forty Nine Thousand Nine Hundred Ninety-Eight and 29/100 (Php 40,249,998.29)**.

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 part of this Agreement, to wit:
 - (a) General and Special Conditions of Contract;
 - (b) Terms of Reference
 - (c) Request for Expression of Interest;
 - (d) Instructions to Bidders;



- (e) Bid Data Sheet;
 - (f) Addenda and/or Supplemental/Bid Bulletins, if any;
 - (g) Bid forms, including all the documents/statements contained in the Bidder's bidding envelopes, as annexes, and all other documents/statements 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 BCDA to the Consultant as hereinafter mentioned, the Consultant hereby covenants with the Entity to execute and complete the Consulting Services and remedy any defects therein in conformity with the provisions of this Contract in all respects.
 4. BCDA hereby covenants to pay the Consultant in consideration of the execution and completion of the Consulting Services, 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.
 5. Any amendment, modification or additional terms and conditions to this Contract shall be made in writing and executed with the same formalities hereof, provided that such amendments, modifications, or changes do not alter the basic parameters, financial and/or technical terms and conditions of the Agreement.
 6. The Consultant shall hold BCDA free and harmless from any claim involving the act of negligence of the Consultant, their stakeholders, officers, personnel, agents, or representatives in the performance of their duties under the Contract.
 7. The Consultant is required to perpetually ensure the confidentiality of all information and documents received from BCDA. Such obligation shall extend to its stakeholders, officers, personnel, agents, and representatives.
 8. Upon expiration or termination of the Contract, the Consultant shall turn over all documents, paraphernalia, or equipment which it may have received from BCDA in the course of its obligations under the Contract within 30 calendar days from the date of the expiration or termination and without need of demand.



IN WITNESS whereof the parties thereto have caused this Agreement to be executed the day and year first before written.

BASES CONVERSION AND DEVELOPMENT AUTHORITY

By:

[Redacted Signature]

JOSHUA M. BINGCANG
President and CEO

E&R BUILDERS AND MANAGEMENT SERVICES, INC.

By:

[Redacted Signature]

EDGARDO C. RODRIGUEZ
President & CEO

BCDA Engineering and Social Support Department
Bases Conversion and Developers Authority
DE2023 - 0660

Signed in the presence of:

[Redacted Signature]

GISELA Z. KALALO
Executive Vice President


[Redacted Signature]

MARIA REYCELLE M. RODRIGUEZ
VP - Administration

ACKNOWLEDGMENT

Republic of the Philippines)
Taguig City **MARIKINA CITY**) ss.

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

Name	Government Issued ID	Date/Place Issued
JOSHUA M. BINGCANG		
EDGARDO C. RODRIGUEZ 	Philippine passport # P5992387A	Feb 10, 2018 / Legazpi City

known to me to be the same persons who executed the foregoing instrument and they acknowledge to me that their signatures confirm their own free acts and the entities they represent.

SIGNED AND SEALED on 19 AUG 2023 in Taguig City, Philippines **MARIKINA CITY**



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ATTY. VENER C. MALABANAN III
Notary Public
Until December 31, 2023
Appointment No. 96 (2022-2023) Marikina City
PTR No. 0880762/01-13-2023/Manila City
IBP No. 268647/01-04-2023
Roll No. 45118
MCLE Compliance No. VII-0028620
Issued on 04-14-2023 valid until 04-14-2025
No. 6 Mariano Arcade, Gunting Street,
Midtown San Roque, Marikina City
Mobile No. 0917-826-1220

