

CONTRACT AGREEMENT CONSULTING SERVICES FOR THE NEW CLARK CITY WEBSITE HOSTING AND MAINTENANCE

This **CONTRACT** is executed between:

The **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, 2/F Bonifacio Technology Center, 31st Street corner 2nd Avenue, Bonifacio Global City, Taguig City, represented herein by its Officer-In-Charge of the Office of the Executive Vice President, **ATTY. GISELA Z. KALALO**, duly authorized for this purpose under the *BCDA Manual of Approval - Item 178*, a copy of which is hereto attached as *Annex "A"*, hereinafter referred to as "**BCDA**";

- and -

The **THINKBIT SOLUTIONS PHILIPPINES, INC**, a private corporation duly organized and existing under the laws of the Republic of the Philippines, with office address at 110A Isarog St., La Loma, Quezon City, represented herein by its authorized representative, **LORD CHRISTIAN O. GOSINGTIAN**, duly authorized for this purpose as evidenced by a *Secretary's Certificate* dated 7 December 2022, a copy of which is hereto attached as *Annex "B"*, hereinafter referred to as "**Consultant**".

(BCDA and Consultant shall hereinafter be referred to, individually, as Party or, collectively, as Parties.)

ANTECEDENTS

Republic Act (RA) No. 7227, as amended by Republic Act No. 9400, mandates the BCDA to accelerate the sound and balanced conversion into alternative productive civilian uses of the Clark and Subic military reservations and their extension, and to enhance the benefits to be derived from said properties in order to promote the economic and social development of Central Luzon in particular and the country in general as well as to provide funds for the AFP Modernization Program.

In 2021, the BCDA launched the New Clark City website (www.newclark.ph) which aims to promote New Clark City as a prime business, lifestyle and sports destination in the country. Currently, the website serves as a marketing and communications platform for interested parties who would want to locate or set up their business or hold events in New Clark City. Further, the website promotes ongoing as well as upcoming developments in the area, with the end-goal of attracting investments to come to New Clark City, creating jobs for the Filipino people by generating economic activities to Central Luzon and boosting the Philippine economy.

The New Clark City Website serves as a marketing and communications platform for interested parties who would want to locate/set up their business or hold events in New Clark City. Further, the website promotes ongoing as well as upcoming developments in the area.

With the fast transition of technology, BCDA found the need to maintain and improve the current New Clark City Website. A content management system has been put in place as part of the component of the website which would assist in keeping the content updated and relevant, thus adding more value to the website. The maintenance of the website shall be required to keep the website framework up-to-date and reduce the potential of security compromise.

In compliance with Annex "H" of RA 9184, which is the Consolidated Guidelines for the Alternative Methods of Procurement, BCDA's Investment Promotion and Marketing Department (IPMD) sought the authority from the Bids and Awards Committee for Consultancy (BAC-C)'s authority to procure the consultancy services for the website hosting and maintenance. A copy of the BAC-C Resolution No. 25 is hereto annexed as Annex "C". A Request for Proposal (RFP) was sent to two (2) consultants of known qualifications. The said RFP was also posted at the websites of PhilGEPS and BCDA. After thorough evaluation, validation and verification of the proposals submitted, it was found that the Consultant is competent and qualified to provide the consultancy services required by BCDA.

BCDA is desirous that the Consultant perform the hosting and maintenance of the New Clark City website (hereinafter called the "Project") and thus, BCDA has accepted the proposal for **PESOS: Eight Hundred Ninety-Five Thousand Six Hundred Forty-Two (PHP 895,642.00)** by the Consultant for the execution and completion of such Consulting Services and the 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 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 the Contract;
 - (b) Terms of Reference;
 - (c) Service Level Agreement
 - (d) Request for Proposal;
 - (e) Technical Proposal forms;
 - (f) Financial proposal;
 - (g) Eligibility requirements, documents and/or statements and other contract documents that may be required by existing laws and/or the Entity;
 - (h) Notice of Award of Contract and the Bidder's conforme thereto;

3. In consideration of the full and satisfactory performance of the services rendered by the Consultant, BCDA shall pay the Consultant the Total Contract Price of **PESOS: Eight Hundred Ninety-Five Thousand Six Hundred Forty-Two (PHP895,642.00)**, inclusive of applicable taxes, fees and incidental expenses.
4. In consideration of the payments to be made by the BCDA to the Consultant as hereinafter mentioned, the Consultant hereby covenants with the BCDA to execute and complete the Consulting Services and remedy any defects therein in conformity with the provisions of this Agreement in all respects.
5. The BCDA hereby covenants to pay the Consultant in consideration of the Terms of Payment stated under the TOR.

SIGNED BY THE PARTIES on January 16, 2023 in Taguig City, Philippines.

**BASES CONVERSION AND
DEVELOPMENT AUTHORITY**


By:


ATTY. GISELA Z. KALALO
Officer-In-Charge
Office of the Executive Vice President

By:


LORD CHRISTIAN O. GOSINGTIAN
Authorized Representative

Signed in the presence of:


MICHELLE SAN JUAN-DE VERA
Officer-In-Charge
Investment Promotions and Marketing Department

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
ATTY. GISELA Z. KALALO	Passport P [REDACTED] B	January 5, 2021/January 04, 2031	D [REDACTED] la
LORD CHRISTIAN O. GOSINGTIAN	Driver's License N [REDACTED]	August 31, 2018/June 26 2023	[REDACTED] 15

who are known to me to be the same persons who executed the foregoing Consulting Services 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 JAN 16 2023 in Taguig City, Philippines.

Doc. no. 314
Page no. 64
Book no. 03
Series of 2023.

[REDACTED SIGNATURE]
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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		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
 [REDACTED]
TINA ROSALE VILLA
 RECORDS MANAGEMENT OFFICER IV
 BCDA RECORDS OFFICE
 JUN 20 2018

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		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	Procurement covered by R.A. 9184 and its revised IRR for Goods with an ABC of above P1 Million to P10 Million and below as well as for Consulting Services and Infrastructure with an ABC of P10 Million and below: <ul style="list-style-type: none"> a. Authority to procure b. Approved budget for the contract (ABC) c. Terms of Reference (TOR) d. Award of Contract e. 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 f. 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 P10 Million and below g. Contract h. Cancellation/termination of procurement, award, or contract i. Amendment to Order above P1 Million to P10 Million and below for Goods 	Group Head of end-user (a, b, c, g, h, i, and j) BAC (d, e, f, and h)

CERTIFIED TRUE COPY

TINA ROSE R. VILLA
RECORDS MANAGEMENT OFFICER IV
BCDA RECORDS OFFICE
JUN 20 2018

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No.	Item	Upon Recommendation of
	j. Variation Order P10 Million and below for Consulting Services and Infrastructure	
179	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 P500,000.00 to P10 Million as well as other modes such as Transfer to other Government Agencies, Donation, Barter, and Condemnation/Destruction	Disposal Committee/BAC for disposal of unserviceable properties (public bidding); PPMD Head (other modes of disposal such as transfer, etc.) through CSG Head
180	Report on Deployment of Vehicles and Drivers as well as Report on Daily Parking Monitoring for submission on a quarterly basis	PATSD Head through CSG Head

FOR APPROVAL OF THE BUSINESS DEVELOPMENT AND OPERATIONS GROUP (BDOG) HEAD

No.	Item	Upon Recommendation of
BUSINESS MANAGEMENT		
181	Deed of Absolute Sale or Contract to Sell/Lease with Option to Purchase for BCDA Housing Projects (i.e. Pamayanang Diego Silang (PDS), Philippine Centennial Village (PCV), Lupang Katuparan, Pabahay 2000, Summit Housing Project, etc.) (Signing)	Project Management Department (PMD) Head
182	Notice of Temporary Occupancy of a Housing Unit	PMD Head
183	Communication requesting for Issuance/Subdivision/ Segregation of Tax Declaration	LADD Head
184	Letter replies to housing related requests or queries	PMD Head
FINANCE MANAGEMENT		
185	Payment of RPT, CWT, and DST (without penalty)	LADD
SUBSIDIARIES, AFFILIATES, AND PROJECTS MONITORING		
186	Communication on operational issues affecting MNTC's management, operation & maintenance of the SCTEX	SAPMD Head

CERTIFIED TRUE COPY

TINA ROSA E. VILLA
RECORDS MANAGEMENT OFFICER IV
BCDA RECORDS OFFICE
JUN 20 2018

Omnibus Sworn Statement (Revised)
[shall be submitted with the Bid]

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF QUEZON CITY


AFFIDAVIT

I, Lord Christian O. Gosingtian, of legal age, single, Filipino, and residing at 19 St. Paul Street, Horseshoe Village, Barangay Horseshoe, 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 ThinkBIT Solutions Phils. Inc. with office address at 110-A Isarog St., La Loma, Quezon City;
2. I am granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for **Procurement of Consulting Services for the New Clark City Website Hosting and Maintenance** of the **Bases Conversion and Development Authority**, as shown in the attached duly notarized Secretary's Certificate;
3. ThinkBIT Solutions Phils. Inc. 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, by itself or by relation, membership, association, affiliation, or controlling interest with another blacklisted person or entity as defined and provided for in the Uniform Guidelines on Blacklisting;
4. 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;
5. ThinkBIT Solutions Phils. Inc. is authorizing the Head of the Procuring Entity or its duly authorized representative(s) to verify all the documents submitted;
6. None of the officers, directors, and controlling stockholders of ThinkBIT Solutions Phils. Inc. 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;
7. ThinkBIT Solutions Phils. Inc. complies with existing labor laws and standards; and
8. ThinkBIT Solutions Phils. Inc. is aware of and has undertaken the responsibilities as a Bidder in compliance with the Philippine Bidding Documents, which includes:
 - a. Carefully examining all of the Bidding Documents;
 - b. Acknowledging all conditions, local or otherwise, affecting the implementation of the Contract;
 - c. Making an estimate of the facilities available and needed for the contract to be bid, if any; and
 - d. Inquiring or securing Supplemental/Bid Bulletin(s) issued for the **Procurement of Consulting Services for the New Clark City Website Hosting and Maintenance**.


9. ThinkBIT Solutions Phils. Inc. 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.
10. In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract 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 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of December, 2022 at Quezon City, Philippines.


LORD CHRISTIAN O. GOSINGTIAN
Director and Co-founder
Affiant

[Jurat]

SUBSCRIBED AND SWORN TO BEFORE ME a Notary Public of QUEZON CITY, on DEC 12 2022 2022, affiant exhibited to me his competent proof of identity on the date and place as indicated above


ATTY. CONCERNITO P. VILLAREÑA
Notary Public for Quezon City
Until December 31, 2022
PTR NO. 2442851/ 1/3/2022
IBP NO. 167802/ 11 25, 2022
ADM MATTER NO. NP-005(2022-2023)
MCLE VI-0030379 / 02/21/2020
TIN NO. 131-942/54 - Roll No. 30457

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REPUBLIC OF THE PHILIPPINES}
QUEZON CITY.....} S.S.

SECRETARY'S OFFICE

I, Zennon Jean S. Gosalvez, of legal age, Filipino Citizen, single and with business and office address at 110-A Isarog St., La Loma Quezon City, after having been duly sworn to in accordance with the law, do hereby, state and certify:

- 1.0 That I am the Corporate Secretary of **THINKBIT SOLUTIONS PHILS. INC** a domestic corporation created and existing under and by virtue of the laws of the Philippines with office address at 110-A Isarog St., La Loma Quezon City.
- 2.0 That in a special meeting of the Board of Directors of the said corporation on December 7, 2022, at the principal office of the corporation, at which meeting a quorum was present and acting, the said Board unanimously approved and adopted the following resolution:

"RESOLVED, AS IT IS HEREBY RESOLVED, that the Corporation be empowered and authorized to comply with Bases Conversion and Development Authority;


RESOLVED, FURTHER, that in order to implement the above resolution, that anyone of the following representative of the company:

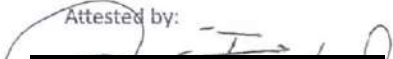
NAME:	POSITION:	SIGNATURE
Jedd Timothy L. Lim	CEO	
Lord Christian O. Gosingtian	Director	

Shall be authorized to enter into above-specified arrangements with Bases Conversion and Development Authority under such terms and conditions as said individuals may deem necessary and to accordingly execute, sign, deliver and/or perform any all transactions, instruments, or documents or writings with or to Bases Conversion and Development Authority that may be necessary for the implementation of the foregoing transactions.

RESOLVED, FINALLY, that the Corporate Secretary be, as she is hereby, directed to furnish all persons concerned, if required, with the copies of this resolution."

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of December, 2022.

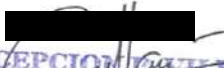

Zennon Jean Gosalvez
Corporate Secretary

Attested by:

Lord Christian Gosingtian
Director

DEC 12 2022

SUBSCRIBED AND SWORN to me before this ___ day of December, 2022 at Quezon City, affiant exhibiting to me his driver's license # N02-17-004360.

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ATTY. CONCEPCION QUIÑONES AREÑA
Notary Public for Quezon City
Until December 31, 2022
PTR NO. 2442851/ 1/3/2022
IBP NO. 167802/ 11 25, 2022
ADM MATTER NO. NP-005(2022-2023)
MCLE VI-0030379 / 02/21/2020
TIN NO. 131-942754 - Roll No. 30457