

CONTRACT AGREEMENT

Construction of Airport to New Clark City (NCC) Access Road Phase 2

THE PUBLIC IS INFORMED:

This **Contract** is executed 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 the 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, **VIVENCIO B. DIZON**, duly authorized for this purpose as evidenced by BCDA Secretary's Certificate which was approved by the BCDA Board on SEPT. 30, 2019, a copy of which is hereto attached as **Annex "A"**, hereinafter referred to as "**BCDA**";

- and -

C.M. PANCHO CONSTRUCTION, INC., duly organized and existing under the laws of the Republic of the Philippines, with office address at 71-A Scout Borromeo St., Diliman, Quezon City, Metro Manila, represented herein by its President and General Manager, **GERARDO V. PANCHO**, duly authorized for this purpose as evidenced by Secretary's Certificate dated MAR. 31, 2019 a copy of which is hereto attached as **Annex "B"**, hereinafter referred to as "**CONTRACTOR**".

Individually referred to as "Party" and collectively, as "Parties".

ANTECEDENTS

BCDA is desirous that the Contractor execute the Construction of Airport to New Clark City (NCC) Access Road Phase II (hereinafter called "the Works") and BCDA has accepted the bid for **Pesos: Two Billion Seven Hundred Nineteen Million Nine Hundred Fifty Seven Thousand Six Hundred Thirty-Two & 55/100 (PhP 2,719,957,632.55)** 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 Contract, 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 Contract, to wit:
 - (a) General and Special Conditions of the Contract;
 - (b) Drawing/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 Entity.
3. In consideration of the payment to be made by BCDA to the Contractor as hereinafter mentioned, the Contractor hereby covenants with BCDA to execute and complete the Works and remedy any defects therein in conformity with the provisions of this Contract in all respects.
4. BCDA hereby covenants to pay the Contractor in consideration of the execution and completion of the Works and the remedying defects therein, 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.

SIGNED BY THE PARTIES on 19 September 2019 in Taguig City, Philippines.

BASES CONVERSION AND DEVELOPMENT AUTHORITY

C.M. PANCHO CONSTRUCTION, INC.

By:

By:

VIVENCIO B. DIZON
 President & CEO
BCDA Clark Green City - Engineering
 Bases Conversion and Development Authority
 ZE2019-0216

GERARDO V. PANCHO
 President and General Manager

Signed in the presence of:

JOSHUA M. BINGCANG
 Vice President, BDOG

CLEMENTE V. PANCHO
 VICE PRESIDENT

ACKNOWLEDGMENT

Republic of the Philippines)
Taguig City) ss.

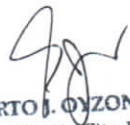
BEFORE ME, a Notary Public for and in Taguig City, personally appeared the following:

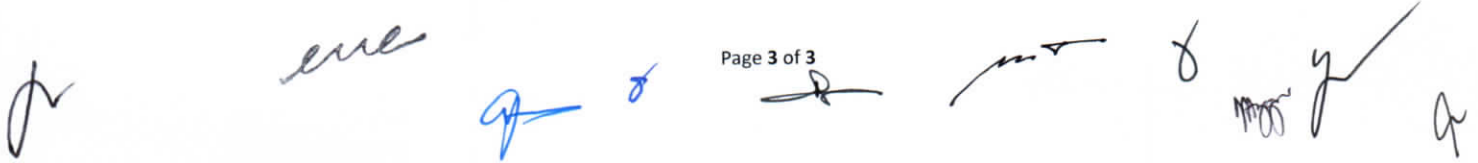
Name	Competent Evidence of Identity	Date of Issue / Expiry	Place of Issue
Vivencio B. Dizon	LICENSE NO. NOI - 91 - 122927	2021 - 08 - 18	
Gerardo V. Pancho	PASSPORT NO. P 5748699A	24 JAN. 2018 23 JAN. 2028	DFA MANILA

who are known to me to be the same persons who executed the foregoing instrument and they acknowledged to me that the signatures they affixed confirm their voluntary act and the entities they represent.

SIGNED AND SEALED on OCT 07 2019 in Taguig City, Philippines.

Doc. No. 481
Page No. 98
Book No. 14
Series of 2019.


GUALBERTO J. OYZON, JR.
 Notary Public for Taguig City, Philippines
 Appointment No. 22, Until 31 December 2019
 2/F 3TC 31st St., HGC, Taguig City, 1634
 PTR No. A-4208965/Taguig City/08 January 2019
 Roll of Attorneys No. 46062/16th Lifetime Member No. 04862
 MCLE Compliance No. V-0005517/14 January 2015
V1-0020698
 valid until 14 Apr 2022



14 August 2019

GERARDO V. PANCHO
President and General Manager
C.M. Pancho Construction, Inc.
71-A Scout Borromeo Street
Diliman, Quezon City

Subject: **NOTICE OF AWARD**
Construction of Airport to NCC Access Road Phase 2
(Aranguren – Dapdap Segment) at New Clark City

Dear **Mr. Pancho:**

The Bases Conversion and Development Authority (BCDA) hereby awards the contract for the Construction of Airport to NCC Access Road Phase 2 (Aranguren-Dapdap Segment) located at New Clark City to **C.M. Pancho Construction Incorporated (CMPCI)**, for having submitted the Lowest Calculated and Responsive Bid in the amount of **PESOS: Two Billion Seven Hundred Nineteen Million Nine Hundred Fifty-seven Thousand Six Hundred Thirty-two & 55/100 (Php2,719,957,632.55)**, inclusive of all applicable taxes and fees.

You are therefore required, within ten (10) calendar days from the receipt of this Notice of Award, to:

1. Formally enter into contract with BCDA, provided that all the documentary requirements which shall form part of the Contract for the aforementioned project are complied with to wit:
 - a) Construction Schedule and S-Curve;
 - b) Manpower Schedule;
 - c) Construction Schedule;
 - d) Equipment Utilization Schedule;
 - e) Construction Safety and Health, Sanitation and Security Program;
 - f) PERT/CPM;
 - g) Contractor's All-Risk Insurance; and
 - h) Personal Accident Insurance

2. Post a Performance Security denominated in Philippine Pesos in the form and in the amount stipulated in Section 39.2 of the revised IRR of RA 9184, which shall be posted in favor of BCDA and which shall remain valid until the issuance of Certificate of Final Acceptance.

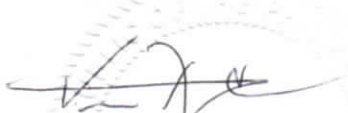
*Notice of Award to CMPCI re Phase 2
August 2019/Version 1*

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Failure to enter into said contract and/or provide the Performance Security shall constitute sufficient ground for cancellation of the award.

Thank you.

Very truly yours,

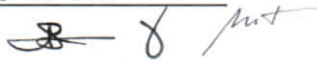

VIVENCIO B. DIZON
President and CEO



Conforme:


GERARDO V. PANCHO
President and General Manager

Date: AUG 16 2019



04 September 2019

GERARDO V. PANCHO
President and General Manager
C.M. PANCHO CONSTRUCTION, INC.
The Forum Building, 71-A Scout
Borromeo St., Diliman, Quezon City

Subject: **NOTICE TO PROCEED**
Implementing Contract for the Construction of Airport to NCC Access
Road Phase 2

Dear **Engr. Pancho**:

In connection with the Contract for the Construction of Airport to NCC Access Road Phase 2, with a Contract amount of **Two Billion Seven Hundred Nineteen Million Nine Hundred Fifty-Seven Thousand Six Hundred Thirty-Two and 55/100 Pesos (PhP2,719,957,632.55)**, inclusive of all applicable taxes and fees, for the duration of five hundred fifty (550) calendar days, you are hereby directed to commence construction activities in accordance with the terms and conditions stipulated in the Contract seven (7) calendar days from receipt hereof.

Please acknowledge receipt and return to us one (1) copy of the duly signed Notice within five (5) calendar days from receipt hereof.

For your information and guidance.

Very truly yours,



VIVENCIO B. DIZON
President and Chief Executive Officer



Conforme:



GERARDO V. PANCHO
President and General Manager

Date: SEP 23 2019

