



Sangguniang Panglungsod

RESOLUTION NO. 06-270

A RESOLUTION APPROVING THE RECOMMENDATION OF THE BIDS AND AWARDS COMMITTEE (BAC) TO AWARD THE MUNTINLUPA SKYWALK PROJECT/CONTRACT TO N.C. TAVU & ASSO. CORP., SUBJECT TO REVIEW BY THE NATIONAL ECONOMIC DEVELOPMENT AUTHORITY-INVESTMENT COORDINATING COMMITTEE (NEDA-ICC), AUTHORIZING THE CITY MAYOR TO EXECUTE THE CONTRACT FOR AND IN BEHALF OF THE CITY GOVERNMENT TO IMPLEMENT THE SAME, AND FOR OTHER PURPOSES.

Sponsored by: Hon. Atty. Raul R. Corro
Hon. Lucio B. Constantino
Hon. Atty. Icasiano M. dela Rea
Hon. Engr. Mamerto T. Sevilla, Jr.
Hon. Melchor R. Teves
Hon. Christian Glenn D. Lorica
Hon. Hon. Bal Niefes
Hon. Allan Rey A. Camilon
Hon. Ma. Luisa Babaran-Echavez, M.D.
Hon. Allen F. Ampaya
Hon. Elmer S. Espeleta
Hon. Francis Ian T. Bagatsing
Hon. Marissa Cole-Rongavilla
Hon. Mario E. Bulay, Jr.
Hon. Artemio A. Simundac

WHEREAS, under Resolution No. 05-196, series of 2005, the Sangguniang Panlungsod resolved the following: 1) consider the build-operate-transfer proposal (the Muntinlupa Skywalk Project or the Project) submitted by N.C Tavu & Asso. Corp. (the proponent) as an "unsolicited proposal" under Republic Act No. 6957, as amended by Republic Act No. 7718, and its implementing rules and regulations; 2) approved to pre-qualify the project proponent; 3) grant the project proponent "original proponent status"; 4) authorize the Hon. City Mayor, Atty. Jaime R. Fresnedi through the BAC to negotiate and finalize the terms and conditions of the proposed contract, at such terms and conditions he may deem advantageous to the City Government, covering the implementation of the project for purposes up coming out with terms of reference and preparing the Bid documents for purposes of comparative bidding, as well as authorize the Hon. City Mayor, Atty. Jaime R. Fresnedi, through the BAC to cause a comparative bidding relative to project proponent's "unsolicited proposal" including finalizing the tender document relative to such bidding in accordance with the provisions of Republic Act No. 6957, as amended by Republic Act No. 7718 ("the BOT Law"), and its implementing rules and regulations; 5) direct the BAC through the Hon. City Mayor Atty. Jaime R. Fresnedi to submit - a) the result of the comparative bidding process and b) its recommendations to the Sangguniang Panlungsod for consideration and action;

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WHEREAS, on 16 February 2006, the Metro Manila Development Authority (MMDA), acting as governing Regional Development Council of Metro Manila passed Metro Manila Council Resolution No. 06-01 favorably endorsing the project to the National Economic Development Authority-Investment Coordinating Committee (NEDA-ICC);

WHEREAS, on 08 May 2006, the NEDA-ICC through a letter of Sec. Romulo Neri addressed to Hon. City Mayor, Atty. Jaime R. Fresnedi, advised the City Government to proceed with the solicitation of comparative bids relative to the project;

WHEREAS, the BAC had complied with the directives of the Sangguniang Panlungsod under Resolution No. 05-196, Series of 2005 and NEDA-ICC as indicated in the 08 May 2006 letter of Sec. Romulo Neri;

WHEREAS, notwithstanding the due publication of an invitation to submit letters of intent/comparative bids relative to the project in accordance with BOT Law, no comparative bidder had formally expressed desire to submit a bid or challenged to the original proponent's proposal;

WHEREAS, the BAC through its Memorandum dated 28 June 2006, duly concurred in by the Hon. City Mayor, Atty. Jaime R. Fresnedi, had recommended the award of the project/contract the original proponent;

WHEREAS, that the project will be implemented under the BOT contractual arrangement authorized under the amended BOT Law and in this regard the proponent undertakes to finance and construct the proposed facility and upon its completion operate and maintain the same for a period of twenty four (24) years;

WHEREAS, the Sangguniang Panlungsod finds the BAC's aforementioned recommendation in order;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Sangguniang Panlungsod of Muntinlupa to:

- a) Confirm all the actions or steps taken by the BAC and the Hon. City Mayor, Atty. Jaime R. Fresnedi, to implement the directives of the Sangguniang Panlungsod under SP Resolution No. 05-196;
- b) Approve the results of the comparative bidding conducted by the BAC and the Contract for the implementation of the Muntinlupa Skywalk Project, as negotiated;



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- c) Award the Muntinlupa Skywalk Project/Contract to the original proponent, N.C. Tavu & Asso. Corp., subject to par.e. below;
- d) Authorize the Hon. City Mayor, Atty. Jaime R. Fresnedi, to submit the results of the comparative bidding to the NEDA-ICC;
- e) Authorize the Hon. City Mayor, Atty. Jaime R. Fresnedi, after review by NEDA-ICC of the award of the Muntinlupa Skywalk Project/contract to the original proponent, to enter into, execute, sign and deliver the contract with the Original Proponent N.C. Tavu & Asso. Corp. for said project/contract under a Build-Operate-Transfer arrangement;
- f) Direct the City Government of Muntinlupa N.C. Tavu & Asso. Corp. to commence with the project implementation immediately;
- g) Direct all officials, departments, offices and units of the City Government to provide full support and assistance to assure the smooth and fast implementation of the project;

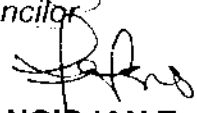
APPROVED, by the Fourth (4th) Sangguniang Panlungsod this 27th day of July 2006 on its 85th Regular Session.

CONCURRED:


ATTY. RAUL R. CORRO
Councilor


ELMER S. ESPELETA
Councilor


BAL NIEFES
Councilor


FRANCIS IAN T. BAGATSING
Councilor

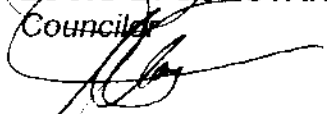

ALLAN REY A. CAMILON
Councilor


MARISSA COLE RONGAVILLA
Councilor


MA. LUISA BABARAN-ECHAVEZ, M.D.
Councilor


LUCIO B. CONSTANTINO
Councilor


MELCHOR R. TEVES
Councilor



MAMERTO T. SEVILLA
Councilor

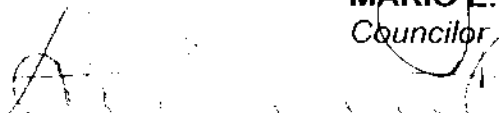



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ALLEN F. AMPAYA
Councilor


MARIO E. BULAY, JR.
Councilor


ATTY. ICASIANO M. DELA REA
Councilor


CHRISTIAN GLENN D. LORICA
Sectoral Representative
President, Federation of
Sangguniang Kabataan


ARTEMIO A. SIMUNDAC
Sectoral Representative
President, Association of
Barangay Captains

ABSTAIN:

JOSELITO V. AREVALO
Councilor

ABSENT:

KEVIN B. DELGADO
Councilor

RENE CARL S. CAYETANO
Councilor

I HEREBY CERTIFY, as to the correctness of the foregoing Resolution.


CECILIA C. LAZARTE
Secretary
Sangguniang Panlungsod

ATTESTED:


ALDRIN L. SAN PEDRO
City Vice Mayor / Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor

Date: 8/11


PBS, JR.