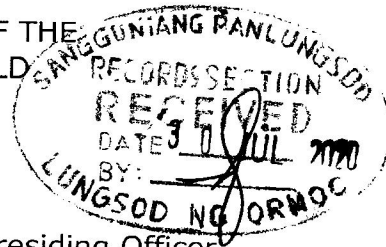


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

20 JUL 2020

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON JULY 28, 2020



PRESENT:

Leo Carmelo L. Locsin, Jr.
Benjamin S. Pongos, Jr.,
Roiland H. Villasencio,
Tomas R. Serafica,
Nolito M. Quilang,
Eusebio Gerardo S. Penserga,
Jasper M. Lucero,
Peter M. Rodriguez,
Vincent L. Rama,
Gregorio G. Yrastorza III,
Lalaine A. Marcos,
Esteban V. Laurente,

City Vice Mayor & Presiding Officer
SP Member, Majority Floor Leader
SP Member, 1st Asst. Majority Floor Leader
SP Member, Presiding Officer "Pro Tempore"
SP Member, 2nd Asst. Majority Floor Leader
SP Member
SP Member
SP Member
SP Member
SP Member
SP Member
Ex-Officio SP Member, Chapter President,
Liga ng mga Barangay ng Ormoc
Ex-Officio SP Member, Chapter President,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

RESOLUTION NO. 2020-228

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
MAYOR RICHARD I. GOMEZ OR THE ACTING CITY
MAYOR TO ENTER INTO AND SIGN THE
MEMORANDUM OF AGREEMENT (MOA) WITH
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
(DPWH) RELATIVE TO THE PROCUREMENT OF
FIFTEEN (15) UNITS OF GENERATOR SETS.**

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated July 24, 2020 from the Office of the City Mayor, endorsing a request for the issuance of a Resolution granting the City Mayor or Acting City Mayor the authority to sign the Memorandum of Agreement (MOA) with Department of Public Works And Highways (DPWH) relative to the procurement of fifteen (15) units of generator sets. Further, requesting that this matter be treated as EXTREMELY URGENT, a copy of the MOA is hereto attached as "ANNEX A" and made an integral part hereof;

WHEREAS, Department of Public Works and Highways – Leyte 4th District Engineering Office, a national government agency existing under and by virtue of the laws of the Republic of the Philippines, with office at Government Center, Brgy. Punta, Ormoc City, Leyte is hereinafter referred to as DPWH-LEYTE 4th DEO;

WHEREAS, in an Annotation dated July 24, 2020, the City Legal Office finds nothing legally objectionable in the said MOA and that the same is not contrary to law, morals, public order, or public policy much less detrimental to the best interest of Ormoc City;

WHEREAS, the DPWH-LEYTE 4th DEO, being the engineering and construction arm of the government, responsible for the planning, design, and construction of infrastructure projects, is in receipt of a calamity funded program;

WHEREAS, it is the basic policy of the government to ensure the expeditious delivery of basic services particularly to those in the earthquake-affected areas;

WHEREAS, the procurement of fifteen (15) units of generator sets, hereinafter referred to as the PROJECT, has been included in the FY 2019 National Disaster Risk Reduction and Management Fund (Calamity Fund) Republic Act No. 11260 (General Appropriations Act) as downloaded into DPWH CY 2019 Rehabilitation of Disaster-Related Infrastructure and other facilities in which funds released covers the implementation of calamity-related projects in Leyte damaged by various calamities in 2017 and whose funds allocation has been approved by the Department of Budget and Management in the total amount of TEN MILLION TWO HUNDRED SEVENTY THOUSAND EIGHT HUNDRED PHILIPPINE PESOS (PHP10,270,800.00) from Sub-Allotment No. SR2019-10-009691 dated October 4, 2019 under SARO No. BMB-A-19-0011607;

WHEREAS, the DPWH-LEYTE 4th DEO does possess the required technical expertise and capability to effectively conduct the procurement process, implement, manage, and supervise the nature of work required in the project;

WHEREAS, the LGU-Ormoc Waterworks Office, principally mandated to provide quality water supply and distribution systems for domestic, industrial, and agricultural uses for residents and lands within the boundaries of the city is in need of Generator Sets to sustain its water supply operation during calamities;

WHEREAS, the subject MOA clearly and plainly encapsulates the terms and conditions of the agreement of the parties thereto, including their specific roles and obligations towards the attainment of the lofty ends of the same, and this Sanggunian, upon thorough review, finds that the same is entered into for the best interests of the City and its constituents, and therefore, is most deserving of this august Body's prompt and favorable consideration;

WHEREFORE, on motion of SP Member Benjamin S. Pongos, Jr. Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Roiland H. Villasencio, Nolito M. Quilang, Jasper M. Lucero, Vincent L. Rama, Lalaine A. Marcos, Joan Marbie C. Simbajon, Tomas R. Serafica, Esteban V. Laurente, Peter M. Rodriguez and Gregorio G. Yrastorza III; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENT (MOA) WITH DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) RELATIVE TO THE PROCUREMENT OF FIFTEEN (15) UNITS OF GENERATOR SETS;

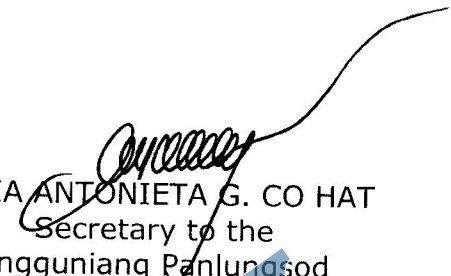
ADOPTED, July 28, 2020.

RESOLVED, FURTHER, that a copy of the final notarized Memorandum of Agreement (MOA) be submitted to this Sanggunian for its information and files;


RESOLVED, FINALLY, to furnish copies of this resolution each to the City Mayor of Ormoc Richard I. Gomez; the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Josephine Mejia-Romero; DPWH; ORWASA; the City Local Government Operations Officer-DILG; and other offices concerned for their information and guidance;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
City Vice Mayor & Presiding Officer

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This **MEMORANDUM OF AGREEMENT** is entered into by and between:

THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS – LEYTE 4th DISTRICT ENGINEERING OFFICE, a national government agency existing under and by virtue of the laws of the Republic of the Philippines, with office at Government Center, Brgy. Punta, Ormoc City, Leyte, represented herein by District Engineer **LINO FRANCISCO C. GONZALEZ**, duly authorized for the purpose and hereinafter referred to as **"DPWH-LEYTE 4TH DEO"**; and

The **LOCAL GOVERNMENT UNIT OF ORMOC**, with office at address, Aunubing Street, Brgy. Cogon, Ormoc City, a local government agency unit existing under and by virtue of the laws of the Republic of the Philippines, represented by City Mayor **Hon. RICHARD I. GOMEZ**, hereinafter referred to as **"LGU-ORMOC"**.

WITNESSETH:

WHEREAS, the DPWH-LEYTE 4TH DEO, being the engineering and construction arm of the government, responsible for the planning, design and construction of infrastructure projects, is in receipt of a calamity funded program;

WHEREAS, it is the basic policy of the government to ensure the expeditious delivery of basic services particularly to those in the earthquake-affected areas;

WHEREAS, the **Procurement of 15 Units Generator Sets**, hereinafter referred to as the **"PROJECT"**, has been included in the FY 2019 National Disaster Risk Reduction and Management Fund (Calamity Fund) Republic Act #11260 as downloaded into DPWH CY 2019 Rehabilitation of Disaster-Related Infrastructure and other facilities in which funds released covers the implementation of calamity-related projects in Leyte damaged by various calamities in 2017 and whose fund allocation has been approved by the Department of Budget and Management in the total amount of **TEN MILLION TWO HUNDRED SEVENTY THOUSAND EIGHT HUNDRED PESOS (P10,270,800.00)** from **Sub-Alloiment No. SR2019-10-009691** dated **October 04, 2019** under **SARO No. BMB-A-19-0011607**;

WHEREAS, the DPWH-LEYTE 4TH DEO does possess the required technical expertise and capability to effectively conduct the procurement process, implement, manage and supervise the nature of work required in the project;

WHEREAS, the LGU-Ormoc Waterworks Office, principally mandated to provide quality water supply and distribution systems for domestic, industrial, and agricultural uses for residents and lands within the boundaries of the city is in need of **Generator Sets** to sustain its water supply operation during calamities.

NOW THEREFORE, for and in consideration of the foregoing premises and of the mutual covenants contained herein, the parties hereby agree on the following:

REVIEWED	
ORMOC CITY LEGAL OFFICE	

Drafted by CLO	

Not contrary to laws, public policy, moral.	

Amendments/Revisions	
BY: Atty. Jose Maria Mejia	DATE: 7/24/20
City Legal Officer	

WITNESS:

LGU -ORMOC

DEPARTMENT OF PUBLIC WORKS & HIGHWAYS

IRWIN L. ANTONIO
Asst. District Engineer

FULTON EMMANUEL S. MANAWATAO
Officer-in-charge, ORWASA

Hon. RICHARD I. GOMEZ
City Mayor

LINO FRANCISCO C. GONZALEZ
District Engineer, Leyte 4th DEO

ARTICLE I

GENERAL PROVISIONS

1. All Plans and Specifications as well as the Program shall be in accordance with the DPWH Standards;
2. The parties represent that they have the requisite power, authority and capacity to enter into this Agreement and perform their obligations and responsibilities in accordance with the terms and conditions herein set forth;
3. The parties agree to sign, execute and deliver such lawful agreement and other documents that may be required during the implementation of the Project which shall be binding upon them and their respective successors-in-interest and assigns;
4. The parties may call for meetings or conferences at any stage of the Project in order to (a) thresh out existing or foreseeable problems that may cause a delay in the project implementation and (b) provide immediate remedial measures and solutions thereto;
5. An inspection team composed of representatives from both parties shall be organized to ensure that the Project is carried out in accordance with the approved plans and specifications and completed within the duration of the contract.

ARTICLE II

RESPONSIBILITIES AND OBLIGATIONS OF THE PARTIES

- A. The **DPWH-LEYTE 4TH DEO**, being the Fund Source Agency, shall be responsible for the following:
1. Undertake the procurement process in accordance with RA 9184, also known as the "The Government Procurement Reform Act" and its Revised Implementing Rules and Regulations, subject to the usual accounting and auditing rules and regulations;
 2. Complete the Project in accordance with the approved plans, specifications and program of works and within the contract duration;
- B. The **LGU-Ormoc**, being the End-User of the project, shall be responsible for the following:
1. To provide the necessary assistance to DPWH leading to the implementation of the procurement of generator sets and its corresponding powerhouse;
 2. To ensure the proper care and maintenance of the generator sets at no cost on the side of the DPWH;

REVIEWED	
ORMOC CITY LEGAL OFFICE	
<input type="checkbox"/>	Separate Opinion
<input type="checkbox"/>	Drafted by CLO
<input checked="" type="checkbox"/>	Not contrary to laws, public policy, moral.
Amendments/Revisions	
BY: <u>Atty. Josephine A. Mejia-Romer</u>	DATE: <u>7/27/20</u>

3. To ensure that the generator sets is not transferred/removed from its original location without justifiable reason and consent/approval by the DPWH; and
4. To ensure that the facility shall be used only for the waterworks system of Ormoc City;
5. The LGU-ORMOC shall issue to DPWH a Certificate Final Acceptance, after being satisfied that the Project has been finished according to the plans, specifications and Program of Work.

IRWIN L. ANTONIO
Asst. District Engineer

ARTICLE III

OTHER COVENANTS

1. All other documents attached to this Memorandum of Agreement (MOA) shall be understood as forming parts of this MOA. Provisions and contents thereof are binding on both parties unless part or whole of these documents are amended and mutually agreed upon by both parties.
2. The DPWH shall exercise administrative supervision in the project implementation which includes but not limited to manning, control, evaluation, assessment, payment and fund control, and rendering of appropriate reports in pursuit for the completion of the project.
3. The defects liability period of the project shall be one year from project's completion and turn over.
4. If for any reason, one or more provisions contained herein are declared invalid, the other provisions not affected thereby shall remain valid and subsisting. In such event, the parties shall consult each other as to the manner by which their original intentions can be achieved and accomplished;

WITNESS:

FULTON EMMANUEL S. MANAWATAO
Officer-in-charge, ORWASA

LGU -ORMOC

Hon. RICHARD I. GOMEZ
City Mayor

DEPARTMENT OF PUBLIC WORKS & HIGHWAYS

LINO FRANCISCO C. GONZALEZ
District Engineer, Leyte 4th DEO

REVIEWED	
ORMOC CITY LEGAL OFFICE	
_____	Approved
_____	Separate Opinion
_____	Drafted by CLO
_____	Not contrary to laws, policy, moral.
_____	Amendments/Revisions
BY: <u>Atty. Josephine A. [Signature]</u>	DATE: <u>7/24/2020</u>

**ARTICLE IV
EFFECTIVITY**

This Agreement shall take effect immediately upon its signing and approval by the parties hereto and shall remain in full force and effect until the satisfactory completion of the Project and fulfillment of all its terms and conditions. Any amendments/modification of this Agreement shall be made in writing and upon mutual consent of the parties.

IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have affixed their signature together with their instrumental witnesses on this ____ day of _____, 2019 at _____.

LOCAL GOVERNMENT UNIT – ORMOC CITY

DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS – LEYTE 4TH DISTRICT
ENGINEERING OFFICE

By:

By:

HON. RICHARD I. GOMEZ
Ormoc City Mayor

LINO FRANCISCO C. GONZALEZ
District Engineer, DPWH-L4DEO

WITNESSES:

FULTON EMMANUEL S. MANAWATAO
Officer-In-Charge, Ormoc Waterworks Office

IRWIN L. ANTONIO
Assist. District Engineer, DPWH-L4DEO

FUNDS AVAILABLE:

DAISY MARIE L. DOCENA
Accountant/Fiscal Controller, DPWH-L4DEO

REVIEWED	
ORMOC CITY LEGAL OFFICE	
_____	Approved
_____	Separate Opinion
_____	Drafted by CLO
_____	Not contrary to laws, public policy, moral.
_____	Amendments/Revisions
Atty. Josephine A. Mejia-Romero City Legal Officer	DATE: 7/24/2019

ACKNOWLEDGEMENT

Republic of the Philippines)
Province of _____) S.S.

BEFORE ME, a Notary Public for and in the _____ of _____, personally appeared

Name	Valid ID	Date/Place Issued
Hon. RICHARD I. GOMEZ	_____	_____
LINO FRANCISCO C. GONZALEZ	_____	_____
IRWIN L. ANTONIO	_____	_____
FULTON EMMANUEL MANAWATAO	_____	_____

WITNESS MY HAND AND SEAL on this _____ day of _____, 2020 at _____, Philippines.

Notary Public

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2020.

REVIEWED

ORMOC CITY LEGAL OFFICE

☐ Approved

☐ Separate Opinion

☒ Drafted by CLO

☐ Not contrary to laws, public policy, moral.

☐ Amendments/Revisions

BY: Atty. Jose Maria C. Mejia-Romero
City Legal Office

DATE: 7/24/20