



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN HELD AT THE PROVINCE OF BATAAN ON MAY 26, 2020

PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

- Hon. Benjamin C. Serrano, Jr., Board Member
- Hon. Jomar L. Gaza J.D., Board Member
- Hon. Reynaldo T. Ibe, Jr., Board Member
- Hon. Godofredo B. Galicia, Jr., M.D., Board Member
- Hon. Maria Khristine G. Dela Fuente, Board Member

SECOND DISTRICT:

- Hon. Maria Margarita R. Roque, Board Member
- Hon. Manuel N. Beltran, Board Member
- Hon. Edgardo P. Calimbas, Board Member
- Hon. Jose C. Villapando, Sr., Board Member
- Hon. Romano L. Del Rosario, Board Member
- Hon. Doroteo M. Austria, Board Member (FABC President)
- Hon. Noel Joseph L. Valdecañas, Board Member (PCL President)
- Hon. Precious D. Manuel, Board Member (SKF President)
- Hon. Rosita N. Sison, Board Member (IPM Representative)

ABSENT:

None

ORDINANCE NO. 07
Series of 2020

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 04, SERIES OF 2019, ENTITLED "AN ORDINANCE ESTABLISHING THE TERMS AND CONDITIONS FOR THE SUBLEASE OF THE BATAAN GOVERNMENT CENTER ALSO KNOWN AS "THE BUNKER", PRESCRIBING THE POLICIES, RULES AND REGULATIONS FOR THE OPERATION, ADMINISTRATION AND MANAGEMENT OF THE BUNKER, AND FOR OTHER PURPOSES".

Sponsored by: HON. JOMAR L. GAZA, J.D.

Be it enacted, as it is hereby enacted, by the Sangguniang Panlalawigan of Bataan in session assembled:

ALBERT S. GARCIA
Provincial Governor

SANGGUNIANG PANLALAWIGAN
CAPITOL BATAAN
RELEASED
RECORDS DIVISION
JUN 05 2020

"EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL"

"WHEREAS, pursuant to Section 12 of Republic Act No. 7160 (Local Government Code of 1991), provinces, cities, and municipalities are endeavored to establish their respective government centers where offices, agencies, or branches of the National Government, Local Government Units, or government-owned and controlled corporations may, as far as practicable, be located;

WHEREAS, keeping in mind the powers granted to the Local Government Units (LGUs) by R.A. No. 7160, the Provincial Government of Bataan (PGB) together with MTD Philippines, Inc. (MTD) entered into a Joint Venture Agreement (JVA) - a Public Private Partnership (PPP) scheme, for the development, construction, operation and implementation of the Bataan Government Center and Central Business Hub Project, duly authorized by this Sanggunian under Resolution No. 77 dated April 27, 2015;

WHEREAS, in order to formalize additional terms and conditions agreed upon by the parties after the execution of the JVA, the PGB and MTD signed a Supplemental Agreement (SA) embodying the request of the PGB for the increase in the number of floors as well the corresponding revisions and adjustments in the architectural and engineering designs of the Government Center also known as "The Bunker", duly authorized by the Sangguniang Panlalawigan under Resolution No. 268 dated June 18, 2018;

WHEREAS, a similar Supplemental Agreement (SA) was also executed, this time among the PGB, MTD and ALLOY MTD BATAAN, INC. (AMBI), which was also authorized by this Sanggunian under the same Resolution No. 268;

WHEREAS, under the JVA and SA, the PGB shall lease from MTD a total floor area of 22,618.14 square meters of The Bunker, subject to applicable taxes and an annual escalation rate;

WHEREAS, pursuant to the JVA and SA, the PGB is authorized to sublease available spaces to third party tenants and shall be responsible for the marketing and sub-leasing of The Bunker, the lease rate of which shall be subject to its discretion and determination;

WHEREAS, in order to properly determine the appropriate lease rates, through Administrative Order No. 04, Series of 2017, the PGB created The Bunker Lease Committee, which, in consultation with PGB Finance Committee, has made recommendations as to the schedule of lease rates for the sublease of The Bunker to third party tenants;

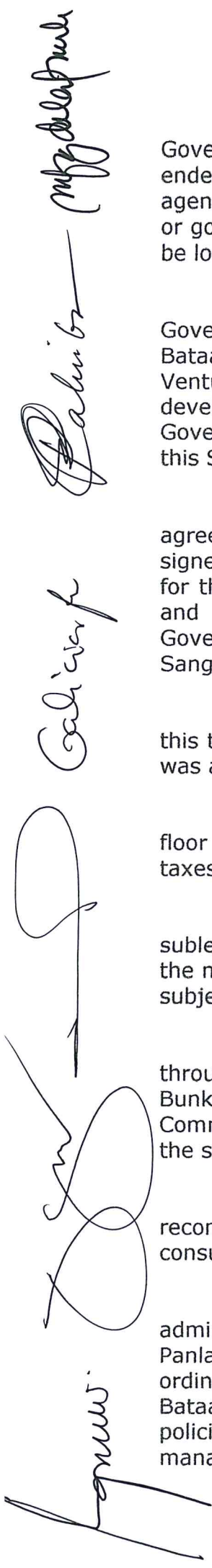
WHEREAS, the Sangguniang Panlalawigan of Bataan reviewed the recommended lease rates submitted by the Bunker Lease Committee in consultation with PGB Finance Committee;

WHEREAS, to ensure the effective and efficient operation and administration of The Bunker, on April 1, 2019, the Sangguniang Panlalawigan enacted Ordinance No. 04, Series of 2019, entitled "An ordinance establishing the terms and conditions for the sublease of the Bataan Government Center also known as the "The Bunker", prescribing the policies, rules and regulations for the operation, administration and management of The Bunker, and for other purposes";


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Provincial Governor







WHEREAS, given certain supervening events, the Bunker Lease Committee deemed it necessary to amend Ordinance No. 4, Series of 2019 to align the provision thereof with present circumstances and needs of the Province;

WHEREAS, the rates and other terms and conditions recommended by the Bunker Lease Committee were products of consultations and diligent discussions;

WHEREAS, to consolidate into a single issuance all current policies, rules and regulations concerning the subleasing of spaces in the Bunker, the Sangguniang Panlalawigan opted to adopt a new ordinance amending and restating Ordinance No. 4, series of 2019;

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlalawigan of Bataan in session assembled that:

SECTION 1. Title. - This Ordinance shall be known as "THE AMENDED AND RESTATED ORDINANCE ESTABLISHING THE TERMS AND CONDITIONS FOR THE SUBLEASE OF THE BATAAN GOVERNMENT CENTER ALSO KNOWN AS "THE BUNKER"; PRESCRIBING POLICIES, RULES AND REGULATIONS FOR THE OPERATION, ADMINISTRATION AND MANAGEMENT OF THE BUNKER, AND FOR OTHER PURPOSES";

SECTION 2. Coverage and Application. - This Ordinance shall govern the sublease, operation, administration and management of the Bataan Government Center otherwise known as "The Bunker";

SECTION 3. Sublease Rates. - The following are the sublease rates for the available spaces in The Bunker:

A. For Government Offices and PPP Partners

Location	1 st Floor	2 nd Floor	3 rd to 7 th Floor
Monthly Rates per square meter	PhP650.00	PhP525.00	PhP420.00

B. For Commercial Entities

1. Pantry:

Location	4 th Floor	5 th Floor
Fixed Monthly Rates	PhP20,000.00	PhP25,000.00

2. Coffee Shops, Convenience Store and Restaurants and other Business Establishments

Location	1 st Floor	2 nd Floor	3 rd to 7 th Floor
Monthly Rates per square meter	PHp650.00	PhP525.00	PhP420.00
CUSA* per square meter	PhP120.00		

* Common Use Service Area

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Deposit for any unpaid utility bills which the third party tenant may incur. This amount is refundable free of any interest at the termination of the term of the sublease agreement subject to whatever bills have remained unpaid and damages that may have been incurred; provided, that the third party tenant shall still be liable for any and all bills and damages that may exceed this Security Deposit. The third party tenant shall not be allowed to offset or use its Security Deposit as its monthly rental payment.

Advance Rentals - The third party tenant shall remit to the PGB an Advance Rental Payment equivalent to two (2) months rent upon the signing of the sublease agreement to be applied on the last two (2) months of the term thereof.

SECTION 7. Utilities - Third party tenants shall be responsible for all expenses for water, electricity, telephone, internet, cable television and other public utility services and the installation thereof; provided, that such installation shall be under the control and supervision of the PGB and the latter has the right to indicate, whenever necessary, the locations of the meter connections.

The fixed sublease rates for the third party tenants occupying the Pantries at the 4th and 5th floors already include monthly water and electricity charges. The same however shall be responsible for the installation and all expenses for other public utility services.

SECTION 8. Sublease Agreement. - The PGB may enter into a Sublease Agreement with any government agencies or commercial entities that desire to sublease a space in The Bunker in accordance with the provisions of this Ordinance and other terms as may be agreed upon by the parties.

The said Sublease Agreement shall provide for the following provisions and information, among others: Contracting Parties, Term, Sublease Rates, Subleased Property and Description, Purpose of the Sublease and Conditions of Use, Advance Payment and Security Deposit, Assignment/Transfer of Rights, Pre-termination and Default. For this purpose, the Bunker Lease Committee shall come up with a pro-forma Sublease Agreement containing all the standard provisions provided herein.

Prior to the finalization of the Sublease Agreement, leasing procedures shall be implemented, as outlined in Annex "A" which includes Leasing Workflow, and the Offer to Lease. The Bunker Property Management Office Leasing personnel shall manage the flow of this process with the tenant.

SECTION 9. Policies, Rules, Regulations. - As indicated in Article X of the Joint Venture Agreement between PGB and MTD, the administration, operation and maintenance of The Bunker shall be supervised by the MTD, through its nominated Operations and Maintenance Company and as detailed in the attached House Rules or Annex "C".

Included in this section are the following: Building set up, Housekeeping, Security and Day-to-day operations

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SECTION 10. Fit-outs. - After the consummation of the Sublease Agreements between PGB and third party tenants, the appropriate fit-outs of their respective subleased properties must be immediately undertaken prior to move-in. The appropriate fit-out guidelines and procedures are specified in the attached Annex "D".

SECTION 11. Organization of the Property Management Office. - The operations of The Bunker shall be shared by the PGB Property Management Office (PMO) and the property management office of MTD and AMBI, otherwise known as "Philjaya Property Management" or "Philjaya", the organization chart of the PGB PMO is hereto attached as Annex "E";

The PGB PMO shall be mainly responsible for:	
1.	Billing and collection of rental payments
2.	Tenant relations
3.	Functional and administrative supervision and building services

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Philjaya shall cover:	
1.	Building facilities, operations, monitoring, and maintenance including utilities expenses of common areas;
2.	Housekeeping services of all the common areas including security administration, janitorial, concierge services, wastewater treatment and conveyance, garbage collection;
3.	Insurance of the entire facility, centralized air conditioning, engine and maintenance works on architectural components and MEFP equipment, power and water supply system, required government operation and fire permits, etc.

SECTION 12. Billings and Payments. - All billings and payments shall be made at the Provincial Treasurer's Office with details as indicated in Annex "F" of this Ordinance;

SECTION 13. Authority of the Provincial Governor to Sign Sublease Agreements. - The Provincial Governor is hereby given authority to sign all Sublease Agreements that comply with all the terms and conditions as provided in this Ordinance, without need of ratification.

SECTION 14. Prior Sangguniang Panlalawigan Approval. The Governor, with prior approval of and authorization from the Sangguniang Panlalawigan, may sign and enter into a Sublease Agreement or Memorandum of Agreement with terms and conditions different from the foregoing, and provided that the same is with government agencies whose presence and operation in The Bunker is necessary for or beneficial to the one-stop government center.


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Provincial Governor

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SECTION 15. Separability Clause. If any provision of this Ordinance is held invalid, the provisions which are not affected shall remain in force and effect.


SECTION 16. Effectivity Clause. - This Ordinance shall take effect fifteen (15) days after publication and posting thereof in accordance with law.

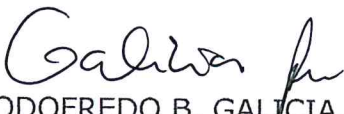
APPROVED UNANIMOUSLY.


SEVERINO P. SALAZAR
Secretary to the SP


BENJAMIN C. SERRANO, JR.
Board Member


JOMAR L. GAZA J.D.
Board Member


REYNALDO T. IBE, JR.
Board Member


GODOFREDO B. GALICIA, JR., M.D.
Board Member


MARIA KRISTINE G. DELA FUENTE
Board Member


MARIA MARGARITA R. ROQUE
Board Member



MANUEL N. BELTRAN
Board Member


EDGARDO P. CALIMBAS
Board Member


JOSE C. VILLAPANDO, SR.
Board Member


ROMANO L. DEL ROSARIO
Board Member


DOROTEO M. AUSTRIA
Board Member
(FABC President)


NOEL JOSEPH L. VALDECAÑAS
Board Member
(PCL President)


ALBERT S. GARCIA
Provincial Governor


PRECIOUS D. MANUEL
Board Member
(SKF President)


ROSITA N. SISON
Board Member
(IPM Representative)



ATTESTED:


MA. CRISTINA M. GARCIA
Vice Governor
(Presiding Officer)



APPROVED:


ALBERT S. GARCIA
Provincial Governor
Date: _____

