MUNICIPAL RESOLUTION NO. 151
Series of 2009

A RESOLUTION AUTHORIZING THE MUNICIPAL MAYOR, HON. STRIKE B. REVILLA, TO SIGN A "LEASE AGREEMENT WITH MANAGEMENT, OPERATION, AND MAINTENANCE PROVISIONS" WITH N.C. TAVU AND ASSOCIATES CORPORATION INVOLVING THE BACOOR PUBLIC MARKET FOR AND ON BEHALF THE MUNICIPALITY OF BACOOR, CAVITE.

Sponsored by Reynaldo M. Fabian

WHEREAS, the Municipality of Bacoor is the owner and operator of the Bacoor Public Market ("Public Market") located in Barangay Zapote IV, Zapote Road, Bacoor, Cavite, situated in parcels of land owned registered under the name of the municipality as evidenced by Transfer Certificate of Title Nos. T-26119 and T-308513 with a total lot area of 6,394 square meters.

WHEREAS, the municipal government incurred substantial losses in the operation and maintenance of the Public Market. Aside from the said expenses, the municipal government also spends a substantial chunk of its annual income in paying off the loan earlier obtained by the past administration from the GSIS Family Savings Bank to finance the construction thereof.

WHEREAS, Section 3, Subsection (l) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that the participation of the private sector in local governance, particularly in the delivery of basic services, shall be encouraged to ensure the viability of local autonomy as an alternative strategy for sustainable development.

WHEREAS, the Sangguniang Bayan of Bacoor issued Municipal Resolution No. 105, Series of 2008, authorizing Municipal Mayor Strike B. Revilla to invite interested parties to bid for the management of the Bacoor Public Market, setting the minimum requirements to qualify in such bidding, and authorizing the Municipal Mayor to sign a contract of management with the winning bidder.
WHEREAS, the municipal government’s Bids and Awards Committee ("BAC") was tasked to conduct the screening of qualified bidders, evaluation of the various bids and to make a recommendation on the various terms and conditions for the lease, including the management, operation and maintenance of the Public Market and its facilities under a long-term lease contract.

WHEREAS, the municipal government’s BAC, after conducting a bidding for the lease, management, operation, and maintenance of the Public Market in compliance with the pertinent provisions of Republic Act No. 9184, issued BAC Special Resolution No. 02-A, Series of 2008 dated 07 November 2008 declaring N.C. Tavu and Associates Corporation as the Highest Rated Responsive Bidder with the most advantageous financial and development proposal for the Bacoor Public Market among the eligible bidders.

WHEREAS, the Office of the Municipal Mayor submitted a draft “Lease Agreement with Management, Operations and Maintenance Provisions” to the Sangguniang Bayan of Bacoor for its review, a copy of which is attached hereto as Annex “A”.

NOW, THEREFORE, upon motion of Councilor Reynaldo Fabian, in regular session assembled. BE IT RESOLVED AS IT IS HEREBY RESOLVED to authorize the Municipal Mayor, Hon. Strike B. Revilla, to sign the above-mentioned “Lease Agreement with Management, Operations and Maintenance Provisions” with N.C. Tavu and Associates Corporation (hereinafter referred to as the “winning bidder”) for and on behalf of the Municipal Government of Bacoor, Cavite.

RESOLVED, FURTHER, that the contract that the Municipal Mayor will sign must contain the following basic provisions for this authority to remain valid to wit:

1. The lease term of the said contract shall be only for a period of twenty (20) years and shall not be deemed renewed or extended except by written agreement of the parties subject to the approval of the Sangguniang Bayan, unless sooner terminated by either party;
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2. During the lease term, the winning bidder shall pay monthly rental to the municipal government of at least One Million Seven Hundred Seventy Thousand Pesos (P1,770,000.00), which amount shall be exclusive of all taxes and fees due to the local and national government. The said monthly rental shall automatically increase by ten percent (10%) every five (5) years from the date of effectivity of the said contract until the end of the lease term thereof;

3. The winning bidder shall honor all subsisting stalls lease contracts entered into by the municipal government with stall tenants at the Public Market as of the day of execution the above-mentioned “Lease Agreement with Management, Operation, and Maintenance Provisions” up to the expiration of the said lease contracts. Accordingly, the winning bidder shall not cause the removal, replacement, and ejectment nor in any manner prevent any tenant at the Public Market from conducting business therein unless such tenant has failed to pay at least two (2) consecutive months rent or is in material breach of any of the terms or condition of such lease contracts;

4. After the expiration of the lease contracts with existing stall tenants, the winning bidder may enter into new lease contracts with the affected stall tenants. However, the winning bidder shall give preference to the renewal of the lease of stall tenants who are current in the payment of their rentals under their original lease contracts. The terms of the lease between the winning bidder and the vendors shall be subject to negotiation between the parties at rates that will allow the winning bidder to recover all costs incurred in managing, operating and maintaining the Public Market and introducing improvements thereon. The terms and conditions of the renewed lease contracts with the stall tenants shall be in compliance with all existing municipal ordinances, otherwise, the said renewed lease contracts shall be deemed void;

5. The ownership of the Public Market and all buildings and facilities thereon shall be retained by the Municipal Government.
Republic of the Philippines
Province of Cavite
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RESOLVED, FURTHER, that the authority granted under this Resolution shall only remain valid and effective so long as the provisions of the said "Lease Agreement with Management, Operations, and Maintenance Provisions" to be signed by the Municipal Mayor complies with this Resolution.

RESOLVED MOREOVER, that the authority granted under this Resolution shall only remain valid and effective so long as the provisions of the said "Lease Agreement with Management, Operations, and Maintenance Provisions" to be signed by the Municipal Mayor as well as the implementation and use of this Resolution, are all in compliance with law and existing government regulations.

RESOLVED LASTLY, that N.C. Tavu and Associates Corporation, and all other government offices and agencies concerned should be furnished with copies of this Resolution.

ADOPTED on the 9th day of November 2009 by the Sangguniang Bayan of Bacoor in regular session assembled at Bacoor, Cavite.

I hereby certify to the truth and correctness of the above-quoted Resolution.

Certified by:

HON. ROSETTE MIRANDA-FERNANDO
Vice Mayor/Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA, JR.
Secretary to the Sanggunian

Certified by:

ROSETTE MIRANDA FERNANDO
Municipal Vice Mayor/Presiding Officer

Approved by:

STRIKE REVILLA
Municipal Mayor

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