



PAMBANSANG MUSEO NG PILIPINAS
NATIONAL MUSEUM OF THE PHILIPPINES

NOTICE OF AWARD

ENGR. JESSIE I. CERVATOS
President
401 Development and Construction Corporation
#182 Sunset Dr., Brookside Hills Subdivision
Cainta, Rizal

Dear Engr. Cervatos,

The National Museum of the Philippines is pleased to inform you that the project “**DEVELOPMENT OF NATIONAL MUSEUM COMPLEX (PHASE IV)**” through Negotiated Procurement - Adjacent or Contiguous is hereby awarded to **401 DEVELOPMENT AND CONSTRUCTION CORPORATION**, with a contract amount of **Forty-Nine Million Nine Hundred Twenty-Four Thousand Eight Hundred Eighty-Eight Pesos and Fifteen Centavos (PHP49,924,888.15)**.

Please submit this advice with your confirmation of acceptance and submit within ten (10) calendar days the Performance Security.

Failure to enter into a Contract or to provide the documents within the above-mentioned timeframe shall constitute a sufficient ground for cancellation of this Award and forfeiture of your Bid Security.

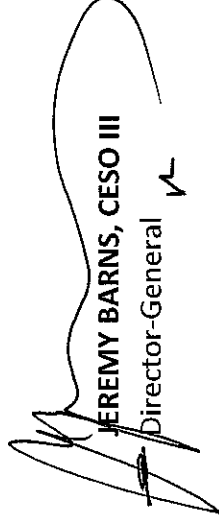
Done this 15 ^{JAN} ~~2024~~ day of _____ 2024.

Thank you.

Conforme:


ENGR. JESSIE I. CERVATOS
President

401 Development ~~2024~~ Construction Corporation
Date: 15 ^{JAN} ~~2024~~


JEREMY BARNES, CEO III
Director-General

ENCL: NONE
CC: NONE
BACSEC/DELAROSA/jcb

National Museum of the Philippines Complex, Rizal Park, Ermita, Manila 1000
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PAMBANSANG MUSEO NG PILIPINAS
NATIONAL MUSEUM OF THE PHILIPPINES

RESOLUTION No. 2023-81

RESOLUTION RECOMMENDING AWARD OF THE PROJECT DEVELOPMENT OF NATIONAL MUSEUM COMPLEX (PHASE IV) TO 401 DEVELOPMENT AND CONSTRUCTION CORPORATION USING SEC. 53.4 (NEGOTIATED PROCUREMENT – ADJACENT OR CONTIGUOUS)

WHEREAS, the National Museum of the Philippines (NMP) is currently engaged in a contract agreement with **401 DEVELOPMENT AND CONSTRUCTION CORPORATION** for the implementation of the project titled Development of National Museum Complex in Rizal Park (Phase III);

WHEREAS, during the implementation of the said project there is a need for the continuation of the road, driveway development and electrical line relocation project.

WHEREAS, the End-user (FMD) proactively communicated their requisition through a formal letter, urging the BAC to classify the proposed project under Section 53.4, specifically pertaining to Adjacent or Contiguous classification within the Revised Implementing Rules and Regulations of R.A. 9184. This strategic move ensures adherence to regulatory guidelines while advancing the comprehensive development plan for the National Museum Complex. The collaborative efforts of both the BAC and the End-user aim to streamline processes and facilitate the efficient execution of these pivotal projects, contributing to the overall enhancement of the cultural heritage site (please see attached document);

WHEREAS, the extensive evaluation conducted by the Bids and Awards Committee (BAC) ensures that the project meets the necessary criteria and standards for development. The decision to proceed with negotiated procurement – adjacent or contiguous reflects a careful consideration of the project's complexities and the need for a tailored approach to address specific requirements;

WHEREAS, the National Museum of the Philippines (NMP), under the oversight of the Bids and Awards Committee (BAC), is in the process of securing the services of a reputable contractor possessing both technical expertise and financial capability. This endeavor is to be realized through the avenue of Negotiated Procurement as stipulated in NMP Resolution No. 2023-68, a copy of which is provided for your reference (please see the attached document). This initiative aligns with the provisions outlined in Section 53.4 of the Implementing Rules and Regulations of Republic Act 9184, specifically under the category of Adjacent or Contiguous procurement;

WHEREAS, the Approved Budget for the Contract (ABC) is **Forty-Nine Million Nine Hundred Forty Thousand Fifty-Two Pesos and Forty-Four Centavos (PHP49,940,052.44)** chargeable against General Fund FY 2024;

WHEREAS, the Bids and Awards Committee commenced the negotiations for this project through a letter to **401 DEVELOPMENT AND CONSTRUCTION CORPORATION** dated **11 December 2023**;

WHEREAS, the NMPBAC conducted a thorough evaluation and review on the documents submitted by **401 DEVELOPMENT AND CONSTRUCTION CORPORATION**, including the conditions provided for in paragraph 4, (Annex "H") of the *2016 Revised IRR of RA 9184* as follows:

- i. Original contract is the result of a Competitive Bidding;
- ii. Subject contract to be negotiated has similar or related scopes of work;
- iii. It is within the contracting capacity of the contractor/consultant considering the legal, technical (e.g., PCAB license, SLCC) and financial (e.g., NFCC for the contiguous project) requirements for eligibility;

- iii. It is within the contracting capacity of the contractor/consultant considering the legal, technical (e.g., PCAB license, SLCC) and financial (e.g., NFCC for the contiguous project) requirements for eligibility;
- iv. In determining the SLCC, NFCC and PCAB license, the sum of the value of the remaining works for the existing contract and the ABC of the contiguous or adjacent work shall be considered;
- v. The contractor/consultant uses the same prices or lower unit prices as in the original contract less mobilization cost;
- vi. The ABC of the contiguous or adjacent work involved does not exceed the contract amount of the ongoing project;
- vii. The contractor/consultant has no negative slippage/delay in the original contract during the time of negotiation; and
- viii. Negotiations for the procurement are commenced before the expiry of the original contract. (emphasis supplied)

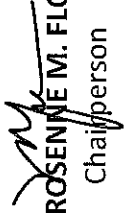
WHEREAS, upon evaluation, the BAC found that the proposal submitted by **401 DEVELOPMENT AND CONSTRUCTION CORPORATION** to be in compliance with the requirements pertaining to all matters related thereto as stated in the **Justification** with all its supporting documents of the end-user herein attached as Annex "A" of this Resolution;

NOW, THEREFORE, WE, the members of the Bids and Awards Committee hereby recommend as we hereby recommend that the project, **DEVELOPMENT OF NATIONAL MUSEUM COMPLEX (PHASE IV)**, be awarded to **401 DEVELOPMENT AND CONSTRUCTION CORPORATION**, with a contract amount of **Forty-Nine Million Nine Hundred Twenty-Four Thousand Eight Hundred Eighty-Eight Pesos and Fifteen Centavos (PHP49,924,888.15)**.

Done this day 27 Oct 2023, 2023 at the City of Manila, Philippines.



National Museum of the Philippines
Bids and Awards Committee


ATTY. MA. ROSENNE M. FLORES-AVILA
Chairperson

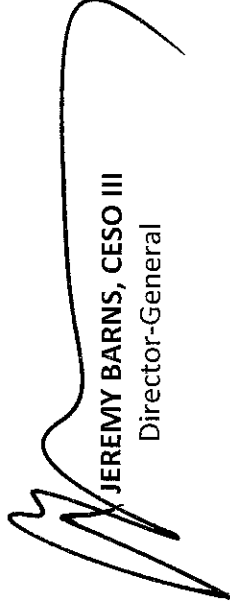

ATTY. EDWARD L. CONSOLACION
Vice-Chairperson


LAURO B. INOVERO
Member

Marianathe Kay Misa
MARIANATHE KAYF. MISA
Member


AR. ROLDAN C. LAUREL
Provisional Member / Project-In-Charge

Approved:


JEREMY BARNS, CESO III
Director-General