

ORDINANCE NO. 7921

AN ORDINANCE ESTABLISHING A MODERN ASPHALT BATCHING PLANT FOR THE ASPHALT PAVING, REPAIR AND MAINTENANCE OF CITY ROADS AND SIDEWALKS UNDER THE BUILD-OPERATE AND TRANSFER SCHEME WITH BONDLINK CORPORATION AND/OR OTHER ENTITIES QUALIFIED TO UNDERTAKE THE PROJECT IN ACCORDANCE WITH R.A. 6957 AS AMENDED BY R.A. 7718.

Be it ordained by the City Council of Manila, THAT:

SECTION 1. The City shall establish a modern asphalt batching plant for the asphalt paving, repair and maintenance of City roads under the Build-Operate and Transfer scheme with Bondlink Corporation and/or other entities in accordance with its and/or their proposal authorized under R.A. 6957 as amended by R.A. 7718 subject to the following conditions:

1. The City shall provide the site for the asphalt plant on any suitable government land not to exceed 12,000 square meters;
2. The company shall develop the site, construct, install and operate a modern asphalt batching plant that shall produce hot and cold asphalt mix with adequate capacity to meet the asphalt requirements of the City;
3. The company must provide brand-new machineries and equipment, with the latest technology on asphalt laying, rolling and correction, including the personnel therein;
4. The company shall supply the asphalt requirements of the City with a minimum guarantee of 4,000 metric tons per month at a discounted price on a deferred payment arrangement;
5. The company shall install all the necessary environmental pollution control devices as required and specified by concerned government agencies;
6. The company shall provide for the adequate safety and security requirements of the plant to prevent fire, accidents or other hazards and likewise for the maintenance, security, peace and order and sanitation within the asphalt plant premises at all times;
7. The City shall provide all the necessary City permits for the construction and operation of the plant provided that the required environmental clearance is secured by the company to the City's full satisfaction;
8. The City's share in the net profit of the asphalt plant and asphalt-laying projects shall be as follows:

for the first year	- 3%
for the 2nd year	- 4%
for the 3rd year	- 5%
for the 4th year	- 6%
for the 5th year	- 7%
for the 6th year	- 8%
for the 9th year	- 18%
for the 10th year	- 28%
for the 11th year and thereafter	- 45%

up to the end of the Build-Operate and Transfer scheme;

9. The Build-Operate and Transfer agreement shall be for a period of twelve years renewable for a similar period upon mutual agreement of the parties, subject to the confirmation and approval of the City Council;

10. Upon expiration of the twelve-year contract period or its renewal period, if any, the company shall turn over the asphalt plant in good condition to the City;
11. This BOT agreement shall conform with all the provisions of R.A. 6957 as amended by R.A. 7718;
12. The City shall assign the City Engineer and the City Treasurer or their representative to periodically inspect the operation of the asphalt plant and to examine the books of account for the purpose of determining the income share of the City;
13. The company shall submit a yearly report of operation, finances and other matters to the Office of the Mayor, City Council, City Treasurer, City Accountant and City Engineer as may be determined and required upon the signing of the agreement.

SEC. 2. The BOT Contract that may be entered into by the Mayor and Bondlink Corporation or any other entities in accordance with this Ordinance shall be subject to the approval of the City Council.


SEC. 3. The BOT agreement shall provide for an oversight committee composed of the Mayor as Chairman, the Vice-Mayor as Vice-Chairman, the Chairman of the City Council Committee on Engineering and Public Works, a representative of the minority bloc, the City Engineer, the City Treasurer, the City Budget Officer and a representative of the company as members for the purpose of overseeing the BOT agreement and to insure that the provisions of the agreement entered into by the City and the company are complied with.

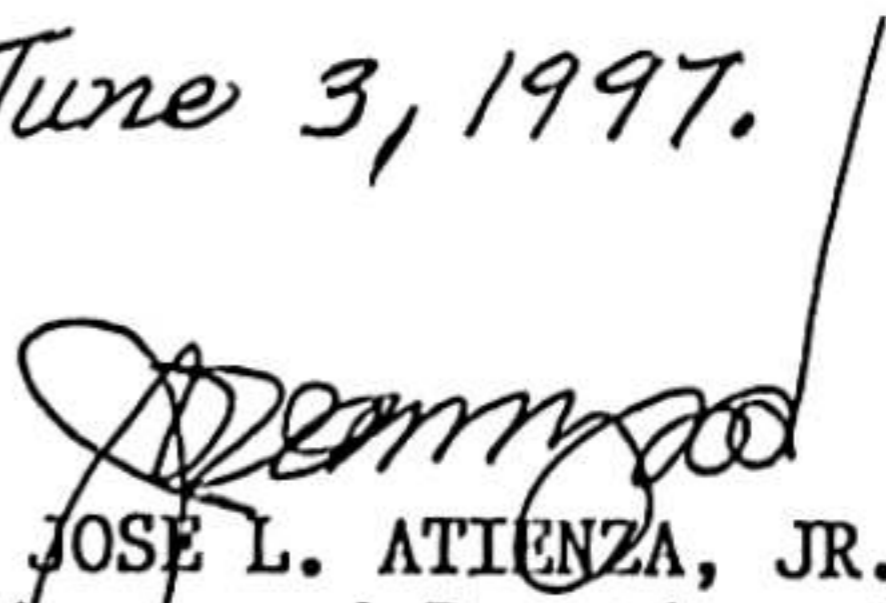
SEC. 4. This Ordinance shall take effect upon approval.

Enacted by the City Council of Manila at its regular session today, April 8, 1997.

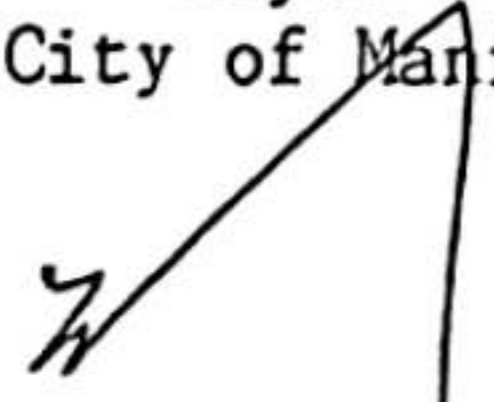
Approved by His Honor, the Mayor, on *June 3, 1997.*


APPROVED:


ALFREDO S. LIM
Mayor
City of Manila


JOSE L. ATIENZA, JR.
Vice-Mayor and Presiding Officer
City Council, Manila

ATTESTED:


RAFAELITO M. CARAYBLAS
Secretary to the Mayor


EMMANUEL R. SISON
Secretary to the City Council

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