



PAMAHALAANG BAYAN NG TAYTAY

TANGGAPAN NG SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 104th REGULAR SESSION OF THE 8th SANGGUNIANG BAYAN, TAYTAY, RIZAL, HELD ON DECEMBER 20, 2012 AT THE SESSION HALL OF THE MUNICIPAL BUILDING, TAYTAY, RIZAL

PRESENT:

Hon. Archie L. Calderon	- Councilor
Hon. Michell B. Bermundo	- "
Hon. Allan Martine S. de Leon	- "
Hon. Glenviano G. Valera	- "
Hon. Anastacio V. Alcantara	- "
Hon. Kristofer Charls S. Esguerra	- "
Hon. Ma. Jeca B. Villanueva	- SK President

ABSENT:

Hon. Janet DL. Mercado	- Vice Mayor/Presiding Officer
Hon. Jan Victor B. Cabitac	- Councilor
Hon. Carlito G. Gonzaga	- "
Hon. Aniel C. Cruz	- ABC President

Authored by: TPO/ Coun. Allan Martine S. de Leon
Sponsored by: Coun. Kristofer Charls S. Esguerra
Co-Authored and Co-Sponsored by: All SB Members Present

RESOLUTION NO. 150

AUTHORIZING THE MUNICIPAL GOVERNMENT OF TAYTAY, RIZAL REPRESENTED BY ITS LOCAL CHIEF EXECUTIVE, HON. GEORGE RICARDO R. GACULA II TO ENTER INTO A BUILD-OPERATE-TRANSFER (BOT) AGREEMENT WITH ANY CORPORATION AND/OR ENTITY TO UNDERTAKE THE LEASE, FINANCING, CONSTRUCTION AND IMPROVEMENT OF BUILDING B OF THE NEW TAYTAY PUBLIC MARKET ON A PARCEL OF LAND WITH AN AREA OF 6,853.5 SQUARE METERS MORE OR LESS COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 13-0004-18645 LOCATED AT NEW TAYTAY PUBLIC MARKET ROAD, BARANGAY SAN JUAN, TAYTAY, RIZAL UNDER SUCH TERMS AND CONDITIONS THEREIN STIPULATED IN PURSUANCE OF THE BUILD-OPERATE-TRANSFER SCHEME OF R.A 6957AS AMENDED BY R.A. 7718

WHEREAS, it is known that Building A and half of Building B of the New Taytay Public Market were destroyed by fire last May 2010;

WHEREAS, the present state of Building B, or more specifically the Meat Section of the New Taytay Public Market is incessantly deleterious hence, posing great danger to public health and safety particularly to legitimate stall holders;

WHEREAS, the facilities of Building B of the New Taytay Public Market require thorough rehabilitation to conform with the demands of modern concepts and standards;

WHEREAS, the said building can be improved and further developed to maximize the location and generate more revenues for the people of Taytay;

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WHEREAS, Public-Private Partnership (PPP), as encouraged by the National Government can be employed to solicit proposals from the private sector to design build, transfer and operate the said building under a competitive bidding process and in accordance with the provisions of the BOT Law, in order to seek the best and most advantageous arrangement of the Municipality, and in doing so, avail of the needed expertise for the activity, while at the same time attaining savings on operational and maintenance costs for the said project;

WHEREAS, Section 302 (a) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, explicitly provides:

“Local Government Units may enter into contracts with any duly prequalified individual contractor, for the financing, construction, operation and maintenance of any financially viable infrastructure facilities, under the build-operate-transfer agreement, subject to the applicable provision of Republic Act No. 6957 authorizing the financing, construction, operation and maintenance of infrastructure projects by the private sector and the rules and regulations issued thereunder and such terms and conditions provided in this Section.”

WHEREAS, Section 444 (b)(1)(VI) of the same code further states that the Municipal Mayor shall:

“Upon authorization by the Sangguniang Bayan, represent the Municipality in all its business transactions and sign on its behalf all bonds, contracts and obligations and such other documents made pursuant to law or ordinances.”

WHEREAS, in conforming with the decentralization program mandated in the Constitution, the participation of the private sector in the delivery of services should be encouraged and promoted to enhance autonomy of local governments;

WHEREAS, for the purpose of economic progress and development of the consuming public and the legitimate stallholders thereat, there is an urgent need for the privatization of the said Public Market subject to rates of the Market Code of the Philippines;

WHEREAS, due to extreme financial constraint, the Taytay Municipal Government needs to support and the services of a reputable and competent corporation and/or entity to undertake the development of the said Building through a Build-Operate-Transfer Scheme;

WHEREAS, all related legal questions should be tackled during the ratification of the said Memorandum of Agreement;

WHEREAS, the said Memorandum of Agreement should be ratified before its implementation;

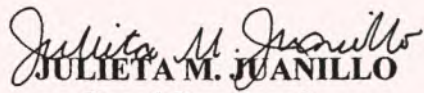
NOW THEREFORE, BE IT RESOLVED, by the Sangguniang Bayan of Taytay in session assembled: “A resolution authorizing the Municipal Government of Taytay, Rizal, represented by its Local Chief Executive, Hon. George Ricardo R. Gacula II to enter into a Build-Operate-Transfer (BOT) agreement with any corporation and/or entity to undertake the lease, financing, construction and improvement of the Building B of the New Taytay Public Market on a parcel of land with an area of 6,853.5 square meters more or less covered by Transfer Certificate of Title No. 13-0004-18645 located at New Taytay Public Market Road, Barangay San Juan, Taytay, Rizal, under such terms and conditions therein stipulated in pursuance of the Build-Operate-Transfer Scheme of R. A. 6957, as amended by R.A. 7718.;

RESOLVED FURTHER, that copies of this resolution be furnished to all concerned for their information and appropriate action.

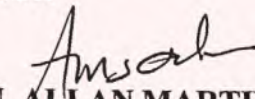
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ADOPTED, this 20th day of December, 2012 at the Session Hall of the Municipal Building, Taytay, Rizal.

I HEREBY CERTIFY, to the correctness of the foregoing Resolution which was duly enacted by the Sangguniang Bayan of Taytay during 104th Regular Session held on the 20th day of December, 2012.


JULIETA M. JUANILLO
Board Secretary I

ATTESTED AND CERTIFIED TO BE DULY
ENACTED BY HIS HONOR


HON. ALLAN MARTINE S. DE LEON
Coun.Temp/Presiding Officer