BILATERAL

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Your Excellency

I have the honour to refer to the recent discussions held between representatives of the Government of the Republic of Singapore and of the Government of the Republic of the Philippines concerning a scheme for technical assistance to be provided by Singapore to the Philippines and to propose on behalf of the Government of the Republic of Singapore the following arrangements:

1 NATURE OF THE SCHEME

1.1 For the purpose of contributing towards the economic development of the Philippines, the Government of Singapore will extend to the Government of the Philippines as a scheme for technical assistance (hereinafter called “the Scheme”) to the value of up to US$5 million.

1.2 The Scheme shall comprise projects for consultancy, manpower training and technical services in areas where Singapore has technical expertise and competence.

1.3 The projects to be undertaken should be consistent with the development thrusts and priorities contained in the Philippine Medium-Term Development Plan, 1987-1992.

1.4 To facilitate the development thrusts and priorities of the Philippines, the projects to be undertaken under the Scheme shall whenever possible integrate with other development projects in the Philippines undertaken in conjunction with the Asian Development Bank and other multilateral agencies.

1.5 The projects eligible under the Scheme shall generally concern expertise in the areas of airport planning and development, harbour planning and port development, building construction project management, building construction project techniques, town planning, public housing, planning and development of industrial complexes, aircraft maintenance and repair, and ship building and reconstruction.

1.6 Where consequent to any project undertaken under the Scheme, follow-up projects are required by the Philippines, the Philippine Government shall invite all eligible organizations referred to in paragraph 4 to participate in the tenders for the follow-up projects.

1.7 The Scheme shall be implemented over a period of three years.

2 COORDINATING AGENCIES

Singapore will designate the Trade Development Board (hereinafter called “TDB”) as its Coordinating Agency responsible for implementation of its obligations under the Scheme and the Philippines will designate the National Economic and Development Authority (hereinafter called “NEDA”) as the Coordinating Agency responsible for implementation of its obligations under the Scheme.

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3 SELECTION OF PROJECTS

3.1 NEDA shall consider and evaluate proposals for projects under the Scheme submitted by departments and other agencies of the Philippine Government.

NEDA shall also specify the respective Implementing Agencies.

3.2 Project proposals shall first be selected by NEDA who shall then consult TDB.

3.3 Where the Coordinating Agencies have agreed on a project proposal, they shall draw up a Project Plan and submit the same to their respective Governments for approval. The Project Plan shall contain the following information:

(a) a detailed description of the Project;

(b) an outline of the methods and means to be used to carry out the project;

(c) a schedule for the implementation of the project activities;

(d) the reporting requirements for the project;

(e) the nature, timing and responsibilities for project evaluation and the means by which they shall be made; and

(f) the budget required for the project which shall be limited to US$250,000 for each project provided that this limit may be exceeded for projects regarded as one of high priority by the Philippine Government.

3.4 Where a project has the approval of both Governments, the Governments shall by an exchange of Notes agree on the implementation of that project under the Scheme.

4 IMPLEMENTATION OF PROJECTS

4.1 Where a project has been approved and agreed upon by the Governments by an exchange of Notes, the Implementing Agency shall request TDB to call for tenders in Singapore to invite eligible organizations to offer to provide the required technical assistance to be rendered under the project.

4.2 The tender documents shall be prepared by the Implementing Agency and TDB may make such amendments as are necessary to ensure compliance with the laws of Singapore and the Scheme.

4.3 The eligible organizations shall be Singapore companies, firms, institutions or professionals.

4.4 In regard to technical services which require multi-disciplinary skills, the eligible organizations may, subject to TDB's written approval, employ non-Singapore expertise; provided always that in any such arrangement the eligible organization shall be fully responsible for its obligations under the project; and provided that the non-Singaporean content shall not exceed 20% of the budget for the project.

4.5 The cost of calling tenders shall be included as part of the budget for the project.

4.6 (a) TDB shall verify the tenders and disqualify those from ineligible organizations and those which do not comply with tender requirements.

(b) All tenders which qualify for consideration shall be submitted by TDB to the Implementing Agency concerned and TDB shall extend copies of the same to NEDA

4.7 The Implementing Agency shall, with NEDA's concurrence, award the tender and contract with the selected

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tenderer and transmit a copy of the contract documents to the TDB.

4.8. Where an Implementing Agency does not have the legal capacity to contract under the laws of Singapore or of the Philippines, the invitation to tender shall be made by the TDB on behalf of the Philippine Government and the contract for the project shall be entered into between the Philippine Government and the selected tenderer.

5 CONTRIBUTION OF SINGAPORE

5.1 On satisfactory completion of a project, NEDA shall certify to that effect and inform TDB and the Singapore Government shall put TDB in funds for payment of the services rendered in accordance with the contract.

5.2 All payments for the provision of services in regard to projects under the Scheme shall be made in Singapore and shall be treated by the Government as Singapore sourced income.

6 EXEMPTION FROM TAXATION

6.1 Provided that payments to Filipino nationals and residents made in the Philippines by selected tenderers shall be subject to taxation by the Philippine Government in accordance with Philippine laws.

6.2 The Philippine Government undertakes to exempt Singapore nationals and residents from custom duties, internal taxes and other physical levies which may be imposed in the Republic of the Philippines with respect to the supply of equipment or services under the Scheme.

7 INFORMATION

7.1 The Singapore Government and the Philippine Government together with their respective agencies shall ensure that the Scheme is carried out with due diligence and efficiency and each shall furnish to the other all such information relating to the Scheme and the projects undertaken and to be undertaken as shall reasonably be requested.

7.2 The Singapore Government shall through the Embassy in Manila officially notify the Philippine Government through its Department of Foreign Affairs the details of projects completed under the Scheme.

8 CONSULTATION

The two Governments shall, from time to time, consult with each other in respect of any matter in connection with this Scheme and shall endeavour to settle any dispute arising out of this Agreement through negotiation.

9 VALIDITY

This Agreement shall be valid for a period of three years or upon completion of the projects contemplated in the Agreement, whichever comes later.

If the foregoing is acceptable to the Government of the Republic of the Philippines, I have the honour to propose that the present Note and Your Excellency's Note in reply confirming on behalf of the Government of the Republic of the Philippines the foregoing arrangements shall be regarded as constituting an agreement between the two Governments, which will enter into force on the date of Your Excellency's reply.

Please accept, Excellency, the renewed assurances of my highest consideration.

(Sgd.)
PETER SUNG

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