BILATERAL

MEMORANDUM OF UNDERSTANDING RELATING TO THE METRO MANILA URBAN TRANSPORTATION STRATEGY IMPLEMENTATION PROJECT IN THE REPUBLIC OF THE PHILIPPINES

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GENERAL

1.

This MEMORANDUM expresses the understanding of the Governments of the Republic of the Philippines and Australia concerning the responsibilities and contributions respectively of the two Governments in regard to the Metro Manila Urban Transportation Strategy Implementation Project, (hereinafter referred to as the Project) located In Manila which is intended to assist with the implementation of low cost projects identified as part of the Metro Manila Urban Transport Strategy Project as further described and detailed in Annex 1 to this Memorandum.

AUTHORITIES

2.

The Executive Authorities for this Project will be :

> For the Government of the Republic of the Philippines: The Ministry of Transportation and Communications (MOTC).
>
> For the Australian Government: The Australian Development Assistance Bureau of the Department of Foreign Affairs.
>
> The Australian Development Assistance Bureau may nominate suitably qualified agents to undertake any part of its functions on its behalf.

DURATION

3.

This Memorandum will take effect from the date of its signature and the Project will be deemed to have commenced from 1 July 1984. The Australian contribution to the Project and all undertakings given herein will cease 18 months after the date of its signature of this Memorandum or on such other date as may subsequently be arranged between the two Governments.

RESPONSIBILITY

4.1

A senior level Metro Manila Transportation Strategy Project committee will be responsible for the review of the Project and the provision of policy direction to an Executive Co-ordinating Committee. The membership of the

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Metro Manila Transportation Strategy Project Committee will include:

- The Minister of Transportation and Communications;

- The Minister of Public Works and Highways;

- The Vice Governor of the Metro Manila Commission;

- The Chief of Constabulary/Director General of the Integrated National Police; and

- The Australian Ambassador to the Republic of the Philippines.

4.2

Responsibility for co-ordination of the activities of member agencies associated with the Project, for the review of progress of the Project directly, and for the making of appropriate recommendations or comments on the Project to the Strategy Policy Committee will be vested in an Executive Co-ordinating Committee. The membership of the Executive Co-ordinating Committee will include:

- The Deputy Minister of Transportation and Communications;

- The Assistant Secretary for Planning, Ministry of Transportation and Communications;

- The Assistant Secretary for Planning, Ministry of Public Works and Highways;

- The Commissioner for Planning, Metropolitan Manila Commission;

- A senior representative of the Philippine Constabulary/Integrated National Police, as designated by the Chief of the Philippine Constabulary and Direct ox1 General of the Integrated National Police;

- The Australian Consultant Team Manager.

4.3 Final responsibility for this Project will rest with the Government of the Philippines.

CONTRIBUTIONS

5.

The contributions of the Philippine and Australian Governments are detailed in Annex II and are estimated to value $600,000. Disbursement of Australian contributions will be subject to the normal annual parliamentary approval of appropriations.

EVALUATION

6.

An evaluation of progress of the Project may be made at times arranged between, and mutually convenient to, the Government of the Philippines and the Australian Government. Such an evaluation would be undertaken by a joint investigation team appointed by the two Governments and independent of staff involved in the Project.

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PERSONNEL

7.

For the purposes of this Project, the Government of the Philippines will facilitate the recruitment of, and employment by, the Australian Government or its agent of personnel as required for the Project and established between the two Governments by:

SUPPLIES

8.

(a) Granting exemption from income or other taxes on salaries and allowances;

(b) Granting exemption from import and other duties on personal and household effects;

(c) granting exemption from import duties on one motor vehicle per employee on condition that it be re-exported or duty paid on its assessed value at time of sale within the Philippines;

(d) Granting to Australian Project personnel all rights and entitlements accorded to the aid personnel of any other donor country; and

(e) expediting the issue of all documentation required for the entry of and performance of work by Project personnel.

8.1 The Government of the Philippines will exempt from import duties and other taxes (or pay such duties therein) any goods supplied by Australia for the established purposes of the Project.

8.2 The Government of the Philippines will facilitate movement of Project supplies by providing appropriate customs and wharfage facilities in the port closest to the Project site and will be responsible for expeditious transport of such supplies to site.

8.3 Project supplies provided by Australia shall be available for the unrestricted use of the Project and shall not be withdrawn from such use without the consent of the Consultant Manager appointed by the Australian Government. The Consultant Manager shall exercise administrative control over such supplies for the duration of the Project or such other time as Australia agrees they may be released from the project.

CLAIMS

9.

Since assistance under this Memorandum of Understanding is provided for the benefit of the Government and people of the Philippines, the Government of the Philippines will bear all risks arising from operations under this Memorandum of Understanding. The Government of the Philippines will deal with any claims which may be brought by third parties against the Australian Government, its servants or Australian personnel and will hold harmless the Australian Government and Australian personnel in case of any claims resulting from operations under the Memorandum of Understanding except where it is established in the course of mutual consultation and determination by the two Governments that such claims arise from gross negligence or willful misconduct of

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agents of the Australian Government or of Australian personnel.

SECURITY

10.

The Government of the Philippines will arrange for any protective services deemed necessary to ensure the safety of the person and property of Australian personnel, and of their dependants and Australian Project supplies.

AMENDMENTS

11.

Amendments to this Memorandum maybe made at any time by an exchange of letters between the signatories.

ANNEXURES to this Memorandum form an integral part of it.

SIGNED at Manila in duplicate this 2nd day of May 1985.

(Sgd.) (Sgd.)

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