SANGGUNIANG PANLUNGSOD

VALENZUELA CITY ORDINANCE NO. 155 SERIES OF 2014, September 22, 2014

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Authored by: Councilor MARLON PAULO C. ALEJANDRINO,
Councilor ANTONIO R. ESPIRITU, Councilor ROVIN ANDREW M. FELICIANO,
Councilor CORAZON A. CORTEZ, Councilor JENNIFER PINGREE-ESPLANA,
Councilor LORENA NATIVIDAD-BORJA, Councilor LAILANIE P. NOLASCO,
Councilor KIMBERLY ANN D.V. GALANG, Councilor CRISSHA M. PINEDA,
Councilor KRISTIAN ROME T. SY and Councilor RAMON L. ENCARNACION

WHEREAS, Section 458 (a) (3) of the Local Government Code of 1991 provides that the Sangguniang Panlungsod, as the legislative body of the City, shall enact ordinances and approve resolutions for the general welfare of the city and its inhabitants pursuant to Section 16 thereof and shall:

> "(i) Fix and impose reasonable fees and charges for all services rendered by the city government to private persons or entities;"

WHEREAS, on 14 July, 2014, Ordinance No. 140, Series of 2014, entitled "An ordinance Governing Joint Ventures between Valenzuela City and Private Sector Partners, Providing for the Procedures for Identifying Joint Venture Projects and Selecting Joint Venture Partners, Instituting Accountability Mechanism and for other purposes." was enacted governing all joint venture projects which the City Government of Valenzuela will enter into with private individual, corporation and/or sector;

WHEREAS, the City Government of Valenzuela, created the 3S Plus System - the Anti - Graft and Corruption Program of the City, along its continual effort of establishing Quality Management Systems particularly in the critical investment and business permits process, there is a need to strengthen the City's building construction regulation, implementation and enforcement as mandated under the National Building Code of the Philippines (P.D. 1096);

WHEREAS, to recover all costs of materials and supplies in the preparation of documents, feasibility and/or project study and plans for the different joint venture projects of the City Government of Valenzuela as well as to defray the expenses thereof, it is necessary to enact an Ordinance which shall prescribe the tender documents fees and other fees to all bidders and private partner proponents.

NOW THEREFORE, be it ORDAINED as it is hereby ORDAINED by the Sangguniang Panlungsod of Valenzuela in session duly assembled the following:

SECTION 1. TITLE - This shall be known as the "JV ORDINANCE FEES."

SECTION 2. DEFINITION OF TERMS - The Definition of Terms under Section 6 of Ordinance No. 140, Series of 2014, otherwise known as the Joint Venture Ordinance, is hereby adopted.

SECTION 3. SCOPE OF APPLICATION - The following non-refundable fees are hereby imposed, to be collected by the City Treasurer's Office from all proponents and/or bidders of Joint Venture Projects of the City Government of Valenzuela, to wit:

3.1 TENDER DOCUMENTS FEES. 0.5 OF 1% of the Total Project Cost.

AMOUNT OF JOINT VENTURE PROJECT TENDER DOCUMENT FEES	
Php 500,000.00 and below	Php 1,500.00
Php 500,000.00 to Php1,000,000.00 and for every increase of Php500,000.00 an additional Php1,000.00	Php 3,000.00

3.2 MOTION FOR RECONSIDERATION FEE - 0.25 of 1% of the Total Project Cost.

3.3 APPEAL FEE - 0.5 OF 1 % OF THE Total Project Cost.

3.4 ADMINISTRATIVE FEE - Document requested by any bidder and/or proponent for certification or photocopying shall be charged an amount of Php100.00 per page.

3.5 PUBLICATION FEE - The cost of any publication required by the Joint Venture Ordinance and other expenses thereof shall be shouldered proportionally by all bidders and/or proponents.

SECTION 4. INTEGRATION CLAUSE - The Joint Venture Agreement ("JVA") between the City Government of Valenzuela and the winning proponent and/or bidder may contain an integration clause.

For the purposes of this Ordinance, an integration clause may provide that all expenses and costs incurred in connection with the project may be for the account of the winning bidder. Expenses and costs covered by the integration clause may be voluntary and free agreed upon with the JV partner and may include but not limited to payment of honoraria, allowances, consultancy fee, cost of preparing bid documents, project study and/or feasibility study and other similar costs and expenses;

SECTION 5. CREATION OF THE BAC JOINT VENTURE SELECTION COMMITTEE TRUST FUND - There is hereby created a special account and trust fund to be called the "BAC Joint Venture Selection Committee Trust Fund" the source of which shall be the fees collected under this Ordinance from the bidders and private proponents except for the Publication Fee which shall accrue to the general fund. The Trust Fund shall be administered by the BAC Joint Venture Selection Committee.

The aforesaid Trust Fund shall be used solely and exclusively to finance all expenses and costs that the BAC Joint Venture Selection Committee may incur pursuant to its mandate under the Joint Venture Ordinance and in the absence of any integration clause in the JV Agreement, may be used to defray honoraria, allowances, consultancy fee and other costs and expenses.

SECTION 6. INFORMATION DISSEMINATION - Copies of this Ordinance shall be furnished to the Office of the City Mayor, the Bids and Awards Committee - Joint Venture Selection Committee and the City Treasurer's Office for their information and appropriate action.

SECTION 7. REPEALING CLAUSE - Any Ordinance or part or provision thereof which is inconsistent with any of the provision of this Ordinance are hereby repealed or modified accordingly.

SECTION 8. SEPARABILITY CLAUSE - If any part, section or provision of this Ordinance is declared invalid

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or contrary to existing laws, the part, section or provision not affected thereby shall continue to be in force and effect.

SECTION 9. EFFECTIVITY CLAUSE - This Ordinance shall take effect immediately fifteen (15) days after its publication in a newspaper of general circulation.

ENACTED.
SEPTEMBER 22, 2014.
VALENZUELACITY, METROPOLITAN MANILA.

(Sgd.) HON. ANTONIO R. ESPIRITU
Councilor
Majority Floor Leader HON. ROSALIE ESTEBAN-CAYCO
Councilor
Minority Floor Leader

HON. MARCELINO G. MORELOS
Councilor (Sgd.) HON. LORENA NATIVIDAD-BORJA
Councilor
Asst. Majority Floor Leader

(Sgd.) HON. LAILANIE P. NOLASCO
Councilor

(Sgd.) HON. CORAZON A. CORTEZ
Councilor (Sgd.) HON. KIMBERLY ANN D.V. GALANG
Councilor

(Sgd.) HON. MARLON PAULO C. ALEJANDRINO
Councilor (Sgd.) HON. CRISSHA M. PINEDA
Councilor

(Sgd.) HON. JENNIFER PINGREE-ESPLANA
Councilor (Sgd.) HON. KRISTIAN ROME T. SY
Councilor

(Sgd.) HON. RAMON L. ENCARNACION
Councilor
(President League of Barangays)

ATTESTED:

(Sgd.) FLAVIO C. DIAZ
Secretary

CERTIFIED CORRECT:

(Sgd.) HON. ROVIN ANDREW M. FELICIANO
Temporary Presiding Officer
Councilor

APPROVED:

(Sgd.) HON. REXLON T. GATCHALIAN
City Mayor

Date Signed: _____

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