



RESOLUTION NO. 2017-251
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RESOLUTION RATIFYING THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY GOVERNMENT OF NAGA AND THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS REGION V (DPWH-BICOL) RELATIVE TO THE AMPHIBIOUS EXCAVATOR (AE6) THAT SHALL BE USED IN THE DREDGING AND SEDIMENTATION/SILTATION COLLECTION AT THE NAGA RIVER:-

Sponsor: Hon. Salvador M. Del Castillo

WHEREAS, received by the Sangguniang Panlungsod for appropriate action is the 1st Endorsement, dated 7 April 2017, of His Honor, City Mayor John G. Bongat, endorsing for ratification the Memorandum of Agreement entered into by and between the City Government of Naga and the Department of Public Works and Highways Region V (DPWH-Bicol) with respect to the Amphibious Excavator (AE6) that shall be used in the dredging and sedimentation/siltation collection at the Naga River;

WHEREAS, copy of the said Memorandum is hereto attached as integral part of this resolution;

WHEREAS, finding the aforementioned Memorandum of Agreement to be in order;

NOW, THEREFORE, on motion of Councilor Salvador M. Del Castillo, duly seconded by Councilors Elmer S. Baldemoro and Vidal P. Castillo;

BE IT RESOLVED, as it is hereby resolved, to ratify the Memorandum of Agreement between the City Government of Naga and the Department of Public Works and Highways Region V (DPWH-Bicol) relative to the Amphibious Excavator (AE6) that shall be used in the dredging and sedimentation/siltation collection at the Naga River;

LET COPIES of this resolution be furnished His Honor, City Mayor John G. Bongat, and the Department of Public Works and Highways Region V, thru its Regional Director, Engr. Danilo E. Versola, for their information.

APPROVED.


Adopted: April 17, 2017

WE HEREBY CERTIFY to the correctness of the foregoing resolution.

PAUL JOHN F. BARROSA, MBA
Acting Secretary to the
Sangguniang Panlungsod

NELSON S. LEGACION
City Vice Mayor
& Presiding Officer

2/F City Hall Building, Juan Miranda Avenue, Concepcion Pequeña, Naga City

 473-20-51 • 473-20-49

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MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

The **MEMORANDUM OF AGREEMENT** made and executed by and between:

The **DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, REGION V**, represented by **Regional Director DANILO E. VERSOLA** with office address at Rawis, Legaspi City, hereinafter referred to as **DPWH**;

and

The **CITY GOVERNMENT OF NAGA**, with office address at J. Miranda Ave., City Hall Compound, Naga City, represented by its **City Mayor JOHN G. BONGAT**, as duly authorized by the Sangguniang Panlungsod through SP Res. No. _____ entitled: Resolution authorizing the Honorable City Mayor John G. Bongat to enter into a Memorandum Of Agreement (MOA) for and in behalf of the City of Naga with the Department of Public Works And Highways, Region V, represented by Regional Director Danilo E. Versola, for the lending of **Amphibious Excavator (AE6)** to be used for the Dredging and Sedimentation/Siltation collection of Naga River in the City of Naga.

WITNESSETH

WHEREAS, it is the basic policy of the government to ensure the expeditious delivery of service to the people, thereby accelerating economic development and strengthen peace and security in the area;

WHEREAS, the DPWH, is willing to extend support to the City Government of Naga by way of providing said dredging equipment under the rental-free scheme which when completed will help improve the socio-economic condition of the people in the area;

NOW, THEREFORE, for and consideration of the foregoing premises and of the mutual covenants and stipulation hereinafter set forth, the **DPWH** by these presents, hereby demises, conveys and lends unto the **CITY** the equipment herein specified, to wit:

EQUIPMENT DESCRIPTION REPLACEMENT COST

Amphibious Excavator (AE6) 4-cycle,
6 cylinder Watercooled Turbo-charge
Doosan Diesel Fed Engine

P 9,910,800.00

This agreement shall be subject to the following conditions mutually agreed upon the parties;

1. The above describes equipment shall be used exclusively for the:

OF PROJECT	LOCATION
Dredging and sedimentation/siltation collection at Naga River	<p>I. From Barangay Tabuco – Barangay Sabang Area from the flood gate bridge, Naga City People's Mall, Eurotel Area "Danluga", Panganiban Bridge, Barangay Dinaga and Barangay Lerma, Barangay San Francisco to Colgante Bridge, Barangay Dayangdang and Barangay Peñafrancia.</p> <p>II. From Barangay Dayangdang – Barangay Peñafrancia after Colgante Bridge to Magsaysay Bridge and "Danluga" Barangay Balatas – Barangay San Felipe Area.</p> <p>III. From "Danluga ni Ina" Basilica site to Balatas – Sto. Niño Area.</p>

2. Within the intent and purpose to realize the speedy completion of the above-named project, the CITY and the DPWH REGION V hereby agrees to the following:

A. The **CITY** shall

1. Act as the executing agency and shall oversee the general operations of the dredging equipment;
2. Administer the use of funds provided/allocated by the City for the project;
3. Employ additional/personnel at its own expense as may be necessary to provide support for efficient implementation of the dredging works;
4. Upon approval of this Memorandum of Agreement, shall provide the cost of the mobilization and demobilization of the equipment as the case maybe from the DPWH station to the project and vice versa including towing and hauling of its accessories; and
5. Provide for the motorboat to transport of personnels, fuel, oils and lubricant needed for the equipment and additional personnel to assist the DPWH in securing the equipment from any third persons.
6. Shall submit implementation schedule of the project for monitoring purposes. Attached herewith Program – Of – Work for the project, as approved by Hon. John G. Bongat – City Mayor, Naga City, chargeable on the Naga River Revitalization fund.

DPWH Region V shall

1. Assign on temporary basis the Amphibious Excavator (AE6) initially for a period of six (6) months. However, the said equipment shall be subject for recall at any time during the authorized period when interest so demand or during emergency to prevent loss of lives and properties;
2. Provide personnel with expertise or specialization in the dredging project;
3. Implement the dredging operation in accordance with the approved plans and specifications;
4. Appraise the higher authorities as maybe necessary regarding its accomplishments and any problems encountered concerning operations; and
5. Provide other technical assistance as maybe necessary in the dredging operations.

C. The **DPWH**, Camarines Sur 2nd Engineering District shall;

1. Oversee the disbursement, approval and liquidation of the Naga River Dredging Fund under the **DPWH** sub-allotment #SR2016-09-011013 dated September 29, 2016.
3. The **DPWH** shall retain custody and control of the equipment Amphibious Excavator (AE6) be fully responsible for the maintenance of the unit and shall provide needed fuel and lubricants for the effective operation of the dredging equipment during the entire period of this agreement;
4. That the **CITY** will save the **DPWH** and all **DPWH's** employees free from liability for lawsuits, civil and criminal, arising from damage done to any person or property by reason of the use, transportation, except in cases, where it proven that such damage was due to the fault of the **DPWH's** personnel.

This **AGREEMENT** shall take effect upon approval of this Memorandum of Agreement (MOA) by the Honorable Secretary, **DPWH**.

This Memorandum of Agreement may be terminated in the event of a default by the other party of any of its obligation and shall be automatically terminated upon the realization of the purposes of this **MOA**.

IN WITNESS WHEREOF, the parties have hereto affixed their signatures, this
day of _____, 2017 at City of Naga, Philippines.

**DEPARTMENT OF PUBLIC WORKS
GOVERNMENT AND HIGHWAYS**



DANILO E. VERSOLA, CESO III
Regional Director
RAWIS, LEGASPI CITY


THE CITY OF NAGA


JOHN G. BONGAT
City Mayor
NAGA CITY

SIGNED IN THE PRESENCE OF:


EDGARDO L. VALENCIA
Chief, Equipment Management Division


LEON B. PALMIANO IV
City Engineer


REBECCA J. ROCES
District Engineer, Cam. Sur 2nd DEO

APPROVED BY:

MARK A. VILLAR
Secretary
Department of Public Works and Highways

ACKNOWLEDGEMENT

BEFORE ME, a Notary Public for and in NAGA CITY this 07 2017
day of _____, 2017 personally came and appeared **DANILO E.**
VERSOLA, with Residence Certificate No. 10*1925/001 issued on
_____ at _____ in his capacity as Regional
Director, representing the **DPWH** and **JOHN G. BONGAT** with Residence Certificate No.
LGU Naga City 2016/24 issued on _____ at
_____ in his official capacity as City Mayor, representing the **CITY GOVERNMENT OF NAGA**
known to me to be the same persons who executed the foregoing instrument and key
acknowledged to me that the same is their free and voluntary act deed and that of entities,
which they represent.

WITNESS MY HAND AND SEAL this 07 2017 day of _____
2017 at NAGA CITY

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ATTY. ARMEEN ALAIN B. GOMEZ
NOTARY PUBLIC UNTIL DEC. 31, 2017
REG. NO. 1762245 1/9/17 N.C.
ATT. NO. 5494373 1/4/17 N.C.
ROLL NO. 55664

Dredging of Naga River in Naga City, Program – Of – Work Attached herewith.