Republika Ng Pilipinas
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
Lungsod ng Bacolod

CITY ORDINANCE NO. 1089
February 26, 2025

AN ORDINANCE AUTHORIZING THE HONORABLE CITY MAYOR ALFREDO ABELARDO B. BENITEZ TO ENTER INTO AND SIGN THE BUILD-TRANSFER-MAINTAIN AGREEMENT IN CONNECTION WITH THE ESTABLISHMENT OF A CENTRALIZED COMMAND CENTER, INTELLIGENT STREET LAMP POLES WITH VIDEO SURVEILLANCE ANALYTICS, PROPERTY AND TAX ASSESSMENT SYSTEM AND GEOGRAPHICAL INFORMATION SYSTEM AIMED TOWARDS MAKING BACOLOD A SUPER CITY AS APPROVED BY THE SANGGUNIANG PANLUNGSOD OF BACOLOD AS PER SANGGUNIANG PANLUNGSOD RESOLUTION NO. 713, SERIES OF 2024.

WHEREAS, by virtue of Bacolod City Ordinance No. 854, otherwise known as the Bacolod City LGU P4 Ordinance (the "P4 Ordinance"), on 8 June 2023, the City Government of Bacolod (the "CGB"), through the Office of the Mayor and the Public-Private Partnership for the People Selection Committee ("P4-SC"), received the unsolicited proposal (the "Unsolicited Proposal") for a Public-Private Partnership to enter into a joint venture arrangement with the CGB to coordinate, collaborate and cooperate in connection with the establishment of a Centralized Command Center, Intelligent Street Lamp Poles with Video Surveillance Analytics, Property and Tax Assessment System, and Geographical Information System aimed towards making Bacolod a Super City (the "Project") submitted by HIGHDATA INFRA CORP. (the "Proponent");

WHEREAS, on 14 June 2023, the CGB issued a Certificate of Acceptance informing the Proponent that after evaluation by and recommendation of the P4-SC, the Unsolicited Proposal was accepted, and the Original Proponent Status (OPS) was conferred to the Proponent pursuant to Section 17 of the P4 Ordinance, thereby allowing the Parties to proceed to detailed negotiations;

WHEREAS, the Parties conducted a series of in-depth negotiations on the purpose, terms and conditions, scope and implementation, arrangements, as well as all legal, technical and financial aspects of the Project;

WHEREAS, on 5 December 2023, pending negotiations between the Parties, Republic Act No. 11966 or the "Public-Private Partnership (PPP) Code of the Philippines" (the "PPP Code") was passed into law to govern, among others, PPP projects between local government units and private partners, and the said law came into effect on 23 December 2023;

WHEREAS, considering that the Proponent was already granted OPS prior to the effectivity of the PPP Code, under PPP Governing Board Resolution No. 2023-12-02 or the "Interim Guidelines on PPP Projects whose Processing has Commenced by the Effectivity of Republic Act No. 11966 and Before the Effectivity of its Implementing Rules and Regulations" and as confirmed by the PPP Center, the parties proceeded to the negotiation stage;

WHEREAS, on 26 February 2024, the CGB and the Proponent, through their representatives to the Negotiations Committee, after continuing the detailed negotiations under the aforementioned Interim Guidelines, executed the Certification of Successful Negotiation to confirm that the CGB and the Proponent have reached a successful negotiation concerning the Project and that the unsolicited proposal, as well as the negotiated Joint Venture Agreement for the Project, together with the parameters, terms, and conditions;

WHEREAS, in a meeting held on 16 May 2024 between the CGB, the Proponent, and the PPP Center, the LGU proposed that the Project's modality be changed from a Joint Venture to a Build-Transfer-Maintain arrangement;

WHEREAS, in view of the CGB's proposal to change the Project's modality to a Build-Transfer-Maintain arrangement, the LGU and the Proponent agreed that there was a need to renegotiate the terms and parameters of the Project and to consider the viability of a Build-Transfer-Maintain modality, and thereby issued a Certification of Re-Opening of Detailed Negotiations on 29 May 2024;

WHEREAS, the Parties conducted another series of in-depth negotiations on the purpose, terms and conditions, scope and implementation, arrangements, as well as all legal, technical and financial aspects of the Project under a proposed Build-Transfer-Maintain Agreement including its annexes, exhibits and schedules (the "Build-Transfer-Maintain Agreement");

WHEREAS, the CGB and the Proponent having agreed to the legal, technical, and financial aspects of the Project and the Build-Transfer-Maintain Agreement, and upon confirming that the PPP Center had no further comments on the Unsolicited Proposal, Project and Build-Transfer-Maintain Agreement, the CGB and the Proponent decided to conclude the detailed negotiations by issuing a Certification of Successful Negotiation dated 8 August 2024;

WHEREAS, after successful detailed negotiations, the LGU submitted the Project for confirmation of the City Development Council of Bacolod City on August 16, 2024 and the same was confirmed as per its CDC Resolution No. 13, series of 2024;

WHEREAS, on September 4, 2024, the Sangguniang Panlungsod of Bacolod City approved the said project by passing SP Resolution No. 713, Series of 2024 ratifying the City Development Council Resolution No. 13, Series of 2024;

WHEREAS, on 18 September 2024, the Bacolod City PPP Pre-Qualification/Qualification Bids and Awards Committee ("PBAC") caused the publication of the Invitation for Comparative Proposals in the website of the CGB and the website of the PPP Center, and on October 8, 2024, caused the issuance of the tender documents for the Project which commenced the activities for the solicitation of comparative proposals as per Sections 64 to 66 of the PPP Code IRR;

WHEREAS, on 9 October 2024, on the basis of the clearance by the City Legal Officer, the City Mayor approved the Build-Transfer-Maintain Agreement pursuant to Section 80.4 of the PPP Code IRR;

WHEREAS, as stated in the Invitation for Comparative Proposals, all comparative proposals for the Project must be delivered on/or before 8 January 2025, 12:00 noon at the Department of Local Economic Development and Investment Promotions, Masskara Hall 4, 3rd Floor Bacolod City Government Center, Circumferential Road, Barangay Villamonte, Bacolod City;

WHEREAS, no comparative proposal for the Project was received by the PBAC by 8 January 2025, 12:00 p.m.;

WHEREAS, pursuant to Section 99 of the PPP Code IRR, since no comparative proposal was received, the PBAC issued a Resolution recommending the award of the Build-Transfer-Maintain Agreement to the Original Proponent;

WHEREAS, while the approval of the said Project was under the IRR of the PPP Code when it was passed, there is still a need for SP to pass an authority for the Honorable City Mayor to sign the Build-Transfer-Maintain Agreement pursuant to Section 22 of Republic Act 7160 otherwise known as the Local Government Code of 1991, with said authority to sign is also required by PPP Governing Board Resolution No. 2024-07-02, which authority shall be in the form of an Ordinance;

WHEREAS, taking into consideration the provisions of the above cited laws and regulations, it is imperative that the City Mayor/Head of the LGU must be authorized by the Sangguniang Panlungsod first by way of an Ordinance before the execution of the Build-Transfer-Maintain Agreement with the winning bidder.

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of Bacolod City in a regular session assembled:

Section 1. AUTHORIZATION FOR THE CITY MAYOR TO ENTER INTO CONTRACT. The Sangguniang Panlungsod hereby authorizes the Honorable City Mayor, Alfredo Abelardo B. Benitez to enter into and execute the Build-Transfer-Maintain Agreement with Highdata Infra Corp. as well as to execute all other contracts, agreements, instruments and documents necessary to implement the Project, carry out the obligations of the CGB under the Build-Transfer-Maintain Agreement, or are necessary or relevant to the Build-Transfer-Maintain Agreement (the "Implementing Documents") in connection with the establishment of a Centralized Command Center, Intelligent Street Lamp Poles with Video Surveillance Analytics, Property and Tax Assessment System, and Geographical Information System aimed towards making Bacolod a Super City.

Section 2. CONFIRMATION OF APPROVAL. The Sangguniang Panlungsod hereby confirms its approval of the Build-Transfer-Maintain Project as contained in SP Resolution No. 713, Series of 2024, including the attached Parameters, Terms and Conditions (PTCs), as approved.

Section 3. REPEALING CLAUSE. All ordinances, decrees, orders, issuances, and rules and regulations or parts thereof inconsistent with the provisions of this Ordinance and the Build-Transfer-Maintain Agreement which is made integral part hereof are hereby repealed or modified accordingly.

Section 4. SEPARABILITY CLAUSE. If any part, section, or provision of this Ordinance is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

Section 5. EFFECTIVITY. This Ordinance shall take effect immediately upon its passage and approval.

CARRIED BY THE VOTE OF:

Affirmative:
Councilors : Cindy T. Rojas, Em L. Ang, Al Victor A. Espino, Vladimir S. Gonzalez, Jason Isidro S. Villarosa, Claudio Jesus Raymundo A. Puentevella, Simplicia Z. Distrito, Celia Matea R. Flor, Psyche Marie E. Sy, Lady Gles Gonzales-Pallen.

Negative : None.

Abstention : None.

Absent : None.

Official Travel : Vice Mayor El Cid M. Familiaran.

Official Leave : Councilor Danna Marie C. Barzo.

Author : Floor Leader Al Victor A. Espino.

Passed : February 26, 2025 (139th Regular Session of the 11th Council).

Comments : Passed.
Councilors Israel P. Salanga and Renecito S. Novero were not around when this Ordinance was passed.

- - - - -

JUDE THADDEUS A. SAYSON
Acting Vice Mayor
Presiding Officer

ATTESTED:

ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

By:

CHRISTINE G. TEMPLA
Board Secretary IV

APPROVED: MARCH 3, 2025

ALFREDO ABELARDO B. BENITEZ
City Mayor

CGT/OEM/llt

SP LEGISLATIVE SERVICES SECTION
DATE: March 3, 2025 TIME: 9:05 AM
BY:

A CERTIFIED PHOTOCOPY OF THE ORIGINAL
3/3/2025