



## **NOTICE OF AWARD**

### **NORTH LUZON EXPRESSWAY – SOUTH LUZON EXPRESSWAY (NLEX-SLEX) CONNECTOR ROAD PROJECT**

16 SEP 2016

**Mr. RODRIGO E. FRANCO**

President

Metro Pacific Tollways Development Corporation / Manila North Tollways Corporation  
10<sup>th</sup> Floor, MGO Building  
De la Rosa Corner Legaspi Streets  
Makati City, Philippines

Dear Mr. Franco:

We are pleased to inform you that the Department of Public Works and Highways (DPWH) Special Bids and Awards Committee (SBAC) has issued a resolution recommending the award of contract for the Design, Financing, Construction, Operation and Maintenance of the North Luzon Expressway – South Luzon Expressway (NLEX-SLEX) Connector Road Project to Metro Pacific Tollways Development Corporation (MPTDC) and its subsidiary, as Original Proponent, in accordance with the Instruction to Comparative Proponent (ICP), Republic Act No. 6987, as amended by Republic Act No. 7718 (BOT Law), and its Implementing Rules and Regulations (BOT IRR).

Pursuant to the BOT Law and the BOT IRR, this Notice of Award (Notice) is issued to you as the Winning Proponent. Accordingly, you are hereby required to comply with the following Post-Award Requirements within twenty (20) calendar days from receipt of this Notice of Award:

1. This Notice of Award acknowledged by the authorized representative of the Winning Proponent.
2. Construction Performance Security amounting Four Hundred Seventy One Million Philippine Pesos (PhP471,000,000.00), to replace the Bid Security pursuant to the Agreed Toll Concession Agreement.
3. Letters of intent and term sheets from reputable financial institutions that they will provide sufficient credit facilities to cover the total estimated cost of the project amounting to Twenty Three Billion Two Hundred One Million Five Hundred Seventy Thousand Philippine Pesos (PhP23,201,570,000.00).

4. Proof of payment of Two Hundred Four Thousand Five Hundred Seven and 78/100 US Dollars (US\$204,507.78) or its peso equivalent using the prevailing Bangko Sentral ng Pilipinas Reference Rate (exclusive of bank charges) at the time of reimbursement, representing the technical assistance fees for the Transaction Advisory Services for the Project disbursed from the Project Development and Monitoring Facility (PDMF), in the form of a manager's check payable to the Public-Private Partnership Center of the Philippines or a bank deposit slip or bank remittance advice of a wire transfer to the account indicated below:

**Account Name:** Public-Private Partnership Center of the Philippines  
**Account Number:** 1872-1034-02  
**Name of Bank:** Land Bank of the Philippines  
**Bank Address:** EDSA NIA Branch DPWH Compound, EDSA Diliman, Quezon City  
**Swift Code:** TLBPPHMMXXX

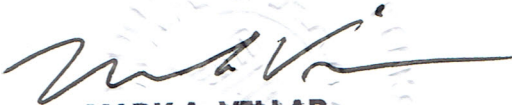
5. Submit either (i) Treasurer's Affidavit attesting to actual paid-up capital at least equal to the required equity, (ii) subscription agreement(s) between shareholder(s) of the Winning Proponent and the Winning Proponent itself covering said equity contribution, or (iii) shareholders agreement between and among two (2) or more shareholders of the Winning Proponent undertaking to contribute/subscribe to the required equity contribution;
6. Certified true copies issued by the Philippine Securities and Exchange Commission (SEC) of the Concessionaire's certificate of incorporation, articles of incorporation and by-laws, and the General Information Sheet or a photocopy of the page(s) showing entries in the Concessionaire's stock and transfer book, certified true by the corporate secretary;
7. Certified true copies of resolutions adopted by the board of directors of the Concessionaire, duly notarized and issued by its authorized officer: i) attesting that the Concessionaire conducted an organizational meeting of its stockholders and elected its regular board of directors and corporate officers, and ii) authorizing the execution, delivery and performance of the Concession Agreement and the transaction documents; and
8. Latest Audited Financial Statements of MPTDC and MNTC.

Pursuant to the ICP, failure by the Winning Proponent to comply with the requirements enumerated in this Notice of Award within twenty (20) calendar days from receipt of the Notice of Award, or within any extension granted by the SBAC, without reasonable justification acceptable to the DPWH, shall result in the forfeiture of the Winning Proponent's Bid Security and the withdrawal of the Notice of Award.

Within five (5) calendar days from the DPWH's receipt of the requirements in the Notice of Award, the undersigned shall determine and notify the Winning Proponent of its compliance with all of the requirements stated in the Notice of Award.

In accordance with the ICP, the Winning Proponent (or its special purpose corporation, if applicable in accordance with Supplemental Bid Bulletin No. 4) must execute the Concession Agreement with the DPWH within five (5) calendar days from its receipt of notification of compliance with the Post-Award Requirements. Failure by the Winning Proponent to execute the Concession Agreement within the prescribed period shall be a ground for the forfeiture of the Winning Proponent's Bid Security and the withdrawal of the Notice of Award.

We trust that you will comply with the foregoing requirements.



**MARK A. VILLAR**  
Acting Secretary

Department of Public Works and Highways  
Office of the Secretary



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Conforme:

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**Mr. RODRIGO E. FRANCO**  
**President**  
Metro Pacific Tollways Development Corporation  
Manila North Tollways Corporation

Date:

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