

## TERMS OF REFERENCE

### LEASE OF OFFICE SPACE FOR THE OFFICE OF THE SOLICITOR GENERAL (OSG)

#### I. RATIONALE

The OSG is urgently seeking an office space located preferably in a highly urbanized or urbanized neighborhood/community in Makati City to ensure the productivity and safety of its officials and employees, clients, guests, and the general public.

In doing so, the OSG takes into account the GIMBA Engineering Services (GIMBA) Project Investigation Report dated December 07, 2019, verbal advice from DPWH dated January 24, 2020, and the DPWH Letter dated April 15, 2021, stating that it would be more advantageous to the OSG to acquire a new building or lot instead of retrofitting the OSG Main Building.

#### II. POLICY CONSIDERATION

Pursuant to Section 9(b)(i), Annex "H" of Updated 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (R.A.) No. 9184, it is preferred that government agencies lease publicly-owned real property or venue from other government agencies.

If there is an available publicly-owned real property or venue that complies with the requirements of the Procuring Entity, it may enter into a contract of lease with the government agency owner.

In the event that the Procuring Entity would resort to privately-owned real property or venue, the End-User unit shall justify that the same is more efficient and economical to the government.

#### III. APPROVED BUDGET FOR THE CONTRACT

The Approved Budget for the Contract (ABC) of the aforesaid lease is **Seventy Million Four Hundred Thousand Pesos**

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Lease of Office Space of the Office of the Solicitor General.

December 04, 2023

**(Php70,400,000.00)**, inclusive of value-added tax (VAT), documentary stamp tax (DST), construction bond,<sup>1</sup> vetting fee<sup>2</sup>, and other government taxes and charges.<sup>3</sup>

#### **IV. DOCUMENTARY REQUIREMENTS**

Pursuant to Annex "H," Appendix A of the Updated 2016 RIRR of R.A. No. 9184 on the Lease of Privately-Owned Real Estate, the prospective lessor shall submit the following documentary requirements on the date and time as may be determined by the OSG Bids and Awards Committee (OSG-BAC):

<b>Item</b>	<b>Particulars</b>
1	Mayor's/Business Permit
2	PhilGEPS Registration Number
3	Latest Income/Business Tax Return
4	Articles of Incorporation
5	Board Resolution/Authority to enter into contract of the Lessor/Omnibus Sworn Statement
6	Latest As-built plans of the leasable space, including electrical, architectural, plumbing, fire protection, sanitary, and other relevant plans
7	Original/Transfer Certificate of Title or in the alternative, Certified True Copy thereof
8	Latest Tax Declaration of Real Estate/Tax Certificate
9	Contract of Lease
10	Declaration of warranties/guaranties: ownership and/or capacity to lease; that premises to be leased is free and clear of any liens/encumbrances and not subject to/involved in any suit; that lessee shall be kept in quiet and peaceful possession of the leased premises during the term of the lease; that in case of change in ownership of the leased premises, the lease shall not be affected; payment of real property taxes and assessments, etc.

<sup>1</sup> Amounting to one month's current rent.

<sup>2</sup> Subject to actual implementation.

<sup>3</sup> Based on 2023 values only.