

TERMS OF REFERENCE

Consultancy Services for the Formulation of the Philippine Water Supply and Sanitation¹ Master Plan (PWSSMP)

1. BACKGROUND

- 1.1 The Philippine Development Plan (PDP) 2017-2022 recognizes that one of the major challenges in the water sector, particularly in the WSSS subsector, is the inadequacy of water supply services despite the abundance of water resources in the country and the many efforts to utilize and manage these. Of the country's 22.7 million families, 14.5 percent still have no access to safe water supply². Only seven regions have a proportion of families that have access to safe water supply (ranging from 84.7 to 98.9%³) at par or higher than the national average of 85.5 percent. In addition, 337 municipalities are still considered waterless, most of which are located in the nation's 10 poorest provinces⁴. On the other hand, 5.9 percent of the nationwide population still has no access to a basic sanitary toilet facility. Only 4.40 percent of households nationwide are served by sewerage systems⁵. Despite the 40.0 percent subsidy of the national government (NG) under the National Sewerage and Septage Management Program (NSSMP)⁶ for service providers to establish sewerage services in the 17 highly urbanized cities (HUCs) outside Metro Manila, no sewerage projects have been implemented. Untreated wastewater compounds the non-availability of raw water sources for new development.
- 1.2 These prompted the development of the Philippine Water Supply Sector Roadmap (PWSSR) and Philippine Sustainable Sanitation Roadmap (PSSR) to serve as roadmaps in achieving the country's long term targets of universal access by 2025 for water supply and 2028 for sanitation.
- 1.3 Nevertheless, achieving universal access to safe drinking water and sanitation continues to be a challenge given the issues faced by the sector, including institutional fragmentation, fragmented financing, and weak regulatory framework for the sub-sector, among others. Hence, the formulation of a Philippine Water Supply and Sanitation Master Plan (PWSSMP) is essential to set the direction in helping the country meet the sub-sector challenges and attain the sub-sector's desired short-term, medium-term and long-term targets. In this

¹ Sanitation shall mean basic sanitary toilet facilities, septage management and/or sewerage management.

² Safe water supply refers to water accessed through a pipe system into dwellings, yards or plots, through public tap and through protected wells. Source: Philippine Statistics Authority (PSA) Annual Poverty Incidence Survey (APIS), 2014

³ CARAGA (84.7 %), Region VIII (86.5 %), NCR (90.3%), Region I (90.7 %), Region IVA (90.9 %), Region II (96.0 %), and Region III (98.9 %).

⁴ Source: National Anti-Poverty Commission (NAPC), 2015

⁵ Source: PSA National Demographic and Health Survey (NDHS), 2013

⁶ This program is spearheaded by the Department of Public Works and Highways (DPWH) as mandated by the Clean Water Act of 2004.

regard, NEDA shall engage the services of consultants to formulate the PWSSMP.

2. OBJECTIVES

2.1 The PWSSMP shall set the direction in achieving:

2.1.1 Universal access to safe drinking water (by 2025 or to be adjusted as appropriate);

2.1.2 Universal basic sanitation (by 2028 or to be adjusted as appropriate); and

2.1.3 Achieving targets⁷ mandated under the Clean Water Act of 2004.

2.1.4 This requires the development of strategies, and, subsequently, identification of priority programs and projects (for the short, medium and long-term) to achieve the following desired sub-sector outcomes, among others:

- a. A coherent institutional and regulatory framework;
- b. Capable government institutions and service providers sustainably managing the sub-sectors for improved service delivery;
- c. Strengthening strategic alliances; and
- d. Adequate financing and investment to water supply, sanitation and sewerage infrastructure in priority strategic areas.

2.2 The WSS Master Plan shall take into account what has been accomplished thus far, and what needs to be accomplished moving forward, taking into consideration recent policy developments in the sector.

Spatially, the updating shall also take into consideration the prioritization of specific geographic areas needing the most assistance in the sector.

2.3 The development of the Master Plan shall integrate the water supply, sewerage and sanitation sub-sectors into a single roadmap. The proposed Master Plan shall also provide the umbrella framework linking all other initiatives relating to the WSS, such as the Unified Financing Framework (UFF)⁸.

3. SCOPE OF WORKS

The scope of works of the Consulting Firm under this TOR shall include, but *not* necessarily be limited to the updating and integration of the *Water Supply Sector Roadmap* and the *Philippine Sustainable Sanitation Roadmap* to lead to sound

⁷ Target 1: By 2020, all Local Government Units (LGUs) have developed septage management systems and the 17 highly urbanized cities (HUCs) have developed sewerage systems.

Target 2: By 2020, approximately 43.6 million people have access to septage treatment facilities and about 3.2 million will have access to sewerage treatment facilities.

Target 3: By 2020, P26.3billion has been invested in sanitation improvement projects.

Target 4: By 2020, about 346 million kilograms of BOD is diverted from the environment per year as a result of the sewerage and septage management projects.

⁸ The UFF is a structure for rationally allocating available National Government (NG) resources to the various WSS players. The adoption of UFF as a policy is expected to contribute towards expediting the improvement and expansion of WSS services in the country. The UFF will also optimize the use of NG funds towards attaining desired outcomes/impacts.

investment decisions in the sustainable and equitable provision of universal access to water and sanitation. The consulting services will include the following major activities:

3.1 WSS sector analysis - Undertake assessment of existing situation in the WSS sector, including, but not limited to, the following:

- 3.1.1 Assess the conditions, and performance of the WSS subsector in the country over the past ten (10) years. The assessment shall include sector analysis of gaps/needs, investment trends and issues.
- 3.1.2 Assess the implementation of the current master plans. Determine to what extent were the proposed interventions implemented and describe their impacts on the overall goal/objectives of the plan.
- 3.1.3 Identify key performance indicators and trends such as incomes, willingness to pay, and other social indicators.
- 3.1.4 Gather and update all relevant information to the latest available data including baseline statistics on access and levels of service, as well as the list of relevant completed, on-going and forthcoming programs and projects for WSS.
 - a. Gather first-hand data, to the extent possible, on sectoral statistics that are lacking or inadequately reported as data on sewerage access, provision of desludging and treatment of septage, level II water supply access, etc.
 - b. Based on the data gathered, conduct demand-supply analysis, identify areas with the most need for water supply and sanitation services and conduct ground survey activities for primary data gathering and validation of the existing data.
 - c. Identify and map major infrastructures such as dams for water supply, treatment plants, bulk water projects, ground water pumping stations/major wells, water quality monitoring stations, waste disposal sites, etc.
- 3.1.5 Review the appropriateness of the completed, on-going and proposed WSS infrastructure and other investment programs/projects in terms of effectiveness in addressing the major issues in the target areas.
- 3.1.6 Assess capacities of the relevant institutions/agencies involved in the provision of WSS services as well as the existing institutional arrangements and related policies, laws, decrees, regulations and circulars that govern the provision of WSS services, and determine their effectiveness and applicability given present conditions.

3.2 Formulation of the Master Plan – this shall be based on the preceding sector analysis:

- 3.2.1 Revise/update vision, mission, goals and objectives of the existing master plans, as may be necessary.
- 3.2.2 Formulate an integrated roadmap and action plan for the WSS subsector towards the attainment of the said vision, mission, goals and objectives, which shall include:
- Discrete list of priority WSS programs and projects for the short-term, medium-term and long-term and the accompanying investment plan detailing the indicative cost requirements and spatial/geographical dimension (i.e., determination of priority areas)
 - Pre-feasibility studies or business case proposals for projects and programs for implementation in the short-term.
 - Proposed policy interventions and reforms to address the identified policy gaps/conflicts/overlaps and impacts, including those pertaining to the institutional set-up, for the proper implementation of the identified programs, activities and projects.
 - *Alternative options, including the associated costs, benefits and risks* involved, in delivering projects and selecting the best possible implementation configurations involved.
- 3.2.3 Consolidate all data gathered and updated under Major Activity 1, especially data pertaining to LGU-run water utilities, among others, and develop a database management system to ensure that said data for WSS are properly kept and available for future use. Said database should complement the existing Listahang Tubig database of the National Water Resources Board (NWRB).
- 3.2.4 Prepare comprehensive and detailed maps of existing WSS facilities, and investment/intervention areas including possible water sources for water supply and project sites.
- 3.2.5 Formulate a monitoring and evaluation system for the master plan, identify important indicators to be monitored, which entity should monitor and how these indicators should be monitored. In case of data gaps, measures to generate the lacking information for future use should be recommended.

3.3 Reporting

- 3.3.1 Aside from the submission of Progress Reports following an agreed schedule, the Consultant shall present the progress of the Study to NEDA and other concerned agencies/institutions at the end of each semester.
- 3.3.2 Final results will be presented to the Sub-Committee on Water Resources (SCWR) and the NEDA Board Committee on Infrastructure (INFRACOM) upon request of NEDA, as recommended by NEDA.

- 3.3.3 As scheduled, the Interim Report, Draft Master Plan and Final Master Plan, the latter to be accompanied by an audio visual presentation and other presentation media, will be presented to the SCWR and INFRACOM for review and subsequent endorsement, if warranted.

3.4 Training/Workshop

The Consultant shall conduct a training/workshop every semester in order to train/capacitate NEDA Personnel and its counterparts (at least 20 personnel) on the various planning tools, techniques and skill sets employed in the conduct of the Study, including database management. A study tour/learning visit shall also be conducted to expose the concerned government personnel to the experiences of certain jurisdictions in implementing successful WSS projects.

3.5 Consultative Workshops

Consultation workshops (at the national level and priority regions) with representatives of relevant government agencies, non-government organizations and other concerned stakeholders shall be conducted by the Consulting Firm to obtain their views, comments and recommendations, and other inputs for the formulation of the Master Plan.

4. TIMELINES AND DELIVERABLES

- 4.1. The Master Plan shall be completed within a period of ***twelve (12) months***, commencing from the date of receipt of the Notice to Proceed (NTP) or seven (7) days after issuance thereof, whichever is earlier.
- 4.2. The deliverables for the subject as enumerated below shall be submitted by the Consulting Firm in four (4) hard copies to NEDA for review and monitoring purposes and for payment processing. An electronic/soft copy shall also be submitted to NEDA.

Table of Deliverables

| Deliverable | Timeline |
|---|---|
| Draft Inception Report including WFP | One (1) month from effectivity of contract |
| Final Inception Report including WFP | One (1) week after receiving comments from NEDA |
| Sector Review Report | Three (3) months from effectivity of contract |
| Interim Report | Four (4) months from effectivity of contract |
| Conduct of Stakeholders Consultation | At least eighteen (18) workshops (1 per region) to be conducted within 4 to 9 months from effectivity of contract |
| Draft Master Plan | Ten (10) months from effectivity of contract |
| Presentation to SCWR and INFRACOM | Within the tenth month from effectivity of contract |
| Final Master Plan including Draft Layout for printing and Audio-Visual Presentation (video) | Two (2) weeks after receiving comments from INFRACOM |

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| Progress Reports | Monthly after approval of Inception Report and WFP |
| Printing of the Master Plan and Preparation of Information Drive Materials / AVP of Master Plan | Upon acceptance of Master Plan and within 12 months from effectivity of contract |

- 4.3 The Inception Report, shall include the detailed work program with corresponding budget of activities, including field work related to applicable tasks. It shall also include a description of the overall action plan for the fulfilment of the requirements listed in this TOR as well as the general approaches and methodologies to be utilized in the development of the Master Plan.
- 4.4 The Progress Reports shall include updates on the physical and financial accomplishments of each of the major activities under the Work and Financial Plan, including the difficulties encountered and measures taken to overcome them.
- 4.5 The Sector Review Report shall include an analysis of all laws, policies and bills related to Water Supply, Sanitation and Sewerage, all pertinent and validated data on the current status and performance of the sector, as well as a sector analysis of gaps, needs and priority areas for investments. Data to be gathered especially on sectoral statistics that are lacking or inadequately reported shall be first-hand data to the extent possible.
- 4.6 The Interim Report shall include, among others, the preliminary outputs of the Master Plan (preliminary draft Master Plan including the proposed interventions and investments with spatial context, among others), as well as the status of implementation of the consultancy service in relation to the scope of work. The Interim shall be the main reference document for the conduct of the Consultation Workshops.
- 4.7 The Draft Master Plan shall incorporate all inputs gathered during the consultation workshops as well as comments and recommendations of NEDA on the Interim Report. It shall include the following main contents, among others:
- 4.7.1 Overall Vision, Mission, Goals and Targets for the WSS sector;
 - 4.7.2 Sector strategies / plan of action;
 - 4.7.3 Investment program including cost requirements and prioritization (with temporal and spatial dimensions) including pre-F/S and/or Business Case for PAPs identified in the short-term;
 - 4.7.4 GIS-based maps of the existing major WSS facilities and areas for intervention and investments, including potential water sources and project sites; and
 - 4.7.5 Policy recommendations including proposed institutional development and set-up (also considering an interim scenario wherein the apex body for water resources and independent regulatory body for WSS are not yet created) also considering integration with, among others, current policy reforms such as UFF.

- 4.8 The Final Master Plan shall integrate all comments of the SCWR and INFRACOM on the Draft Master Plan.
- 4.9 A recommendation for release of final payment shall be issued by NEDA (copy-furnished the Consulting Firm for information) upon completion of the printing of at least 100 copies of the Master Plan.

5. QUALIFICATION REQUIREMENTS

The firm⁹ should have experience in Master Plan formulation or regulations/development planning, preferably in the water supply and sanitation sector. The following are the main tasks and required qualifications of key personnel to be nominated by the Consulting Firm:

5.1 Water Resources Development Planning Specialist / Team Leader (1)

5.1.1 Main Tasks:

- a. Provide overall direction and guidance to all personnel making up the Consulting Team in all aspects of the consulting services and ensure that their assigned tasks are performed effectively and in line with the requirements of the Consulting service;
- b. Manage relationships with concerned departments/units and NEDA at the central and regional offices, local government units (LGUs), as well as with other stakeholders including non-government organizations, and community members;
- c. Oversee and manage the conduct of all activities pertaining to the scope of work of the consulting services, and monitor the progress thereof ensuring the timely delivery and quality of all required outputs/deliverables; and
- d. Ensure that NEDA is furnished the printed and electronic copy of the abovementioned deliverables/reports, including *all* necessary tables and figures to facilitate review of the submissions.

5.1.2 Qualifications:

- Degree in the field of civil or water resource engineering;
- Work experience in water resources engineering and/or planning; and
- Government experience.

5.2 Principal Water Supply Specialist / Deputy Team Leader (1)

5.2.1 Major tasks:

- a. Provide assistance to the Team Leader in the overall supervision of the various plan formulation activities; and
- b. In the absence of the Team Leader, assume full responsibility, including leadership of the Consulting Team;

⁹ New firms will be evaluated based on their personnel

- c. Take the lead in the review and updating of the existing *Water Supply Sector Roadmap* and in the overall formulation and identification of strategies, programs, activities and projects pertaining to water supply; and
- d. Undertake other tasks/activities assigned/delegated by the Team Leader as may be required during the conduct of the plan formulation.

5.2.2 Qualifications:

- Degree in the field of civil or water resource engineering;
- Work experience related to water supply and sanitation engineering and/or planning; and
- Government experience.

5.3 Water Supply Specialist (1)

5.3.1 Major tasks:

- a. Provide direct support to the Principal Water Supply Specialist in the review and updating of the existing *Water Supply Sector Roadmap* and in the overall formulation and identification of strategies, programs, activities and projects pertaining to water supply; and
- b. Undertake other tasks/activities assigned/delegated by the Team Leader as may be required during the conduct of the plan formulation.

5.3.2 Qualifications:

- Degree in the field of civil or water resource engineering; and
- Work experience related to water supply and sanitation engineering and/or planning.

5.4 Principal Sanitation Specialist (1)

5.4.1 Major Tasks:

- a. Take the lead in the review and updating of the existing *Philippine Sustainable Sanitation Roadmap* and in the overall formulation and identification of strategies, programs, activities and projects pertaining to sewerage and sanitation; and
- b. Undertake other tasks/activities assigned/delegated by the Team Leader as may be required during the conduct of the plan formulation.

5.4.2 Qualifications:

- Degree in the field of civil or water resource engineering;
- Work experience related to engineering and/or planning of water supply and sanitation infrastructure; and
- Government experience.

5.5 Sanitation Specialist (1)

5.5.1 Major Tasks:

- a. Provide direct support to the Principal Sanitation Specialist in the review and updating of the existing *Philippine Sustainable Sanitation Roadmap* and in the overall formulation and identification of strategies, programs, activities and projects pertaining to sewerage and sanitation; and
- b. Undertake other tasks/activities assigned/delegated by the Team Leader as may be required during the conduct of the plan formulation.

5.5.2 Qualifications:

- Degree in the field of civil or water resource engineering; and
- Work experience related to engineering and/or planning of water supply and sanitation infrastructure.

5.6 Financial/Economic Specialist (1)

5.6.1 Major Tasks:

- a. Take the lead in data processing and analysis to support the formulation of the plan, including projection of anticipated needs and gaps in the sector based on economic indicators, assessment of budget/financial requirements of programs, activities and projects, and the corresponding possible financing schemes, among others; and
- b. Undertake other tasks/activities assigned/delegated by the Team Leader as may be required during the conduct of the plan formulation.

5.6.2 Qualifications:

- Degree in the field of economics, finance or statistics; and
- Work experience in analyzing funding/financing aspects of projects and financial/economic impact of major public infrastructure, preferably in economic/financial analyses of water resources projects.

5.7 Institutional Development Specialist (1)

5.7.1 Major Tasks:

- a. Recommend the necessary institutional arrangements among concerned agencies for the implementation of the Master Plan;
- b. Identify the gaps and capacity development requirements of stakeholders and implementing agencies for the implementation of the Master Plan and provide strategies to address them; and
- c. Undertake other tasks/activities assigned/delegated by the Team Leader as may be required during the conduct of the plan formulation.

5.7.2 Qualifications:

- Degree in the field of urban planning, public policy, public administration; and
- Work experience related to the water supply, sewerage and sanitation sector, especially on governance and institutions.

5.8 GIS Expert (1)

5.8.1 Major Tasks:

- a. Take the lead in the mapping activities under the plan formulation; and
- b. Undertake other tasks/activities assigned/delegated by the Team Leader as may be required during the conduct of the plan formulation

5.8.2 Qualifications:

- Degree in the field of geography, geodetic engineering, and urban/regional/environmental planning; and
- Work experience related to GIS mapping and analysis.

- 5.9 In addition to the above, each of the members of the Consultant's Team shall prepare inputs to the Inception Report, Sector Review Report, Progress Reports, Interim Report, Draft Master Plan, and Final Master Plan, and other reports specific to their assigned tasks. Prints and electronic copies of the reports specific to the members' assigned tasks, including tables and figures, shall be required to be submitted to NEDA to facilitate review.
- 5.10 Aside from the specified scope of works mentioned above, the Consulting Firm may propose additional works to enhance the Master Plan, provided it shall bear no additional cost to Government. The scope of any additional proposed works by the Consulting Firm shall be established within the first three (3) months of the planning formulation, subject to the approval of NEDA.
- 5.11 The Consulting Firm may propose additional experts other than those listed herein, as it deems necessary, as long as such proposal is consistent with its proposed approach and methodology and without additional cost to Government. Moreover, the Consulting Firm may propose an expert to undertake more than one (1) activity/expertise, provided that: (i) all the necessary expertise required in delivering the desired output/s are present in the Team; (ii) the activities proposed to be undertaken by each expert should be consistent with the proposed approach and methodology; and (iii) the merging of expertise shall not prejudice the timeliness and quality of the required outputs.
- 5.12 The Consulting Firm shall also hire the necessary support staff to undertake administrative and logistical work, research work and technical writing, among others.
- 5.13 The Consulting Firm shall also accommodate counterpart personnel from Government, who shall be detailed to the Project for the purpose of capacity-building and technology transfer. (The Consulting firm is not required to pay remuneration/honoraria/allowance to the Government counterpart staff, but will shoulder all expenses attendant to their assigned tasks such as travel, accommodation, etc.).

- 5.14 Prospective Consulting Firms shall follow the guidelines in the preparation of eligibility requirements pursuant to Section 24.1 and Section 24.2 of the Revised IRR of the GPRA.
- 5.15 Participating Consulting Firms shall be shortlisted based on: a) applicable experience of the firm, b) qualification of officers and/or key organic personnel of the firm who may be assigned to the undertaking, including non-organic personnel with a written consent to be nominated by the said firm for the consulting service, and c) job capacity. Shortlisted Consulting Firms will be evaluated using the Quality-Cost Based Evaluation/Selection QCBE/QCBS) procedure under RA No. 9184/GPRA and its IRR at *80% for the Technical Proposal and 20% for the Financial Proposal*.

6. INSTITUTIONAL SET-UP/RESPONSIBILITIES

6.1 Responsibilities of NEDA

- 6.1.1 Shall be the Executing Agency (i.e., representative of the Government in the Contract Agreement with the Consulting Firm) as well as the beneficiary/End-User of the consulting services;
- 6.1.2 Shall, through its NEDA Bids and Awards Committee (NBAC), be responsible for facilitating the bidding and tendering of the consultancy services following a public bidding mode of procurement in compliance with RA 9184 and its Revised IRR;
- 6.1.3 Shall be responsible for the disbursement of the fund for the conduct of the Master Plan formulation once the contract is executed. NEDA shall pay the corresponding amounts due to the Consulting Firm as payments for remuneration and reimbursable costs under the contract and in accordance with the schedule under the TOR;
- 6.1.4 Shall be responsible for the preparation and submission of financial reports as required by the Department of Budget and Management (DBM) and other reportorial requirements;
- 6.1.5 Shall be responsible for contract implementation and management, including ensuring the delivery and quality of outputs, evaluation of all requests for payments/billings and determination of acceptability/correctness of the same;
- 6.1.6 Shall provide assistance in coordinating with other agencies and related stakeholders for the plan formulation;
- 6.1.7 Shall have the option to detail at least two (2) counterpart technical personnel to the planning activity for the purpose of on-the-job capacity building/technology transfer; and

- 6.1.8 Shall provide, upon the request of the Consulting Firm, available information/data and also if available, copies of previous related studies subject to the execution of the Confidentiality and Non-Disclosure Agreement (CNDA), if necessary.

6.2 Responsibilities of the Consulting Firm

- 6.2.1 Shall be working under the supervision of NEDA, and all related activities relative to the conduct of the Master Plan formulation, and shall seek prior consent from NEDA regarding the venue and program including target participants of the consultation workshops including layout for printing of the Master Plan;
- 6.2.2 Shall conduct, during the contract period, coordination meetings with NEDA and other stakeholders as necessary to: (a) discuss the progress of the work and preliminary output; (b) give the Government the opportunity to make comments and suggestions on a timely basis; and (c) resolve problems and issues that may be encountered.
- 6.2.3 Shall be responsible for the timely delivery of results/outputs;
- 6.2.4 Shall be responsible for the provision of necessary office space, which shall be within close proximity to NEDA, for their project staff as well as the Government's detailed personnel, including necessary office equipment (i.e., computer, printers, office supplies, etc.) for the conduct of the plan formulation. All equipment procured for the development of the project shall be transferred to the NEDA by the end of the project;
- 6.2.5 Shall initially shoulder all reimbursable expenses required in the conduct of the plan formulation, including travel costs and lodging of detailed Government personnel during field visits and consultation workshops, except for their salaries;
- 6.2.6 Shall: (a) carry out the services with theories and best practices to ensure that the final works will provide the most economical and feasible development plan for the WSSS sector; (b) accept full responsibility for the consulting services to be performed under this TOR for which the Consulting Firm is liable to NEDA; (c) perform the work in an efficient and diligent manner and shall use its best effort to keep reimbursable costs down to the possible minimum without impairing the quality of services rendered; and (d) comply with, and strictly observe any laws regarding workmen's health and safety, workmen's welfare, compensation for injuries, minimum wage, hours of labor and other labor laws;
- 6.2.7 Shall: (a) keep accurate and systematic records and accounts in NEDA with respect to the services in such form and detail as is customary and sufficient to establish accurately that the costs and expenditures under this TOR have been duly incurred; and (b) permit the duly authorized representatives of the Government from time to time to inspect its records and accounts as well as to audit the same;

- 6.2.8 Shall not assign nor sub-contract any part of the professional services under this TOR to any person or firm, except with prior written consent of NEDA. The approval by the Government to the assignment of any part of said services or to the engagement by the Consulting Firm of sub-contractors to perform any part of the same shall not relieve the Consulting Firm of any obligations under this TOR;
- 6.2.9 Shall, during or after the conclusion or termination of the plan formulation, limit its role under the project to the provision of the services and hereby disqualifies itself and any other contractor, consulting specialist or manufacturer with which it is associated or affiliated, from the provision of goods and services other than the services herein, except as NEDA may otherwise agrees;
- 6.2.10 Shall prohibit full-time foreign staff during his/her assignment under this TOR to engage, directly or indirectly, either in his/her name, or through the Consulting Firm, in any business or professional activities in the Philippines other than the performance of his/her duties or assignment under this TOR;
- 6.2.11 Shall accommodate at least two (2) counterpart personnel from the Government (i.e., personnel from NEDA), who shall be detailed to the Project for the purpose of capacity-building and technology transfer. (The Consulting Firm is not required to pay remuneration, honoraria nor allowance to the Government counterpart staff, but will shoulder all expenses attendant to their assigned tasks such as travel, accommodation, meals, etc. on a reimbursable basis);
- 6.2.12 Shall not at any time communicate to any person or entity any information disclosed to them for the purpose of this services, nor shall the consultant make public any information as to the recommendations formulated in the course of or as a result of the services, except with prior consent of NEDA;
- 6.2.13 Shall agree that nothing contained herein shall be construed as establishing or creating between the Government and the Consulting Firm, the relationship of employer or principal and agent, it being understood that the position of the Consulting Firm and anyone else performing the services is that of an independent contractor; and
- 6.2.14 Shall hold the Government free from any and all liabilities, suits, actions, demands, or damages arising from death or injuries to persons or properties, or any loss resulting from or caused solely by the Consulting Firm incident to or in connection with the services under this TOR. The Consulting Firm shall agree to indemnify, protect and defend at its own expense the Government and its agents from and against all actions, claims and liabilities arising out of acts done solely by the consultant or their staff in the performance of the services, including the use of, or violation of any copyrighted materials, patented invention, article or appliance.

7. MODE OF PROCUREMENT AND APPROVED BUDGET FOR THE CONTRACT (ABC)

- 7.1 The procurement process for this undertaking shall be executed in accordance with Republic Act (RA) No. 9184, otherwise known as the Government Procurement Reform Act (GPRA) and its Revised Implementing Rules and Regulations (IRR) following public bidding process.
- 7.2 The ABC for the proposed study is **NINETY-NINE MILLION ONE HUNDRED FIFTY THOUSAND AND 00/100 PESOS (PhP99,150,000.00)**, inclusive of all applicable Government taxes and charges, professional fees, and other incidental and administrative costs (i.e., transportation expenses, printing and reproduction of reports, cost of conduct of workshops and meetings including, food, venue, and equipment rental, and other expenses deemed necessary for the project).
- 7.3 The consulting contract shall be a fixed price contract. Any extension of contract time shall not involve any additional cost to NEDA. Reimbursable cost items shall however, be paid based on actual costs incurred as supported by appropriate receipts and documents but shall not exceed the amounts allocated therefor.

8. PAYMENT SCHEME/SCHEDULE

- 8.1 The monthly progress reports shall serve as reference for payment of reimbursable items. Billing for the reimbursable items may be requested not more than once a month based on the actual expenses incurred and supported by official receipts/documents.
- 8.2 In the absence of official receipts/documents when claiming for reimbursable costs, the Consultant may also be allowed to submit a certification of actual disbursements made under oath.
- 8.3 Billing for non-reimbursable items, including professional fees, shall be in accordance with the following delivery schedule:

| Deliverable | Payment Schedule |
|--------------------------------------|---|
| Final Inception Report including WFP | Ten percent (10%) of the contract amount for remuneration upon acceptance of the report by NEDA |
| Sector Review Report | Ten percent (10%) of the contract amount for remuneration upon acceptance by NEDA of the report |
| Interim Report | Fifteen percent (15%) of the contract amount for remuneration upon acceptance by NEDA of the report |
| Draft Master Plan | Thirty percent (30%) of the contract amount for remuneration upon acceptance |

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| | by NEDA of the report |
| Final Master Plan | Twenty-five percent (25%) of the contract amount for remuneration following NEDA acceptance of the Master Plan upon acceptance by NEDA of the report |
| Printing of the Master Plan and Preparation of the Information Drive Materials and AVP | Ten percent (10%) of the contract amount for remuneration upon satisfactory completion of the printing and AVP |

- 8.4 An advance payment shall be made to cover mobilization costs, but shall not exceed **fifteen percent (15%) of the contract amount**, subject to the posting of an irrevocable standby letter of credit issued by an entity acceptable to NEDA and of an equal amount to the advance payment. The advance payment shall be repaid by the Consultant by deducting from his subsequent billings/payments such sum as agreed upon during contract negotiations until fully liquidated within the duration of the contract.

9. OWNERSHIP OF THE OUTPUTS/REPORTS/DOCUMENTS

All submitted outputs/reports/documents under this contract, including but not limited to tracings, as-built drawings, estimates, digital information, computer model and data, specifications, investigations and studies completed or partially completed, inspection logs, and photographs, shall be the property of NEDA upon completion of the work / full payment of the contract or termination of the Agreement.

10. RETENTION PAYMENT¹⁰

- 12.1 A retention payment of ten percent (10%) shall be withheld. It shall be based on the total amount due to the Consulting Firm prior to any deduction and shall be retained from every progress payment until 50% of the value of Study, as determined by NEDA, is completed. If, after 50% completion, the Study is satisfactorily done and on schedule, no additional retention shall be made; otherwise, the 10% retention shall be imposed.
- 12.2 The total "retention money" shall be due for release upon approval of the Final Report. The Consulting Firm may, however, request the substitution of the retention money for each progress billing with irrevocable standby letters of credit from a commercial bank, bank guarantees, or surety bonds callable on demand, of amounts equivalent to the retention money substituted for and acceptable to NEDA, provided that the project is on schedule and is satisfactorily undertaken. Otherwise, the 10% retention shall be made. Said irrevocable standby letters of credit, bank guarantees and/or surety bonds, to be posted in favor of NEDA shall be valid for the duration of the contract.

¹⁰ Per Annex "E" of the Revised IRR of RA No. 9184

11. LIQUIDATED DAMAGES¹¹

- 11.1. Where the Consulting Firm refuses or fails to satisfactorily complete the work within the specified contract time, plus any time extension duly granted and is hereby in default under the contract, the Consulting Firm shall pay NEDA for liquidated damages, and not by way of penalty, an amount, as provided in the conditions of contract, equal to at least one tenth (1/10) of one (1) percent of the cost of the unperformed portion of the works for every day of delay. Should the amount of liquidated damages reaches 15 percent (15%) of the contract amount, NEDA shall at its own discretion terminate the contract without prejudice to any further action it may take to recover whatever losses incurred due to non-performance of the Consulting Firm.
- 13.2 To be entitled to such liquidated damages, NEDA does not have to prove that it has incurred actual damages. Such amount shall be deducted from any money due or which may become due the Consulting Firm under the contract and/or collect such liquidated damages from the retention money or other securities posted by the Consulting Firm whichever is convenient to NEDA.

¹¹ Per Annex “E” of the Revised IRR of RA No. 9184

ANNEX A

Criteria for Shortlisting

| Criteria/Particulars | Firm |
|---|-------------------------|
| I. Experience and Capability of the Firm | 50 points |
| <i>a. Completed Contract/s for Similar Projects</i> | <i>Max 50 points</i> |
| <i>b. Completed Contract/s for Relevant Projects</i> | <i>Max 30 points</i> |
| II. Qualification of Organic Personnel or Personnel Who May Be Assigned to the Study | 30 points |
| <i>a. Education</i> | <i><u>7 points</u></i> |
| <i>b. Related Training</i> | <i><u>3 points</u></i> |
| <i>c. Related Experience</i> | <i><u>20 points</u></i> |
| III. Financial/Job Capacity | 20 points |
| Grand Total | 100 points |

*All nominated personnel for the project shall submit a letter of commitment under oath that services of said personnel shall be available for the study should the firm/consultant is awarded the contract.

ANNEX B

Indicative Timeline

| EXPECTED OUTPUTS | | | | | | | | | | | | |
|---|----|--|--|----|--|--|----|--|--|----|--|--|
| | Q1 | | | Q2 | | | Q3 | | | Q4 | | |
| Leveling Off Meeting/Work Plan | | | | | | | | | | | | |
| Draft Inception Report | | | | | | | | | | | | |
| Review of Draft Inception Report | | | | | | | | | | | | |
| Finalization of Inception Report | | | | | | | | | | | | |
| Sector Review Report | | | | | | | | | | | | |
| Draft Interim Report | | | | | | | | | | | | |
| Finalization of Interim Report | | | | | | | | | | | | |
| Conduct of Stakeholder's Consultation | | | | | | | | | | | | |
| Draft Master Plan | | | | | | | | | | | | |
| Presentation to INFRACOM/SCWR | | | | | | | | | | | | |
| Final Master Plan | | | | | | | | | | | | |
| Progress Reports | | | | | | | | | | | | |
| Printing of the Master Plan and Preparation of Information Drive Materials/AVP of Master Plan | | | | | | | | | | | | |

ANNEX C

| Formulation of the Philippine Water Supply and Sanitation Master Plan (PWSSMP) APPROVED BUDGET for the CONTRACT (ABC) | |
|---|----------------------|
| PARTICULARS | AMOUNT (PhP) |
| A. REMUNERATION Water Resources Development Planning Specialist/Team Leader Principal Water Supply Development Specialist /Deputy Team Leader Water Supply Development Specialist Sanitation Development Specialist (2) Financial/Economic Specialist Institutional Development Expert GIS expert Support Staff (Administrative Assistants) (2) Support Staff (Research Assistants/Technical Writers) (3) Additional Support Staff (for consultations) (4) | 55,160,000.00 |
| B. REIMBURSABLE EXPENSES Professional Services Surveys and Investigations AVP/Web design development GIS/ mapping services O&M Costs Office Space Office Supplies Utilities Meetings Travel Expenses (for consultations) Accommodations (during consultations) Venue/meals for stakeholder consultations Vehicle rental (outside Manila for consultations) Printing of report/reproduction Mass printing of the Final Master Plan/primers/brochures Equipment rental Vehicle rental (within Manila) Travel Expenses (for site visits, data gathering, coordination with local officials, etc.) Accommodations (for data gathering, coordination with local officials, etc.) Vehicle rental (outside Manila for data gathering, coordination with local officials, etc.) Per diem for site visits Communication expenses Trainings/Workshops Venue Miscellaneous and other Expenses | 33,366,785.71 |
| C. TAXES VAT (12%) | 10,623,214.29 |
| GRAND TOTAL | 99,150,000.00 |

ANNEX D

Detailed Qualification of Personnel

| Personnel | Qualifications |
|---|---|
| Water Resources Development Planning Specialist / Team Leader | <ul style="list-style-type: none"> • At least a bachelor's degree in the field of civil or water resource engineering; • At least ten (10) years of related work experience in water resources engineering and/or planning with at least 36 man-months of actual services in the last twenty (20) years; and • Involved in at least two (2) government water resources related projects/program/development plan formulation. |
| Principal Water Supply Specialist / Deputy Team Leader | <ul style="list-style-type: none"> • At least a bachelor's degree in the field of civil or water resource engineering; • At least ten (10) years of work experience related to water supply and sanitation engineering and/or planning with at least 30 man-months of actual expert services in the last twenty (20) years; and • Involved in at least one (1) government water resources related projects. |
| Water Supply Specialist | <ul style="list-style-type: none"> • At least a bachelor's degree in the field of civil or water resource engineering; and • At least eight (8) years of work experience related to water supply and sanitation engineering and/or planning with at least twenty-four (24) man-months of actual expert services in the last fifteen (15) years; |
| Principal Sanitation Specialist | <ul style="list-style-type: none"> • At least a bachelor's degree in the field of civil or water resource engineering; and • At least ten (10) years of work experience related to engineering and/or planning of water supply and sanitation infrastructure with at least thirty (30) man-months of actual expert services in the last twenty (20) years; and • Involved in at least one (1) government sanitation related projects/program/development plan formulation. |
| Sanitation Specialist | <ul style="list-style-type: none"> • At least a bachelor's degree in the field of |

| | |
|--------------------------------------|--|
| | <p>civil or water resource engineering; and</p> <ul style="list-style-type: none"> • At least eight (8) years of work experience related to engineering and/or planning of water supply and sanitation infrastructure with at least twenty-four (24) man-months of actual expert services in the last fifteen (15) years. |
| Financial/Economic Specialist | <ul style="list-style-type: none"> • At least a bachelor's degree in the field of economics, finance or statistics; and • At least eight (8) years of relevant work experience in analyzing funding/financing aspects of projects and financial/economic impact of major public infrastructure, preferably in economic/financial analyses of water resources projects with at least eighteen (18) man-months of actual expert services in the last fifteen (15) years. |
| Institutional Development Specialist | <ul style="list-style-type: none"> • At least a bachelor's degree in the field of urban planning, public policy, public administration; and • At least ten (10) years of work experience related to the water supply, sewerage and sanitation sector, especially on governance and institutions with at least thirty (30) man-months of actual expert services in the last twenty (20) years. |
| GIS Expert | <ul style="list-style-type: none"> • At least a bachelor's degree in the field of geography, geodetic engineering, and urban/regional/environmental planning; and • At least eight (8) years of work experience related to GIS mapping and analysis with at least eighteen (18) man-months of actual expert services in the last ten (10) years. |