

**PHILIPPINE PORTS AUTHORITY
PMO NORTHERN LUZON**

TERMS OF REFERENCE

Selection of Consultancy Services for the Preparation of Environmental Impact Statement and Facilitation of ECC Application for the Proposed Construction of Calayan Port, Calayan Island, Cagayan

1. PROJECT BACKGROUND

- 1.1. Pursuant to Executive Order No. 125-A, series of 1987, as amended, DOTr is the primary policy, planning, programming, coordinating, implementing and administrative entity of the executive branch of the government for the promotion, development, and regulations of a dependable and coordinated network of transportation and communications systems, as well as the fast, safe, efficient, and reliable transportation and communications services.
- 1.2. In addition, under the Revised Administrative Code of 1987, DOTr has the power to establish and administer comprehensive and integrated programs for transportation and communications, and for that purpose, **may call on any agency, corporation or organization, whether public or private**, whose development programs include transportation and communications to participate and assist in the preparation and implementation of such program.
- 1.3. PPA on the other hand is vested with the statutory duty to implement an integrated program for the planning, development, financing and operation of ports for the entire country and to exercise all rights, powers and functions concerning port facilities, port operations and port works pursuant to the provisions of P.D. 857, as amended, PPA is responsible for the planning, detailed engineering, construction, expansion, rehabilitation, and capital dredging of all ports under its port system
- 1.4. Under Republic Act No. 10707 and 10924 otherwise known as the "General Appropriations Act (GAA) of CY 2016 and CY 2017" respectively, have provided appropriations for the construction of various ports in the Philippines .The 2016 and 2017 GAA have specifically identified the ports to be constructed and improved, nineteen (19) of which are classified as municipal or social reform-related ports by the Department of Transportation (DOTr).
- 1.5. Through a Memorandum of Agreement (MOA) signed September 15, 2017, DOTr requested the assistance of PPA in the planning, bidding and implementation of the construction of the nineteen identified port projects in conformity with the approved plans and specifications and in compliance with pertinent procurement laws, rules and regulations
- 1.6. One of the nineteen (19) port projects under this MOA is the **Proposed Construction of Calayan Port, Calayan Island, Cagayan**. The project involves the construction of a back-up area and construction of passenger terminal building (340 sq.m).

- 1.7 Pursuant to Section 5 of P.D, 1586, no person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate.
- 1.8 The Philippine Ports Authority PMO Northern Luzon, through its Bids and Awards Committee seeks to engage the services of a reputable and accredited Consulting Firm to prepare the requirements and secure the Environmental Compliance Certificate for the Proposed Davila Port Development Project.

2. OBJECTIVES

- 2.1. In compliance with Presidential Decree No, 1586 entitled "Establishing the Philippine Environmental Impact Statement (EIS) System", projects or undertakings that includes reclamations or dredging should be assessed of its impacts to the environment to ensure that such effects are addressed by appropriate environmental protections and measures. For this reason, all requirements in securing ECC's shall be in accordance with the Implementing Rules and Regulations of P.D. 1586 specifically (DAO 2003-30) Implementing Rules and Regulations (IRR) for the Philippine Environmental Impact Statement (EIS) System and (DAO 2018-04): Guidelines on the Issuance of Area Clearance for Reclamation Projects and Proclamation/Special Patents over Reclaimed lands and all related and applicable issuances.
- 2.2. The purpose of this document is to establish the Terms of Reference (TOR) for the preparation of documents and requirements as required by DENR-EMB or any other agencies or organizations to secure the Environmental Compliance Certificate of the subject project.
- 2.3 This Terms of Reference (TOR) shall serve as guide and basis for interested, eligible and qualified bidders for the procurement of Consultancy Services for the Preparation of Environmental Impact Statement and Facilitation of ECC Application for the Proposed Port Development Project at Barangay Davila, Pasuquin, Ilocos Norte

3. SCOPE OF WORK

- 3.1. The scope of work includes but is not limited to the following activities:
 - 3.1.1 The Consultant Firm shall prepare the following report/s:

EIS/IEE/ PEIS/PEPRMP/EPRMP Report depending which report will be required by DENR -EMB RO I in compliance with the requirements of the ECC application.
 - 3.1.2 **Outline of Reports per DAO 2003-30**

Environmental Impact Statement (EIS).
The EIS should contain at least the following:
 - a. EIS Executive Summary;
 - b. Project Description;

- c. Matrix of the scoping agreement identifying critical issues and concerns, as validated by EMB;
- d. Baseline environmental conditions focusing on the sectors (and resources) most significantly affected by the proposed action;
- e. Impact assessment focused on significant environmental impacts (in relation to project construction/commissioning, operation and decommissioning), taking into account cumulative impacts;
- f. Environmental Risk Assessment if determined by EMB as necessary during scoping;
- g. Environmental Management Program/Plan;
- h. Supporting documents, including technical/socio-economic data used/generated; certificate of zoning viability and municipal land use plan; and proof of consultation with stakeholders;
- i. Proposals for Environmental Monitoring and Guarantee Funds including justification of amount, when required;
- j. Accountability statement of EIA consultants and the project proponent; and
- k. Other clearances and documents that may be determined and agreed upon during scoping.

Initial Environmental Examination (IEE) Report

The IEE Report is similar to an EIS, but with reduced details of data and depth of assessment and discussion. It may be customized for different types of projects under Category B. The EMB shall coordinate with relevant government agencies and the private sector to customize and update IEE Checklists to further streamline ECC processing, especially for small and medium enterprises.

Programmatic Environmental Impact Statement (PEIS)

The PEIS shall contain the following:

- a. Executive Summary;
- b. Project Description;
- c. Summary matrix of scoping agreements as validated by EMB;
- d. Eco-profiling of air, land, water, and relevant people aspects;
- e. Environmental carrying capacity analysis;
- f. Environmental Risk Assessment (if found necessary during scoping);
- g. Environmental Management Plan to include allocation scheme for discharge of pollutants; criteria for acceptance of locators, environmental management guidebook for locators, and environmental liability scheme;
- h. Duties of the Environmental Management Unit to be created;
- i. Proposals for Environmental Monitoring & Guarantee Funds and terms of reference for the Multi-partite Monitoring Team, and
- j. Other supporting documents and clearances that may be agreed during the scoping.

Programmatic Environmental Performance Report and Management Plan (PEPRMP).

The PEPRMP shall contain the following:

- a. Project Description of the co-located projects;
- b. Documentation of the actual environmental performance based on current/past environmental management measures implemented, and
- c. An EMP based on an environmental management system framework and standard set by EMB.

Environmental Performance Report and Management Plan (EPRMP) The EPRMP shall contain the following:

- a. Project Description;
- b. Baseline conditions for critical environmental parameters;
- c. Documentation of the environmental performance based on the current/past environmental management measures implemented;
- d. Detailed comparative description of the proposed project expansion and/or process modification with corresponding material and energy balances in the case of process industries, and
- e. EMP based on an environmental management system framework and standard set by EMB.

Project Description (PD) The PD shall be guided by the definition of terms and shall contain the following:

- a. Description of the project;
 - b. Location and area covered;
 - c. Capitalization and manpower requirement;
 - d. For process industries, a listing of raw materials to be used, description of the process or manufacturing technology, type and volume of products and discharges;
 - e. For Category C projects, a detailed description on how environmental efficiency and overall performance improvement will be attained, or how an existing environmental problem will be effectively solved or mitigated by the project, and
 - f. A detailed location map of the impacted site showing relevant features (e.g. slope, topography, human settlements).
 - g. Timelines for construction and commissioning
- 5.2.7. EMS-based EMP. The EMS-based EMP is an option that proponents may undertake in lieu of the EPRMP for single projects applying for ECC under Category A-3 and B-3.

3,1.3. The Consultancy Firm shall assist or may be tasked by Philippine Port Authority, the project proponent, in preparing, facilitating securing requirements from other government/private agencies for the ECC application.

3.1.4. List of Requirements under PD 1586

- A. New ECC Application Requirements (Online)
 1. Project Description
 2. Environmental Impact and Management Plan (to be filled-out form)
 3. Abandonment / Decommissioning / Rehabilitation Information (to be filled-out form)
 4. Geotagged photographs of project site (taken for last 30 days)

5. Topographic Map of impact/affected areas (at least 1km from the project boundaries)
6. Certificate of Viability or Zoning Certification/Clearance issued LGU on the compatibility of proposed project with existing land use plan
7. Site Development and/or Vicinity map signed by registered professionals
8. Project/Plant layout signed by registered professionals
9. Schematic diagram of wastewater treatment facility
10. Schematic diagram of Air Pollution Control Facility
11. Organizational Chart in charge on environmental concerns
12. Proof of authority over the project site (*e.g. land title, lease contract, deed of absolute sale, whichever is applicable*)
13. Duly notarized accountability statement of proponent (to be filled-out form)
14. Duly accomplished project environmental monitoring and audit prioritization scheme (PEMAPS) questionnaire (to be filled-out form)
15. IEE Checklist Sworn Statement (to be filled-out form)
16. Copy of Land Bank Transaction Slip (Processing Fee: ₱ 5,070.00)
17. Affidavit of No Complaint
18. Project Components & Operation Information (to be filled-out form) (to be filled-out form)

B. ECC Amendment Application Requirements (Manual)

For MAJOR amendment:

1. EIA Report (EIS, EPRMP or PDR) with duly notarized Accountability Statements of Proponent and/or Preparers
2. For Expansion of Area/Change in Project type:
3. *Proof of Compatibility with the Existing Land Use Plan (i.e. Locational Clearance, Zoning Clearance, Zoning Viability);*
4. *Proof of Authority over the Project Site (i.e. Title-OCT, TCT, TD, Lease Agreement); and/or*
5. *Additional special study/assessment i.e. PDR, integrated EMP, etc.*
6. For additional components/increase in capacity:
7. *Photographs or plates/vicinity map of the project site showing impact areas and communities (i.e. Site Development Plan/Vicinity Map, Project Layout, etc. duly signed by registered professionals); and/or*
8. *Additional special study/assessment i.e. PDR, integrated EMP, etc.*
9. Certificate of No Objection/Resolution from LGU (*for livestock projects*)

For MINOR amendment:

1. *Proof of Authority over the Project Site (i.e. Title-OCT, TCT, TD, Lease Agreement);*
2. *Additional special study/assessment i.e. PDR, integrated EMP, etc.*

. Copy of ECC or latest amendment

3. Processing Fee

Major Amendment – ₱2,000.00

Minor Amendment – ₱1,000.00

Documentary Stamp – ₱30.00

C. Certificate of Non-Coverage (CNC) Application Requirements for Category C

1. Fill-out CNC Application Form
2. Description of how the project enhances the environment or address environmental issues
3. Project Components List
4. Description of Project Phases/Activities (i.e. Pre-construction, Construction, Operation & Abandonment)
5. Project Emissions/Effluent/Hazardous Waste/Solid Waste/Other Wastes
6. Project Cost and Duration
7. 1 page: Collage of geotagged photos or plates or proposed project site

D. Land Use Conversion (LUC)/Environmentally Critical Area (ECA) Certification Application Requirements

1. Letter of Request addressed to EMB Regional Director
2. Proof of authority over the project site (*e.g. land title, lease contract, deed of absolute sale, whichever is applicable*)
3. Brief description of the proposed project onsite
4. DENR/PENRO/CENRO certification that the parcel/s of land is/are within alienable & disposable land of public domain, outside protected areas under NIPAS and not within easement as described under the Water Code of the Philippines (*for parcel/s of land not covered by any land title/s*)
5. Site Development Plan/Vicinity Map and/or Project Layout of the proposed project site showing impact areas and communities *duly signed by registered professionals*

Environmental Impact Assessment (EIA) Report Types

- Environmental Impact Statement (EIS) – Annex 2-12 of RPM for DAO 2003-30
- Environmental Performance Report and Management Plan (EPRMP) – Annex 2-14 RPM DAO 2003-30
- Initial Environmental Examination (IEE) Checklist – ECC Online Processing
- Project Description Report (PDR) – Annex 2-16 of RPM for DAO 2003-30
- Programmatic EIS & Programmatic EPRMP (Annexes 2-11 & 2-13 of RPM for DAO 2003-30).

3.1.5. Since the subject project has a reclamation component, the Consulting Firm shall assist the proponent in the securing the requirements of Area Clearance pursuant to the requirements of DENR Administrative Order 2018-14 specifically Chapter III: Rules and Procedures on the Issuance of Area Clearance for Proposed Reclamation Projects and the Issuance of Proclamation and Special Patent.

3.1.5. Application, Consultation, payments of DENR-EMB fees, testing fees, public hearings of stakeholders, conduct of extensive studies on the impact of the proposed project on the surrounding environment, hydro surveys and underwater photography.

3.1.6. Prepare and submit a monthly progress report to the proponent on the status and accomplishments of the application.

3.1.7. Present and submit accomplishment report/s and studies before the members of the Environmental Impact Assessment Review Committee (EIARC) and EIA Inter-Agency Resource Persons or any representative of DENR-EMB that may require such reports.

3.1.8. Submit to PPA-PMO Northern Luzon the approved ECC in three copies. (One original copy and two clear photocopies in hardbound cover).

3.1.9. Install 2 billboard size ½" x 4ft x4ft marine plywood at the entrance gates or any conspicuous place at the project site printed with the suggested statement mentioned in the terms and conditions of the issued ECC.

4. OBLIGATIONS OF THE CONSULTANT

4.1.1. The Consulting Firm shall:

4.1.2. Be responsible for the submission of documents, requirements and accomplishment of the activities as mentioned in the Scope of Work

4.1.3. Hire and compensate professionals, technicians, laborers and workers which may be required during the project activity.

4.1.4. Pay all necessary fees including laboratory and testing fees

4.1.5. Pay the Honoraria of EIARC members and resource persons that maybe invited by DENR-EMB RO1 and also settle incidental expenses during the conduct of Technical Review

4.1.6. Inform the proponent of any suspension of work due to acceptable grounds and reason

4.1.7. Consults the permission of the proponent in deciding critical and important decisions relating to the conduct of the ECC application.

4.1.8. Secure the Area Clearance and Environmental Compliance Certificate within the contracted period.

4.1.9. Provide the proponent with a monthly progress report

4.1.10. Fulfill all terms and conditions of the contract

4.1.11. Secure the ECC for the project

4.1.12. Install billboard at the project site for the Post Conditions of the ECC

5. OBLIGATION OF THE PROPONENT

5.1.1. Provide the Consulting Firm with the necessary information, data, plans and documents in its possession related to the preparation and completion of the requirements of the ECC application

5.1.2. Pay the Consultant based from the terms and conditions of the contract.

5.1.3. Provide a representative during the project activities whenever necessary.

6. QUALIFICATION OF THE CONSULTING FIRM

- 6.1. Duly Licensed by the Securities and Exchange Commission (SEC) or Department of Trade and Industry (DTI) or A Consulting Firm with an Accredited Preparer by Department of Environment and Natural Resources-Environmental Management Bureau (DENR-EMB) as EIS Preparer.
- 6.2. With valid Mayor's/Business Permit
- 6.3. Has Prepared at least three (3) Environmental Impact Statement (EIS) in the last five (5) years which have been issued ECC.
- 6.4. Must have a Philgeps Registration No.

7. PERSONNEL AND MANPOWER REQUIREMENTS

- 7.1. The Consultant shall provide and deploy personnel upon commencement of the activities.
These shall include the following:
- 7.2. One (1) Project Manager
- 7.3. One (1) Accredited Preparer by DENR-EMB
- 7.4. One (1) Clerk
- 7.5. One (1) Liaison Officer/Messenger

8. DURATION OF THE CONSULTANCY SERVICES

8.1 The period or the term of service for the acquisition of the ECC shall be one hundred eighty (180) calendar days starting on the day the Consultant/Preparer received the Notice to Commence Work from the Procuring Entity.

8.12. A suspension of the project duration may be granted provided that the Preparer/Consultant/Consulting Firm requests from the Philippine Ports Authority in writing the reason/grounds for the project suspension. The PPA reserves the right to accept or deny such request.

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