

**TERMS OF REFERENCE
FOR
CONSULTANCY SERVICES FOR THE ISSUANCE OF PROTECTED AREA
MANAGEMENT BOARD (PAMB) CLEARANCE, AREA CLEARANCE, AND
ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC) FOR THE BULADO PORT
EXPANSION PROJECT, GUIHULNGAN CITY, NEGROS ORIENTAL**

1. BRIEF BACKGROUND

- 1.1. The Philippine Ports Authority (PPA) is a Government-Owned and Controlled Corporation (GOCC) mandated by the Republic Act 857 to established, develop, regulate, manage and operate a rationalize port system in support of trade and national development. By virtue of Executive Order No. 159 Series of 1987 PPA was given the authority to coordinate, streamline, improve and optimize the planning, development, financing and operation of ports or port system for the entire country.
- 1.2. Philippine Ports Authority Memorandum Order (PPA MO 36-2014); New Nomenclature for Field Offices of the Philippine Ports Authority. The Philippine Ports Authority, PMO – Negros Oriental / Siquijor (PPA, PMO-NOS) having a Description of Geographical Coverage: Coastal areas and contiguous coastal waters of Negros Oriental and Siquijor Island including Private Ports within.
- 1.3. The Existing Port of Bulado was constructed by the then Department of Transportation and Communications (DOTC) and subsequently turn-over the ownership and management of the Bulado Port to the then Municipality, now City of Guihulngan, Negros Oriental.
- 1.4. On **February 8, 2005**, the Philippine Ports Authority (PPA) and LGU- Guihulngan entered into a **Memorandum of Agreement (MOA)** where the **PPA accepted the transfer of ownership and management of the Port of Bulado and place it under the PPA port system.**
- 1.5. On August 8, 2005, the Local Government Unit of the then Municipality of Guihulngan hereby officially turn over the completed Bulado Port to the Philippine Ports Authority.
- 1.6. The scope of the Consultancy Services for the Issuance of Protected Area Management Board (PAMB) Clearance, Area Clearance, and Environmental Compliance Certificate (ECC) for the following port facilities of the Bulado Port Expansion Project located at, **Barangay Bulado, Guihulngan City, Negros Oriental:**

Existing Port Projects:	
Particulars	Area (sq.m.)
Passenger Terminal Building	251.96 sq.m
Back-up Area	984.00 sq.m
Covered Walkway	169.29 sq.m

Access Road	916.00 sq.m
RC Pier	950.00 sq.m
RoRo Ramp	483.00 sq.m

Proposed Expansion Port Projects:	
Particulars	Area (sq.m.)
Port Operational Area	4,080.55 sq.m
RC Pier	462.00 sq.m
Port Operations Building (POB)	2,000.00 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 (ECC).
- 1.8. Results of the EIA studies shall be the basis of PPA-PMO NOS project constitute appropriate preventive and/or mitigating measures to address predicted impacts in the marine environment.
- 1.9. The Philippine Ports Authority, PMO Negros Oriental / Siquijor through its Bids and Awards Committee seeks to engage the services of a reputable and accredited Consulting Firm to secure PAMB Clearance, Area Clearance, conduct the required EIA Study, and secure the Environmental Compliance Certificate for the Bulado Port Expansion Project.

2. OBJECTIVES

- 2.1. In compliance with Presidential Decree No. 1586, all projects or undertakings that are expected to cause significant adverse environmental impacts shall be subject to the requirements of the EIS system. Accordingly, the issuance of an Environmental Compliance Certificate (ECC) shall conform to the Implementing Rules and Regulations, particularly DAO 2003-30 and DAO 2018-04, and other applicable issuances. Project within the National Integrated Protected Areas System (NIPAS) shall likewise secure clearance from the Protected Area Management Board (PAMB) in accordance with the NIPAS Act and its IRR.
- 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 to secure the Protected Area Management Board (PAMB) clearance, Area Clearance, and Environmental Compliance Certificate (ECC) of the said project.
- 2.3. The Terms of Reference (TOR) shall serve as guide and basis of interested, eligible and qualified bidders for the procurement of Consultancy Services for the preparation of Environmental Impact Assessment Study and Acquisition of the ECC, PAMB Clearance, and Area Clearance for the proposed expansion of Bulado Port at Brgy. Bulado, Guihulngan City, Negros Oriental.

3. SCOPE OF WORK

3.1. General Scope

The scope of work includes, but is not limited to, all activities necessary for the preparation, coordination, and securing of environmental compliance requirements, including **Protected Area Management Board (PAMB) Clearance, Area Clearance, and Environmental Compliance Certificate (ECC)**, as applicable to the project.

- 3.1.1. **Secure Protected Area Management Board (PAMB) Clearance** for projects within Expanded National Integrated Protected Areas System Act (E-NIPAS) as required.

The Port of Bulado is located within the Tañon Strait Protected Seascape, thus requiring strict compliance with the DENR-TSPS.

3.1.1.1. PAMB Clearance Application Requirements

- a. Application Form signed by the proponent;
- b. Indicative Development Plan;
- c. Site Development Plan, duly signed by the proponent and by registered professional;
- d. Land Status Certification;
- e. Barangay Resolution;
- f. Municipal/City Resolution;
- g. Site Management Unit Resolution;
- h. Proof of Ownership; and
- i. Other compliance documents identified during the PAMB clearance application.

- 3.1.2. **Secure Area Clearance** pursuant to the requirements of DENR AO 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.

3.1.2.1. Area Clearance Application Requirements:

- a. Sketch Plan;
- b. Indicative Site Development Plan;
- c. Description of the reclamation site;
- d. Valid sources of fill materials;
- e. Reclamation methodology;
- f. Estimated cost of reclamation and land development;
- g. Proposed funding/financing of the project;
- h. Project timetable;
- i. Prevailing market land values;
- j. Other documents, data and information pertinent to the Area Clearance application.

- 3.1.3. **Secure of Environmental Compliance Certificate (ECC) under PD 1586 Requirements** including professional fees of the necessary signed and sealed plans and notarized documents.

3.1.3.1. Environmental Compliance Certificate (ECC) Application Requirements:

- a. EIS/IEE/PEIS/PEPRMP/EPRMP Report depending which report will be required by DENR-EMB-RXVIII in compliance with the requirements of the ECC application.
- b. Project Description;
- c. Environmental Impact and Management Plan;
- d. Abandonment / Decommissioning / Rehabilitation Plan;
- e. Geotagged photographs of project site;
- f. Topographic Map of impact / affected areas (at least 1km from the project boundaries);
- g. Certificate of Viability or Zoning Certification / Clearance issued LGU on the compatibility of proposed project with existing land use plan;
- h. Site Development Plan and/or Vicinity map signed by registered professionals;
- i. Project/Plan Layout signed by the registered professionals;
- j. Schematic diagram of Wastewater Treatment Facility (WTF);
- k. Schematic Diagram of Air Pollution Control Facility (if any);
- l. Organizational Chart in charge on environmental concerns;
- m. Proof of authority over the project site;
- n. Duly notarized accountability statement of the proponent;
- o. Duly accomplished project environmental monitoring and audit prioritization scheme (PEMAPS) questionnaire;
- p. IEE Sworn Statement;
- q. Copy of Application Fee Payment (Processing Fee)
- r. Affidavit of No Complaint;
- s. Project Components & Operation Information; and
- t. Other compliance documents identified during the ECC application/processing.

3.1.3.2. Initial Environmental Examination (IEE) Report

- a. A short and simplified version of an EIS. It may be customized for different types of projects under Category B.

3.1.3.3. Programmatic Environmental Performance Report and Management Plan (PEPRMP) and shall contain the following:

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

3.1.3.4. Environmental Performance Report and Management Plan (EPRMP) and 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 DENR-EMB.
- f. Assessment of the positive/negative effects of the project and suggested remedies or mitigation of its effects.

3.1.4. The Consultancy Firm is authorized by Philippine Ports Authority, PMO-Negros Oriental/Siquijor in preparing, facilitating, and securing requirements from other government/private agencies for the PAMB, Area Clearance, and ECC application.

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

3.1.6. Prepare and submit a **monthly progress report** to the proponent on the status and accomplishment of the application on or before 30th day of the month with the following documents:

- Letter Addressed to:

ALLAN M. ROJO
 Port Manager
PMO - Negros Oriental/Siquijor
 Philippine Ports Authority
 Port Area, Looc, Dumaguete City,
 Negros Oriental, 6200 Philippines

- Monthly Progress Report
 - a. Compliance Status Overview
 - b. Pending Compliance Actions
 - c. Corrective Actions
 - d. Action Plan for the Next Month
 - c. Project Timeline vs. Actual Accomplishment
 - d. Photos (if applicable)
- To be submitted @ Email: pmonos_official2@ppa.com.ph
- Consultant must report to the PMO Office when required

3.1.7. Present and submit hard and soft copies (electronic copies) of the accomplishment report/s and studies before the DENR-EMB that may require such reports.

4. OBLIGATIONS AND RESPONSIBILITIES

4.1. Of the Service Provider/Consulting Firm.

4.1.1. Undertake all works and responsibilities for the submission of documents, requirements and accomplishment activities as mentioned in the Scope of Work;

- 4.1.2. Hire and compensate professionals, technicians, laborers and workers which may be required during the project activity;
- 4.1.3. Pay all necessary fees including laboratory and testing fees;
- 4.1.4. Pay the Honoraria of EIARC members and resource persons that maybe invited by the DENR/EMB/PENRO-RXVIII and settle incidental expenses during the conduct of Technical Review;
- 4.1.5. Inform the proponent of any suspension of work due to acceptable ground and reason;
- 4.1.6. Consults the permission of the proponent in deciding critical and important decisions relating to the conduct of the ECC application;
- 4.1.7. Secure the Protected Area Management Board (PAMB) Clearance, Area Clearance and the Environmental Compliance Certificate within the contracted period;
- 4.1.8. Provide the proponent with a monthly progress report;
- 4.1.9. Fulfill all terms and conditions of the contract;
- 4.1.10. Submit to PPA - PMO Negros Oriental/Siquijor the approved PAMB Clearance, Area Clearance, and ECC together with all documentaries requirements, in **three (3)** copies properly bound for proponent's copy.

4.2. Of the PPA, PMO Negros Oriental/Siquijor

- 4.2.1. Provide the Consulting Firm with the necessary information, data, plans and documents in its possession necessary for the preparation and completion of the requirements for the Environmental Compliance Certificate (ECC) application;
- 4.2.2. Pay the Consulting Firm in accordance with agreed payment schedule and terms.
- 4.2.3. Designate/Provide a representative to coordinate with the Consulting Firm and participate in project-related activities, meetings, and consultations, as may be required.

5. QUALIFICATION OF THE CONSULTING FIRM

- 5.1. 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 the Department of Environment and Natural Resources-Environmental Management Bureau (DENR-EMB) as EIS preparer.
- 5.2. With valid Mayor's/Business Permit.
- 5.3. Have successfully prepared, processed, and secured at least three (3) Environmental Compliance Certificates, one (1) Protected Area Management Board (PAMB) Clearance, and one (1) Area Clearance in the last five (5) years.
- 5.4. Must have a PHILGEPS Registration.

6. PERSONNEL AND MANPOWER REQUIREMENTS

- 6.1. The Consultancy Firm shall provide and deploy personnel upon commencement of the activities.
- 6.2. One (1) Project Manager
- 6.3. One (1) Accredited Preparer by DENR-EMB
- 6.4. One (1) Clerk
- 6.5. One (1) Liaison Officer / Messenger

7. DURATION OF THE CONSULTANCY SERVICES

- 7.1. The period of the term of service for the acquisition of the PAMB Clearance, Area Clearance, and ECC shall be **Four Hundred Eighty (480) calendar days** starting on the day the Consultant/Preparer received the Notice to Proceed (NTP) from the Procuring Entity.
- 7.2. Extension of project duration may be granted provided that the Preparer/Consultant/Consulting Firm request from the Philippine Ports Authority in writing, stating the valid reason (s) or ground (s) for extension of the project duration. The PPA reserves the right to evaluate, approve, or deny such requests at its discretion.

8. DECISION DOCUMENT

- 8.1. **Environmental Compliance Certificate (ECC)** issued by the Department of Environment and Natural Resources (DENR) Regional Office XVIII, for the proposed Bulado Port Project.
- 8.2. **Protected Area Management Board (PAMB) Clearance and Area Clearance** shall likewise form part of the required documents. These shall be secured prior to or as a prerequisite to the issuance of the ECC, in accordance with the existing laws, rules, and regulations.
- 8.3. Upon issuance, the consulting firm shall submit to PPA-PMO NOS three (3) complete sets of the documents specified in item no. 4.1.10.

9. CONTRACT PRICE AND PAYMENT TERMS

- 9.1. The Approved Budget for the Contract (ABC) is **Two Million Two Hundred Forty-Nine Thousand and Two Hundred Five Pesos (PHP 2,249,205.00)**.
- 9.2. For services rendered, the PPA shall pay the consultant based on the completion and acceptance of deliverables corresponding to each major component of the Scope of Work as follows:
- 9.2.1. Protected Area Management Board (PAMB) Clearance**
- a. **Fifteen Percent (15%)** upon submission and acceptance of all required document for PAMB clearance application;
 - b. **Thirty Percent (30%)** upon issuance of the approved PAMB Clearance;
- 9.2.2. Area Clearance**
- a. **Ten Percent (10%)** upon submission and acceptance of the Area Clearance application and issuance of acknowledgement/endorsement by the DENR;
 - b. **Twelve Percent (12%)** upon issuance of the approved Area Clearance.
- 9.2.3. Environmental Compliance Certificate (ECC)**
- a. **Fifteen Percent (15%)** upon submission and acceptance of all required document for ECC application to DENR-EMB Region XVIII;
 - b. **Eighteen Percent (18%)** upon issuance of the approved Environmental Compliance Certificate (ECC).

10. TERMINATION OF CONTRACT

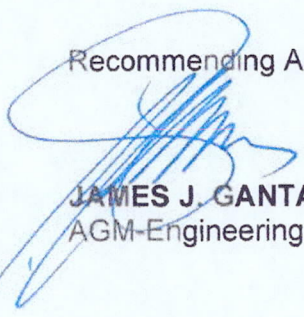
- 10.1. The PPA, PMO NOS reserves the right to terminate the contract in accordance with the provisions outlined in Section 71.4 of the Implementing Rules and Regulations (IRR) of RA No. 12009 either in part or in full, at any time and without incurring any cost to the Authority.

Prepared and submitted by:


ALLAN M. ROJO
Port Manager

AMR/HPM/DGRT

Recommending Approval:


JAMES J. GANTALAO
AGM-Engineering

Approved by:


JAY DANIEL R. SANTIAGO
General Manager