

# TECHNICAL ASSISTANCE FOR THE ENHANCEMENT OF DATABASE AND DEVELOPMENT OF ON-LINE COMPLIANCE SYSTEM

## TERMS OF REFERENCE

### 1. INTRODUCTION

The Electric Power Industry Reform Act (EPIRA) mandates the Energy Regulatory Commission (Commission) to promote competition, encourage market development, ensure consumer choice, and penalize abuse of market power in the restructured electricity industry. More particularly, the Commission is mandated to promote competition by creating a level playing field, among others, in the competitive retail electricity market.

In complying with its mandate, the Commission set up the competitive framework in the electricity markets through the issuance of the rules and regulations governing the competitive markets. In such rules, the market participants are required to submit periodic reportorial requirements necessary for the Commission to monitor the behavior of the stakeholders and the market. The nature of the information must be accurate and must be given in a timely manner. The quality of data must be maintained and sufficiently secured.

The success of the competition will partly depend much on a robust yet transparent information system that can be realized with an efficient database on relevant statistics pertaining thereto and timely compliance by the market participants on the required reportorial requirements under the terms of the licenses and rules and regulations. A functional information system is crucial for determining and monitoring indicators of competition. The existence of such database and timely compliance system is highly valuable in the formulation of the necessary rules and regulations in the competitive market. It is in this context that the Commission needs technical assistance to develop a system that will enable the market participants to submit in a timely manner the required periodic reportorial requirements.

### II. OBJECTIVES AND SCOPE OF WORK

The Technical Consultant shall assist the Commission in the enhancement of the database and development of the MOS on-line compliance system for market participant's periodic submission of requirements as contained in the rules. The required submission contains list of qualified end-users to be part of the contestable market, information on capacity and energy allocations by the retail suppliers, average prices, kilowatt-hour sales and total revenues by these suppliers, and customer switching information submitted by the Central Registration Body, WESM registration notice,

significant variations report, and underlying facts to NSS/levels of NSS Allocations, Generation company maximum capacity, stable load, ramp up/down kilo-watt per minute, and company information sheet such as list of directors and officers and shareholders. Based on these data, the Technical Consultant shall develop a system whereby stakeholders will be able to submit their reportorial requirements online which includes a standard operating protocol for data entry and quality control. The Technical Consultant is expected to issue an inception report on his work plan including identification of needs and issues of the MOS. Based on the work plan, the Technical Consultant shall issue progress reports to the MOS. It shall regularly conduct discussions among the MOS staff to effectively gain insight on particular processes. Further, the Technical Consultant is expected to conduct training, for transfer of technology and the use of such system. The knowledge transfer component of the engagement shall be of prime importance during the commitment.

### **III. QUALIFICATIONS OF TECHNICAL CONSULTANT**

The Technical Consultant needed by the MOS in the performance of its tasks shall be a team of two:

- a. Such technical team should be an expert in information system design and development.
- b. They should have a minimum bachelor degree in IT/database programming and preferably post-graduate degree in information system/software, with minimum 3 years of relevant work experience.

### **IV. PROJECT DURATION**

The contract for the Technical Consultant shall be expected to start in the 2<sup>nd</sup> quarter of 2015 covering 528 man-hours equivalent work, from receipt of Notice to Proceed (NTP).

### **V. PROJECT ESTIMATES**

- a. Approved Budget for the Contract (ABC)

The ABC for the Technical Consultant is PhP 5,835,000.00, inclusive of 15% expanded withholding tax and 5% final VAT.

- b. Source of Funds

The funding source for the technical assistance is through fiscal year 2015 General Appropriation Act (GAA).

## **VI. DELIVERABLES**

The Technical Consultant shall:

- a. Develop an on-line compliance system which would facilitate submission of reportorial requirements under the licenses and other rules and regulations of the ERC including development of online-forms for data defined;
- b. Develop and enhance the database for the deregulated sectors of the industry, e.g. generation and supply vis-a-vis the on-line compliance system; and
- c. Identification and procurement of hardware/software needs to implement the project;
- d. Conduct training for the MOS personnel to effectively utilize the new system.

## **VII. EVALUATION CRITERIA**

### **1. SHORT LISTING OF PROSPECTIVE CRITERIA**

#### **1.1 ELIGIBILITY REQUIREMENTS**

##### **A. LEGAL DOCUMENTS**

1. Registration Certificate from Security Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or CDA for cooperatives, or any proof of such registration as stated in the Bidding Documents;
2. Mayor's permit issued by the city or municipality where the principal place of business of the prospective bidder is located;
3. Tax Clearance Certificate issued by the BIR Main and Income or Business Tax Returns filed the EFPS, if applicable.

##### **B. TECHNICAL DOCUMENTS**

1. Statement of the prospective bidder of all its on-going and completed government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid, within the required years of service, as provided in the Bidding Documents. The statement shall include all information required in the PBDs prescribed by the GPPB;
2. Statement of the Technical Consultant specifying its nationality and confirming that those who will actually perform the service are registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions;

### 3. Company profile

## **C. FINANCIAL DOCUMENTS**

1. The Technical Consultant's audited financial statements, showing, among others, the total and current assets and liabilities, stamped received by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission;

### 2. Joint Venture Agreement (JVA)

Valid JVA, in case a joint venture is already in existence. In the absence of a JVA, duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful, shall be included in the bid. Failure to enter into a joint venture in the event of a contract award shall be ground for the forfeiture of the bid security. Each partner of the joint venture shall submit the legal eligibility documents. The submission of technical and financial documents by any of the joint venture partners constitutes compliance.

## **1.2 SHORTLISTING CRITERIA**

### 1.2.1 Required Documents

- a. Company profile
- b. List of similar projects implemented by the firm/person within the last twelve (12) years and current workloads;
- c. Curriculum vitae of the experts to be employed for the project.

### 1.2.2 Criteria

- a. Applicable experience of the Technical Consultant (or firm) and associates in case of joint ventures; -- (35% equivalent point score)
- b. Qualification of principal and key staff of the Technical Consultant who may be assigned to the job vis-a-vis extent and complexity of the undertaking (education, work experience, number of years in firm, etc.); -- (35% equivalent point score)
- c. Firm Factor. – (30% equivalent point score)

PARAMETERS	EQUIVALENT POINT SCORE
A. Experience Factor	35%
B. Technical Qualification Factor	35%
C. Firm Track Record Factor	30%
TOTAL	100%

*(Note: Only the top 5 ranked Firms with at least 75% points based on the short listing criteria will be invited to submit the Technical and Financial Proposals. Should less than the required number apply for eligibility and short listings pass the eligibility check, and/or pass the minimum score required in the short listing, the BAG shall consider the same.)*

## 2. Bid Evaluation Criteria

### a. Technical Documents

1. Bid Security
2. Approach, work plan and schedule
3. List of key personnel
4. Omnibus sworn statement

### b. Financial Documents

1. Financial information/documents specified in the Philippine Bidding Documents.

Quality Cost Based Evaluation (QCBE) will be used in the determination of highest rated bid. Under said evaluation, the Technical Proposal together with the financial proposal shall be considered in the evaluation of consultants. The technical proposals shall be evaluated first using the criteria provided for in the IRR of RA 9184. The financial proposals of the consultants who meet the minimum technical score shall then be opened. After approval by the Head of the Procuring Entity of the highest rated bid, the BAC shall notify and invite the consultant with the Highest Rated Bid for negotiation.

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