



INVITATION TO BID FOR

Procurement of the Enhancement of the Energy Regulatory Commission Legal Information Archive thru Completion and Harmonization of ERC Decisions, Orders and Resolutions from 2001 to 2019 ("ERC Virtual Library")

1. The **ENERGY REGULATORY COMMISSION (ERC)**, through the **2019 General Appropriation Act**, intends to apply the sum of **EIGHT MILLION SIX HUNDRED THOUSAND PESOS (PhP8,600,000.00)**, **12% VAT inclusive** being the Approved Budget for the Contract (ABC) to payments under the contract for the **Procurement of the Enhancement of the Energy Regulatory Commission Legal Information Archive thru Completion and Harmonization of ERC Decisions, Orders and Resolutions from 2001 to 2019 ("ERC Virtual Library")**, Lot No. **2019-08**. Bids received in excess of the ABC for such lot shall be automatically rejected at bid opening.
2. The **ERC** now invites Bids for the **Procurement of the Enhancement of the Energy Regulatory Commission Legal Information Archive thru Completion and Harmonization of ERC Decisions, Orders and Resolutions from 2001 to 2019 ("ERC Virtual Library")**. Delivery of the Goods/Services is required per Section VI Schedule of Requirements. Bidders should have completed, within the last five (5) years from the date of submission and receipt of bids, a contract similar to the Project. The description of an eligible Bidder is contained in the Bidding Documents, particularly, in Section II. Instructions to Bidders.
3. Bidding will be conducted through open competitive bidding procedures using a non-discretionary "pass/fail" criterion as specified in the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184, otherwise known as the "Government Procurement Reform Act".

Bidding is restricted to Filipino citizens/sole proprietorships, partnerships, or organizations with at least sixty percent (60%) interest or outstanding capital stock belonging to citizens of the Philippines, and to citizens or organizations of a country the laws or regulations of which grant similar rights or privileges to Filipino citizens, pursuant to RA 5183.

4. Interested bidders may obtain further information from ERC-BAC Secretariat and inspect the Bidding Documents at the address given below, **Monday to Friday, 8:00 A.M. to 5:00 P.M. from 04 June 2019 (Tuesday) until 02:00 P.M. of 26 June 2019 (Wednesday).**
5. A complete set of Bidding Documents for the **Procurement of the Enhancement of the Energy Regulatory Commission Legal Information Archive thru Completion and Harmonization of ERC Decisions, Orders and Resolutions from 2001 to 2019 ("ERC Virtual Library")** may be acquired by interested Bidders starting **04 June 2019 (Tuesday), 8:00 A.M. to 5:00 P.M.** from the address below upon payment of a non-refundable fee of **Ten Thousand Pesos (PhP10,000.00).**

It may also be downloaded free of charge from the website of the Philippine Government Electronic Procurement System (PhilGEPS), provided that Bidders shall pay the applicable (non-refundable) fee for the Bidding Documents not later than the submission of their bids.

6. The ERC-BAC will hold the **Pre-Bid Conference on 13 June 2019 (Thursday), 02:00 P.M.** at the **Mezzanine Floor, Pacific Center Building, San Miguel Avenue, Pasig City**, which shall be open to prospective bidders.
7. Bids must be duly received by the BAC Secretariat at the address below on or before **26 June 2019 (Wednesday) at 02:00 P.M.** All Bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in ITB Clause 18.

Bid opening shall be on **26 June 2019 (Wednesday) at 2:30 P.M.** at the Mezzanine Floor, Pacific Center Building, San Miguel Avenue, Pasig City. Bids will be opened in the presence of the bidders' representatives who choose to attend at the address below. Late bids shall not be accepted.

8. Please see attached **Annex "A"** for the Terms of Reference.

9. The ERC reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract at any time prior to contract award in accordance with Section 41 of RA 9184 and its IRR, without thereby incurring any liability to the affected bidder or bidders.
10. For further information, please refer to:
Ms. Cherry Lynn S. Gonzales
BAC Secretariat Chairperson
Mezzanine Floor, Pacific Center Building, San Miguel Avenue, Pasig City
Tel No. 706-5259
csgonzales@erc.gov.ph/procurement@erc.gov.ph

Pasig, City **JUN 03 2019**


MARIA CORAZON C. GINES
Bids and Award Committee Chairperson

ACC/CLSG-INVITATION TO BID


TERMS OF REFERENCE

*Enhancement of the Energy Regulatory Commission Legal Information Archive thru Completion and Harmonization of ERC Decisions, Orders and Resolutions from 2001 to 2019
("ERC Virtual Library")*

I. PROJECT BACKGROUND

The Energy Regulatory Commission (ERC) was created under Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001 or EPIRA. Among its functions are the following, namely: a) enforce the implementing rules and regulations of the EPIRA, b) enforce the rules and regulations governing the operations of the electricity spot market and the activities of the spot market operator and other participants in the spot market, for the purpose of ensuring a greater supply and rational pricing of electricity, c) establish and enforce a methodology for setting transmission and distribution wheeling rates and retail rates for the captive market of a distribution utility, and d) hear and decide all cases contesting rates, fees, fines and penalties imposed by the ERC in the exercise of its powers, functions and responsibilities and over all cases involving disputes between and among participants or players in the energy sector.

In the exercise of its functions, the ERC promulgates decisions, orders and resolutions. Since 2001, the ERC has issued around 3,000 Decisions, 400 Resolutions and an undetermined number of orders. In 2013, through its contractor, CD Technologies Asia, Inc. (CD Asia) the ERC Legal Information Archive (LIA), a browser-based software application containing a database of ERC issuances from 2011 to 2013, as well as laws and executive issuances cited therein, was created. Every year thereafter, the database has been built-up by CD Asia with additional ERC issuances and cited issuances. The LIA may be accessed at lia.erc.gov.ph.

At present, there is a need to enhance the existing ERC LIA by expanding the coverage of ERC issuances contained therein and undertaking a review of the decisions, orders and resolutions and other issuances of the ERC in order to assist the Commission in promulgating decisions, orders and resolutions in the future which are consistent with its prevailing policies and regulations and established jurisprudence. The review will be facilitated by the digitization of ERC issuances not yet in the LIA. The LIA will become a legal reference portal that will provide, among others, access to the organized or codified ERC issuances by researchers, policy-makers, and the public, in general. The expanded LIA or otherwise known as the ERC Virtual Library is an interactive browser-based legal reference system which may be further updated by the ERC on its own.

II. PROJECT OBJECTIVES

The objectives of the Project are as follows:

1. To digitize all the decisions, orders and resolutions of the ERC from 2001 to 2019. This will include issuances which are not yet in the existing LIA, which is estimated at 36,500 pages. Pages that were not included in this estimate shall still be covered by the project at no additional cost to ERC.
2. To harmonize the ERC issuances according to standards and methodologies agreed upon by ERC and the Service Provider, including but not limited to, identifying amended, repealed or modified decisions, orders and resolutions, reconciling the conflicting provisions or statements thereon through a review to be undertaken by the Service Provider, and presenting a brief analysis of these issuances through the portal.

III. PROJECT ACTIVITIES

The Service Provider shall perform the following activities in coordination with the ERC:

1. Collation, conversion of pdf into electronic text format, and processing of all ERC issuances from 2001 to 2019 (which are not yet in the existing LIA), for inclusion therein
2. Survey of legislation, executive and administrative issuances, and jurisprudence pertinent to the ERC issuances
3. Review or analysis and harmonization of ERC issuances, in relation to each other and to pertinent legislation, executive and administrative issuances, and Supreme Court decisions
4. Conceptualization, development and programming of a browser-based legal reference system with the following features:
 - a. Database containing the complete text of ERC issuances, pertinent and cited legislation, executive issuances and jurisprudence, and annotations comprising the analysis and harmonization of issuances
 - b. Classification of ERC issuances according to the subject index to be given by ERC
 - c. Linking of cited legislation, executive issuances (e.g. those issued by the Department of Energy (DOE), National Electrification Authority (NEA) as cited in the Decisions, Orders and Resolutions uploaded in the LIA, etc.) and jurisprudence to citations in ERC issuances and annotations
 - d. Basic and advanced search and retrieval templates
 - e. Programming of administration functions, including security and access limitations
 - f. Facility to email documents, save the same in portable data format (pdf), and

view related issuances side-by-side

5. Incorporation of the browser-based legal reference system into the existing ERC LIA
6. Training of designated ERC personnel on the use of the electronic legal reference system
7. Training of designated ERC personnel on system updating and basic maintenance of the ERC LIA
8. Hosting of the browser-based legal reference system for a period of one year from the date of final delivery and acceptance by the ERC.

To assist the Service Provider in undertaking the above activities, a Technical Working Group (TWG) for the project composed of ERC personnel will be created. Said TWG will be responsible for coordinating project activities with the Service Provider. It will also take the lead in reviewing the project deliverables submitted by the Service Provider and recommending its acceptance by the ERC.

The entire system, including its database, will be transferred to the ERC at the end of the project period. Once accepted, ERC shall become the owner thereof and shall be entitled to all rights and interests thereon and may perform acts such as, but not limited to, updating the database and upgrading the system.

IV. DURATION OF ENGAGEMENT AND REQUIRED MANPOWER

The estimated entire scope of work is six (6) months from issuance of the Notice to Proceed or until the end of December 2019, whichever is earlier, exclusive of review periods by the ERC to check and accept project deliverables.

The Service Provider will engage at least fifteen (15) encoders, uploaders, proofreaders, editors, and persons who will work on the links, and at least five (5) lawyers and one (1) legal researcher who will read and study all of the Decisions, Orders and Resolutions issued by the ERC as well as other relevant executive issuances (e.g. those issued by the Department of Energy (DOE), National Electrification Authority (NEA) as cited in the Decisions, Orders and Resolutions uploaded in the LIA, etc.) and jurisprudence to come up with an analysis.

The Service Provider may procure additional manpower to assist it in the development and timely completion of the project but at no additional cost to the ERC.

V. PROPOSED BUDGET

The proposed budget for the project is Eight Million Six Hundred Thousand Pesos (P8,600,000.00) which shall be paid in full to the Service Provider upon delivery of the upgraded LIA or the ERC Virtual Library duly accepted by the ERC.