

TERMS OF REFERENCE

EXTERNAL CASE MONITORING SYSTEM (ECMS)

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 (IRR) of the EPIRA, b) enforce the rules and regulations governing operations of the electricity 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 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, among others. Through these issuances, the ERC is either impleaded as a respondent or is compelled to institute a case before regular courts and other government agencies to protect and defend its interest. These cases are otherwise referred to as “External Cases”.

As of 31 December 2021, the ERC has one hundred sixteen (116) active¹ and one hundred two (102) inactive external cases with incomplete details encoded in the existing beta system accessible at <http://dts.erc.local/incoming/index.asp>. The said system has a limited feature and can only provide the following information:

- a) Control No.;
- b) Subject; Category;
- c) Sender;
- d) Case No.;
- e) Date of Document;

¹ As of 31 December 2021

- f) Date Received by Records; and
- g) Dispositive Portion.

It also contains electronic copies of pleadings and other documents uploaded occasionally by the former staff-in-charge.

Given the limitations of the existing system and the need to efficiently and effectively manage the records of these external cases, the ERC, through the Office of the General Counsel and Secretariat, as the end-user, intends to engage a Contractor that will develop a system or a new software application that will be compatible with the existing and on-going records management and document tracking systems of the ERC (e.g. ICTMS², DTS³, Virtual Library, and EIS⁴) by including other essential features that will help the OGCS to efficiently and effectively monitor the status of these cases, the hearing dates, and the deadlines for submission of pleadings and other documents. It should also be capable of uploading electronic copies of documents to facilitate retrieval and sharing but with adequate protection against unauthorized access.

II. PROJECT OBJECTIVES

The primary objective of the project is to develop a system that will:

- a) efficiently monitor real-time status of all external cases;
- b) enable the Commission and its representatives to promptly comply with court directives and avoid unnecessary delay;
- c) generate accurate and real-time reports for use by the Commission and other Services; and
- d) digitize and preserve copies of all case records which include but are not limited to court orders, notices, resolutions, decisions as well as pleadings filed by the Commission and other parties to a case.

Other objectives of the project include building capacity and improving accountability of the staff in managing case records.

² Integrated Case Tracking and Management System (ICTMS)

³ Document Tracking System (DTS)

⁴ Executive Information System (EIS)

III. PROJECT ACTIVITIES

The activities that will be undertaken by the ERC and the Contractor are as follows:

1. Creation of a Technical Working Group (TWG) for the project which shall be composed of OGCS and PPIS personnel;
2. Evaluation and assessment of the existing and on-going systems;
3. Survey of external documents in relation to external cases;
4. Conceptualization, development and programming of proposed External Case Monitoring System (ECMS) in relation to the current Executive Information System (EIS) which includes the Integrated Case Tracking and Management System (ICTMS), Document Tracking System (DTS).);
5. Knowledge Transfer: At least ten (10) working days training of designated ERC personnel on the use of the system and the structure of the database and on system updating and basic maintenance; and
6. After-sales/Post-implementation support: At least twelve (12) months warranty and technical support after delivery and acceptance by the ERC.

The entire system 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 the rights and interests thereon.

IV. DELIVERY PERIOD

The delivery of the External Case Monitoring System shall be **five (5) months from the receipt by the winning contractor of the Notice to Proceed (NTP)** exclusive of the after-sales/post-implementation support and review periods by the ERC, through its authorized representatives, to assess and accept the project deliverables.

The contract period for the after-sales/post-implementation support shall be twelve (12) months from final acceptance and deployment.

V. APPROVED BUDGET FOR THE CONTRACT (ABC)

The ABC for the project is **THREE MILLION NINETY THOUSAND PESOS (PhP3,090,00.00)**, inclusive of all government taxes, and other fees and charges.

VI. MODE OF PROCUREMENT

The Mode of Procurement shall be **Competitive Bidding** pursuant to the 2016 Revised Implementing Rules and Regulations (R-IRR) of Republic Act (RA) No. 9184.

VII. QUALIFICATIONS

The Contractor should have the necessary eligibility, experience, and expertise in the development and implementation of External Case Monitoring System (or system of similar nature).

- i. The Contractor shall not be partly/wholly owned by or affiliated to any Distribution Utilities or regulated entities in the Philippines;
- ii. The Contractor should have completed, within the **last five (5) years from the date of submission and receipt of bids, a contract similar to the project; and**
- iii. 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 No. 5183.
- iv. Has deployed similar projects developed in Microsoft environment specified in the Technical Requirements under the Scope of Work.

VIII. PROJECT IMPLEMENTATION AND DELIVERABLES

The implementation of this project will be in **three (3) phases** with the following durations:

Phase 1	Requirement Assessment and Solutions Design	1 month (30 calendar days)
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Phase 2	Solution Development; Implementation; and Training	4 months (120 calendar days)
Phase 3	Post Implementation Support	12 months ⁵ (360 calendar days)

In **Phase 1**, the Contractor is expected to **produce an Inception Report** which contains the following outputs/recommendations needed to enhance the system in order to address effectively the immediate and intermediate outcome of the project:

- 1) Business level logical data models at a level of detail sufficient to enable design of the database structures and specification of the queries and reports needed by ERC;
- 2) Database storage capacity planning and performance optimization plan;
- 3) Service delivery architecture – including analysis of the feasibility of cloud-based delivery options vs. other outsourced alternatives;
- 4) Detailed requirements and screen mockups;
- 5) Cost estimates for the different solution options presented; and
- 6) Detailed System Design Report (DS2) Report, System’s Technical Manual (Design).

In **Phase 2**, the Contractor is expected to **develop, install, test, deploy, and deliver the External Case Monitoring System (Execution of the proposed system)**. The Contractor is also expected to produce the following outputs/recommendations needed to implement the approved Phase 1 implementation plan:

- 1) Implementation Plan
- 2) Post-implementation assessment (Warranty/SLA e.g. 3-years business continuity plan);
- 3) Ten (10) working days training;
- 4) System’s Technical Manual (soft copy and hard copy); and
- 5) User’s Manual (soft copy and hard copy).

⁵ Not covered by the delivery period which shall be performed by the Contractor after Phase 2.

In **Phase 3**, the Contractor is expected to **provide technical support and warranty to the ERC** for a period of twelve (12) months after delivery and acceptance:

- 1) Post-implementation technical support (revision on any minor change request, fix software bugs/error, system upgrade). Minor change request covers look-and-feel, customization of reports, iOS/Android compatibility issues; and
- 2) System maintenance and software updates

IX. SCOPE OF THE PROJECT

The goal of the project is to develop, install, test, deploy and deliver a new External Case Monitoring System, considering mostly its usability, security and maintainability, and shall contain the following features and requirements:

A. ACCOUNTS MANAGEMENT

I. User Account

- i. Unlimited “create-user-account” feature and capable of disabling/deactivating accounts previously assigned to employees no longer connected with the ERC.
- ii. User accounts are based on existing local area network Active Directory (AD).

II. Password

- i. A password reset tool to be managed by the end user requester via email; and
- ii. Capable of notifying the administrator thru email for every new request for change password.
- iii. User’s account password is based on the Active Directory to ensure compliance with Password Management or Office Order No. AVSTD -30, Series of 2021.

III. Dashboard

- i. Organized and customized dashboard; and
- ii. An avatar upload feature.

B. RECORDS MANAGEMENT

I. Document Life Cycle

- i. Capable of archiving and purging documents based on the retention period set by the ERC. It should have an advanced record retention and disposition that manage and organize the active and inactive files.

II. Automatic Conversion Functionality

- i. Automatic conversion of uploaded documents into “pdf files” with footer for downloaded files and printouts. It should also be capable of attaching ERC logo watermark on the document’s computer image and downloaded files.

III. Document tracking and traceability

- i. A document tracking/history which efficiently track the movements and activities of the users (e.g. documents accessed, downloaded or printed) as well as the electronic documents (e.g. last accessed by whom, retrieved on what date and time, among others).
- ii. The log files use for recording the tracking/history are encrypted. No overwriting/overriding is allowed.
- iii. The log files can read-only access by System/DB Administrator. It can only view thru reporting services.

IV. Private repository

- i. A private repository where only permitted user/s and group/s are allowed to view and edit a record. Editing record is based on roles approved by data owner.

V. Upload Feature

- i. Capable of uploading single or bulk scanned documents including succeeding related documents to a particular case file.

VI. Document classification and indexing

- i. Capable of providing unique classification (indexing) through the document metadata or indexes extracted from the documents' contents.

VII. Folder and Subfolder creations

- i. Should have no limitation in the creation of folders and subfolders.
- ii. Capable of encoding the details of the documents uploaded.

VIII. Linking document

- i. Capable of linking documents.

C. SEARCH AND RETRIEVAL MANAGEMENT

I. Document Search and Retrieval functionality

- i. Capable of searching and filtering the data based on the following pre-identified information:
 - a) barcode;
 - b) case number;
 - c) case title;
 - d) subject matter;
 - e) index;
 - f) file name;
 - g) date/year of the document/of receipt/promulgated;
 - h) firm name;
 - i) court filed/pending;
 - j) document type;
 - k) content of the scanned documents; and
 - l) other categories which the ERC may later on identify.

II. Document filtering

- i. Capable of viewing document/s uploaded retrievable using customizable filter options (e.g. recent uploads, specific period, particular month, among others).

D. REPORTS MANAGEMENT

I. Customizable Report

- i. Capable of generating customizable real-time reports according to the needs of the concerned end user.

II. Document uploaded counting

- i. Capable of counting the number of uploaded documents (i.e. weekly, monthly, yearly).

III. Storage Report

- i. Capable of displaying the accumulated storage and total storage capacity.

IV. Downloadable

- i. Capable of generating a database of the information encoded in the system and downloadable as excel, word or pdf file.

V. Transaction History

- i. Capable of summarizing the history of all the transactions/processes performed by a particular user.

E. NOTIFICATION MANAGEMENT

I. Email Notification Feature

- i. An email notification feature that will automatically notify the user of his/her pending actions (e.g. deadlines/deliverables, court hearing dates).

II. Deadline and Hearing Dates

- i. Capable of viewing deadlines and hearing dates through the dashboard.

F. SYSTEM AND SECURITY MANAGEMENT

I. Accessible in different browsers

- i. Supports/accessible in a wide variety of browsers/multiple platforms including Google Chrome, Mozilla Firefox, Internet Explorer, Safari, among others.

II. Compatible with Smartphones and tablets

- i. Adaptive web design that is compatible with smartphones and tablet using Android, iOS, among others.

III. Access limitation and security features

A policy for brute force attacks and DDOS, viz:

- i. Accounts with five (5) failed login attempts should automatically require verification through notice;
- ii. Recovery of password should be done by the assigned administrator using the administration panel;
- iii. Idle time of thirty (30) minutes should automatically log-out the system. Said idle time can be set by the IT Admin;
- iv. Only alpha and numeric keys are allowed in username and password field; and
- v. Security and access limitations.

G. OTHER FEATURES

- i. The system should have the following basic fields:

Pleadings:

- *Case Number*
(i.e. GR No. 12345; CA-G.R. SP No. 12345)
- *Case Title*

- (i.e. ERC vs. X)
 - *Subject Matter*
(i.e. CSP; Rate Methodology)
 - *Current Status*
(i.e. Submitted for Resolution)
 - *Nature of the Case*
(i.e. Petition for Certiorari)
 - *Court Filed/Pending*
(i.e. Supreme Court First Division)
 - *Ponente (Judge, Justice)*
(i.e. Justice X)
 - *Handling lawyer/s and contact details*
(i.e. Atty. X, OGCS; ASG X; Associate X, Division X; 0917-1234567; (02) 8988-1234)
 - *A section where you can read the summary of a case such as the issues for resolution; and*
 - *Other fields as may be necessary.*
- ii. Should have a built-in calendar which can automatically send notifications/email to the user in the form of reminders (e.g. deadlines, hearing dates) and can be linked with existing calendar apps such as google calendar;
- iii. The customized system should have the following technical specifications:

Web-based application

- Adaptive web design⁶ (smart/mobile device compatible)
- Microsoft C#, ASP.Net Framework version 4.x (or latest) MVC Dev't Mode/Styles, or other web-based programming language full-compatible with MS IIS (no middleware or API to bypass the IIS)
- Web Application Host: MS IIS version 8 or latest
- Two-Form Authentication

Document Management

⁶ To ensure smart/mobile devices using, but not limited to, Android OS and Apple iOS will adapt to ECMS webpages.

- MS SharePoint (erc.ph)
- File Storage System (using FILESTREAM of MS SQL server)

Database

- MS SQL Server 2012 or latest
- MS SQL Server Reporting Services

Database Backup

- Online virtual storage for backup.
- External hard drive storage for additional redundancy.
- All backups are compressed and encrypted.

Source Codes and Manual

- Technical documentation including source codes;
- User manual for web apps and smart device apps; and
- User and Technical Manual

H. OTHER REQUIREMENTS

- i. Development platform to be used must be compatible with ERC's existing Microsoft Infrastructure, (e.g., Microsoft Power Automate, Dynamics, SPS, Visual Studio, combination of technologies, etc.), Database and Application Servers; and
- ii. The Contractor must strictly comply with the health protocols of the ERC in relation to COVID-19.

SUMMARY

To address the requirements of the system, the Contractor must conduct a study (items I and II) and help the ERC (items II and IV) develop and implement said system efficiently and effectively.

Phase I:

- I. Project Planning and Scoping
 - a) Data gathering, system analysis, gap analysis, system requirements
 - b) Recommendations
 - c) Deliverables: **Inception Report**
- II. Project Design
 - a) System Design
 - b) Deliverables: **Detailed System Design Report (DS2) Report, System's Technical Manual (Design)**

Phase II

- III. Project Development
 - a) System development
 - b) Deliverables: **New External Case Monitoring System (EMCS)**
- IV. Project Implementation
 - a) Installation and configuration
 - b) Testing
 - c) Deploy
 - d) Training
 - e) Deliverables: **Implementation Plan, Training Certificates, SLA/Warranty Certificates, Approved User Acceptance Test/Approved ECMS, User and Technical Manual including source codes**

Phase III

- V. Post-implementation technical support and System maintenance and software updates

I. WARRANTIES OF THE CONTRACTOR

- 1) The Contractor warrants that it shall conform strictly to the terms and conditions of this Terms of Reference (TOR);
- 2) The Contractor warrants, represents, and undertakes reliability of the services, products updates and that their manpower

complements are hardworking, qualified/reliable and dedicated to do the service required to the satisfaction of the ERC. It shall employ well-behaved and honest employees with ID displayed conspicuously while working within the ERC compound;

- 3) The Contractor shall coordinate with the authorized and/or designated ERC personnel/TWG in the performance of their jobs;
- 4) The Contractor shall be liable for loss, damage or injury due directly or indirectly through the fault or negligence of its personnel. It shall assume full responsibility thereof and the ERC shall be specifically released from any and all liabilities arising therefrom; and
- 5) The Contractor shall neither assign, transfer, pledge, nor subcontract any part or interest therein.

J. CONFIDENTIALITY OF DATA

- 1) The Contractor shall document detailed procedures/techniques in identifying systems security risks and breach(es) and how such shall be handled;
- 2) All project staff of Contractor shall be required to sign a non-disclosure agreement;
- 3) The External Case Monitoring System, its components, parts and all products, product samples and specifications, data, ideas, technology, and technical and non-technical materials, all or any of which may be derived from any of the foregoing (all of which, individually or collectively, referred to as “Proprietary Information”) are strictly confidential and proprietary to the ERC;
- 4) The Contractor agrees to hold the Proprietary Information in strict confidence. The Contractor furthermore agrees not to reproduce, transcribe, upload or disclose the same to third parties without prior written approval of the ERC; and

- 5) To ensure the confidentiality of all information that will come to the knowledge of the Contractor and its employees detailed with the ERC, the Contractor and its employees assigned therein shall be considered agents of the ERC. The contract that will be executed heretofore shall categorically provide that the Contractor and its employees, as agents of the ERC, shall uphold strict confidentiality of any information regarding all cases of the ERC.

K. PAYMENT

- 1) The Total Contract Price should not exceed the ABC of **THREE MILLION NINETY THOUSAND PESOS (PhP3,090,000.00)**. Payment shall be released **within thirty (30) calendar days** after the completion of delivery of the project and final acceptance and submission of the required documents.
- 2) Since the above payment shall be subject to the usual government accounting and auditing requirements, the Winning Bidder is expected to be familiar with the Government Accounting and Auditing Manual (GAAM).

L. LIQUIDATED DAMAGES


1. Where the Contractor refuses or fails to satisfactorily complete the work within the specified contract time, plus any extension time duly granted and is hereby in default under the contract, the Contractor shall pay ERC for liquidated damages, and not by way of penalty, an amount, as provided in the conditions of the contract, equal to one tenth (1/10) of one percent (1%) of the cost of the unperformed portion for every day of delay. The maximum deduction shall be ten percent (10%) of the amount of the contract, of which ERC may rescind or terminate the contract, without prejudice to other courses of action and remedies available under the circumstances such as but not limited to forfeiture of performance security and/or blacklisting of the latter.
2. For entitlement to such liquidated damages, ERC need not prove the damages actually incurred. Said damages in any amount shall be deducted from any money due or which may become due

the Contractor under the Contract and/or collect such liquidated damages from the retention money or other securities posted by the Contractor at ERC's convenience.

M. RESERVATION CLAUSE

The Energy Regulatory Commission (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 R.A. 9184 and its IRR, without thereby incurring any liability to the affected bidder or bidders.

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