

TERMS OF REFERENCE

PROCUREMENT OF TEMPORARY ADMINISTRATIVE AND TECHNICAL/ ENGINEERING SERVICES PERSONNEL OF THE PHILIPPINE PORTS AUTHORITY, PORT MANAGEMENT OFFICE OF PALAWAN (PPA, PMO PALAWAN)

(Contract Period: July 1, 2018 – December 31, 2018)

A. INTRODUCTION

1. The current rationalization efforts to streamline functions and operations in the government corporate sector pursuant to Executive Order No. 366 has shifted focus towards the current trend of outsourcing manpower requirements from reputable private manpower agencies to provide general support services needed in the implementation of priority government projects.
2. In the case of the Philippine Ports Authority (PPA), the nationwide roll-out of the computerized port management system, including other similar port maintenance activities, will require substantial manpower augmentation which cannot be provided by existing regular PPA personnel.
3. It is in this light that PPA seeks to enter into an outsourcing agreement with a private entity for the supply and provision of competent technical and administrative support personnel required by the Port Management Office of Palawan (PMO-Palawan) and its Terminal Management Offices (TMOs) through competitive bidding in accordance with provisions of RA No. 9184 and its Implementing Rules and Regulations (IRR).

B. RATIONALE

1. A valid manpower service contract acquired through competitive public bidding conducted in accordance with the provisions of RA 9184 and its IRR will assure a steady supply of competent technical and administrative support personnel to the PPA- PMO Palawan where manpower augmentation and support may be required.
2. With manpower requirements sourced from private Contractors, PPA-PMO Palawan will be free from labor related liabilities since there is no employer-employee relationship between PPA and outsourced personnel.

C. OBJECTIVES

1. To fill up the vacuum created by the issuances of DBM and CSC guidelines and policies prohibiting the direct hiring of temporary support and technical personnel during an extended period of time while rationalization efforts are on-going pursuant to Executive Order No. 366.
2. To help the country in the generation of employment opportunities to thwart the creeping problems brought about by the global economic crisis in compliance with E.O. Nos. 782 and 783.

D. CONDITIONS

1. The outsourcing of personnel shall be in accordance with the provisions of RA 9184 and its Implementing Rules and Regulations (IRR) governing procurement of services.
2. The positions to be outsourced shall be those which were authorized and funded by the Philippine Ports Authority.

3. Funds for this purpose shall be taken from the approved funds to be released by the Controllershship Department.
4. The monthly basic rates shall be based on July 1, 2011 DBM-approved salary structure for civilian government employees, provided that the minimum wage shall not be lower than the wage order prescribed for the Region.
5. Increase in the number of outsourced positions shall not be allowed, unless deemed necessary.
6. Outsourcing of personnel shall be in accordance with the Rules on Nepotism.
7. The proposed personnel to be outsourced were not dismissed from the service due to the commission of an administrative/criminal offense.
8. The proposed personnel to be outsourced shall not be allowed to travel, except for those performing technical and administrative functions whose work assignments will require them to travel.
9. The services of the proposed personnel to be outsourced shall be automatically terminated after the expiration of the Contract or whenever the services of the outsourced personnel are no longer required or once an equivalent regular position is filled, whichever comes first.
10. The number of authorized personnel shall be decreased correspondingly once a certain project/activity in a particular RC/Unit has been privatized.
11. Accordingly, the number of Temporary Administrative and Technical/Engineering Services Personnel shall be correspondingly diminished once there is an increase in the filling up of regular personnel.
12. The usual accounting and auditing rules and regulations shall be complied with.
13. The personnel to be assigned to PPA-PMO Palawan shall render work for eight (8) hours a day from Monday to Saturday, and for those assigned at frontline service, per their shifting schedule, provided they complete the **48-hour/week requirement**.
14. In case the need arises, the personnel assigned to PPA, PMO-Palawan may be required to render service beyond the eight (8) hour period or during holiday or rest day, provided, however, such overtime services shall be incidental to the performance of their respective duties and functions. The payment of overtime services rendered is limited to forty (40) hours only per month, subject to prior PPA approval and shall be charged to the savings generated from this procurement, and shall be in accordance with the applicable government rules and regulations without prejudice to existing labor laws and regulations relevant in the circumstances.
15. Manpower support personnel deployed by the winning Contractor in PPA, PMO-Palawan responsibility centers, and Projects under the Contract granted by PPA-PMO Palawan, shall not, under any circumstance, be considered organic personnel, nor will their respective deployment and assignment in PPA establish an employee-employer relationship with PPA and be considered as valid service in the government.

E. OBLIGATIONS AND RESPONSIBILITIES

E.1 PPA, PMO-PALAWAN

- E.1.1 After determining the lowest and most responsive bidder in the competitive bidding to be conducted for this purpose, PPA-PMO Palawan shall grant and award to the winning manpower service provider/contractor, the Contract to Provide the Necessary Manpower Support Personnel, ANNEX "B" hereof, effective for a period of six (6) months from **July 1, 2018 – December 31, 2018**.
- E.1.2 PPA-PMO Palawan shall pay the winning manpower service provider/contractor the Monthly Billing Rates stipulated in said Contract, subject to existing government auditing and accounting rules and regulations, for and in consideration of the services rendered by support personnel deployed by the winning manpower service provider/contractor and upon presentation of its semi-monthly personnel payment and affidavit or sworn certification that it has paid the salaries and benefits of its personnel for the period covered, per submitted payroll and remitted the corresponding premiums to Pag-IBIG, SSS, PhilHealth, ECC, etc. as well as the withholding of taxes to BIR.
- E.1.3 PPA-PMO Palawan shall likewise be obligated to reimburse the winning contractor any amount of additional expense incurred by technical and administrative support personnel for necessary official travel to PPA work stations within or outside of PPA-PMO Palawan jurisdictional areas and overtime services rendered incidental to the performance of their respective duties and functions, provided such travel and rendition of overtime services shall have prior approval of PPA-PMO Palawan pursuant to existing PPA policies.
- E.1.4 PPA-PMO Palawan shall allocate the total amount of **Five Million Three Thousand Six Hundred Sixty-Six Pesos and 35/100 (P5,003,666.35)**, as the Approved Budget for the Contract (ABC), Annex "C" hereof, to cover the payment of the services rendered by the technical and administrative support personnel deployed thereat by the winning Manpower Service Contractor.
- E.1.5 PPA, PMO-Palawan reserves the right to reject any or all technical and administrative support personnel who shall be found unqualified and unfit to cope with PPA-PMO Palawan job requirements, based on the personnel qualification credentials to be submitted by the winning Manpower Service Provider/Contractor, and the initial screening to be conducted thereon by PPA-PMO Palawan

E.2 MANPOWER SERVICE PROVIDER / CONTRACTOR

- E.2.1 Pursuant to the terms and conditions of the Contract granted by the PPA-PMO Palawan, the winning Manpower Service Contractor shall provide all technical and administrative support personnel required, as listed in Table 1 below, for deployment in project sites/workstations to be determined by the PPA-PMO Palawan during the period/duration indicated for each position.

Table 1. Temporary Administrative and Technical/ Engineering Services Personnel to be Outsourced by PPA-PMO Palawan

Item No.	POSITION	No.	TOTAL
A	<u>ADMINISTRATIVE & TECHNICAL/ENGINEERING SERVICES</u>		
			4
	<u>OPM</u>		
	Legal Researcher	1	
	Data Encoder	1	
	Utility Worker A	2	
			3
	<u>Finance Division</u>		
	Corporate Accounts Analyst	1	
	Data Encoder	2	
			12
	<u>Admin. Division</u>		
	Electrician II	1	
	Data Encoder	3	
	Driver Mechanic B	2	
	Plumber B	1	
	Utility Worker A	1	
	Sr. Management Info. Systems Analyst	1	
	Mechanic B	2	
	Management Specialist	1	
			2
	<u>PSD</u>		
	Data Encoder	2	
			4
	<u>Baseport</u>		
	Cash Clerk	4	
			8
	<u>TMOs</u>		
	Cash Clerk	4	
	Mechanic B	4	
			33
	TOTAL		

- E.2.2 The winning Manpower Service Provider/Contractor shall agree to decrease the number of temporary administrative and technical support personnel to be deployed under the Contract, subject to actual manpower support requirements of PPA-PMO Palawan and its TMOs during the effectivity of this Contract.
- E.2.3 The winning Contractor shall fully assume all official and legal responsibilities over all support personnel that shall be provided and deployed in various PPA-PMO Palawan responsibility centers and Projects under Contract.
- E.2.4 The winning Contractor shall exercise sole administrative control and supervision support over its personnel, **however, it hereby authorizes the PPA-PMO Palawan to give direct instructions to the personnel assigned during their term of duty which includes the issuance of memoranda, circulars, special orders, and such exercise of power by the PPA-PMO Palawan shall not be deemed as relinquishment of power by the Contractor as the Employer of the said personnel.**

- E.2.5 The winning Contractor shall fully guarantee the capabilities and competence of administrative and technical/engineering services personnel to be assigned in various PPA-PMO Palawan responsibility centers and Projects based on the work and experience qualification specified in ANNEX "A" hereof, and agree to any personnel change that the PPA-PMO Palawan may require, in case the individual work performance of respective support personnel concerned fall below project/work activity expectations for whatever reason and/or for consistently showing unbecoming behavior/attitude prejudicial to the image of the client company. Owing to the highly proprietary and service nature of the PPA mandate, the PPA-PMO Palawan may invoke loss of trust and confidence as a ground for replacement of personnel deployed by service provider.
- E.2.6 The **CONTRACTOR**, further warrants the capabilities and technical competence of its support personnel to be assigned in **PPA** based on individual work and experience qualifications. To ensure thereof, the **CONTRACTOR** shall evaluate the performance of its personnel, semi-annually, using the prescribed instrument to determine if they still meet the required standards for performance, including attendance, punctuality and attitude towards work. The **CONTRACTOR**, at its own expense, shall also conduct drug testing among its employees at least once during the term of the Contract.
- E.2.7 The **CONTRACTOR** shall give priority to the workers hired by the existing Agency, especially those who are performing satisfactorily, to ensure protection of the Contract of Service or Job Order workers.
- E.2.8 The winning Contractor shall advance travelling expenses incurred by outsourced personnel during official travel outside their mother unit needed in the performances of their duties subject to reimbursement by PPA-PMO Palawan upon submission of complete travel documents.
- E.2.9 The winning Contractor shall bond the cash clerks and/or those outsourced personnel who may be assigned to perform a collection function so as to protect the assets of PPA-PMO Palawan.
- E.2.10 The **CONTRACTOR** shall maintain administrative control and supervision over its personnel, and this includes the posting of a working supervisor from their Main Office, not from among the pool of personnel, daily supervision such as checking of attendance and punctuality, memorandum issuance, payroll preparation and the like that will ensure performance efficiency.

APPROVED:


ELVIS R. MEDALLA
 Acting Port Manager

Encls: ANNEX "A" - Qualifications of Temporary Administrative & Technical Support Personnel to be Outsourced by PPA-PMO Palawan for CY 2018.

ANNEX "B" - DRAFT Contract for the Provision of Temporary Administrative and Technical Support Personnel for the period July 1, 2018-December 31, 2018

ANNEX "C" - Approved Budget for the Contract & Table of Cost Requirements

QUALIFICATIONS OF TEMPORARY ADMINISTRATIVE AND TECHNICAL SUPPORT PERSONNEL
TO BE OUTSOURCED BY PMO PALAWAN FOR CY 2018

No. of Positions	POSITION TITLE	SG	Salary Rate (Php)	Qualifications	
One (1)	Sr. Management Information Systems Analyst	16	24,423.00	Education Experience Training	Holder of Bachelor's Degree One (1) year of relevant experience Four (4) hours of relevant training
One (1)	Legal Researcher	13	19,658.00	Education Experience Training	Holder of Bachelor's Degree relevant to the job None required None required
One (1)	Corporate Accounts Analyst	13	19,658.00	Education Experience Training	Holder of Bachelor's Degree relevant to the job None required None required
One (1)	Management Specialist I	13	19,658.00	Education Experience Training	Holder of Bachelor's Degree (Preferably in I.T.) One (1) year of relevant experience Four (4) hours of relevant training
Eight (8)	Data Encoder	7	12,880.00	Education Experience Training	Completion of 2 years studies in College or High School graduate with relevant Vocational/Trade Course None required None required
Eight (8)	Cash Clerk	6	11,992.00	Education Experience Training	Completion of 2 years studies in College None required None required
Two (2)	Driver Mechanic B	7	12,880.00	Education Experience Training	High School graduate or completion of relevant Vocational/Trade Course With Driver's License None required None required
One (1)	Plumber B	5	11,145.00	Education Experience Training	Elementary School graduate None required With TESDA training
Three (3)	Utility Worker A	3	10,252.00	Education Experience Training	Must be able to read and write None required None required
One (1)	Electrician II	6	11,992.00	Education Experience Training	High School graduate or completion of relevant Vocational/Trade Course None required With TESDA training
Six (6)	Mechanic B	10	15,948.00	Education Experience Training	High School Graduate or completion of relevant vocational/trade course Two (2) years of relevant experience Eight (8) hours of relevant training & TESDA training
Total = 33					

**Table of Cost Requirements per Position per Pax
For the Period July 1, 2018 to December 31, 2018**

(Salary Rate as of June 1, 2011)

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