

**PHILIPPINE PORTS AUTHORITY
PMO NEGROS ORIENTAL / SIKUIJOR**

TERMS OF REFERENCE

**CONSULTANCY SERVICES FOR THE ISSUANCE OF AMENDED
ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC) OF 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, PMO Negros Oriental/Siquijor (PMO-NOS) per PPA Memorandum Order 36-2014 entitled "New Nomenclature for Field Offices of the Philippine Ports Authority" covers the 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 Department of Transportation and Communications and subsequently turned over to then Municipality, now City of Guihulngan, Negros Oriental.
- 1.4. In **February 8, 2005**, the Philippine Ports Authority (PPA) and LGU-Guihulngan entered into a **Memorandum of Agreement (MOA)** whereas the **PPA shall accept the transfer of ownership and Management of the Port of Bulado and place it under the PPA port System.**
- 1.5. In August 8, 2005, the LGU-Guihulngan turned over the Bulado Port to the Philippine Ports Authority to promote safety and convenience of passengers and ease the flow of goods passing through the said port.
- 1.6. The scope of the Consultancy Services for the Issuance of Amended Environmental Compliance Certificate (ECC) for the Bulado Port

Expansion Project are for the following port facilities at Bulado Port, 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 Wharf and Access Trestle	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 to 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 Area Clearance, conduct the required EIA Study, and secure the Amended Environmental Compliance Certificate for the Bulado Port Expansion Project.

2. OBJECTIVES

- 2.1. In compliance with the Philippine Environmental Impact Statement System (PEISS) of Presidential Decree No. 1586, every proposed project or undertaking which is projected to have significant adverse impact to the quality of environment is covered by the Philippine EIS system. For this reason, all requirements in securing ECC's shall be in accordance with the Implementing Rules and Regulations of P.D. 1586 specifically (DAO 2003-30) Implementing Rules and Regulations (IRR) for the Philippine Environmental Impact Statement (EIS) System and (DAO 2018-04): Guidelines on the Issuance of Area Clearance for Reclamation Projects and

Proclamation/Special Patents over Reclaimed lands and all related and applicable issuances.

- 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 Amended 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 Amended ECC for the proposed expansion of Bulado Port at Brgy. Bulado, Guihulngan City, Negros Oriental.

3. SCOPE OF WORK

3.1 The scope of work includes but is not limited to the following activities:

- 3.1.1. The Consultant Firm shall prepare the following report/s:
 - 3.1.1.1. EIS/IEE/PEIS/PEPRMP/EPRMP Report depending which report will be required by DENR-EMB-R7 in compliance with the requirements of the ECC application.
- 3.1.2. Outline of Reports per DAO 2003-30
 - 3.1.2.1. Environmental Impact Statement (EIS)

The EIS should contain at least the following:

 - a. EIS Executive Summary;
 - b. Project Description;
 - c. Matrix of the scoping agreement identifying critical issues and concerns, as validated by EMB7.
 - d. Baseline environmental conditions focusing on the sectors (and resources) most significantly affected by the proposed action;
 - e. Impact assessment focused on significant environmental impacts (in relation to project construction/commissioning, operation and decommissioning), taking into account cumulative impacts;
 - f. Environmental Risk Assessment if determined by EMB7 as necessary during scoping;
 - g. Environmental Management Program/Plan;
 - h. Supporting documents, including technical/socio-economic data used/generated; certificate of

zoning viability and municipal land use plan; and proof of consultation with stakeholders;

- i. Proposals for Environmental Monitoring and Guarantee Funds including justification of amount, when required;
- j. Accountability Statement of EIA consultants and the project proponent; and
- k. Other clearances and documents that may be determined and agreed upon during scoping.

3.1.2.2. 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.

3.1.2.3. 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 framework and standard set by EMB.

3.1.2.4. 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 EMB.

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

3.1.4 List of Requirements under PD 1586

3.1.4.1. New ECC Application Requirements

- a. Project Description;
- b. Environmental Impact and Management Plan; c. Abandonment / Decommissioning / Rehabilitation Information;
- d. Geotagged photographs of project site;
- e. Topographic Map of impact / affected areas (at least 1km from the project boundaries);
- f. Certificate of Viability or Zoning Certification / Clearance issued by LGU on the compatibility of proposed project with existing land use plan;
- g. Site Development and or Vicinity map signed by registered professionals;
- h. Project / Plan Layout signed by the registered professionals;
- i. Schematic diagram of the Air Pollution Control Facility;
- j. Organizational Chart in charge on environmental concerns;
- k. Proof of authority over the project site;
- l. Duly notarized accountability statement of the proponent;
- m. Duly accomplished project environmental monitoring and audit prioritization scheme (PEMAPS) questionnaire;
- n. IEE Checklist Sworn Statement;
- o. Copy of Payment Transaction Slip (Processing Fee: Php 5,070).
- p. Affidavit of No Complaint; and
- q. Project Components & Operation Information.

3.1.4.2. ECC Amendment Application Requirements for For MAJOR amendment:

- a. EIA Reports (EIS, EPRMP or PDR) with duly notarized Accountability Statements of Proponent and/or prepares;
- b. For Expansion of Are/Change in Project type;
- c. Proof of Compatibility with the Existing Land Use Plan;
- d. Proof of Authority over the Project Site;
- e. Additional special study/assessment i.e. PDR, integrated EMP;
- f. For additional components/increase in capacity;
- g. Photographs of plates/vicinity map of the project site showing impact areas and communities

Site Development Plan/Vicinity Map; Project Layout, and Other layout as EMB required duly signed by registered professionals.

For MINOR amendment: Transfer/Change of Ownership: from DOTC to Philippine Ports Authority:

- a. Letter of request for transfer/change of ownership. The original ECC holder shall request for the amendment, with concurrence/confirmation letter from the new ECC holder (Grantee);
- b. SEC Registration of New ECC holder/ DTI Registration including its Board Resolution;
- c. Legal proof of transfer/change of ownership; and
- e. Notarized Accountability Statement of the New ECC holder (Grantee).

3.1.4.3 Land Use Conversion (LUC)/ Environmentally Critical Area (ECA) Certification Application Requirements:

- a. Letter of Request addressed to EMB Regional Director;
- b. Proof of authority over the project site;
- c. Brief description of the proposed project onsite;
- d. DENR/PENRO/CENRO certification that the parcel/s of land is/are within alienable & disposable land of public domain, outside protected areas under NIPAS and not within easement as described under the Water Code of the Philippines; and
- e. Site Development Plan/Vicinity Map and/or Project Layout of the proposed project site showing impact areas and communities duly signed by registered professionals.

3.1.5. 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.

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

- 3.1.7. 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.
- 3.1.8. Prepare and submit a monthly progress report to the proponent on the status and accomplishment of the application.
- 3.1.9. 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.
- 3.1.10. Submit to PPA - PMO Negros Oriental / Siquijor the approve ECC in three copies. (One original copy and two clear photocopies in hardbound cover.)

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-R7 and also 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 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. Secure Environmental Compliance Certificate (ECC) for the project.

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 related to the preparation and completion of the requirements of the Amended ECC application;
- 4.2.2. Pay the Consultant based from the terms and conditions of the contract; and
- 4.2.3. Provide a representative during the project activities whenever necessary.

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. Has prepared at least three (3) Environmental Impact Statement (EIS) in the last five (5) years which have been issued ECC.
- 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 ECC shall be one hundred eighty (180) calendar days starting on the day the Consultant/Preparer received the Notice to Commence Work from the Procuring Entity.
- 7.2. Suspension of the project may be granted provided that the Preparer/Consultant/Consulting Firm request from the Philippine Ports Authority in writing the reason/grounds for the project suspension. The PPA reserves the right to accept or deny suspension. The PPA reserves the right to accept or deny such request.

8. DECISION DOCUMENT

- 8.1. Amended Environmental Compliance Certificate (ECC) issued by the Department of Environment and Natural Resources Regional Office 7.
- 8.2. The conduct of EIA study should be in accordance but not limited to the sections Scoping Checklist under Water Module specifically its subsections: Hydrology/Hydrogeology, Oceanography, Water Quality and Marine Ecology.
- 8.3. The EIA Study shall include a Conservation Program for the protection and preservation of identified coastal and/or marine resources.

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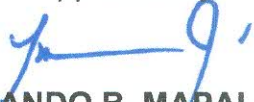

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