

TERMS OF REFERENCE

Public Bidding for the Procurement of Design and Build of Ground Floor Office Space Area for Republic Act No. 9048 / 10172 Unit of Legal Service and Day Care Center for Philippine Statistics Authority (PSA) Headquarters

I. BACKGROUND AND OBJECTIVE

Lot 1 – Design and Build of Ground Floor Office Space Area for Republic Act No. 9048 / 10172 Unit of Legal Service

- a. To provide a barrier that prevents accidental falls from elevated surfaces such as rooftops or elevated decks;
- b. To contribute to the overall aesthetics of a building or outdoor space. It can be customized to complement the architectural style of the structure;
- c. To act as a windbreak, reducing the impact of strong winds on the roof deck environment; and,
- d. To transform the 7/F roof deck into usable outdoor spaces such as rooftop gardens, lounges, or recreational areas.

Lot 2- Design and Build of Ground Floor Day Care Center

- a. To strengthen PSA's branding identity and commitment to quality operations;
- b. To symbolize PSA's mission and vision as to its services;
- c. To contribute to PSA's recognition and credibility; and,
- d. To enhance PSA Complex's visibility and impact.

II. SCOPE OF SERVICES

For this purpose, contracts similar to the Project refer to contracts that have the same major categories of work, which shall be:

Lot 1 - Design and Build of Ground Floor Office Space Area for Republic Act No. 9048 / 10172 Unit of Legal Service		
<i>Stage</i>	<i>Scope of Works</i>	<i>Description</i>
Design Stage	1. Preliminary Design	<ol style="list-style-type: none"> 1. Data Gathering 2. Site Survey 3. Schematic Design 4. Program of Work

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		5. Work Schedule
	2. Detailed Design	1. Architectural and Engineering Design
Build Stage	1. General Requirements	<ol style="list-style-type: none"> 1. Mobilization 2. Permits and Licenses 3. Temporary Facilities 4. Temporary Utilities 5. Site Supervision/ Management 6. Safety and Security 7. Bonds and Insurances 8. As-built Drawings and Shop Drawings 9. Tools and Equipment 10. Punchlisting, Testing and Commissioning 11. Site Clearing and Demobilization
	2. Architectural / Civil Works	<ol style="list-style-type: none"> 1. Masonry Works 2. Partition Works 3. Ceiling Finish 4. Wall Finish 5. Floor Finish 6. Painting Works 7. Waterproofing Works 8. Cabinetry, Pantry, Counter, and Accent Walls 9. Doors, Jambs, and Finish Hardware 10. Woods, Plastics, and Composites 11. Signages, Furniture, and Fixtures
	3. Mechanical Works	<ol style="list-style-type: none"> 1. Air Conditioning Works (including relocation of existing units) 2. Ventilation and Exhaust Works 3. Ductings, Piping, and Risers 4. Testing and Commissioning
	4. Electrical Works	<ol style="list-style-type: none"> 1. Lighting and Power System 2. Lighting Fixtures

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		<p>3. Panel Boards, Breakers and Enclosed Circuit Breakers</p> <p>4.. Wiring Devices</p>
	5. Plumbing / Sanitary Works	<p>1. Supply and installation of Pipes and Fittings</p> <p>2. Drains and Clean Out works</p> <p>3. Water line works</p> <p>4. Sanitary line works</p> <p>5. Plumbing and Sanitary Fixtures</p>
	6. Fire Protection Works	<p>1. Relocation of existing Fire Sprinklers</p> <p>2. Supply and Installation of Additional Fire Sprinklers</p> <p>3. Supply and Installation of Fire Extinguishers</p>
	7. Auxiliary / Network-Cabling Works	<p>1. Supply, Delivery, Installation, and Configuration:</p> <p>a. Voice and Data network</p> <p>i. Hardware, Software, and Accessories</p> <p>ii. Roughing-In and Cabling</p>

Lot 2- Design and Build of Ground Floor Day Care Center

<i>Stage</i>	<i>Scope of Works</i>	<i>Description</i>
Design Stage	1. Preliminary Design	<p>1. Data Gathering</p> <p>2. Site Survey</p> <p>3. Schematic Design</p> <p>4. Program of Work</p> <p>5. Work Schedule</p>
	2. Detailed Design	<p>1. Architectural and Engineering Design</p>
Build Stage	1. General Requirements	<p>1. Mobilization</p> <p>2. Permits and Licenses</p> <p>3. Temporary Facilities</p> <p>4. Temporary Utilities</p> <p>5. Site Supervision/ Management</p>

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		<ul style="list-style-type: none"> 6. Safety and Security 7. Bonds and Insurances 8. As-built Drawings and Shop Drawings 9. Tools and Equipment 10. Testing and Commissioning 11. Site Clearing and Demobilization
	2. Architectural / Civil Works	<ul style="list-style-type: none"> 1. Masonry Works 2. Partition Works 3. Ceiling Finish 4. Wall Finish 5. Floor Finish 6. Painting Works 7. Waterproofing Works 8. Cabinetry, Pantry, Counter, and Accent Walls 9. Doors, Jambs, and Finish Hardware 10. Woods, Plastics, and Composites 11. Signages, Furniture, and Fixtures
	3. Mechanical Works	<ul style="list-style-type: none"> 1. Air Conditioning Works (including relocation of existing units) 2. Ventilation and Exhaust Works 3. Ductings, Piping, and Risers 4. Testing and Commissioning
	4. Electrical Works	<ul style="list-style-type: none"> 1. Lighting and Power System 2. Lighting Fixtures 3. Panel Boards, Breakers and Enclosed Circuit Breakers 4. Wiring Devices
	5. Plumbing / Sanitary Works	<ul style="list-style-type: none"> 1. Supply and installation of Pipes and Fittings 2. Drains and Clean Out works 3. Water line works 4. Sanitary line works

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		5. Plumbing and Sanitary Fixtures
	6. Fire Protection Works	1. Relocation of existing Fire Sprinklers 2. Supply and Installation of Additional Fire Sprinklers 3. Supply and Installation of Fire Extinguishers
	7. Auxiliary / Network-Cabling Works	1. Supply, Delivery, Installation, and Configuration: a. Voice and Data network i. Hardware, Software, and Accessories ii. Roughing-In and Cabling

III. DELIVERABLES AND TIMELINE

Lot 1 - Design and Build of Ground Floor Office Space Area for Republic Act No. 9048 / 10172 Unit of Legal Service				
<i>No.</i>	<i>Scope of Works</i>	<i>Description</i>	<i>Calendar Days (CD)</i>	<i>Total Duration</i>
1.	Preliminary Design Phase	Site Inspection/ Survey	7 CD	60 CD
2.		Submission of Preliminary Design		
3.	Detailed Design Phase	Submission of Detailed Architectural and Engineering Drawing	14 CD	
4.	Construction Phase	Mobilization and Site Preparation	30 CD	
5.		General Requirements		
6.		Architectural / Civil Works		
7.		Mechanical Works		
8.		Electrical Works		

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9.		Plumbing / Sanitary Works	9 CD	
10.		Fire Protection Works		
11.		Auxiliary / Network-Cabling Works		
12.		Punchlisting and Testing and Commissioning		
13.		Rectification works based on punchlist		
14.		Site Clearing and Demobilization		

Lot 2- Design and Build of Ground Floor Day Care Center

<i>No.</i>	<i>Scope of Works</i>	<i>Description</i>	<i>Calendar Days (CD)</i>	<i>Total Duration</i>
1.	Preliminary Design Phase	Site Inspection/ Survey	7 CD	60 CD
2.		Submission of Preliminary Design		
3.	Detailed Design Phase	Submission of Detailed Architectural and Engineering Drawing	14 CD	
4.	Construction Phase	Mobilization and Site Preparation		
5.		General Requirements	30 CD	
6.		Architectural / Civil Works		
7.		Mechanical Works		
8.		Electrical Works		
9.		Plumbing / Sanitary Works		
10.		Fire Protection Works		

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11.		Auxiliary / Network-Cabling Works		
12.		Punchlisting and Testing and Commissioning	9 CD	
13.		Rectification works based on punchlist		
14.		Site Clearing and Demobilization		

IV. STANDARD OF SERVICES

The Designer-Builder shall undertake the Design-and-Build services by utilizing its technical knowledge and best-accepted professional standards. The Designer-Builder shall carry out the services based on sound architectural and engineering methodologies and practices to ensure that the final works are feasible for the project. Further, the Designer-Builder shall provide an adequate number of personnel of known qualifications and experience.

V. CONTRACTOR/S REQUIREMENTS

A local Design-and-Build firm with experience in the Design and Construction of Office Fit-Out with the following minimum qualifications:

1. Must be operational and engaged as Office Fit-Out Construction firm for at least fifteen (15) years;
2. Must have satisfactorily completed a contract for a similar project with magnitude and complexity at least equivalent to the proposed project;
3. The contractor/s must likewise pass eligibility requirements under Section 23 of Republic Act 9184, otherwise known as the Government Procurement Reform Act and its Revised Implementing Rules and Regulations (IRR);
4. Philippine Contractors Accreditation Board (PCAB) should be:

Item	Description	PCAB	
		Size range	License Category
Lot 1	Design and Build of Ground Floor Office Space Area for Republic Act No. 9048 / 10172 Unit of Legal Service	Small B	C & D

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Lot 2	Design and Build of Ground Floor Day Care Center	Small B	C & D
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VI. PERSONNEL QUALIFICATION REQUIREMENTS

A. Lot 1 - Design and Build of Ground Floor Office Space Area for Republic Act No. 9048 / 10172 Unit of Legal Service

Key Position/s	Minimum Years of experience in such positions	Valid License/ Certification Required
1. Project Manager	Five (5) years	PRC and UAP or PICE (United Architects of the Philippines; Philippine Institute of Civil Engineers)
2. Construction Manager	Five (5) years	PRC and UAP or PICE (United Architects of the Philippines; Philippine Institute of Civil Engineers)
3. Project-in-Charge (PIC)	Three (3) years	PRC and PICE (Philippine Institute of Civil Engineers)
4. Architect	Three (3) years	PRC and UAP (United Architects of the Philippines)
5. Civil Engineer	Five (5) years	PRC and PICE (Philippine Institute of Civil Engineers)
6. Registered Electrical Engineer	Three (3) years	PRC and IIEE (Institute of Integrated Electrical Engineers)
7. Electronics/Network Engineer	Three (3) years	PRC and CCNP/JNCIP Cisco Certified Network Professional or Juniper Network Certified Internet Professional or other equivalent certification

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8. Registered Mechanical Engineer	Three (3) years	PRC and PSME (Philippine Society of Mechanical Engineers)
9. Registered Master Plumber	Three (3) years	PRC and NAMPAP (National Master Plumber Association of the Philippines)
10. Quality Assurance/ Quality Control Architect	Three (3) years	PRC
11. Quality Assurance/ Quality Control Civil Engineer	Three (3) years	PRC
12. Quality Assurance/ Quality Control Mechanical, Electrical, Fire Protection and Plumbing & Sanitary (MEFPS) Engineer	Three (3) years	PRC
13. Safety Officer	Three (3) years	PRC and Occupational Safety and Health (OSH) Training Certificate
14. CAD Draftsman	Three (3) years	Training Certificate
15. Administrative Officer	Two (2) years	PRC

B. Lot 2 - Design and Build of Ground Floor Day Care Center

Key Position/s	Minimum Years of experience in such positions	Valid License/ Certification Required
1. Project Manager	Five (5) years	PRC and UAP or PICE (United Architects of the Philippines; Philippine Institute of Civil Engineers)
2. Construction Manager	Five (5) years	PRC and UAP or PICE (United Architects of the Philippines; Philippine

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		Institute of Civil Engineers)
3. Project-in-Charge (PIC)	Three (3) years	PRC and PICE (Philippine Institute of Civil Engineers)
4. Architect	Three (3) years	PRC and UAP (United Architects of the Philippines)
5. Civil Engineer	Five (5) years	PRC and PICE (Philippine Institute of Civil Engineers)
6. Registered Electrical Engineer	Three (3) years	PRC and IIEE (Institute of Integrated Electrical Engineers)
7. Electronics/Network Engineer	Three (3) years	PRC and CCNP/JNCIP Cisco Certified Network Professional or Juniper Network Certified Internet Professional or other equivalent certification
8. Registered Mechanical Engineer	Three (3) years	PRC and PSME (Philippine Society of Mechanical Engineers)
9. Registered Master Plumber	Three (3) years	PRC and NAMPAP (National Master Plumber Association of the Philippines)
10. Quality Assurance/ Quality Control Architect	Three (3) years	PRC
11. Quality Assurance/ Quality Control Civil Engineer	Three (3) years	PRC
12. Quality Assurance/ Quality Control Mechanical, Electrical, Fire Protection and Plumbing & Sanitary (MEFPS) Engineer	Three (3) years	PRC

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13. Safety Officer	Three (3) years	PRC and Occupational Safety and Health (OSH) Training Certificate
14. CAD Draftsman	Three (3) years	Training Certificate
15. Administrative Officer	Two (2) years	PRC

The Designer-Builder shall provide additional personnel as may be required and pertinent to the accomplishment of the project in its entirety at no additional cost to the Procuring Entity (PE).

The Designer-Builder shall likewise provide copies of the Professional Regulation Commission (PRC) License and Accredited Professional Organization (APO) of their personnel and list of ongoing and completed projects (both private and government).

Except as otherwise agreed upon by the PE, the personnel for the project shall consist of those indicated in the Work Plan and List of Key Personnel submitted and no changes shall be made in the key staff. In the event any employee resigns, is discharged or withdrawn, the contractor/s shall provide suitable personnel of equivalent or better qualification acceptable to the PE.

VII. ESTIMATED BUDGET FOR THE CONTRACT

A. FEE

For and in consideration of the faithful, satisfactory and full performance of all the works and requirements, the PE agrees to pay the Designer-Builder an amount not exceeding the Approved Budget for the Contract (ABC) of:

Item	Description	ABC
Lot 1	Design and Build of Ground Floor Office Space Area for Republic Act No. 9048 / 10172 Unit of Legal Service	PhP 12,000,000.00
Lot 2	Design and Build of Ground Floor Day Care Center	PhP 8,000,000.00

after observance of the required procedures in compliance with the Government Procurement Reform Act (Republic Act No. 9184) and Government Accounting and Auditing Manual.

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VIII. TERMS OF PAYMENT

The payment scheme below shall be observed in the processing of payment.

A. Lot 1 - Design and Build of Ground Floor Office Space Area for Republic Act No. 9048 / 10172 Unit of Legal Service

Item No.	Mode of Payment	Cumulative Percent Accomplishment	Percentage of the Contract Price
1	Pre-Design Phase	5%	15%
2	Detailed Design Phase	10%	
3	Construction Phase	60%	35%
4	Substantial Completion	95%	35%
5	Project Completion	100%	5%
6	Retention Fee		10%
TOTAL			100%

B. Lot 2 - Design and Build of Ground Floor Day Care Center

Item No.	Mode of Payment	Cumulative Percent Accomplishment	Percentage of the Contract Price
1	Pre-Design Phase	5%	15%
2	Detailed Design Phase	10%	
3	Construction Phase	60%	35%
4	Substantial Completion	95%	35%
5	Project Completion	100%	5%
6	Retention Fee		10%
TOTAL			100%

The following documents must be submitted to the PE before processing of payments to the Designer-Builder:

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- a. Progress Billing
- b. Detailed Statement of Work Accomplished (SWA)
- c. Request for payment by the Contractor
- d. Photographs of works accomplished

In consideration of the payment, the Designer-Builder agrees and undertakes to execute and complete Design-and-Build Services and remedy any defects therein in conformity with the provisions of the Contract.

The Designer-Builder shall also undertake to pay taxes in full and on time and that failure to do so will entitle the government to suspend payment for any services delivered.

Upon the last Progress Payment, the Designer-Builder must submit the following: (1) Delivery Receipts and (2) Inventory Matrix of supplied and installed equipment.

IX. ADVANCE PAYMENT

Advance payment not exceeding fifteen percent (15%) shall be paid upon written request by the Designer-Builder and submission to and acceptance by the PE of an irrevocable standby letter of credit of equivalent value from a commercial bank, a bank guarantee, or a surety bond callable upon demand, issued by a surety or insurance company duly licensed by the Insurance Commission and confirmed by the PE.

X. RESPONSIBILITIES OF THE DESIGNER-BUILDER

1. Design Stage

- a. The Designer-Builder shall undertake all works necessary for the Architectural & Engineering (A&E) Design of the Ground Floor Office Space Area for Republic Act No. 9048 / 10172 Unit of Legal Service and Day Care Center for PSA Headquarters;
- b. Conduct preliminary engineering studies and activities required for the A&E Design of the proposed project, in compliance with the provisions of relevant laws, ordinances, codes, rules and regulations;
- c. Consult and verify with the Philippine Statistics Authority (PSA) to ascertain the requirements of the proposed project;
- d. The Designer-Builder shall provide ten (10) complete sets (including one original) of the approved plans/drawings, specifications and other tender documents normally required for purposes of bidding, permit application and building construction. However, when extra sets of plans/drawings are required, the cost of production shall be at the expense of the Procuring Entity. The contractor shall also provide soft copy of plans/drawings, cost estimates and

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other documents related to the A&E Design of the proposed project to the Procuring Entity;

2. Construction Stage

- a. The Designer-Builder shall undertake all works necessary for the Design-and Build of the Ground Floor Office Space Area for Republic Act No. 9048 / 10172 Unit of Legal Service and Day Care Center for PSA Headquarters;
- b. The Designer-Builder shall secure all clearances and permits necessary for the completion of the Project on its own account and expense;
- c. The Designer-Builder shall verify existing drawings/plans, Bill of Quantities (BOQ), and Technical Specifications that were the bases of the project and make sure that all works conform with regulatory requirements.
- d. The Designer-Builder shall provide for temporary utilities (electrical, water, internet, etc.) for its use during the duration of the project for the expense of the Designer-Builder.

3. Quality Assurance / Quality Control

- a. The Designer-Builder shall be accountable for the quality of every activity, and expected to possess precise knowledge on all aspects of architectural and engineering construction;
- b. The Designer-Builder shall manage all work methods, maintain knowledge on quality assurance standards, monitor continuous application for all quality assurance processes, and recommend corrective actions for all operations;
- c. The Designer-Builder shall maintain an efficient system, record all project activities, and analyze all processes to ensure all work meets quality requirements;
- d. The Designer-Builder shall assist in the preparation of the checklist/punch-list of the defects/deficiencies and monitor the rectification works therefore;
- e. The Designer-Builder shall supervise the effective implementation of all test and inspection schedules, ensure adherence to all procedures;
- f. The Designer-Builder shall develop and determine all standards to perform inspections and tests on all procedures, oversee all testing methods, and maintain high-quality standards for all processes;

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- g. The Designer-Builder shall be responsible for the preparation of QA/QC documents of the entire project, including certificates, calibration, test results, inspection requests, non-compliance reports and site instruction/observations, permanent materials delivered, and other important QA/QC documents;
- h. The Designer-Builder shall review the quality of all materials at the site and ensure compliance with all project specifications and quality; and
- i. The Designer-Builder shall coordinate with the PE for all other concerns not covered by the foregoing responsibilities of contractor.

4. Safety Officer

In compliance with the Department of Labor and Employment (DOLE) Department Order No. 16 Series of 2001, Rule 1034, Section 1034.03 Duties and responsibilities of Practitioners in Occupational Safety and Health.

A. Practitioners in Occupational Safety and Health shall:

- 1. Develop, implement, and promote occupational safety and health programs in the workplace.
- 2. Advise and assist the employer in complying with the provisions of the Standards especially in the submission of the reporting requirements.
- 3. Perform at least a quarterly appraisal/assessment of the implementation of occupational safety and health programs in the workplace.
- 4. Prepare an annual report of safety and health programs of establishments.
- 5. Be present during the scheduled safety inspections by authorized government agents and as requested during regular health and safety committee meetings.
- 6. For Occupational Health Personnel, the duties shall be in accordance with Rule 1960.

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5. Administrative Officer

The Designer-Builder shall be responsible for the timely, accurate, and efficient preparation and management of documents including the numbering, sorting, filing, storing, and retrieval of both electronic and hard copy documents and to the following activities.

- a. Preparation of the Minutes of Meeting
- b. Set up, copy, scan and store documents
- c. To liaise with and distribute project related information with all levels of the project team and potentially external parties
- d. Review and maintain the accuracy of the records, editing where necessary to ensure they are up to date
- e. Maintain confidentiality around sensitive documentation
- f. Prepare ad-hoc reports on projects when required

XI. SUBMITTALS

For both Lot 1 and Lot 2, the required submittals are the following:

Description	Submittals
a. Pre-Design Phase	Preliminary Plans/Drawings and documents shall be submitted in sets duly signed and sealed by Designer-Builder: <ul style="list-style-type: none">1. Ten (10) sets of Preliminary Plans/Drawings with Elevation and Section and fully rendered perspectives (colored), scaled 1:100 meters prepared in AutoCAD format, printed/plotted in A3 Paper;2. Ten (10) sets of Program of Work in A4 paper;3. Ten (10) sets of Work Schedule in A3 paper.
b. Detailed Design Phase	Detailed Plans/ Drawings and documents shall be submitted in sets duly signed and sealed by Designer/Contractor: <ul style="list-style-type: none">1. Ten (10) sets of Detailed Plans/Drawings scaled 1:100 meters prepared in AutoCAD format, printed/plotted in A3 paper;2. Ten (10) sets of Technical Specifications in A4 paper
c. Construction Phase	<ul style="list-style-type: none">1. Three (3) sets of Monthly Accomplishment Report in A4 Paper;2. Request for Approval (RFA);

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	3. Request for Information (RFI); 4. Material Submittal Form (MSF)
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Other documents processed and issued in favor of the PSA during the construction periods (i.e., Operation and Maintenance Manuals, Testing and Commissioning Reports, Inspection Reports, Punchlist, Clearances and other related documents.)

1. Consolidate project records and operating manuals and guidelines for ease of reference;
2. Assist in the preparation and issuance of Certificate of Completion of Works

XII. RESPONSIBILITIES OF THE PROCURING ENTITY

The PE shall:

1. Provide full information as to the requirements of the Project;
2. Designate authorized representative to represent the PE;
3. Evaluate documents submitted by the Designer-Builder and render decisions to avoid delay in the progress of the project.

XIII. PROVISIONS FOR STORAGE AND MATERIAL HANDLING

1. The Designer-Builder shall store their materials, equipment and tools in one place of the building determined and designated by the PE. It shall be kept neat and clean at all times. And any damage thereto or to the surrounding area arising from any act or omission of the Designer-Builder shall be repaired and/or restored to its original condition at the expense of the Designer-Builder.
2. Provisions for securing and safekeeping of stored materials, tools and equipment during the construction project shall be for the account of the Designer-Builder.

XIV. CLEARING OF THE SITE

The Designer-Builder shall clean the whole area by removing debris, discards, and other construction wastes and shall leave the entire premises free from rubbish caused by their work to the satisfaction of PSA at no extra cost.

XV. VARIATION ORDER

Annex "E" – Contract Implementation Guidelines for the Procurement of Infrastructure Project

1. Variation Orders – Change Order/Extra Work Order

- 1.1. Variation Orders may be issued by the procuring entity to cover any increase/decrease in quantities, including the introduction of new work items that are not included in the original contract or reclassification of work items that are either due to change of plans, design or alignment to suit actual field conditions resulting in disparity between the preconstruction plans used for purposes of bidding and the "as staked plans" or construction drawings prepared after a joint survey by the contractor and the Government after award of the contract, provided that the cumulative amount of the positive or additive Variation Order does not exceed ten percent (10%) of the original contract price. The addition/deletion of works under Variation Orders should be within the general scope of the project as bid and awarded. The scope of works shall not be reduced so as to accommodate a positive Variation Order. A Variation Order may either be in the form of either a change order or extra work order.

The Designer-Builder price is fixed and firm to design and construct the entire project scope. Any lapses, missing items or lacking quantity for calculating the bid amount to achieve a fully working system shall be shouldered by the Designer-Builder. No variation or additional cost shall be carried out without the prior clearance and approval of Procuring Entity.

XVI. CONFIDENTIALITY

All relevant data such as maps, reports, plans, diagrams, designs, statistics, specifications, and other supporting records or materials prepared during the course of the project shall be the property of the PE and shall not be used by the contractor/s without the prior written approval of the former. Print and electronic copies of such documents shall be turned over to the PE.

In addition, all data and information related to the Project shall be treated with strict confidentiality and in no instance shall they be released or revealed to a third party without prior written consent of the PE.

XVII. INDEPENDENT DESIGNER-BUILDER

Nothing contained herein shall be construed as establishing or creating employer-employee or principal-agent relationship, it being understood that the relationship between the parties is that of contractee-independent Designer-Builder relationship.

XVIII. INDEMNIFICATION

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The Designer-Builder shall hold the PE free and harmless from all claims, liabilities, suits and actions, demands, or damages arising from death, loss, or injuries to persons, entities, or properties, in relation to the delivery of the project.

In addition, the Designer-Builder agrees to protect and defend, at its own expense, the PE against claims and liabilities arising from acts or omissions committed by the Designer-Builder or its employees and workers in the performance of the services including the use of copyrighted materials, patented inventions, articles or appliances, and indemnify the PE for any damages or liabilities that the PE may be compelled to assume arising from said acts or omissions.

XIX. SUSPENSION AND TERMINATION OF AGREEMENT

In case of default, failure, or refusal on the part of the Designer-Builder to perform the services in such manner consistent with the results herein contracted for, or non-compliance with the Terms of Reference, the PE may issue a Notice of Suspension of Payment and suspend payment in whole or in part.

In case any of the conditions as stated above shall continue for a period of fourteen (14) days after the issuance of a Notice of Suspension of Payment, the PE may terminate the construction works.

XX. LIQUIDATED DAMAGES

The Designer-Builder binds itself to pay liquidated damages in case of any breach of the provisions of the Contract. The Designer-Builder shall be charged and pay liquidated damages equal to one-tenth of one percent (0.1%) of the cost of the unperformed portion for every day of delay. Once the cumulative amount of liquidated damages reaches ten percent (10%) of the amount of the contract, the PE shall rescind the contract, without prejudice to other courses of action or other remedies open to it.

XXI. WARRANTIES OF THE DESIGNER-BUILDER

1. The Designer-Builder warrants that it shall conform strictly with the terms and conditions of the Terms of Reference.
2. The Designer-Builder warrants and guarantees the reliability of their service and that their manpower complement is hardworking, qualified, reliable and dedicated to do the service required to the satisfaction of the PE. It shall employ highly skilled, well-behaved and honest employees with proper identification cards displayed conspicuously while working inside the premises of the PE. It shall not obtain the services of any personnel of the PE to work in any category.

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3. The Designer-Builder shall comply with the laws governing employee's compensation, PhilHealth, Social Security, labor standards and other laws, rules and regulations applicable to its personnel employed on account of the contracted services.
4. The Designer-Builder, in the performance of its services, shall secure and maintain at its own expense all registration, licenses or permits required by national or local laws and shall comply with the rules, regulations and directives of regulatory authorities and commissions;
5. The Designer-Builder, shall coordinate with authorized and/or designated personnel of the PE in the performance of their services;
6. The Designer-Builder shall be liable for loss, damage, or injury as may be due directly through the fault or negligence of its personnel. It shall assume responsibility, and the PE shall be released from any responsibility arising therein;
7. The Designer-Builder shall comply with all the documentation to be required by the Commission on Audit (COA) even after completion of the Project at no additional cost to the PE;

XXII. PROJECT COMPLETION

1. The Designer-Builder shall coordinate with the PE to ensure that the completed design-and-build works are in accordance with the contract documents (plans and specifications) approved by the PE and all other obligations contained in separate documents made part of the Contract.
2. The PE shall release the retention fee upon Final Acceptance of the project.
3. A Warranty Bond shall be posted by the Designer-Builder to cover structural defects and failures to be valid for a period of one (1) year be counted from the issuance of the PE of the certificate of final acceptance. The warranty bond shall be returned thereafter, but the Designer-Builder shall remain responsible for structural defects and failures as provided under Section 62.2.3.2 of the implementing Rules and Regulations of Republic Act No. 9184.

XXIII. CONFLICT OF INTEREST

The Designer-Builder shall provide professional, objective, and impartial advice and at all times hold the PE's interest's paramount, without any consideration for future work, and strictly avoid situations where a conflict of interest shall arise with their other projects or their own interests. The Designer-Builder shall not be hired for any project that would be in conflict with their prior or current obligations to other entities, or that

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may place them in a position of not being able to carry out the Project in the best interest of the PE.