



BIDS AND AWARDS COMMITTEE

Supplemental/Bid Bulletin No.1

**CONSULTING SERVICES FOR THE CODIFICATION OF ENVIRONMENT AND
NATURAL RESOURCES (ENR) LAWS (PHASE I)
Bid Ref. No. DENR-CO-2023-005 REBID**

This **Supplemental/Bid Bulletin No.1** is being issued to revise provisions/specifications in the Bidding Documents for the aforementioned project:

Revision to provisions/specifications in the Bidding Documents:

Section III. BID DATA SHEET

20.2 (1) f) Contract/s or any equivalent document to prove at least five (5) years of expertise/experience on the following sectors of ENR management: i. Forest resource management ii. Land resource administration and management iii. Biodiversity and coastal and marine resource management iv. Environmental management v. Mines and geosciences vi. Water resource management ...XXX...	20.2 (1) f) Contract/s or any equivalent document to prove that the Consulting Firm have at least three (3)-year expertise related to Environment and Natural Resources (ENR) ...XXX...
20.2 (2) ...XXX...	20.2 (2) ...XXX... 20.2 (3) Submit digital/scanned copy of Eligibility, Technical, Financial and Post-qualification documents stored in Universal Serial Bus (USB) flash drive.

Section VI. TERMS OF REFERENCE

TERMS OF REFERENCE
(as of 01 February 2023)

REVISED TERMS OF REFERENCE
(as of 18 April 2023)

Bidders are advised to use the attached **Section VI. Revised Terms of Reference as of 18 April 2023** and submit together with all other required documents for the submission of bids on **27 April 2023, 9:00 AM.**

Also please use the **Revised Checklist of Requirements (Part II. Technical and Financial Documents)** as a guide/reference.

This Supplemental/Bid Bulletin No. 1 shall form part of the Bidding Documents. Any provisions in the Bidding Documents inconsistent herewith is hereby amended, modified and superseded accordingly.

For guidance and information of all concerned.

Issued this 19th day of April 2023 in Quezon City.

Approved by:



MARCIAL C. AMARO, JR., CESO II
Assistant Secretary for Policy, Planning and
Foreign Assisted and Special Projects &
Chairperson, Bids and Awards Committee

Received by:	
_____ (SIGNATURE OVER PRINTED NAME & DATE)	_____ NAME OF COMPANY
(PLEASE RETURN OR FAX THIS PAGE ONLY TO THE DENR BAC OFFICE @ 926-2675)	

SECTION VI. Revised Terms of Reference

Instruction to Bidders: *Please fill up the form accordingly and sign the Bidder's Undertaking. Failure to conform will result in a rating of "FAILED".*

A. TERMS OF REFERENCE as of 18 April 2023

TERMS OF REFERENCE

CONSULTING SERVICE FOR THE CODIFICATION OF ENVIRONMENT AND NATURAL RESOURCES (ENR) LAWS (PHASE I)

I. RATIONALE

The DENR will undertake a comprehensive updating and enhancement of laws that govern the environment and natural resources (ENR) sector, particularly on its management and administration pursuant to the Department's mandate under Executive Order No. 192.

The Codification of ENR Laws is a response to the need to make ENR laws more responsive to the prevailing and emerging ENR concerns of the country such as climate change, sea level rise, disaster risk, marine pollution, water security, and socio-economic and demographic issues in relation to the ENR, among others. It should be recalled that most of these laws were issued almost decades ago, having ENR circumstances far different from the current situation. It is also noted that the present DENR mandates are not able to effectively respond to various demands of these ENR circumstances and the natural resources market. In some sectors of the DENR, the basic policies, while recent, are enacted in various statutes that need harmonization and integration with other sectors. Thus, it is paramount that these laws be reviewed and updated in order for the Department to properly respond to the changing environment.

The Codification project will be divided into two (2) phases- the first phase shall focus on the updating, enhancement, and harmonization of ENR sectoral laws, while the second phase shall take up the development of the ENR Management Code based on the updated sectoral laws.

For Phase I, the DENR-Policy and Planning Service (PPS) shall engage the services of a Consulting Firm that will undertake the comprehensive review/assessment and updating of the ENR sectoral laws.

II. OBJECTIVE

The objective of the procurement is the engagement of a Consulting Firm with proven expertise and broad experience on ENR management, particularly on the review and development of laws or policies, which will be tasked to undertake a comprehensive review/assessment and formulation of the updated ENR sectoral laws.

III. TERMS OF REFERENCE OF THE CONSULTING FIRM

A. Scope of Work and Methodology

Under the supervision of the Policy and Planning Service (PPS), the Consulting Firm shall perform the following functions:

1. Conduct of consultations with the DENR Technical Working Group (TWG), sub-TWGs within the Biodiversity Management Bureau (BMB), Environmental Management Bureau (EMB), Forest Management Bureau (FMB), Land Management Bureau (LMB), Mines and Geosciences Bureau (MGB) the National Water Resources Board (NWRB) created for the Codification of ENR Laws activity regarding the ENR sectoral laws implemented by these offices which necessitate updating/amendment, including proposed legislative measures, and stakeholders.
2. Comprehensive review of the ENR sectoral laws, including the proposed legislative measures submitted by the DENR to Congress, based on identified parameters.
 - 2.1. The ENR sectoral laws are as follows:
 - 2.1.1. Forestry Sector - Presidential Decree (PD) No. 705 or the Revised Forestry Code of the Philippines, as amended; Republic Act (RA) No. 9175 or the Chain Saw Act of 2002; and RA No. 7161, s. 1991 "Providing Amendments to PD 705 by Increasing the Forest Charges on Timber and Other Forest Products"
 - 2.1.2. Lands Sector - Commonwealth Act (CA) No. 141 or the Public Land Act, as amended; Act No. 2259 or the Cadastral Act, PD No. 1529 or the Property Registration Decree; and RA No. 730 or "An Act to Permit the Sale without Public Auction of Public Lands of the Republic of the Philippines for Residential Purposes to Qualified Applicants under Certain Conditions."
 - 2.1.3. Biodiversity Coastal and Marine Sectors - RA No. 7586 or the National Integrated Protected Areas System Act of 1992, as amended by RA No. 11038 or the Expanded National Integrated Protected Areas System Act of 2018; RA No. 9072 or the National Caves and Cave Resources Management and Protection Act; and RA No. 9147 or the Wildlife Resources Conservation and Protection Act of 2001
 - 2.1.4. Water Resources Sector - PD No. 1067 or the Water Code of the Philippines
 - 2.1.5. Environment Sector - PD No. 1586 or the Environmental Impact Statement System, RA No. 9003 or the Ecological Solid Waste Management Act of 2000; RA No. 9275 or the Philippine Clean Water Act of 2004; RA No. 8749 or the Philippine Clean Air Act of 1999; and RA No. 6969 or the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990
 - 2.1.6. Mines and Geosciences Sector - RA No. 7942 or the Philippine Mining Act of 1995 and RA No. 7076 or the People's Small-Scale Mining Act of 1991
 - 2.2. The proposed legislative measures filed in Congress that will be subject to review shall include, but not limited to:
 - 2.2.1. Sustainable Forest Management (SFM) Act
 - 2.2.2. Forest Land Limits Act

- 2.2.3. Land Administration Reform Act (LARA)
- 2.2.4. Revised Wildlife Resources Conservation and Protection Act
- 2.2.5. The New Water Code of the Philippines Act

2.3. The parameters for the review of the ENR sectoral laws including the proposed legislative measures are as follows:

- 2.3.1. Responsiveness to emerging ENR concerns (climate change, sea level rise, disaster risk, marine pollution, water security, socio-economic and demographic issues in relation to the ENR, etc.)
- 2.3.2. Existence of policy gaps/conflicts with other ENR sectors which affect implementation of programs/activities/projects
- 2.3.3. Management aspect of the environment and natural resources since some of the ENR laws lack provisions on this respect

- 3. Formulation of the updated ENR sectoral laws, taking into consideration the emerging ENR concerns, policy gaps/conflicts among the ENR sectoral laws, and the management aspect of the environment and natural resources.
- 4. Preparation and submission of monthly reports on the progress/status of the review and crafting of the updated ENR sectoral laws.
- 5. Presentation of the draft updated sectoral laws during consultation meetings with the sub-TWGs and the DENR TWG for the Codification of ENR Laws and finalization thereof in case of revisions.
- 6. Participation in meetings that will be conducted by the sub-TWGs and the DENR TWG for the Codification of ENR Laws.

B. Expected Outputs

1. Inception Report

The Inception Report shall contain the detailed work plan for the scope of work, methodology, and schedule of all the activities to be conducted. It shall also include a brief situational analysis of the existing ENR laws and the gaps and challenges in implementation.

2. Monthly Progress Reports

The Monthly Progress Reports shall provide for the updates on the physical and financial accomplishments of the activities under the work plan, including the issues and concerns encountered and the actions taken. These reports shall be submitted at the end of the month.

3. Draft harmonized sectoral laws for the following:

- 3.1. Forest management
- 3.2. Land management
- 3.3. Biodiversity and coastal and marine resource management

- 3.4. Environmental management
- 3.5. Mines and geoscience
- 3.6. Water resource management

4. Project Completion Report

The Project Completion Report shall contain all the activities undertaken and the accomplishments, and shall be submitted in ten (10) hard copies within fifteen (15) days upon receipt of the comments of the end-user. It shall be presented to the Undersecretary for Policy, Planning and International Affairs and the DENR Executive Committee, for comments and recommendations. Once approved, the Consulting Firm shall submit ten (10) hard copies and an electronic copy to the end-user.

C. Qualifications of the Consulting Firm

- 1. The Consulting Firm shall have at least a three (3)-year experience related to environment and natural resources (ENR).
- 2. It should be able to field a multi-disciplinary team of experts to undertake the tasks as herein stated to be composed of, but not limited to the following:
 - 2.1. Environment and Natural Resources Management Specialist cum Team Leader
 - 2.2. Forest Resource Management Specialist
 - 2.3. Land Management Specialist
 - 2.4. Biodiversity and Coastal and Marine Resource Management Specialist
 - 2.5. Environmental Management Specialist
 - 2.6. Mines and Geosciences Specialist
 - 2.7. Water Resource Management Specialist
 - 2.8. Lawyer/Legal Consultant
- 3. The Team Leader must be a holder of a PhD degree or equivalent in the field of management and administration, environmental sciences, forestry, or other related fields, or a graduate of Bachelor of Laws, preferably with at least fifteen (15) years-experience on environment and natural resource management and on the review/assessment and formulation of ENR policies.
- 4. The members of the Team should have at least a Master's Degree or equivalent, or a graduate of Bachelor of Laws and/or higher degree in their field of expertise/specialization, preferably with fifteen (15) years of technical experience.

5. The members of the Team should have extensive training/capacity-building on their field of expertise and on the review/assessment and development of environment and natural resources policies.
6. The Consulting Firm should have an excellent track record on the conduct of research and policy review, particularly on the environment and natural resources.
7. The Consulting Firm should have familiarity with the challenges and issues on the different sectors of the ENR.

D. Implementation Arrangement

The Consulting Firm shall report to the Director of the Policy and Planning Service (PPS), and both parties shall agree on the reporting arrangement. Coordination by the Consulting Firm with the DENR-TWG, sub-TWGs, and stakeholders shall be facilitated by the PPS. Other assistance that shall be extended by the PPS includes: a) liaison during project implementation with other offices, b) office space during visits, and c) administrative support during meetings and presentations.

E. Schedule of Payment

For services rendered, the Consulting Firm shall be compensated based on the following terms of payments:

Timeline	Project Deliverables	Percentage Amount of Contract Price to be released as Payments	Documentary Requirements
Within thirty (30) calendar days upon awarding of Contract and receipt of the Notice to Proceed. The reckoning period shall be upon acceptance of the Inception Report by the end-user.	Inception Report	Fifteen Percent (15%) inclusive of required government tax	<ul style="list-style-type: none"> • Inception Report • Certificate of Acceptance by end-user • Statement of Account
Within one hundred twenty (120) calendar days upon review of the ENR sectoral laws and proposed legislative measures, crafting of updated sectoral laws, conduct of consultations and submission of the draft sectoral laws. The reckoning period shall be the acceptance of the draft updated sectoral laws by the end-user.	Draft updated sectoral laws Monthly Progress Reports	Sixty Five Percent (65%) inclusive of required government tax	<ul style="list-style-type: none"> • Draft updated sectoral laws • Monthly Progress Reports • Certificate of Acceptance by the end-user • Statement of Account

<p>Within thirty (30) calendar days upon submission of the final outputs of the project. The reckoning period shall be the acceptance of the final outputs (final draft of updated sectoral laws and Project Completion Report) by the end-user.</p>	<p>Final outputs of the project Project Completion Report</p>	<p>Twenty percent (20%) inclusive of required government tax</p>	<ul style="list-style-type: none"> • Final draft of updated sectoral laws • Project Completion Report • Certificate of Completion and Acceptance by the end-user • Statement of Account
<p>The Project Deliverables shall be submitted by the Consulting Firm to the end-user in five (5) hard copies for review and monitoring purposes and for payment processing. An electronic copy shall also be submitted to the end-user. The Project Completion Report shall be submitted in ten (10) hard copies, with the electronic copy also provided.</p>			

F. Project Cost and Duration

The project shall be undertaken for a period of six (6) months starting from receipt of the Notice to Proceed, with an approved budget for the contract (ABC) of **Four Million Pesos (Php 4,000,000.00)**. The consulting contract shall be a fixed price contract. Any extension of the contract time shall not involve any additional cost to the Government.

Prepared by:


LLARINA S. MOJICA
 Chief
 Policy Studies Division

Approved by:


MELINDA C. CAPISTRANO
 OIC Director
 Policy and Planning Service

B. OTHER REQUIREMENTS

1. Bidder has no unperformed services intended for DENR.
2. Bidder did not participate as a consultant in the preparation of the Terms of Reference of the SERVICES subject of the bid.

BIDDER'S UNDERTAKING

I/We, the undersigned bidder, having examined the Bidding Documents including Bid Bulletins, as applicable, hereby BID to (supply/deliver/perform/comply) the above Terms of Reference

I/We undertake, if our bid is accepted, to deliver the goods/services in accordance with the terms and conditions contained in the bid documents, including the posting of the required performance security within ten (10) calendar days from receipt of the Notice of Award.

Until a formal contract/order confirmation is prepared and signed, this Bid is binding on us.

Name of Company (in print)

Signature of Company Authorized Representative

Name & Designation (in print)

Date

DENR BIDS AND AWARDS COMMITTEE
REVISED CHECKLIST OF REQUIREMENTS FOR BIDDERS
PART II-TECHNICAL AND FINANCIAL REQUIREMENTS

Name of Company: _____

Project: **CONSULTING SERVICES FOR THE CODIFICATION OF ENVIRONMENT AND NATURAL RESOURCES (ENR) LAWS (PHASE I)**

Bid Ref. No. **BID REF. NO. DENR-CO-2023-005 REBID**

APPROVED BUDGET FOR THE CONTRACT: **₱4,000,000.00**

Ref. No.	Particulars								
(i)	Technical Proposal Submission Form (Annex II-A)								
(ii)	<p>Original duly signed Omnibus Sworn Statement in accordance with Section 25.3 of the IRR of RA 9184 and using the prescribed form attached as Annex II-B with attached Proof of Authority of the bidder's authorized representative/s:</p> <ul style="list-style-type: none"> i. FOR SOLE PROPRIETORSHIP (IF OWNER OPTS TO APPOINT A REPRESENTATIVE): Notarized Special Power of Attorney. ii. FOR CORPORATIONS, COOPERATIVE OR THE MEMBERS OF THE JOINT VENTURE: Notarized Secretary's Certificate evidencing the authority of the designated representative/s. <p>Note: <i>Should there be more than one (1) appointed authorized representatives, use the word "any of the following" or "OR", otherwise, all authorized representatives must sign/initial the bid submission.</i></p> <p>IN THE CASE OF UNINCORPORATED JOINT VENTURE: Each member shall submit a separate Special Power of Attorney and/or Secretary's Certificate evidencing the authority of the designated representative/s.</p>								
(iii)	<p>Original Bid Security must be issued in favor of the DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) (must be valid for at least 120 calendar days from the date of bid opening); any one of the following forms:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Project ABC (₱)</th> <th style="text-align: center;">Bid Security: Cash, Cashier's/ Manager's Check, Bank Draft / Guarantee, Irrevocable Letter of Credit (2%) (₱)</th> <th style="text-align: center;">Bid Security: Surety Bond (5%) (₱)</th> <th style="text-align: center;">Bid Securing Declaration</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">4,000,000.00</td> <td style="text-align: center;">80,000.00</td> <td style="text-align: center;">200,000.00</td> <td style="text-align: center;">No required Amount</td> </tr> </tbody> </table> <ul style="list-style-type: none"> 1. Bid Securing Declaration per Annex III; 2. The Cashier's/Manager's Check shall be issued by a Local, Universal or Commercial Bank 3. The Bank Draft/Guarantee or Irrevocable Letter of Credit shall be issued by a Local Universal or Commercial Bank; or 4. Should bidder opt to submit a Surety Bond as Bid Security, the surety bond must conform with the following: <ul style="list-style-type: none"> (a) Issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such bond. Together with the surety bond, a certification from Insurance Commission must be submitted by the bidder which must state that the surety or insurance (b) company is specifically authorized to issue surety bonds. (c) Callable upon demand. (d) Must specify the grounds for forfeiture of bid security as stated in Section II, ITB Clause 18.5 to wit: 	Project ABC (₱)	Bid Security: Cash, Cashier's/ Manager's Check, Bank Draft / Guarantee, Irrevocable Letter of Credit (2%) (₱)	Bid Security: Surety Bond (5%) (₱)	Bid Securing Declaration	4,000,000.00	80,000.00	200,000.00	No required Amount
Project ABC (₱)	Bid Security: Cash, Cashier's/ Manager's Check, Bank Draft / Guarantee, Irrevocable Letter of Credit (2%) (₱)	Bid Security: Surety Bond (5%) (₱)	Bid Securing Declaration						
4,000,000.00	80,000.00	200,000.00	No required Amount						

	<ul style="list-style-type: none"> ▪ IF A BIDDER: <ul style="list-style-type: none"> a) Withdraws its bid during the period of bid validity. b) Does not accept the correction of errors pursuant to Section 32.2.1 of the IRR of RA 9184. c) Fails to submit the Post Qualification requirements within the prescribed period or a finding against their veracity thereof. d) Submission of eligibility requirements containing false information or falsified documents. e) Submission of bids that contain false information or falsified documents, or the concealment of such information in the bids in order to influence the outcome of eligibility screening or any other stage of the public bidding. f) Allowing the use of one's name, or using the name of another for purposes of public bidding. g) Withdrawal of a bid, or refusal to accept an award, or enter into contract with the Government without justifiable cause, after the Bidder had been adjudged as having submitted the Lowest Calculated and Responsive Bid. h) Refusal or failure to post the required performance security within the prescribed time. i) Refusal to clarify or validate in writing its bid during post-qualification within a period of seven (7) calendar days from receipt of the request for clarification. j) Any documented unsolicited attempt by a bidder to unduly influence the outcome of the bidding in his favor. k) Failure of the potential joint venture partners to enter into the joint venture after the bid is declared as successful. l) All other acts that tend to defeat the purpose of the competitive bidding, such as habitually withdrawing from bidding, submitting late Bids or patently insufficient bid, for at least three (3) times within a year, except for valid reasons. ▪ IF THE SUCCESSFUL BIDDER: <ul style="list-style-type: none"> (i) fails to sign the contract in accordance with Section 40 of the Revised IRR of RA 9184; or (ii) fails to furnish performance security in accordance with Section 40 of the Revised IRR of RA 9184. 	
(iii)	Duly conformed and signed Revised Terms of Reference (as of 18 April 2023) as enumerated and specified in Section VI of the Supplemental/Bid Bulletin No. 1.	
	Consultant's Reference (Annex II-C)	
	Recommendations of the Consultants on the Terms of Reference and on Data, Services, and Facilities to be Provided by the Procuring Entity (Annex II-D)	
	Description of Methodology and Work Plan for Performing the Project (Annex II-E)	
	Team Composition and Tasks (Annex II-F)	
	Time Schedule for Professional Personnel (Annex II-G)	
	Activity (Work) Schedule (Annex II-H)	
11.2	FINANCIAL PROPOSALS/DOCUMENTS	
	The following Financial Proposal Forms must be duly accomplished and submitted: <ul style="list-style-type: none"> 1. Financial Proposal Submission Form (Annex IV-A) 2. Summary of Cost (Annex IV-B) 3. Breakdown of Price per Activity (Annex IV-C) 4. Breakdown of Remuneration per Activity (Annex IV-D) 5. Reimbursables per Activity (Annex IV-E) 6. Miscellaneous Expenses (Annex IV-F) 	
Note: In case of inconsistency between the Revised Checklist of Requirements for Bidders and the provisions in the Instruction to Bidders/Bid Data Sheet, the Instruction to Bidders/Bid Data Sheet shall prevail.		