

REQUEST FOR QUOTATION / PROPOSAL

Engagement of Consultancy Services for the Conduct of Profile on Corporate Ownership and Cross-Ownership in the Philippines

P.R. No./Date Received: **201909-0220 / 26 September 2019**

RFQ/P No. / Date: **201910-0230 / 29 October 2019**

The Philippine Competition Commission invites all eligible and PhilGEPS-registered suppliers, contractors and consultants to quote the best offer for the described item in the attached **Terms of Reference / Technical Specifications Sheet** subject to the Terms and Conditions and within the **Approved Budget for the Contract**.

Required Documents/Information to be submitted as Attachments to the Quotation/Proposal:

- Mayor's/Business Permit / BIR Certificate of Registration in case of individual.
- Latest Income/Business Tax Return.
- PhilGEPS Registration Number
- Signed Terms of Reference / Technical Specifications Sheet (if any)
- Professional License / Curriculum Vitae (for Consulting Services only)
- Notarized Omnibus Sworn Statement - Annex "A" (to be submitted prior to Notice of Award issuance)

This pro-forma quotation maybe submitted through **registered** or **electronic mail** to the PCC Bids and Awards Committee (PBAC) Secretariat at above address or email to procurement@phcc.gov.ph or ivabano@phcc.gov.ph on or before **18 November 2019 / 11:00 AM** subject to the following **Terms and Conditions**:

1. All entries shall be typed or written in a clear legible manner.
2. No alternate quotation/offer is allowed, suppliers who submitted more than one quotation shall be automatically disqualified.
3. All prices offered herein are valid, binding and effective for THIRTY (30) calendar days upon issuance of this document. Alternative bids shall be rejected.
4. Price quotations to be denominated in Philippine Peso shall include all applicable government taxes subject to **(BIR 2306)** 5% R-VAT and **(BIR 2307)** 1% (PO) or 2% (JO) deductions.
5. PCC PBAC Technical Working Group may require you to submit documents that will prove your legal, financial and technical capability to undertake this contract.
6. Salient provisions of the IRR of RA 9184: Section 68 - Liquidated Damages and Section 69 - Imposition of Administrative Penalties shall be observed.
7. PCC reserves the right to reject any and all quotations, declare a failure, or not award the contract pursuant to Sec 41 of the same IRR.
8. In case of tie quotations, suppliers' presence are required during tie breaking through draw lots or toss coin.
9. In case supplier pro forma quotation is submitted, conditions will be governed by the submitted signed **Terms of Reference / Technical Specifications Sheet**.

Very truly yours,


ATTY. JOSEPH MELVIN B. BASAS
PBAC Chairperson

Item	QTY	ABC	Technical Specifications	Brand/Model	Unit Price	Total Amount
				(To be filled-up by the supplier)		
1	1	₱ 675,000.00	Engagement of Consultancy Services for the Conduct of Profile on Corporate Ownership and Cross-Ownership in the Philippines (Please see Terms of Reference)			
Total Lot ABC		₱ 675,000.00	TOTAL Amount			
Delivery Instructions:						

(Please provide complete information below)

We undertake, if our Proposal is accepted, to supply/deliver the goods in accordance with the specifications and/or delivery schedule.

We agree to abide by this proposal for the price validity period specified in the terms and conditions and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

Until a Purchase/Job Order or a Contract is prepared and executed, this Quotation/Proposal shall be binding upon us. We understand that you are not bound to accept the lowest or any Proposal you may receive.

Signature over Printed Name : _____

Designation/Position : _____

Name of Company : _____

Address : _____

Telephone / Fax : _____

E-mail Address: _____

Company Tax Identification Number : _____

TERMS OF REFERENCE

Engagement of Consultancy Services for the Conduct of Profile on Corporate Ownership and Cross-ownership in the Philippines

I. Background

The Philippine Competition Commission (PCC) is an independent quasi-judicial body mandated to implement Republic Act No. 10667 or the Philippine Competition Act. The main thrust of PCC is to promote economic efficiency and ensure fair and healthy competition in the markets by prohibiting anticompetitive agreements, abuse of dominant position, and anticompetitive mergers and acquisitions.

To effectively fulfill its mandate, PCC conducts studies on factors and mechanisms that enhance or deter anti-competitive behavior. Corporate ownership and control structures shape the competitive landscape of industries. Knowledge and understanding of these structures and relationships will inform merger analysis, as well as investigations into anticompetitive agreements and abuse of dominant position.

II. Objective

The objective of this project is to profile corporate ownership and control structures of selected industries in the Philippine nexus. The constructed database and summary report will provide useful input for investigations and competitive analysis by the PCC and as basis for the operational and strategic needs of PCC. The project outputs may be periodically updated to reflect market changes and developments in the relationships and cross-holdings between entities.

III. Scope of Work

A consultant shall be hired to construct a database of corporate ownership in the Philippines. The scope of work outlined below covers the top 1,000 corporations¹ in the Philippines:

1. Prepare an Inception Report and workplan in consultation with PCC Project Manager following the premise below:
 - a. selection of the top 1,000 corporations in the Philippines, including the relevant criteria for coverage of individuals and entities in the database;
 - b. proposed format for the datasets and platform/s in which the database will be constructed and accessed;
 - c. proposed presentation format/layout of the corporate ownership landscape and individual shareholdings and relationships;
 - d. names of entities that will be covered in the database; and
 - e. outline of the Summary Report.
2. Construct a database of companies and individuals using data from the Bloomberg Terminal and other sources, including but not limited to the information listed in Annex A.
Transfer and present the database to PCC staff, including a briefing on the use and manipulation of the database.
3. Prepare a Summary Report including but not limited to:
 - a. a discussion of the regulatory and legal background of corporate ownership in the Philippines (e.g. foreign ownership and public listing limitations);
 - b. profiles of selected large corporate groups with significant holdings and cross-ownership across multiple sectors; and

¹ Conditional on the outcome of this project, the end-user may opt to conduct subsequent phases in 2020 to cover smaller corporations.

- c. presentation of the corporate ownership and control landscape and key players in selected industries (e.g. banking and finance, power, water, real estate development, retail, agriculture and agrochemicals).

IV. Qualifications and Selection of the Service Provider

To determine if the prospective bidder is eligible to participate in this bidding, legal, technical, and financial documents shall be submitted, as stated in the Invitation to Apply for Eligibility and to Bid (IAEB) and the Instructions to Bidders (ITB), pursuant to Sections 24.1 and 24.3 of the revised IRR of RA No. 9184.

Only eligible bidders will be considered for evaluation. The PCC shall select the most qualified service provider using the quality-cost based evaluation (QCBE) pursuant to the pertinent provisions of R.A. No. 9184 or the Government Procurement Reform Act. The 80% - 20% quality to cost ratio shall be used for this purpose allocated as follows:

1. Technical proposal (80%)

Criteria	Qualifications	Score															
<i>Applicable experience of the consultant/s</i>	<p><i>Years of business operations and experience:</i> three (3) years</p> <p><i>Experience in conducting corporate due diligence for credit, investment or trading purposes:</i> at least three (3) years</p> <p><i>Experience in data management and analysis for credit, investment or trading purposes:</i> at least three (3) years</p> <p><i>Note: For new firms (less than 3 years in operation) and individual bidders, the individual experiences of the principal and key staff that will be assigned to the project, including the times when employed by other consultants shall be considered.</i></p>	30															
<i>Quality of personnel to be assigned</i>	<p>Only the qualifications of the team lead will be evaluated by default. Should the bidder wish to submit the qualifications of other team members or assistants, the scoring will be weighted (in %) as follows:</p> <table border="1"> <thead> <tr> <th>Personnel</th> <th>1</th> <th>2</th> <th>3</th> <th>4 or more</th> </tr> </thead> <tbody> <tr> <td>Team lead</td> <td>100</td> <td>60</td> <td>50</td> <td>40</td> </tr> <tr> <td>Other personnel</td> <td>0</td> <td>40</td> <td>25</td> <td>60 equally divided</td> </tr> </tbody> </table> <p><i>Experience in corporate due diligence:</i> at least three (3) years</p> <p><i>Experience in data management and data analysis:</i> at least three (3) years</p> <p><i>Educational background:</i> with degree in law, economics, business administration, or other related fields.</p> <p><i>Relevant Training in corporate due diligence or data management and analysis:</i> at least twenty-four (24) hours</p>	Personnel	1	2	3	4 or more	Team lead	100	60	50	40	Other personnel	0	40	25	60 equally divided	40
Personnel	1	2	3	4 or more													
Team lead	100	60	50	40													
Other personnel	0	40	25	60 equally divided													
<i>Plan of Approach and Methodology</i>	<p>The proposed approach and methodology will be evaluated based on:</p> <ul style="list-style-type: none"> • Comprehensiveness of proposed submissions and data sources • Project management strategy, staffing, and timeline 	30															

Criteria	Qualifications	Score
	Total	100

2. Financial proposal (20%)

$$\text{Rating} = (\text{LAP}/\text{AOP}) \times \% \text{ Allocation}$$

where: LAP = lowest amount offered among offerors

AOP = amount of offer in the financial proposal

% Allocation = weight assigned to the financial proposal

The hurdle score to pass the evaluation for this project is a weighted score of 75 out of 100 based on the QCBE described above.

V. Deliverables, Timelines and Payment Schedules

The consultant shall be engaged for three (3) months from the issuance of Notice to Proceed.

Reports and other relevant documents are to be submitted to and should be duly received by the PCC project manager. All payments shall be endorsed by the Director of the Economics Office. Each tranche payment to the consultant shall be released upon PCC's acceptance of the deliverables listed below:

Deliverables	Timeline	% of the contract price
Original signed Inception Report, and Workplan following the requirements in Section III of this TOR, duly received and accepted by the PCC Project Manager	15 days after the issuance of Notice to Proceed	10
E-copy or soft copy of partial dataset of companies and individuals. Proof of submission shall be a certificate issued by the Service Provider that the e-copy or soft copy is received and accepted by the PCC Project Manager	30 days after the acceptance of the Inception Report and Workplan	30
E-copy or soft copy of final dataset of companies and individuals. Proof of submission shall be a certificate issued by the Service Provider that the e-copy or soft copy is received and accepted by the PCC Project Manager	30 days after the acceptance of the partial dataset of companies and individuals	30
Copy of presentation materials (for soft copy presentations, a certification from the service provider that the complete set of soft copy of presentations are given and signed accepted by the end-user).		
Proof of presentation to PCC staff (e.g. attendance sheets)	15 days after the acceptance of the final data sets or presentation to the PCC staff, whichever comes later	30
Original signed Summary Report indicating the requirements stated in Section III of this TOR, duly received and accepted by the PCC Project Manager		
Total		100

VI. Approved Budget for the Contract and Mode of Procurement

The Approved Budget for the Contract (ABC) for this engagement is **Six Hundred Seventy-Five Pesos (PhP 675,000.00)** inclusive of all applicable government taxes and service charges. The amount is inclusive of all remunerations, cost of data collection (including hiring of research assistants and encoders), and travel and meeting expenses.

The mode of procurement shall be Negotiated Procurement – Small Value Procurement as provided under the Revised Implementing Rules and Regulations (IRR) of Republic Act (R.A.) No. 9184.

VII. Confidentiality of Data and Information

The Consultant that will be engaged by the PCC shall submit outputs directly to the designated project manager within PCC for review and endorsement for payment. All the materials, data and information used and generated through this project will be the sole property of PCC. The consultant shall neither use nor disseminate these documents for their own research purposes without the written consent of the PCC.

VIII. Liquidated Damages

If the Service Provider fails to deliver any or all of the goods and/or to perform the services within the period specified in this contract, the Procuring Entity shall, without prejudice to its other remedies under this contract and under the applicable law, deduct from the contract price as liquidated damages, the applicable rate of one-tenth (1/10) of one percent (1%) of the cost of unperformed portion of every day of delay. Pursuant to Section 68 of Republic Act No. 9184, otherwise known as the Government Procurement Reform Act, the maximum deduction shall be ten percent (10%) of the amount of the contract. Once the maximum is reached, the procuring entity reserves the right to rescind the contract, without prejudice to other courses of action and remedies open to it.

IX. Dispute Resolution

Should any dispute related to the TOR and/or rights of the parties arise, the same shall be submitted to mutual consultation, mediation and arbitration, in the order of application. The venue of the proceedings shall be in Quezon City.

In case of a court suit, the venue shall be the courts of competent jurisdiction in Quezon City, to the exclusion of all other courts; and

Any amendment or additional terms and conditions to the TOR must be in writing, signed and acknowledged by the Parties.

Approved by:


BENJAMIN E RADOCH JR
Director IV, Economics Office
Philippine Competition Commission

CONFORME:

Name of Consultant

Signature of Consultant

Designation

Date

ANNEX A
List of Information to Be Included in the Database

- I. For companies
 - a. Company name
 - b. Ticker/s
 - c. Place of incorporation
 - d. Industry (4-digit PSIC)
 - d. Supply chain
 - i. Clients
 - ii. Customers
 - iii. Competitors
 - e. Board of directors
 - i. Name
 - ii. Position
 - f. Management
 - i. Name
 - ii. Position
 - g. Top shareholders (natural persons)
 - i. Name
 - ii. Shareholding as percentage of outstanding shares
 - iii. Board position (Y/N)
 - iv. Management position (Y/N)
 - h. Top shareholders (other entities)
 - i. Name
 - ii. Shareholding as percentage of outstanding shares
 - i. Ownership structure
 - i. Institutional
 - ii. Share of Filipino ownership (for domestic firms)
 - j. Changes in corporate name
- II. For individuals
 - a. Name
 - b. Date of birth
 - c. Age
 - d. Citizenship
 - e. Primary Position
 - i. Organization
 - ii. Position
 - iii. Duration
 - f. Contact information
 - i. Business address
 - ii. Telephone number
 - g. Reported shareholdings
 - i. Organization
 - ii. Shareholding as percentage of outstanding shares
 - h. Career positions
 - i. Organization
 - ii. Position
 - iii. Relevant dates
 - i. Board positions
 - i. Organization
 - ii. Position
 - iii. Date
 - j. Committees
 - i. Organization

- ii. Position
 - iii. Committee
 - k. Education
 - i. Undergraduate
 - ii. Graduate
 - l. Personal relations²
 - i. Grandparents
 - ii. Parents
 - iii. Siblings
 - iv. Spouse/s or partner/s
 - v. Children
- III. For individuals with Bloomberg Billionaires Index profiles, additional information including
 - a. Breakdown of net worth

² Not available in Bloomberg Terminal. Consultant may negotiate extent of coverage for this item and limit research to publicly available documents.