

Engagement of Consultant for the National Sector Expert (Digital Platforms Industry)

P.R. No./Date Received: **2022-06-0095 / 1 June 2022**

RFQ/P No. / Date: **2022-06-0113 / 4 July 2022**

The Philippine Competition Commission invites all eligible suppliers, contractors and consultants to quote the best offer for the described item in the attached **Terms of Reference** subject to the Terms and Conditions and within the **Approved Budget for the Contract (ABC)**.

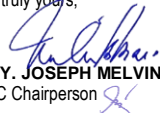
Required Documents/Information to be submitted as Attachments to the Quotation/Proposal:

- **Mayor's/Business Permit**
- **PhilGEPS Registration Number**
- **Notarized Omnibus Sworn Statement (may be submitted prior to issuance of NOA)**
- **Signed Terms of Reference (TOR)**
- **Documentary requirements stated under Annex A of the TOR**

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 **amfrancisco@phcc.gov.ph** or **procurement@phcc.gov.ph** on or before **12 July 2022, 12:00 NN** 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**.

Very truly yours,


ATTY. JOSEPH MELVIN B. BASAS
PBAC Chairperson

Item	QTY	ABC	Technical Specifications	Total Amount	
				(To be filled-up by the supplier)	
1	1	₱ 150,000.00	Engagement of Consultant for the National Sector Expert (Digital Platforms Industry)		
			<i>Requirements indicated in the attached Terms of Reference</i>		
Total ABC		₱ 150,000.00		TOTAL Amount	
Instructions:			See attached Terms of Reference		

(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

National Sector Expert *(Digital Platforms Industry)*

I. Background

The Philippine Competition Commission (“PCC”) is an independent quasi-judicial body mandated to implement Republic Act No. 10667, otherwise known as the Philippine Competition Act (“PCA”). The PCA aims to enhance market competition for the benefit of consumers and businesses. For this purpose, the PCC conducts studies to analyze the value chains and competitive landscape of different industries and to identify potential competition issues that exist.

This engagement is specific to the digital platforms industry. Digital platforms have grown significantly in recent years and are now relied upon by sectors such as retail, transportation, delivery, and finance, among others. Given their impact on the economy, it is imperative to study and understand competition among digital platforms and the nature and effects of usage by consumers and businesses. In line with this, the PCC seeks to engage a third-party consultant with in-depth knowledge on the industry who can provide the PCC with valuable insights and perspectives that will be useful for the study.

II. Objectives

To deepen PCC’s understanding of the digital platforms industry as well as the existing and potential competition issues within the industry, a sector expert shall be engaged, either individually or through a firm, to work with the Economics Office and other related PCC offices. The Consultant will write a paper specifically on the network infrastructure and pricing algorithms involved in digital platforms.

III. Scope of Work

For the duration of the assignment, the consultant shall coordinate with PCC in the conduct and delivery of the following tasks and outputs:

1. Serve as an expert in meetings, consultations, data gathering, and focus group discussions with relevant PCC teams and officials;
2. Provide expert advice and assessment of reports and documents concerning digital platforms;
3. Gather additional information, as required, from stakeholders in the digital platforms industry;
4. Draft and submit a short paper on key findings and recommendations based on, but not limited to, the set of questions indicated in Annex B; and
5. Present findings and recommendations in internal PCC meetings and in a webinar or forum to be organized by the PCC.

IV. Timelines, deliverables, and schedule of payment

The consultant shall be engaged for thirty (30) input days over a period of six (6) months from the issuance of the Notice to Proceed. Reports and other relevant documents are to be submitted to and should be duly received by the PCC project manager. Below is the summary of deliverables and the corresponding input days allotted for each.

Deliverables	Timelines	Input days
Inception meeting with PCC	Within seven (7) days after Notice to Proceed	1
Writing and submission of Inception report	Within thirty (30) days after Notice to Proceed	5
Writing and submission of Preliminary report	Within ninety (90) days after the acceptance of the Inception Report	10
Presentation of Preliminary Report in an internal seminar	Within ninety (90) days after the acceptance of the Inception Report	1
Writing and submission of Final report	Within sixty (60) days after the acceptance of the Preliminary Report	7
Presentation of Final Report in a public seminar	Within sixty (60) days after the acceptance of the Preliminary Report	1
Provision of expert advice and participation in meetings and consultations	Within six (6) months after Notice to Proceed	5

Below is the summary of the milestones and the corresponding deliverables and tranche payments.

Milestones	Deliverables	Completion Time	% of Contract Amount
Approved and accepted Inception Report	Soft copy of inception report	Within thirty (30) days after Notice of Award	10%
Approved and accepted Preliminary Report	Soft copy of preliminary report and proof of presentation in an internal webinar (e.g. presentation slides)	Within ninety (90) days after acceptance of the Inception Report	50%
Approved and accepted Final Report	Soft copy of final report and proof of presentation in an internal webinar (e.g. presentation slides)	Within sixty (60) days after acceptance of the Preliminary Report	40%
TOTAL		Completion of engagement within six months from the issuance of the Notice of Award	100%

All documents to be submitted to the PCC should be properly and duly signed by the Project Manager or the highest officer/personnel in-charge of the project.

All payments shall be endorsed by the Director of the Economics Office supported by the original signed statement of account or billing statement and the issuance of a Certificate of Satisfactory Service Rendered for the deliverables for each tranche payment. Each tranche payment to the service provider shall be released upon PCC's review and acceptance of the deliverables above, and completeness of all necessary documents required for the processing of payment.

V. Approved budget for the contract and mode of procurement

The Approved Budget for the Contract ("ABC") is **one hundred fifty thousand pesos only (PHP 150,000.00)**, inclusive of all applicable government taxes, and shall include all remunerations, costs or profits arising from or in relation to the services rendered in connection with and/or in preparation for this engagement.

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

VI. Qualifications

The service provider should meet all the requirements set by the Government Procurement Reform Act (R.A. No. 9184) to be eligible to participate in the procurement.

The bidding is open to individual consultants and firms who are legally registered in PhilGEPS and have secured a BIR Tax Certificate and/or Clearance, and/or are duly registered with DTI/SEC/CDA.

A. Eligibility of the prospective bidders

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") and required documents pursuant to Sections 24.1 and 24.3 of the revised IRR of RA No. 9184.

B. Shortlisting of eligible bidders

For eligibility and shortlisting purposes, the firm must submit the legal, technical and financial documents under Section 24 of the IRR of the RA 9184 ("Government Procurement Reform Act"). For individual consultants not registered under a sole proprietorship, a BIR Certificate of Registration shall be submitted, in lieu of DTI registration and Mayor's/Business permit.

Only eligible bidders will be considered for shortlisting. Pursuant to Section 24.5.3 of the revised IRR of RA 9184, the following criteria shall be considered in short listing the eligible prospective bidders:

Criteria	Minimum Qualifications	Bases	Weight (%)
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<p>Experience and Capability of the bidder</p>	<ul style="list-style-type: none"> • At least five years in business. • Engaged with at least five (5) companies/institutions in similar or relevant nature of work • Engaged with at least two (2) institutions belonging to the public/government sector in similar or relevant nature of work as mentioned above 	<p>Records of previous engagement and quality of performance in projects related to competition and other similar fields, and geographical distribution of current/ impending projects.</p> <p>(a) DTI or SEC registration submitted indicating the year of registration and/or other relevant documents; (b) list of completed and on-going contracts; (c) copies of Certificates of Satisfactory Service Rendered / Certificates of Completion</p>	<p>30%</p>
<p>Quality of personnel</p>	<p>The consultant should have:</p> <ul style="list-style-type: none"> • An advanced degree in Computer Science or any related field • At least five (5) years of experience in the digital platforms industry • Extensive knowledge on digital platforms and the network infrastructure and pricing algorithms involved • At least sixteen (16) hours of relevant training • Proven publication track record with at least three (3) publications (e.g., books, journal articles, discussion papers, working papers) • Ability and willingness to mentor 	<p>Original signed curriculum vitae submitted indicating relevant work experience and educational background, publication track records, and trainings attended supported by certificates of attendance / participation</p> <p><i>Note: Pursuant to Section 33.3 of the revised IRR, there should be no replacement of key personnel before the awarding of the contract, except for justifiable reason, such as illness, death, or resignation provided it is duly supported by relevant certificates, or any delay caused by the procuring entity. Once the contract has been awarded, no replacement shall be allowed until after fifty percent (50%) of the personnel's man-months have been served, except for justifiable reasons, subject to appropriate sanctions as</i></p>	<p>70%</p>

		<i>prescribed in the Philippine Bidding Documents (PBD).</i>	
TOTAL			100%

The top three bidders with at least 85 percent overall score on the above-mentioned criteria will be shortlisted.

C. Evaluation of the technical and financial proposals of the shortlisted bidders

The technical proposals of the shortlisted bidders will be evaluated using the Quality Based Evaluation (“QBE”), pursuant to the pertinent provisions of R.A. No. 9184 or the Government Procurement Reform Act.

Criteria	Bases	Weight
Experience and capability of the service provider	As specified in the qualifications above, and the submission of a duly notarized Omnibus Sworn Statement using the prescribed format of R.A. No. 9184	30%
Quality of personnel to be assigned to the project		70%
Total		100%

The bidder with the highest rated score, provided that the score shall pass the hurdle rate of 85 points, all eligible documents and other relevant documents for the procurement of this project are legal and valid in reference to the requirements of R.A. No. 9184, shall be the Highest Rated and Responsive Bidder.

VII. Institutional Arrangement

The service provider shall be engaged by the PCC and shall submit outputs directly to the Economics Office Director or a designated project manager within PCC for review and endorsement for payment.

Payment will be upon issuance by end user of a Certificate of Satisfactory Service.

VIII. Confidentiality of data and information

The consultant shall be engaged by the PCC and shall submit outputs directly to the designated project manager within PCC for review and endorsement for payment. The contractor shall not use nor disseminate these documents for their own research purposes without the written consent of the PCC.

IX. Liquidated Damages

If the contractor 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. 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.

X. 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.

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

Approved by:



BENJAMIN E. RADO, JR., PHD
Director IV, Economics Office

CONFORME:

Name and Signature of Authorized Representative

Designation

Name of Company

Date