

MEMORANDUM

OFFICE OF THE SOLICITOR GENERAL
RECEIVED
SEP 30 2022
DIVISION OF ASG HL OCAMPO
BY: *[Signature]* 10:27am

FOR: MENARDO I. GUEVARRA
Solicitor General

THRU: THE BIDS AND AWARDS COMMITTEE

FROM: TECHNICAL WORKING GROUP FOR CONSULTANCY SERVICES FOR THE PROCUREMENT OF CONSULTANCY SERVICE FOR 1) ISO-QMS TRAINING; AND 2) ISO-QMS CERTIFICATION OF THE OSG

RE: TERMS OF REFERENCE

Date: September 27, 2022

Dear Chief:

Respectfully submitting the revised proposed Terms of Reference for the procurement of the services of a certification body for the ISO certification of the OSG's receipt and processing of new cases, its frontline service of issuing certifications stated in the Citizen's Charter, and internal service of collection of docket management fees under the ISO 9001:2015 Standard.

For your consideration and approval. Thank you.

Respectfully,

[Signature]
HERMES L. OCAMPO
Assistant Solicitor General
Chairperson

Members:

[Signature]
SS I JOHN DOMINIC S. OBIAS

[Signature]
SS I JUAN PAULO M. NEPOMUCENO

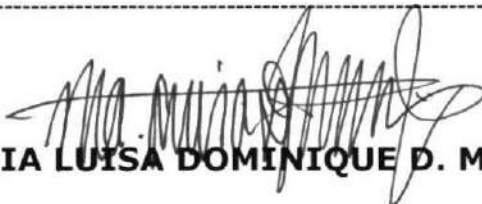
[Signature]
SS I LARA CARMELA G. FERNANDO

OFFICE OF THE SOLICITOR GENERAL
RECEIVED
OCT 03 2022
ADMINPROCUREMENT SECTION
By: *[Signature]* 1:34pm

MEMORANDUM FOR SOLICITOR GENERAL MENARDO I. GUEVARRA

Re: Revised Terms of Reference - Procurement of the Services of a Certification Body for the Certification of the Office of the Solicitor General's Receipt and Processing of New Cases; and the OSG's Frontline Service Of Issuing Certifications and Internal Service of Collection of Docket Management Fees Stated in the Citizen's Charter, under the ISO 9001:2015 Standard

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SS I MARIA LUISA DOMINIQUE D. MAURICIO

AS III CHERYL GRACE M. RABE



AS III LEONARDO V. CALDERON III

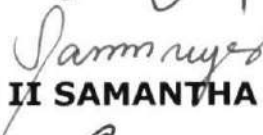
AS III JESSA F. AUSTRIA-CALDERON



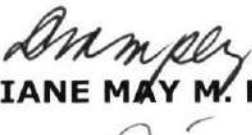
AS III LESTER D. MONTILLA



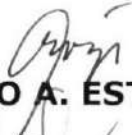
AS II MAXIMILLAN JEAN T. PEROLA



AS II SAMANTHA REYES



PO V DIANE MAY M. PEREZ



CAO ARTEMIO A. ESTOQUE JR



SAO JOY Y. CHUA



AO V MAY RAQUEL M. TONOG

Recommending approval:



SHARON MILLAN-DECANO
Assistant Solicitor General
Chairperson, Bids and Awards Committee

Approved / Disapproved:



MENARDO I. GUEVARRA
Solicitor General

TERMS OF REFERENCE

PROCUREMENT OF THE SERVICES OF A CERTIFICATION BODY FOR THE CERTIFICATION OF THE OFFICE OF THE SOLICITOR GENERAL'S RECEIPT AND PROCESSING OF NEW CASES; AND ITS FRONTLINE SERVICE OF ISSUING CERTIFICATIONS AND INTERNAL SERVICE OF COLLECTION OF DOCKET MANAGEMENT FEES STATED IN THE CITIZEN'S CHARTER, UNDER THE ISO 9001:2015 STANDARD.

PROPOSED BUDGET FOR THE CONTRACT: Php 500,000.00¹

I. PROJECT WORK DETAILS

Description

The OFFICE OF THE SOLICITOR GENERAL (CLIENT) seeks to procure the services of a CERTIFICATION BODY that will conduct assessment, audit, and certification under the ISO 9001:2015 Standard of the CLIENT's receipt and processing of new cases, and its frontline service of issuing certifications and its internal service of collection of docket management fees, both of which are stated in the OSG's Citizen's Charter.

Background

The Office of the Solicitor General is a national government agency that represents the Republic of the Philippines and its officials, in their official capacity, in litigations, proceedings, investigations and other matters requiring the services of a lawyer.

As defender of the Republic and tribune of the People and given the indispensable role that the CLIENT plays in the administration of justice, it is imperative that its employees, systems, and procedures are at par with international standards in public administration.

Under Memorandum Circular No. 6, s. 2012 of the Civil Service Commission, government agencies are directed to establish and implement a Strategic Performance Management System. In addition, the entitlement of agencies to the Performance-Based Bonus (PBB) makes use of measurable outputs to determine the entitlements of government employees based on their performance outputs. Hence, there is a need for an institutionalized standard regarding the process flow of the office.

¹ This is the total amount for the entire project in the 3-year cycle. The budget for each year in this cycle are broken down as follows:

Budget for Year 2022: Php 260,000.00

Budget for Year 2023: Php 120,000.00

Budget for Year 2024: Php 120,000.00

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TERMS OF REFERENCE

Procurement of the Services of a Certification Body for the Certification of the Office of the Solicitor General's Receipt And Processing of New Cases; and the OSG's Frontline Service Of Issuing Certifications and Internal Service of Collection of Docket Management Fees Stated in the Citizen's Charter, under the ISO 9001:2015 Standard.

In 2018, the CLIENT started its certification efforts with one (1) core service, which is the Docket Management Service (DMS)'s processes such as receiving, barcoding, scanning, encoding, routing and dispatching of legal documents to court, clients, and other parties.

This year, as part of the new cycle of ISO Certification, the CLIENT is expanding the scope of its certification to include: 1) CLIENT's entire process of receiving and processing of new cases, 2) its frontline service as indicated in its Citizen's Charter: the DMS' issuance of certifications for the CLIENT's receipt of court orders, decisions and resolutions, and 3) its internal service of its internal service of collection of docket management fees, likewise indicated in its Citizen's Charter.

CLIENT's efforts to expand its certification aims to include not only the functions of the DMS *per se* of receiving and processing new cases, but the entire process of the CLIENT's DMS, Secretariat, and Legal Divisions - from the receipt, transmittal, processing, determination of course of action, preparation, to the dispatch of pleading or communication required for every new case received by the CLIENT.

This, in addition to the CLIENT's effort to comply with the emerging requirement of Administrative Order No. 25 (Inter-Agency Task Force on the Harmonization of National Government Performance Monitoring, Information and Reporting Systems) encouraging the CLIENT to have its stated frontline service: the issuance of certifications for the CLIENT's receipt of court orders, decisions and resolutions, and its stated internal service: collection of docket management fees, among others, to be streamlined, digitized and standardized.

All these certification efforts for the purpose of ensuring CLIENT's delivery of quality service to the general public, the Republic and the People.

Objective

This project aims to have the CLIENT's chosen core service, its receipt, processing, and action on new cases; its frontline service: the issuance of certification for receipts of court orders, decisions and resolutions; and its internal service: collection of docket management fees, be subject to assessment and audit by an independent CERTIFICATION BODY based on the ISO 9001:2015 Standard towards its Certification and continual improvement through Surveillance Audits.

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Scope

YEAR	PHASE	AMOUNT
2022	PHASE 1: <i>ISO 9001:2015 Initial Certification Audit</i>	Php 260,000.00
	PHASE 2: <i>ISO 9001:2015 Certification upon satisfactory compliance with the Certification requirements of the Standard.</i>	
2023	PHASE 3: <i>1ST Surveillance Audit (1st year after the issuance of certificate) to maintain QMS Certification.</i>	120,000.00
2024	PHASE 4: <i>2ND Surveillance Audit (2nd year after the issuance of certificate) to maintain QMS Certification.</i>	120,000.00
TOTAL		Php 500,000.00

II. TERMS OF AGREEMENT

1. **QUALIFICATIONS.** The CERTIFICATION BODY shall have ALL the following qualifications:

- a. Should be, at the minimum, a Department of Trade and Industry-Philippine Accreditation Bureau (DTI-PAB) Accredited Certification Body with Philippine National Standard (PNS), International Organization for Standardization/International Electrotechnical Commission (ISO/IEC 17021:2015 [Conformity Assessment – Requirements for Bodies Providing Audit and Certification of Management Systems]) and relevant International Accreditation Forum (IAF) Mandatory Documents to provide QMS certification to ISO

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9001:2015 for IAF 36: Public Administration, IAF 37: Education, and/or IAF 38: Health and Social Work.

The CERTIFICATION BODY shall have Key Personnel who have ISO audit and certification experience in government and/or private (preferably law firms) institutions of at least ten (10) years for the Lead Auditor and five (5) years for the Team Members. Preferably, the Lead Auditor has completed a Master's Degree relevant to management, public administration, industrial engineering and/or other related fields. While the Audit Team Members must have at least completed a Bachelor's Degree relevant to management, public administration, industrial engineering and/or related field.

2. **WHERE SERVICES ARE TO BE PERFORMED.** CERTIFICATION BODY's services will be performed at the CLIENT's building located at 134 Amorsolo Street, Legaspi Village, Makati City and its leased premises at APMC Building, 136 Amorsolo Street Legaspi Village, Makati City, Montepino Building, 138 Adelantado Street, Legaspi Village, Makati City, and such office address space/s as may be procured by the CLIENT as part of its ongoing efforts to relocate some of its divisions.
3. **DURATION.** The CERTIFICATION BODY shall, subject to readjustment based on reasonable grounds, perform Phases 1 and 2 not later than 31 December 2022. Phase 3 shall be conducted before the initial certification reaches the first year, while Phase 4 will be conducted before the end of the second year of certification to ensure that the CLIENT maintains its Certified status, in accordance with the period set forth by the rules stated in ISO 9001:2015.
4. **PAYMENT.** Payment shall be made in accordance with the following milestones and submission of the required deliverables, supported with a Certificate of Acceptance issued by the Quality Management System (QMS) Team, subject to any applicable tax deduction and to the usual accounting and auditing rules and regulations.

Year	Deliverables	Timeline/s	Percentage
2022	Phase 1A: Audit Plan	Within one (1) month from receipt of the <i>Notice to Proceed</i> .	10%

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	Phase 1B: Audit Report	Not later than 31 December 2022.	10%
	Phase II Issuance of ISO 9001: 2015 Certificate	Not later than 31 December 2022.	32%
2023	Phase III Audit Plan; 1 st Surveillance Audit Report	Phase 3 shall be conducted before the initial certification reaches the first year.	24%
2024	Phase IV Audit Plan 2 nd Surveillance Audit Report	Phase 4 will be conducted before the end of the second year of certification	24%
Total			100%

4.1 Advance Payment

An advance payment shall be made to cover mobilization costs but shall not exceed 15 percent (15%) of the contract amount, subject to the posting of performance security acceptable to OSG and of an equal amount to the advance payment.

5. **PERFORMANCE STANDARDS.** The CERTIFICATION BODY undertakes to perform the Services with the highest standards of professional and ethical competence and integrity, as provided in the ISO Code of Ethics and ISO/IEC 17065: The Standard for Certification Bodies, among others. The CERTIFICATION BODY shall promptly replace any personnel assigned under this project that the CLIENT considers unsatisfactory.
6. **NATURE OF RELATIONSHIP.** Nothing herein shall be construed to create an employer-employee relationship between the CLIENT and the CERTIFICATION BODY. The CERTIFICATION BODY shall not enter into any agreement or incur any obligation on the CLIENT's behalf or commit the CLIENT in any manner without the CLIENT's prior written approval.
7. **WARRANTIES OF CERTIFICATION BODY.** The CERTIFICATION BODY warrants that they shall:

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- a. conform strictly with all the conditions set forth in this Terms of Reference;
 - b. secure and maintain, at their own expense, all registration, licenses and/or permits required by law;
 - c. comply with legal requirements; as well as rules, regulations and directives of regulatory authorities; and
 - d. coordinate only with authorized or designated personnel in the performance of their duties.
8. **CONFIDENTIALITY.** The CERTIFICATION BODY shall not use (except for CLIENT's benefit) or divulge to anyone – either during the term of this Agreement or thereafter – any of the CLIENT's trade secrets, the proprietary information, or other proprietary data or information of any kind whatsoever acquired by the CERTIFICATION BODY in carrying out the terms of this agreement. In this regard, the CERTIFICATION BODY shall:
- a. be required to sign a Non-Disclosure Agreement;
 - b. warrant, represent and undertake reliability of the services required;
 - c. agree to hold the propriety information in strict confidence;
 - d. agree not to reproduce, transcribe or disclose the proprietary information to third parties without prior written approval from the CLIENT; and
 - e. uphold strict confidentiality of any and all information that will come to CERTIFICATION BODY's knowledge.
9. **OWNERSHIP OF MATERIAL.** Any studies, reports or other materials, graphic, software or otherwise, prepared by the CERTIFICATION BODY for the CLIENT under this Project shall belong to and remain the property of the CLIENT. The CERTIFICATION BODY may retain a copy of such documents and software, exclusively for record purposes.
10. **TRANSPORTATION AND HOTEL ACCOMMODATION OF CONSULTANTS AND PERSONNEL.** The CERTIFICATION BODY shall be responsible for the transportation of its consultants and personnel for the duration of the contract, to and from the CLIENT's office address, as well as hotel accommodation, if any.
11. **HEALTH AND SAFETY OF CONSULTANTS AND PERSONNEL.** The CERTIFICATION BODY shall ensure that its consultants and personnel observe the minimum health and safety protocols enforced and observed by the national government and the

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CLIENT in view of the ongoing pandemic. The costs of ensuring compliance to the health protocols, including but not limited to testing, personal protective equipment, etc. of the CERTIFYING BODY's consultants and personnel shall be for the account of the CERTIFYING BODY.

12. *FORCE MAJEURE.* The CERTIFICATION BODY shall complete the project in strict compliance with the duration stated in this Terms of Reference, reckoned from the date of receipt of Notice to Proceed. No extension of time shall be given for causes other than due to the following: typhoons, fires, earthquakes, other forms of force majeure, valid stoppage, suspension, orders of competent authority, civil disorder, and such other similar and analogous causes that distract the performance of duties of the CLIENT.
13. *LIQUIDATED DAMAGES FOR DELAY.* If the CERTIFICATION BODY fails to deliver any or all of the Services within the period(s) specified in the Contract, the CLIENT shall, without prejudice to its other remedies under the Contract and under the applicable law, deduct from the contract price, as liquidated damages, a sum equivalent to one-tenth of one percent of the price of the unperformed portion of the Services for each day of delay based on the approved contract schedule up to a maximum deduction of ten percent (10%) of the contract price. Once the maximum is reached, the CLIENT may consider termination of the Contract.
14. *TERMINATION.* The CLIENT may, in case of material default on the part of the CERTIFICATION BODY, terminate the contract, provided that at least thirty (30) days prior written notice was given to the CERTIFICATION BODY and the CERTIFICATION BODY failed to cure the same within the conditions and period specified in the Notice. The CLIENT shall only be liable to reimburse the CERTIFICATION BODY for the actual services performed up to the effective date of termination. Termination of the contract shall not, in any way, prevent or prejudice any other claims which the parties may have against each other.

- End of Terms of Reference -

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TERMS OF REFERENCE

Procurement of the Services of a Certification Body for the Certification of the Office of the Solicitor General's Receipt And Processing of New Cases; and the OSG's Frontline Service Of Issuing Certifications and Internal Service of Collection of Docket Management Fees Stated in the Citizen's Charter, under the ISO 9001:2015 Standard.

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**TECHNICAL WORKING GROUP FOR CONSULTANCY SERVICES FOR THE
PROCUREMENT OF CONSULTANCY SERVICE FOR THE
ISO-QMS CERTIFICATION OF THE OSG**


HERMES L. OCAMPO
Assistant Solicitor General
Chairperson

Members:


SS I JOHN DOMINIC S. OBIAS


SS I JUAN PAULO M. NEPOMUCENO


SS I LARA CARMELA G. FERNANDO

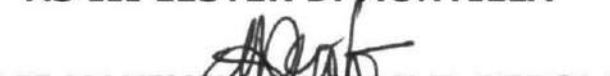

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