

TERMS OF REFERENCE

PROCUREMENT OF CONSULTING SERVICES FOR THE ENHANCEMENT AND ALIGNMENT OF EXISTING COMPETENCY FRAMEWORKS FOR THE OFFICE OF THE SOLICITOR GENERAL (OSG)

I. RATIONALE

The Office of the Solicitor General (OSG) is the Republic Defender and People's Tribune securing Justice for the nation through excellence in legal advocacy. Its performance is highly dependent on its human resources and the latter's professionalism and competence is imperative. Thus, in line with good governance, the OSG has shifted to Competency-Based Human Resource Management System (CBHRMS).

Since 2019, two (2) separate frameworks were created through the help of two (2) different consultants: one for the legal positions and another for the administrative positions. Adopting the principles and concepts learned from both consultants, the Employee Competency Committee together with the Human Resource Management Division (HRMD) designed the remaining fifty-six (56) administrative positions that were not previously covered.

To ensure the continuous delivery of excellent government service, the OSG now seeks to procure the services of a qualified organizational development consulting group to render technical assistance to enhance and align the existing competency frameworks.

II. APPROVED BUDGET FOR THE CONTRACT

The Approved Budget for the Contract (ABC) of the project is **TWO MILLION ONE HUNDRED THOUSAND (P2,100,000.00) PESOS**, inclusive of all government taxes, fees and charges, and other incidental and administrative costs, excluding food and venue for the conduct of workshops, seminars, consultations and focused-group discussions, if needed.

III. SCOPE OF WORK AND DELIVERABLES

The Project will be implemented in four (4) phases within a period of twenty-four (24) weeks or six (6) months as specified below:

A. Phase 1

Activities	Deliverables	Timeline (4 weeks)
<p>Organizational Profiling (Document review, conduct of key informant interviews and data-gathering activities)</p> <ul style="list-style-type: none"> ▪ Assessment of current organizational structure and staffing pattern (OSSP) covering 205 positions: <ul style="list-style-type: none"> ➢ Assessment of the current functional statements of the different functional units ➢ Assessment of current functional statements of the 205 positions ▪ Assessment of Available Competency-Based Job Description Forms for the 205 positions ▪ Assessment of previously completed competency frameworks (for 139 administrative positions, 10 legal positions and 56 administrative positions profiled in-house) 	<ul style="list-style-type: none"> ▪ Inception Report; ▪ Assessment Report and Recommendation on the following: <ul style="list-style-type: none"> ➢ OSSP vs. current functional statements of the 205 positions; ➢ Available CBJD vs. Positions without CBJD ➢ Two (2) frameworks and the 56 positions profiled in-house 	<p>Weeks 1 – 3 (for the first 2 outputs)</p>



<ul style="list-style-type: none"> ▪ Consultation and validation of the Phase 1 outputs 	Consultation and validation with the Technical Working Group (TWG), HRMPSB (Legal and Admin), Capacity Building Committee (CBC), Personnel Development Committee (PDC), PRAISE, Performance Management Team (PMT) and Secretariat	Week 4 (Consultation and validation with the TWG)
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B. Phase 2

Activities	Deliverables	Timeline (8 weeks)
<p>Crafting of the Initial Draft of the New Competency Framework</p> <ul style="list-style-type: none"> ▪ Realignment and recalibration of the following 205 positions <ul style="list-style-type: none"> ➢ 139 Administrative positions ➢ 10 Legal positions ➢ 56 administrative positions profiled in-house ▪ New Competency Model ▪ New Competency Tables ▪ New Competency Matrix ▪ Position Profiles of the 205 positions 	<ul style="list-style-type: none"> ▪ Draft of the New Competency Framework for the 205 positions with the following components: <ul style="list-style-type: none"> ➢ Competency Model ➢ Competency Tables ➢ Competency Matrix ➢ Position Profiles ➢ CBJD 	<p>Weeks 5 – 11</p>

<ul style="list-style-type: none"> ▪ CBJD of the 205 positions 		
<p>Consultation and validation of the Phase 2 outputs</p>	<p>Consultation and validation with the Technical Working Group (TWG), HRMPSB (Legal and Admin), Capacity Building Committee (CBC), Personnel Development Committee (PDC), PRAISE, Performance Management Team (PMT) and Secretariat</p>	<p>Week 12 (Consultation and validation with the TWG)</p>

C. Phase 3

Activities	Deliverables	Timeline (8 weeks)
<p>Series¹ of consultations and validations of the Draft New Competency Framework with incumbents per division and/or function</p>	<ul style="list-style-type: none"> ▪ New Competency Framework: <ul style="list-style-type: none"> ➢ Competency Model ➢ Competency Tables ➢ Competency Matrix ➢ Position Profiles; ➢ CBJD 	<p>Weeks 13 – 19</p>

¹ Six (6) consultations and validations: (1) Internal Audit, Planning and HRMD, (2) Administrative Division, (3) FMS, (4) CMS, (5) DMS and RAC, (6) Legal Divisions, SCN and Library and Legal Resources Division



TWG Meeting with consultant after validation with incumbents per division/function for integration of inputs	Consultation and validation with the Technical Working Group (TWG), HRMPSB (Legal and Admin), Capacity Building Committee (CBC), Personnel Development Committee (PDC), PRAISE, Performance Management Team (PMT) and Secretariat	Week 20 (Consultation and validation with TWG)
Submission of the New Competency Framework		

D. Phase 4

Activities	Deliverables	Timeline (4 weeks)
Presentation of the New Competency Framework to the OSG Management	Presentation of the New Competency Framework to the OSG Top Management, Technical Working Group (TWG), HRMPSB (Legal and Admin), Capacity Building Committee (CBC), Personnel Development Committee (PDC), PRAISE, Performance Management Team (PMT) and Secretariat	Weeks 21 - 24
Crafting of Manual/Guide for OSG's Transition to Competency-Based Human Resource Systems (CBHRMS)	Manual/Guide for Application of Competency-Based Human Resource	

	Systems (CBHRMS) at the OSG	
Submission of Terminal Report	Terminal Report	

E. DOCUMENTARY REQUIREMENTS

Pursuant to Section 24 of the 2016 Revised Implementing Rules and Regulations of Republic Act (R.A.) No. 9184, the prospective bidder shall submit the following documentary requirements on the date and time as may be determined by the OSG Bids and Awards Committee:

Item	Particulars
1	Registration certificate from SEC and/or DTI for sole proprietorship
2	Mayor's/Business Permit
3	BIR Tax Clearance
4	PhilGEPS Registration Number
5	Statement of ongoing and completed government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid, including all information requirement in the PBDs prescribed by the GPPB.
6	Statement specifying nationality of consultant and confirming that those who will actually perform the service are registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions, including their respective curriculum vitae.
7	Audited financial statements, showing, among others, the consultant's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission

F. PROJECT DURATION

The project shall be completed within a period of **TWENTY-FOUR (24) WEEKS or SIX (6) MONTHS** commencing from the date of receipt of the Notice to Proceed by the Consultant.

Any extension of contract time shall not involve any additional cost to the OSG except when the cause of delay is due to the fault of the latter.

G. QUALIFICATION REQUIREMENTS

The Consultant, as well as the principal/lead consultant and associate consultants, must meet the following qualifications:

1. Must have extensive knowledge in the development and implementation of competency-based human resource management system;

2. Must have completed at least five (5) organizational development projects relevant to competency-based systems for government agencies within the last five (5) years;

3. Must have a team for project implementation composed of highly competent individuals with the following qualifications:

a. Lead Consultant:

- with at least thirty (30) years of experience in human resource management and development; and
- with Master's Degree relevant to Human Resource and Organizational Development.

b. Associate Consultants:

- lawyer and with experience in development of competency-based systems;
- with an MBA degree and with experience in the development of competency-based systems.



The Consultant shall be selected using the Quality Based Selection Criteria/Evaluation (QBE) procedure as prescribed under Section 33 of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 and based on the following criteria:

a. Quality of personnel to be assigned to the project which covers suitability of key staff to perform the duties of the particular assignments and general qualifications and competence including education and training of the key staff;

b. Experience and capability of the consultant which include records of previous engagement and quality of performance in similar and in other projects; relationship with previous and current clients; and, overall work commitments, geographical distribution of current/impending projects and attention to be given by the consultant. The experience of the consultant to the project shall consider both the overall experiences of the firm and the individual experiences of the principal and key staff including the times when employed by other consultants; and

c. Plan of approach and methodology with emphasis on the clarity, feasibility, innovativeness and comprehensiveness of the plan approach, and the quality of interpretation of project problems, risks, and suggested solutions.

Experience Factors:	30%
Firm Factors:	30%
Technical Factors:	40%

H. MODE OF PROCUREMENT

The procurement of the consulting services shall be undertaken through public bidding pursuant to RA No. 9184 and its 2016 Revised IRR.

I. TURNOVER AND CONFIDENTIALITY OF MATERIALS USED IN RELATION TO THE PROJECT

All manuals, reports, materials, databases, references, etc. acquired through the conduct of the project shall be turned over to the OSG at the conclusion of the undertaking and shall not be released to any person without prior written consent from the OSG.

J. SCHEDULE OF PAYMENT

DETAILS	BUDGET COST
PHASE A (Please refer to Item II)	15% (315,000.00)
PHASE B (Please refer to Item II)	35% (735,000.00)
PHASE C (Please refer to Item II)	35% (735,000.00)
PHASE D (Please refer to Item II)	15% (315,000.00)
TOTAL CONTRACT PRICE (TCP)	P2,100,000.00 subject to applicable taxes

The Consultant shall be paid upon submission of outputs/performance reports and Billing Invoice/Statement of Account, to the Technical Working Group who will oversee the progress and deliverables of the Consultant, and shall issue the Certificate of Acceptance, which shall, together with the output or performance reports and Billing Invoice/Statement of Account submitted, be indorsed to the Director of Human Resource Management and Administrative Service (HRMAS), copy furnished the Financial Management Service (FMS) - Accounting Division, as a requirement for the processing of payment.

The final and last payment shall be made only after the final report and statement, identified as such, shall have been submitted by the Consultant and approved as Satisfactory by the OSG.

Overall time frame for the Project is expected to be completed within six (6) months from the date of receipt of the Notice to Proceed by the consultant.



K. RESERVATION CLAUSE

The OSG reserves the right to reject any and all bids, declare a failure of bidding or not award the contract at any time prior to contract award in accordance with Section 41 of R.A. No. 9184 and its Implementing Rules and Regulations (IRR), without thereby incurring any liability to the affected bidder or bidders.

L. WARRANTIES OF THE CONSULTANT

1. The Consultant warrants that they shall conform strictly with all the conditions of this Terms of Reference;

2. The Consultant in the performance of their services shall secure, maintain at their own expense all registration, licenses or permits required by law and shall comply with the rules, regulations and directives of the Regulatory Authorities;

3. The Consultant shall coordinate with the authorized and/or designated personnel in the performance of their duties.

M. OTHER PROVISIONS

Where Services are to be Performed. Consultant's services will be performed at the OSG's office at 134 Amorsolo Street, Legaspi Village, Makati City.

Nature of Relationship. Nothing therein shall be construed to create an employee-employer relationship between the OSG and the Consultant. The Consultant shall not enter into any agreement or incur any obligations on the OSG's behalf or commit the OSG in any manner without its prior written approval.

Performance Security

- a. To guarantee the faithful performance by the Consultant of its obligations under this contract, it shall post a performance security bond within a maximum period of ten (10) calendar days from the receipt of the Notice of Award from the OSG and in no case later than the signing of the contract.

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b. The performance security bond shall be denominated in Philippine Pesos and posted in favor of the OSG in an amount equal to the percentage of the total contract price in accordance with the following schedule:

Form of Performance Security	Amount of Performance Security (Equal to Percentage of the Total Contract Price)
(a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	Five percent (5%)
(b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	
(c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security; and/or	Thirty percent (30%)
(d) Any combination of the foregoing.	Proportionate to share of form with respect to total amount of security

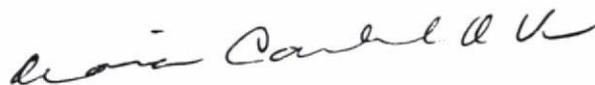
c. Failure of the Consultant to comply with the above-mentioned requirement shall constitute sufficient ground for the annulment of the award, in which event the OSG shall initiate and complete the post qualification of the second highest rated bid.

Transportation and Hotel Accommodation of Consultants and Personnel. The Consultant shall be responsible for the transportation of its personnel for the duration of the contract, to and from the OSG's office address, as well as hotel accommodation, if any.

Force Majeure. The Consultant shall complete the project in strict compliance with the Terms of Reference within six (6) months, 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.

Liquidated Damages for Delay. If the Consultant fails to deliver any or all of the Services within the period(s) specified in the Contract, the OSG 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 OSG may consider termination of the Contract.

**TECHNICAL WORKING GROUP
FOR THE EMPLOYEE COMPETENCY COMMITTEE**



DIANA H. CASTAÑEDA-DE VERA, MNSA
Assistant Solicitor General
Chairperson



MA. JESUSA ELEANOR P. SIQUIJOR-MAGBANUA
State Solicitor II

Raul I. Goco Division



OMAR T. GABRIELES
State Solicitor II
Raul I. Goco Division

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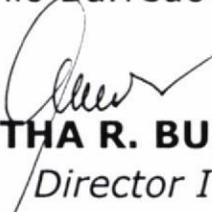


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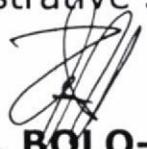
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