



Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

**TERMS OF REFERENCE**

**CONSULTANCY SERVICES FOR THE DEVELOPMENT OF A  
COMPREHENSIVE TOURISM MASTER DEVELOPMENT PLAN  
FOR THE BALICASAG ISLAND AND THE BALICASAG ISLAND DIVE RESORT**

**I. RATIONALE**

The Tourism Infrastructure and Enterprise Zone Authority (TIEZA) aims to enhance the utilization of its assets, increase financial viability and contribute to responsible tourism in the communities where these assets are located through a holistic and research-based study of the assets development.

Upon evaluation and assessment of the Assets Management Sector, and the current tourism demand, it is deemed necessary to expand and upgrade the Balicasag Island Dive Resort (BIDR) and its' facilities and to plan for the protection and development of the entire island. New trends and revenue centers need to be incorporated in the resort to make it feasible and sustainable, at par with the sprawling resorts and hotels in Panglao, and the rest of the dive destinations.

Environmental assessment, socioeconomic analysis, and financial and institutional evaluation will be conducted to create a development framework that will produce benefits and minimize risks. As such, highest and best use options (minimum 3 options) will be presented and the most viable option will be chosen.

In view of this, TIEZA requests for the expression of interest for the Consultancy Services on the development of a Tourism Master Development Plan for the Balicasag Island and the Balicasag Island Dive Resort.

**II. BALICASAG ISLAND**

Presidential Decree 1801 (1978)<sup>1</sup> declared certain islands, coves, and peninsulas in the Philippines as tourist zones and marine reserve under the administration and control of TIEZA's predecessor, the Philippine Tourism Authority (PTA), acknowledging that these natural marine resources hold potential for aquatic sports, tourism and marine life conservation but requires concentrated efforts of both the government and private sectors in the development of their tourism potential.

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<sup>1</sup> Proclamation No. 1801, series of 1978, DECLARING CERTAIN ISLANDS, COVES AND PENINSULAS IN THE PHILIPPINES AS TOURIST ZONES AND MARINE RESERVE UNDER THE ADMINISTRATION AND CONTROL OF THE PHILIPPINE TOURISM AUTHORITY



Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

Balicasag Island was one of the islands placed under the administration of the PTA. The island is about 25 hectares and surrounded by a 400-meter Marine Sanctuary of healthy corals with plenty of pelagic fish species characterized by vertical walls over deep waters with strong currents. Balicasag Island Diving in December or January can offer treats of Hammerhead Sharks and sometimes Whale Sharks. A sandy shell coral line beach surrounds the island, which in turn, is fringed by a narrow reef shelf, 30-165 ft/10-55m wide. The shelf, which is 15-25ft/3-8m deep, terminates into a perpendicular underwater down to depths beyond 250ft/83m on the north and northwest face of the reef. The top of the submarine cliffs are covered with the hard coral while lower levels are covered with sponges and gorgonians.<sup>2</sup>

### III. BALICASAG ISLAND DIVE RESORT

- The property is a diving resort with accommodation facilities covering an area of 1.5 hectares located in Balicasag Island, Panglao, Bohol. Marine sanctuary surrounding the island makes the property hailed as one of the best diving sites in the country.
- Executive Order (EO) No. 42 was signed on October 29, 1907 by Governor General James F. Smith reserving the entire Balicasag Island for light-house purposes and withdraw from sale or settlement. As a lighthouse, reservation, the Philippine Navy (PN) had jurisdiction over the entire island.
- In 1987, the PN and the Philippine Coast Guard (PCG) interposed no objection to the intention of the PTA to develop the island into a community resort and marine life sanctuary, provided that the unhampered operation of the lighthouse must be assured.
- On April 6, 1987, Memorandum of Understanding (MOU) between PTA and Philippine Navy was signed governing the establishment of a joint PN-PTA Underwater Sports and Aqua Marine Development Center in Balicasag Island.
- PTA developed the facility in a 1.5 hectare area and started operation in 1989 and called it Balicasag Island Dive Resort. The island has distinct diving areas around it that attracts divers and non-divers to do snorkeling and scuba diving. These areas were named as Divers Haven, Black Forest, Royal Garden, Cathedral, and Turtle Point.
- The BiDR has several structures, severely affected by recent typhoons:
  - 20 cottage rooms with private veranda and bathroom
  - 2 Family rooms
  - 4 Dormitory rooms (10 beds / room)
  - Restaurant for 40 persons
  - Picnic Huts

<sup>2</sup> <https://www.bohol-philippines.com/balicasag-island-diving.html>



Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

Dive Shop  
Multi-Purpose Hall for 50 persons

- Currently, BIDR is non-operational.

#### IV. OBJECTIVES

The Consultancy Services to be procured under this TOR essentially aims to prepare a Comprehensive Tourism Master Plan (CTMP) for the Balicasag Island and the BIDR in Panglao, Bohol, to develop as an integrated island resort tourism destination. In particular, the Consultants shall render the following obligations:

1. Undertake situational analysis of the project site to determine its suitability for sustainable dive resort and other entertainment tourism development;
2. Identify the specific nature and scale of the developments to include its developmental phases vis-a-vis the area's carrying capacity, socio-cultural, environment and financial considerations;
3. Determine the financial and economic viability of the development and identify the business, economics, financial and marketing models, operation and maintenance plan for the implementation of the CTMP vis - a- vis DENR Laws and regulations;
4. To determine the institutional, operational and management arrangements on the development of the project as well as the linkages which will ensure inclusive growth;
5. To identify viable infrastructure projects that may be undertaken by TIEZA and/or private sector as well as the corresponding costs for such projects;
6. Formulate development guidelines that shall serve as a guide to TIEZA and prospective investors;
7. Present development options that will maximize the value of the project which will yield optimum return and opportunities to the government, private sector, and society; and
8. Recommend the preferred development option among the list presented approved by the procuring entity.

#### V. EXPECTED RESULT

The primary result of the project is to produce a viable and sustainable integrated CTMP for the Balicasag Island and BIDR that will be developed and rehabilitated as a TIEZA-operating asset.

#### VI. SCOPE OF SERVICES

The consultants shall deliver the following outputs under the Services:



Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

**A. INCEPTION REPORT**

1. Introduce the project, its background, purpose, stakeholders, and the identified preliminary issues.
2. Prepare inventory of data, reports, development plans, maps, studies, and other literature relevant to the project
3. Identify the approaches and methodologies that will be employed in complying with the Terms of Reference such as site investigations, land valuation, and market demand and supply evaluation.
4. Present detailed work schedule and outline of deliverables.

**B. SITUATIONAL ANALYSIS**

1. Develop a vision and mission for the Project that would be in line with the tourism and economic development of the area as a sustainable dive island resort as a premier tourism destination. Define the strategies, policies and action plans needed to achieve the set vision.
2. Conduct a review, assessment and consolidation of all the existing physical, tourism, and development plans, studies, and agreements concerning the Project and other literature relevant to the Project.
3. Conduct an inventory and assessment of all laws, ordinances and issuances from various government agencies that are relevant and can create an impact on the development, operation and maintenance of the island by TIEZA or through a third party. The legal inventory will include Environmental Plans prepared by the Department of Environment and Natural Resources or its local offices, Resolutions of local councils-may it be the Province or the Municipality, issuances of Committees and Task Forces created for Panglao/ Bohol/ Balicasag Island, Memorandum of Agreement/ Understanding/ Contracts undertaken with regard to development in Bohol/ Panglao/ Balicasag Island. Indicate in the study the direct and indirect effects on the island and projects to be undertaken, and the parameters or restrictions on development/ operation by TIEZA or a third party.
4. Identify and map the key site elements such as but not limited to its current land use, notable landmarks in the vicinity, transport and accessibility, utilities, and other infrastructures it has at present.





Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

5. Assess the environmental conditions by examining BIDR and its surrounding areas' physical features such as land form, topography, drainage, vegetation, water resources, climate, its natural hazards such as tropical storms, earthquakes, and flooding, and its susceptibility to climate change.
6. Assess other environmental and socio-cultural factors in developing the island such as carrying capacity, impact of tourism activities and structures on the area, socio-cultural impact evaluation, disaster risk reduction and climate change adaptation principles, issues concerning gender and development.
7. Assess the state of existing infrastructure and facilities, in relation to the current and projected traffic volume and demand for utilities in the Project and surrounding developments.
8. Undertake land valuation or appraisal of the Project site including cost of lease or rent.
9. Determine the tourist arrivals, its profiles and demographics, average length of stay, and average daily tourist expenditure in the province and region for the last ten (10) years.
10. Identify gaps in market demand and supply and assess opportunities to fill these gaps through the development of the Project.
11. Profile the existing markets of the Project site and its immediate vicinity such as but not limited to target market segments, market positioning, volume, structure and sources of tourism markets, pricing levels, themes and phasing of developments, mix of facilities and services, and strategies employed to capture the opportunities for this proposed tourism development.
12. Identify and profile at least two leading benchmarks located locally and at least two abroad which have the same scale, character, and theme as the Project, the practices of which could be adopted in the master planning of the site.
13. Determine the necessary/allowable tourist amenities such as but not limited to the attractions, facilities, and activities needed in the zone in order to create a tourism development framework in line with the user



Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

need and market gap analyses, identified target market, and proposed high-end island dive resort.

14. Propose the viable land use elements based on the tourism development concept and framework, which include but not limited to tourism amenities, facilities, and activities necessary for an integrated tourism development Areas for tourism enterprises/locators, administrative facilities, areas for utilities, and open spaces must also be provided.
15. Identify the spatial strategy and preliminary land distribution and computation for the entire Project.
16. Identify the possible legal and institutional concerns that may arise in the conduct of master planning, implementation, and operation of the Project.
17. Identify the strengths, weaknesses, opportunities, and threats of the site through a SWOT Analysis.

**C. PRELIMINARY TOURISM MASTER PLAN**

1. Propose three (3) integrated CTMP, each accompanied by schematic/conceptual site development plans anchored on a high-end island dive resort as tourism destination, preliminary evaluation financial viability, and other components such as development theme; zoning, arrangement and mix of land use elements; pattern of activity; pattern of circulation; physical forms and building massing; and phasing of development with estimated cost.
2. Prepare a preliminary conceptual plan for the utilities including telecommunications based on identified needs of the site, verified site constraints, and Philippine regulations.
3. Propose the design parameters for water supply and distribution system, sewerage, sewage treatment plant, drainage, internal road networks, etc. Identify the proposed location of these utilities.
4. Develop the design for the facilities that adheres to barrier-free tourism.



Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

**D. COMPREHENSIVE TOURISM MASTER PLAN**

**D.1. Physical Framework Plan**

1. Create the final site development plan using the preferred development option ("Project"). Included in the final site development plan are the following:
  - a. Detailed arrangement of the land use elements (i.e. hotels, resorts, retail shops, F&B outlets, retirement village, private villas, convention center, administrative building, swimming areas, parks, gardens, playgrounds, sports & recreation areas, open spaces, and other proposed land use elements); diagrams for the identified conceptual land uses; outline plan and elevation sketch concepts for the first phase, the size of areas identified for tourism and leisure resort development, and tabulation of land areas and related facilities parameters and efficiency factors;
  - b. Defining landscape elements- Hardscape elements (e.g. entrance and exit gates, driveways, street furniture, signage, waterscape, etc.) Softscape elements (plants and flowers, etc);
  - c. Placement of circulation elements (internal road network, streets, walkway, parking, and pedestrian);
  - d. Safety and Security elements (in consideration of the smart-city, disaster- resiliency and sustainability concept for the NCC)
  - e. Designated location and technical specifications of utility elements (water, drainage, wastewater, power, communications, etc.); layout and section details of the water supply system; layout plans of drainage and, sewerage systems, and layout and section details of sewage treatment plants (STPs); suggested construction methodology and project schedule; and
  - f. Schematic design plans and perspectives [blown-up, aerial/bird's eye view, section and elevations]
2. Formulate physical development guidelines that will include the parameters in infrastructure development based on pertinent Philippines laws (Building Code, Accessibility Law, Sanitary Code, Water Code, The Philippine Green Building Code, etc.). The components of this guideline will include the following: architectural character and design controls, development scale, density and height, climate change and disaster risk reduction management strategies, building setback, floor area ratio, building-lot ratio, and other applicable and appropriate provisions. The hallmarks of Filipino character, unity of design, and sustainability must be espoused in these guidelines,



Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

**D.2. Environmental and Socio-cultural Plan**

3. Undertake an initial environmental assessment/environmental scanning to determine the impact of the proposed tourism activities and structures to the site and the surrounding areas based on the findings in the geo-environmental assessment
4. Determine the tourism carrying capacity vis-a-vis the social impact of the site taking into consideration all the proposed tourism activities, facilities and amenities, and recommend strategies to mitigate negative impacts and enhance positive ones.
5. Identify the socio-cultural and environmental impacts of the intended tourism development and propose measures and programs to ensure that the future development of the property is socially and environmentally sustainable including the way in which nearby local communities can participate in the supply chain created by the Project
6. Formulate climate change and disaster risk reduction management strategies and development plans.
7. Identify activities that address issues concerning gender and development which should be implemented by both the public and private sectors to attain tourism development and competitiveness.
8. Develop a Human Resource Development Program for tourism stakeholders, particularly concerning the employment of local residents. Program strategies may include the identification of the gap between the existing workforce and that required by the Project, proposals for manpower source/s to address the gap and integration of gender awareness and development in local initiatives,

**D.3. Financial and Economic Plan**

9. Prepare a financial plan which includes the following:
  - a. Fifteen-year financial projections together with the defined revenue streams and pricing and cost assumptions.
    - i. *Projected Balance sheet and Income Statement*
    - ii. *Cash Flow Analysis*
    - iii. *Financial viability indicators (Le, NPV, FIRR, cost-benefit ratio, payback period) including sensitivity of these to changing demand, price, and capital expenditure assumptions*





Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

- b, Total investments costs of the horizontal and vertical components of the proposed developments
  - c, Minimum commercial terms of the entire project that may be used by TIEZA for evaluation of possible unsolicited proposals from private investors i.e. joint venture or management contract
10. Project the demand based on estimated market penetration rates that will be created once the development of the island commences. Prepare estimates of the daily tourism receipts that will be generated per visitor and-per tourist on the site on a daily basis.
  11. Identify and quantify the economic costs and benefits that will be generated by the Project, including possible number of jobs to be generated.
  12. Conduct economic cost-benefit analysis including simulation analysis.

**D.4. Operational and Institutional Plan**

13. Formulate an operational and institutional plan which includes the following:
  - a. Manpower requirements
  - b. Safety and security measures/standards
  - c. Crisis management plan that will be implemented during emergency cases
  - d. Project implementation and operations schedule
  - e. Roles and responsibilities of TIEZA in the implementation of the master plan
  - f. Extent of TIEZA involvement and exposure in the development of the Project such as but not be limited to management contracts, lease, Joint Venture or profit-sharing
14. Provide the Terms of Reference for the Design-and-Build contracts in the implementation of three vital support infrastructure projects recommended in the short-term which may be undertaken and implemented by TIEZA or the private sector.

**D.5. Marketing Plan**

15. Create a tourism brand for the Project that will be carried out in all the marketing collaterals. These marketing collaterals include maps, brochures, video, power-point presentation, listings, and investment portfolio, and shall be aligned with institutional/ corporate branding of TIEZA.



Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

- 16, Prepare an investment portfolio consisting of the potential investment opportunities, cost of doing business including possible tax liabilities, potential investment areas and partners.
17. Produce marketing and promotional materials, and a 3-minute audio-visual presentation for the project with the general public and investors as the intended audience.

**VII. DELIVERABLES**

The Consultants shall submit the following outputs during the course of engagement:

<b>DELIVERABLES</b>	<b>COMPONENTS</b>
1. Inception Report	1.1 Background and purpose of the Project
	1.2 Inventory of data assets
	1.3 Approach and methodology
	1.4 Detailed work schedule and outline of deliverables
2. Situational Analysis Report	2.1 The Study Area
	2.2 Comparative analysis of other development plans/studies
	2.3 Verified key site issues
	2.4 Environmental assessment
	2.5 Infrastructure assessment
	2.6 Tourist arrivals and average tourist expenditure
	2.7 Market gap and user-needs analysis
	2.8 Benchmarking
	2.9 Identification of needed facilities and utilities
	2.10 Tourism development framework
	2.11 Institutional and management setup assessment
	2.12 SWOT Analysis
3. Preliminary Tourism Master Plan	3.1 Three (3) integrated CTMP
	3.2 Preliminary conceptual utilities plan
	3.2 Design parameters and location of utilities
	3.3 Design for barrier-free facilities
	4.1 Physical Framework plan



Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

4. Comprehensive Tourism MasterPlan	4.2 Environmental and Socio-cultural plan
	4.3 Financial and Economic plan
	4.4 Operational and Institutional plan
	4.5 Marketing Plan

**VIII. CONTRACT PERIOD**

The Services shall commence upon the Consultant's receipt of the Notice to Proceed (NTP). The Services shall be completed in phases, based on the timeline below.

The Project shall be completed within a period of one hundred eighty (180) days from the receipt of the NTP, inclusive of the review and approval of a deliverable by the Technical Working Group before proceeding to the next deliverable,

Report	Deadline from Effectivity Date	Review Period (end-user)	Submission of Revised Report	% of Contract Price
A. Inception Report	10 days	3 days	5 days	10%
B. Situational Analysis Report	30 days from acceptance of Inception Report	5 days	5 days	25%
C. Preliminary Tourism Master Plan	45 days from acceptance of Situational Analysis report	7 days	5 days	30%
D. Comprehensive Tourism Master Plan	45 days from acceptance of Preliminary Tourism Master Plan	10 days	10 days	35%
<b>TOTAL</b>	<b>130 days</b>	<b>25 days</b>	<b>25 days</b>	<b>100%</b>

Notes: The counting of number of days stops when the review period is Undertaken.

1. Draft CTMP shall be presented to TIEZA Board of Directors for approval, and revisions necessary shall be carried out by the Consultants; and
2. The consultants shall be responsible for all the necessary studies, documents, information, and equipment pertinent to the production of the plans and reports.



Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

*They shall likewise submit any other necessary and relevant research, study, data or report that may be requested by TIEZA.*

- 3. Should delay or lapse of deadline set occurs due to TIEZA, the counting of number of days shall stop or shall be adjusted accordingly. However, if delay or lapse is cause by Consultant without valid notification, the Consultant must submit justification; in the absence of which, TIEZA may terminate the agreement. In case delay is caused by force majeure/ fortuitous event, notification and supporting documents on the facts shall be submitted by the Consultant, for TIEZA's consideration.*

**FORMAT OF SUBMISSIONS:**

- Submission of 10 sets of reports per stage of the master planning
  - A4-size paper
  - Ring-bound
  - Colored copies
- Submission of 3 Copies of Executive Summary of the report per stage of the master planning.
- Submission of electronic copies in MS Word/MS Excel/MS Power point and PDF Formats of all the Reports 3CDs/ external flash drive/hard drive
- Submission of CAD Files of the Final Site Development Plan, Utility Plan, etc.
- Submission of GIS maps and other map-based information and plans or design perspectives
- Submission of High Resolution pictures of the site (jpeg Format)
- Submission of Marketing Collaterals
  - 2 ½ minute-video
  - Brochure (50 hard copies and soft copies saved in 3 USB in jpeg, psd, etc. format)
  - Prospectus (20 hard copies and soft copies saved in 3 USB in jpeg, psd, MS Word, etc.format)
  - Investment Portfolio (5 Copies in A4 paper)
- Submission of the approved CTMP in a 3D scale model (minimum dimensions 1.5 meters x 1 meter)





Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

**IX. CONSULTANT QUALIFICATIONS AND EXPERIENCE**

The consultancy firm should have extensive experience in the preparation of integrated tourism master plans and development plans designed for sustainable development.

The Consultants must likewise be highly competent technical experts with recognized international and national experience in local and overseas projects, as well as relevant education and trainings on tourism planning, marketing, Infrastructure and product development, standards setting, local governance, financial and economic, environmental, and socio-cultural planning. It is required that the Consultant has at least five (5) years prior experience and track record in undertaking assignments of this type.

Consultant shall provide qualified key staff with sufficient skills and experiences necessary to undertake the services/tasks in the fields of expertise required by the TOR. An indicative list of the required fields of expertise as shown below.

	<b>Expertise/Skills/Requirements</b>	<b>Minimum Requirement</b>
<b>Project Manager/Team Lead</b>	Years of professional experience related to the following activities: <ul style="list-style-type: none"> <li>• Urban, master and tourism planning projects of similar or greater magnitude and complexity</li> </ul>	5
	Educational attainment in Civil Engineering, Environmental/ Urban Planning, Architecture	minimum BS or MS
<b>Civil/Cost Estimate Engineer</b>	Years of professional experience related to the following activities: <ul style="list-style-type: none"> <li>• Cost estimates of building and related structures</li> <li>• Costing of civil works including unit prices</li> <li>• Construction methods and preparation of basic plans and schedules</li> </ul>	5
	Must be a licensed civil engineer	
	Minimum BS or MS in Civil or Structural Engineering or related field	minimum BS or MS





Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

Socio-economic expert	Years of professional experience related to the following activities: <ul style="list-style-type: none"> <li>• Economic feasibility evaluation</li> <li>• Socio-economic impact analysis</li> <li>• Economic assessment, opportunity cost implications</li> </ul>	5
	Minimum BS or MS in Economics	minimum BS or MS
Market Planner/ Financial Expert	Years of professional experience related to the following activities: <ul style="list-style-type: none"> <li>• Financial viability analysis</li> <li>• Market analysis and assessments</li> <li>• Marketing Plans</li> </ul>	5
	MBA in Accounting or Finance	MBA
Legal/ Institutional Expert	Years of professional experience related to the following activities: <ul style="list-style-type: none"> <li>• Policy and institutional framework assessment</li> <li>• Organizational and management set-up</li> </ul>	3
	MA in Law, Economics, Public Administration, Political Science or other related fields	MA
Architect	Years of professional experience related to the following activities: <ul style="list-style-type: none"> <li>• Schematic or conceptual design</li> <li>• zoning</li> </ul>	5
	Minimum BS or Post-graduate degree in Architecture	Minimum BS or Post-graduate qualification
Environmental Planner	Years of professional experience related to the following activities: <ul style="list-style-type: none"> <li>• Environmental Impact Assessment</li> <li>• Environmental Management Plans</li> <li>• Mitigation planning and design</li> <li>• Tourism infrastructure planning and design</li> </ul>	5



Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

Minimum BS or Post-graduate degree in Environmental Planning, Environmental Science, Architecture or other related fields	Minimum BS or Post-Graduate Qualification
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**X. PROJECT BUDGET**

The total allocation for the Comprehensive Tourism Master Plan on the development of the Project shall be Five Million Pesos (PHP 5,000,000.00).

The amount shall include all applicable government taxes and charges and all professional, incidental, and administrative costs incurred by the Consultant arising from the performance of activities covered by the Scope of Work and Services such as but not limited to the cost of conducting meetings, inspections administrative costs such as printing and reproduction costs, etc., transaction costs and all other similar expenses.

**XI. EVALUATION OF PROPOSAL**

The project bids shall be evaluated using the Quality-Cost Based Evaluation Procedures as provided for in RA. 9184 and its Revised Implementing Rules and Regulations (IRR).

**A. Criteria for rating and shortlisting:**

- 50% - Applicable experience of the consultants and members
- 30% - Qualifications of personnel who may be assigned to the job
- 20% - Current workload relative to the capacity

**B. Criteria for evaluation of the project bids:**

- Financial Proposal - 30%
- Technical Proposal - 70%
  - a. Plan of approach and methodology -30%
    - Business/Financial/Economic/Marketing (15%)
    - Physical Environmental/Social/institutional (15%)
  - b. Experience and capability of consultants -40%
    - Present and Past projects) (30%)
    - Quality of Personnel (10%)



Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

**XII. PROPOSAL SUBMISSION**

- A. Parties interested to be engaged as the Consultant for the Project, whether as individuals or organized as a corporation or partnership, (Party Proponent) must secure bid forms from and submit proposals to the TIEZA Bids and Awards Committee (BAC).
  
- B. A detailed technical proposal substantially providing the content of the comprehensive report as part of the Deliverables stated in the Scope of Work and Services must be prepared and submitted by the Party Proponent to the BAC. The Party Proponent may present its proposal in a manner that deviates from the outline provided under the Scope of Work and Services, provided that such proposal substantially covers all the items indicated therein, and the deviation assists in the proper consideration of the Party Proponent's proposal.

**XIII. CONFIDENTIALITY**

The parties hereby agree to hold in utmost confidence all works and materials deemed private and confidential including the use of any copyrighted materials. A willful violation of a party of this confidentiality agreement shall be a ground to indemnify the offended party.

**XIV. RECORDS AND OTHER DOCUMENTS**

The Consultant must waive complete ownership of the final documents for the master plan. All submitted outputs/documents shall be the property of the procuring entity upon completion of all work and all materials acquired relative to the project shall be turned over to the procuring entity prior to the issuance of certificate of completion and acceptance. Materials completed by the Consultant and the copyright thereto shall belong exclusively to TIEZA. Any use, reproduction, publication, sale or distribution of these materials and work shall be subject to prior written consent of the TIEZA and such other terms as the TIEZA may require. Any original work created or arising out of or in connection with the agreement shall belong to the TIEZA, which shall have the exclusive and irrevocable license to use, publish, copy, reproduce or distribute the work for government or public purpose.

**XV. PRE-TERMINATION OF CONTRACT**

- A. The contract for the formulation of the CTMP may be pre-terminated by the, TIEZA upon notice of any violation of the terms of the Memorandum of Agreement. In case of pre- termination, the Consultant shall be informed by the TIEZA seven (7) days prior to such termination.





Republic of the Philippines  
**Tourism Infrastructure & Enterprise Zone Authority**

- B. In case of pre-termination due to Consultant's breach or default, the Consultant shall be liable to an additional liquidated damages based on the guidelines provided for by R.A. 9184 or the Government Procurement Law.
- C. TIEZA shall have the right to blacklist the Consultant in case of pre-termination based on the provision of R.A. 9184 as amended in the Uniform Guidelines for Blacklisting of Manufacturers, Suppliers, Distributors, Contractors, and Consultants.

  
**JETRO NICOLAS F. LOZADA**  
*Assistant Chief Operating Officer*  
*Assets Management Sector*

NOTED:

  
**MARK T. LAPID**  
*Chief Operating Officer*