



Republic of the Philippines

Tourism Infrastructure & Enterprise Zone Authority

TERMS OF REFERENCE

Development of the New Rizal Park Children's Playground At the Rizal Park Complex Flagship Tourism Enterprise Zone, City of Manila Under Design and Build Scheme

I. Background

The Republic Act No. 9593 otherwise known as the Philippine Tourism Act of 2009, the Tourism Infrastructure and Enterprise Zone Authority (TIEZA) and in the framework of the National Tourism Development Plan 2023-2028 (NTDP 2023-2028) mandated to support the development of the Philippine product and raise the competitiveness of the Philippines as a prime tourism destination.

The Department of Tourism (DOT) and TIEZA have initiated the Flagship Tourism Enterprise Zone Program to actively develop strategically important Tourism Enterprise Zones (TEZs) and identified the Rizal Park Complex Flagship TEZ (RPCFTEZ).

The National Parks Development Committee (NPDC) are in-charge mandated the development of our national parks, specifically, Rizal Park and the Paco Park, both located in Manila.

The TIEZA assigned to the development and site enhancement of all identified Flagship TEZ projects and together with NPDC agreed to develop and upgrade the amenities of the Rizal Park Complex. The construction and development of a Children's Playground to replace the old Children's playground of the park will contribute to the enhancement of the Rizal Park as whole. The new project will be called New Rizal Park Children's Playground located along Ma. Orosa St. corner T. M. Kalaw Ave., Rizal Park, Manila.

The New Rizal Park Children's Playground will be one of the most popular attractions and sought destinations of the Rizal Park, a place to enjoy and recollection of nostalgic moments in the minds of most Manilaños.

II. Objective

The New Children's Playground to be constructed aims to integrate the playground to the ambience of the Rizal Park that will create a Filipino theme and character which can be translated thru playing spaces, recreation spaces, learning spaces, exploration, adventure activities and other necessities required for area which have the archipelagic and terrestrial character of the Philippines.

This Terms of Reference aims to procure the services of a competent local consultancy firm for the development and enhancement of the New Rizal Park Children's Playground Master Plan including preliminary study and survey of the site, identifying the suitable recreational equipment based on age group of the children, beautification and improvement, building structures that will identify the character of the archipelago, provisions of landmarks that will add to the terrestrial character of the archipelago and carrying out feasibility study with detailed project report along with Bill of Quantities and Bidding Documents.



III. Scope of Work:

The Consultant under this Terms of Reference (TOR) in close collaboration with TIEZA and NPDC shall carry out activities and deliver services. The consulting services to be carried out by the Consultant to meet the abovementioned objectives are:

1. To carry out the preliminary study and required survey and investigation of the site
2. To prepare detailed Master Plan Design and Drawings, Project Concept Development Plan, and Detailed Architectural and Engineering Design Plans
3. To identify playground area and facilities equipped with suitable recreational equipment based on the age group of the children to include but not limited to the following:
 - a. Landscape inspired or reminiscent of the Banaue Rice Terraces with slides and other amenities that will provide adventure like hiking, climbing, and rappelling.
 - b. Creation of *Balanggay* as the centerpiece of main play equipment showcasing both Filipino History and Filipino play equipped with play equipment, ropes, various toys and water pond with arch bridge
 - c. The archipelagic character of the country through the provision of various activities/games (piko, tumbang-presos' luksong-tinik, dama, and the likes among others, etc.) with posters and diagrams giving instructions on how to play the traditional games.
 - d. The use of indigenous materials such as abaca, bamboo, buri, rattan peel, and rattan for the play area.
 - e. Introduction of folklore and other references to Jose Rizal's childhood in the playground
 - f. Sitting areas for parents and guardians
 - g. Pathwalk and Walkway
 - h. Water features
4. To prepare and submit landscape drawings (soft and hardscape), designs, cost estimates, and landscaping specifications suitable for construction to include but not limited to the following:
 - a. The plant selection and composition shall be designed to capture the interest and curiosity of the kids
 - b. Use of endemic plants
 - c. Use of safe surface flooring at play areas
5. To design buildings and structures that will identify the character of the archipelago and provisions of landmarks that will add to the terrestrial character of the archipelago to include but not limited to the following:
 - a. One-storey structure with the following key features and amenities:
 - Waiting area for the parents/guardians
 - Stalls/outlets selling food and beverages
 - Restrooms to conform to Gender and Development (GAD)
 - First-Aid Station
 - Pay Locker Area
 - Nursery room to cater to younger children.
 - Toy stores and Souvenir shops
 - Function Room for children's small event

6. To provide Main Entrance Signage and Ticket Booth that will complement with the design of the playground ensuring that it creates interest or curiosity for the park goers to be located at the western side of the park besides the National Library.
7. To provide ingress and egress or drop-off points at the entrance of the park and parking area for small vehicles.
8. To remove and replace existing PCCP driveway at the western side of the park besides the National Library.
9. To provide exit point in the eastern side of the park at Ma. Orosa Street to serve as pick-up points for outgoing children park goers.
10. To demolish existing structures inside the premises of the children's park with non-inclusion of the Aguinaldo House.
11. To demolish the old and existing comfort room and to construct a new comfort room to conform with Gender and Development (GAD) accessible from Luneta Park.
12. To demolish existing fence and construction of new perimeter fence that will supplement the design of the children's park
13. To install Park Lighting and equipment
14. To install utilities necessary and intended for park playground such as drainage, sewer, sewerage, water and electrical.
15. To carry out a Detailed Project Report, Bill of Quantities and bidding documents
16. To construct a New Rizal Park Children's Playground based on the conceptual design, standards and specifications approved by the TIEZA.

The development of the New Children's Playground is envisioned to encourage movement, physical exertion, teamwork, outdoor enjoyment, creativity, and greater appreciation of the Filipino Culture especially among the children.

IV. Project Coverage

The project will involve the development of the New Rizal Park Children's Playground for the RPCFTEZ, along Ma. Orosa St. corner Kalaw Ave., Rizal Park, Manila, under a Design and Build Scheme. The work shall include design development wherein the Designer-Builder shall provide the following:

- Detailed plans
- Scope of works
- Technical Specifications
- Detailed cost estimates (with unit cost derivation in DUPA Format)
- PERT/CPM, Bar Chart
- Supply and installation
- Equipment
- Labor
- Materials

- All construction works necessary for the completion of the project as specified in the contract documents and compliant with the governing rules and regulations, existing laws and internationally accepted standards.

Area	15,899 square meters or 1.59 hectares
Theme	Philippine history, landmark and culture.
Minimum Site Components	<ol style="list-style-type: none"> 1. Entrance Area at the western side of the proposed children's park besides the National Library which will serves as: <ul style="list-style-type: none"> • Entrance Gate with New Statement • Ticketing Booth • Driveaway, drop-off area for small vehicles and buses and parking spaces for small vehicles • Emergency lane or maintenance right-of-way 2. One-storey Commercial Building 3. Play Areas <ul style="list-style-type: none"> • the play areas will be divided based on age groups <ul style="list-style-type: none"> >Tot's space (ages 1-4) (i.e. Inclusive play structure, sensory play equipment, spring riders, swings, slide) >Kid's space (ages 5-9) (i.e. Inclusive play structure, climbers, bridges, play panels, crawl tunnels, swings, slide, ladders, trampoline, merry go round, see saw, spring riders, etc.) >Pre-teen's space (ages 10-12) (i.e. Inclusive play structure, climbers, ladders, slide, bridges, crawl tunnels, pentagon climber, swings, etc.) > Teen's space (ages 13-18) (i.e. multi-fitness outdoor equipment) 4. Landscaped Areas and Pocket Gardens 5. Centerpiece of Main Play Equipment or <u>Balanggay which could accommodate fifty (50) to seventy (70) people at any time</u> 6. Designer-Builder may propose play equipment to be the centerpiece of the playground that will be consistent with the theme 7. Safety and Security Equipment and Materials 8. Outdoor furniture 9. Information wall 10. Park Lightings 11. Fences 12. PCCP 13. Vertical garden 14. Main signage 15. Gender Responsive Restrooms within the children's playground (1 unit) 16. Gender Responsive Restroom @ Entrance Gate accessible from the Rizal Park Central Court Side (1 unit) 17. Pay Locker Area 18. Food and Beverage Stalls/Outlets 19. Utilities

V. Approved Budget of the Contract

The Approved Budget for the Contract (ABC) is inclusive of (a) Design Development Phase (Php 11,250,000.00) and (b) Construction Phase (Php 188,750,000.00) with a total of **Two Hundred Million Pesos (PhP 200,000,000.00)** inclusive of VAT and all other applicable government taxes in accordance with the applicable provisions of the IRR of RA 9184.

To ensure the best conceptual design of the project, TIEZA shall invite Designer-Builder Bidders to pre-qualify and submit their proposals under R.A. 9184 of the Philippines Procurement Law. The Designer-Builder having the most responsive and creative design will be awarded the Contract.

VI. Deliverables/Submittals

Site and space planning will be governed by the standards, rules and regulations on the design as prescribed by the DOT, TIEZA and NPDC and other concerned agencies. Project design and construction shall conform to the provisions of the National Building Code of the Philippines (PD 1096), Accessibility Law (BP 344) and the Magna Carta for Disabled Persons (RA 7277), National Structural Code of the Philippines, Electrical Engineering Law (RA 7920), Philippine Mechanical Engineering Code, Plumbing Code (RA 1378, 1993-1994 Revisions), Fire Code (RA 9514), Philippine Electronics Code, Green Building (GB) Code, Guidelines for the Preparation of Annual GAD Plans and Budgets and Accomplishment Reports to Implement the Magna Carta of Women (PCW-NEDA-DBM Joint Circular No. 2012-01), and other laws and regulations covering environmental concerns and local ordinances and regulations.

A. Design Development Phase

1. Schematic Design *(To be submitted by all prospective bidders)*

- A. Submission of Proposed Work plan Methodology and Preliminary Inspection Findings
- B. Submission of two (2) Design Development Drawings;
 - a. Site Development Plan
 - b. Floor Plans (sections and elevations)
 - c. Perspective Views (interior and exterior)
 - d. Photo-realistic and walk-thru presentation of the proposed structures, activity areas, and play equipment

2. Detailed Design

This will be submitted by the winning bidder/ Designer-Builder. The Designer-Builder shall prepare the design based on design schemes and specifications approved by TIEZA.

A. Conduct Engineering Surveys and Investigations

Surveys and Investigations of the state including:

- a. Boundaries of the property; (3 copies, 20" x 30" Tracing Paper)
- b. Elevations and contours; (3 copies, 20" x 30" Tracing Paper)
- c. Soil Tests; and (3 copies, A4, Soft Bound , spiral)
- d. Location, dimension, floor elevation, and other pertinent data on (3 copies, 20" x 30" Tracing Paper) :
 - Existing buildings, play equipment, activity areas inside the playground and its vicinity
 - Improvements (roads, parking areas, mature trees)

- Existing utility lines (power, water, drainage, telephone)

- B. The Designer-Builder shall consider the following minimum/criteria in preparing the design:
- a. The design should consider the role of current technologies and industry trends, especially in material use and equipment application, as well as provide model structure imbued with Filipino theme;
 - b. To ensure the safety and security of the children, materials used in the construction of the playground and the equipment should be carefully selected and child-friendly. The materials to be used shall be consistent with internationally accepted standard design for playgrounds as agreed between TIEZA and NPDC. Impact-absorbing materials shall be placed under play equipment to lessen the impact of falls. Use of non-slip/ non-skid floor materials shall be installed especially in the water play section/ship equipment area, ramps, and stairs;
 - c. The design layout and location of play equipment shall consider the needs of PWDs, pregnant women, senior citizens, and different age groups of children;
 - d. The organization of the play activities in the playground shall consider the separation of physical activities to passive activities; totally enclosed play structure must be avoided for security measures;
 - e. The design should consider the tropical climate of the Philippines. Weather factors such as rain, prevailing winds, the intensity of the sun, and other weather disturbances shall be accounted for in the design process. Tree-cutting should be minimized and no play equipment will be attached to existing trees. There shall be provision for tree canopies, shaded areas and walkways with rooftops in the design;
 - f. The playground and the commercial area shall be well-lighted (use of LED is preferred) according to industry standards. The design should include provisions for park lighting, fencing, security system (CCTV, etc.), public address (PA) system, and the type of watering system to be utilized based on the design;
 - g. There should be sustainable design for the irrigation, operations and maintenance, and drainage. The use of water harvesting technique is recommended as well as appropriate storm water management.
- C. Preparation of Detailed Design Drawings based on the design documents specified under Section 302 of the 2005 Revised Implementing Rules and Regulations (IRR) of the National Building Code (NBC), and the approved Design Development Drawings and Design Parameters including any revisions and refinements as approved and required by the TIEZA, such as, but not limited to (3 copies, 20" x 30" Tracing Paper):
- a. Detailed Architectural Plans;
 - b. Detailed Landscape Plans
 - c. Detailed Structural Plans;
 - d. Detailed Electrical Plans;
 - e. Detailed Storm Drain, Sanitary and Plumbing Plans;
 - f. Detailed Mechanical Plans;
 - g. Demolition Plan for existing structures/ equipment, as necessary;
 - h. Rehabilitation/ Retention Plan for existing structures/ equipment, as necessary;

- D. Prior to the presentations to the TIEZA Technical Working Group, the Designer-Builder shall conduct at least two (2) coordination meetings to the RPCFTEZ-TWG that shall be composed of representatives of TIEZA and NPDC to ensure adherence to requirements and to provide venue for comments, clarification, and feedback.
- E. The **Design Development Drawings** shall be presented to the TIEZA Technical Working Group for comments before proceeding to the detailed architectural/ engineering design.

3. Construction Documents

- A. Signed and Sealed Detailed Architectural and Engineering Design Drawings (1 Original Copy in Tracing Paper 20" x 30", 5 Blue Printed copies, 1 .pdf file. 1 .dwg file)
- B. General Notes and Technical Specifications describing type and quality of materials and equipment to be used, manner of construction and the general conditions under which the project is to be constructed. (6 copies, A4, soft book bound, spiral, 1 .docx / .xls file format)
- C. Detailed Bill of Quantities, Cost of Estimates including a summary sheet indicating the unit prices of construction materials, labor rates and equipment rentals, testing and commissioning of utilities (water, power, telecommunication, etc.), in accordance with the Joint Memorandum Circular of Department of Public Works and Highways (DPWH) and Department of Budget and Management (6 copies, A4, soft book bound, spiral, 1 .docx / .xls file format)
- D. Summary of Works (6 copies, A4, soft book bound, spiral, 1 .docx / .xls file format); and
- E. Construction Schedule (Bar Chart, PERT, and CPM) including manpower and equipment (6 copies, A3, 1 .docx / .xls file format).
- F. The Construction Documents shall be presented to the TIEZA Technical Working Group for comments before proceeding to the construction phase.

B. Construction Phase

As a rule, contract implementation guidelines for procurement of infrastructure projects shall comply with Annex "E" and guidelines for the implementation of contracts for DESIGN AND BUILD infrastructure projects shall comply with Annex "G" of the IRR, RA 9184. The following provisions shall supplement these procedures:

The Designer-Builder shall perform the construction works, which include but not limited to the following:

1. Submit the prescribed detailed design drawings as requirements for the Building permit. The contractor shall be responsible for obtaining all necessary information as to risks, contingencies, and other circumstances in which may affect the works and shall prepare and submit all necessary documents specified by the concerned Building Officials to meet all regulatory approvals as specified in the contract documents.

2. Put-up board-ups and information boards on the four outer walls of the playground.
3. Putting up a tarpaulin signboard suitably framed for outdoor display at the project location, and shall be posted as soon as the award has been made as prescribed in the COA Circular 2013-004. The design and the format of the tarpaulin shall have the following specifications:
 - a. Tarpaulin, white, 8 ft x 8 ft
 - b. Resolution: 70 dpi
 - c. Font: Helvetica
 - d. Font Size: Main information - 3" Sub-Information - 1"
 - e. Font Color: Black
4. Carry out and complete all items of work in accordance with the approved plans and specifications.
5. Employ competent personnel specialized in such works as construction management, lightings, outdoor water features, and outdoor furniture finish.
6. Secure compliance of the requirements of RA 11058 (its Implementing Rules and Regulations) and DOLE Department Order 198-18 specifically the Basic Components of Company OSH Program and Policy (DO 198-18, Chapter IV, Section 12) and the applicable provisions of the Occupational Safety and Health Standards (OSHS) with DOLE clearance.
7. Submit to TIEZA the finishes and shop drawing for approval with the results of the conducted material tests.
8. The contractor shall submit a detailed program of works within fourteen (14) calendar days after the issuance of the Notice to Proceed for approval by the TIEZA that shall include, among others:
 - a. The sequence which it intends to carry out the work including anticipated timing for each stage of design/ detailed engineering construction;
 - b. Periods for review of specific outputs and any other submissions and approvals;
 - c. Sequence of timing for inspection and tests;
 - d. General description of the design and construction methods to be adopted;
 - e. Number and names of personnel to be assigned for each stage of the work;
 - f. List of equipment required on site for each stage of the work;
 - g. Description of the quality control system to be utilized for the project;
 - h. Traffic management plan;
9. Prepare semi-monthly and monthly accomplishment reports supported with progress photographs and S-curve to monitor performance and as basis for progress billing.
10. Deliver the project receipt of the approved design to TIEZA for inspection and approval. The TIEZA and NPDC, through the RPCFTEZ-TWG shall signify their approval to the project within ten (10) calendar days from delivery of the completed project. It is only upon acceptance by TIEZA that there can be turn-over of the completed project.

11. Any errors, omissions, inconsistencies or inadequacies submitted by the contractor, or any submissions that do not comply with the requirements, shall be rectified, resubmitted and reviewed at the contractor's cost. If the contractor wishes to modify a design or document which has been previously submitted, reviewed and approved, the contractor shall notify TIEZA within a reasonable period of time and shall shoulder cost of such changes.
12. Design and construction works shall conform to the requirements of TIEZA, National Building Code and other pertinent practices and codes in the Philippines as well as local rules, regulations and ordinances of the City Government of Manila. The said design and construction works shall adhere to and abide by international best practices and standards.

C. Post-Construction Phase

The Designer-Builder shall submit within fifteen (15) days from the completion and acceptance of the project such documents as as-built plans, and documents processed and issued in favor of TIEZA during the construction periods (e.g. Inspection report, Building/ Mechanical/ Electrical Permits, Fire Safety Reports, Clearances, and other related documents). Further, prior to the submission of the abovementioned documents, the Designer-Builder is responsible in clearing the equipment and materials used in the construction.

VII. Eligibility Requirements

A. Preliminary

The eligibility requirements for the Design and Build Scheme shall comply with the applicable provisions of the Sections 23-24 of IRR of RA 9184

The "Guidelines for the Procurement and Implementation of Contracts for Design and Build Infrastructure Projects" or Annex "G" of the IRR of RA 9184 shall be adopted accordingly.

The prospective bidder must have completed, within the period specified in the Invitation to Bid, SLCC that is similar to the contract to be bid, and whose value, adjusted to current prices using the Philippine Statistics Authority (PSA) consumer price indices, must be at least fifty percent (50%) of the ABC in the last five (5) years. An eligible bidder shall either be a corporation, a joint venture company, or a consortium with technical expertise and financial capacity to undertake the project. Further, the bidder must be holder of a Philippine Contractors Accreditation Board (PCAB) license under the GB-4 Classification or General Building for Park, Playground or Recreational Work, Medium B License Category A as prescribed in the PCAB Categorization - Classification Table (Board Resolution No. 201, series of 2017).

B. Specialized

For the Detailed Design portion of the contract, an undertaking to enter into a MOA or JV with a landscape architectural firm shall be submitted by the Bidder with a minimum number of professionals but not limited to:

KEY PERSONNEL	MINIMUM CRITERIA (All consultants should meet the minimum criteria to qualify)
Project Manager	<ul style="list-style-type: none"> ● Licensed Landscape Architect/ Licensed Civil Engineer/Licensed Architect ● Extensive experience in construction of playgrounds, parks, resorts, and other open spaces ● At least ten (10) years of project management experience ● has completed at least one (1) similar project ● maintains at least a minimum of ten (10) technical staff
Landscape Architect	<ul style="list-style-type: none"> ● Licensed Landscape Architect ● Principal designer ● At least ten (10) years of experience in park, open space and playground design, project management, and construction ● Has completed at least two (2) similar playgrounds/ open activity areas ● Maintains at least a minimum of fifteen (15) technical staff
Architect	<ul style="list-style-type: none"> ● Licensed Architect ● Has at least ten (10) years of experience in designing commercial structures
CADD Operator	<ul style="list-style-type: none"> ● Proficient in AutoCadd softwares ● Has at least two (2) years of practice in CADD operation ● Specializes in architectural work
Civil/ Structural Engineer	<ul style="list-style-type: none"> ● Licensed Civil/ Structural Engineer ● Has at least ten (10) years of practice
Electrical Engineer	<ul style="list-style-type: none"> ● Licensed Electrical Engineer ● Has at least five (5) years of practice
Mechanical Engineer	<ul style="list-style-type: none"> ● Licensed Mechanical Engineer ● Has at least five (5) years of practice of practice
Sanitary Engineer	<ul style="list-style-type: none"> ● Licensed Sanitary Engineer ● Has at least five (5) years of practice

For the construction phase, the Bidder shall have the following minimum number of on-site professionals:

KEY PERSONNEL	MINIMUM CRITERIA (All consultants should meet the minimum criteria to qualify)
Project Manager	<ul style="list-style-type: none"> ● Licensed Landscape Architect/ Licensed Civil Engineer/Licensed Architect ● Extensive experience in construction of playgrounds, parks, resorts, and other open spaces ● At least ten (10) years of project management experience ● has completed at least one (1) similar project ● maintains at least a minimum of ten (10) technical staff
Project Engineer	<ul style="list-style-type: none"> ● Licensed Civil Engineer ● Minimum of ten (10) years' experience in building construction
Architect and Engineers to be assigned to the project:	<ul style="list-style-type: none"> ● Licensed Civil/ Structural Engineer <ul style="list-style-type: none"> - licensed professional Civil/Structural Engineer - has at least five (5) years in practice ● Professional Electrical Engineer <ul style="list-style-type: none"> - licensed professional Electrical Engineer - has at least five (5) years in practice ● Licensed Professional Mechanical Engineer <ul style="list-style-type: none"> - Minimum five (5) years in practice ● Licensed Sanitary Engineer or Master Plumber <ul style="list-style-type: none"> -Minimum five (5) years in practice ● Landscape Architect <ul style="list-style-type: none"> - licensed landscape architect - at least five (5) years of experience in park, open space, esplanade development, and construction - maintains a minimum of five (5) technical staff ● Materials Engineer <ul style="list-style-type: none"> - registered materials engineer with minimum of five (5) years' experience and is DPWH accredited contractors/consultants Materials Engineer. ● Safety Officer
First Aider	<ul style="list-style-type: none"> ● trained officer with certificate for first aid as proof of competence with a minimum of (2) years' experience as construction first aider

VIII. The Designer-Builder

A. Roles

1. The Designer-Builder shall prepare a design for the development-construction of the RPC Children's Playground.
2. The Designer-Builder shall execute the construction activities to complete the project in accordance with the approved architectural/ interior design and construction drawings and specifications in the highest degree of workmanship, integrity, and professionalism.

3. The Designer-Builder shall deploy personnel having professional experience compatible with the undertaking, preferably in the design and construction of a children's playground or children's park; provide and maintain temporary office and living quarters for their project personnel with equipment, supplies, first aid cabinet and other utilities.
4. The Designer-Builder shall coordinate and follow strictly the guidelines to be prescribed by the TIEZA and NPDC relative to the conduct of the construction activities, especially as regards to security and protocol.
5. The Designer-Builder shall strictly comply with the terms and conditions of the Contract it executed with TIEZA and maintain all warranties and representations in good standing for the duration of the contract period.
6. The Designer-Builder shall be solely responsible for the integrity of the detailed engineering design and the performance of the structure irrespective of the approval/confirmation by the TIEZA.
7. The Designer-Builder shall ensure compliance with the existing Labor Laws including the safety of the workers, guests, visitors, etc. on site.

B. General Conditions

1. The Designer-Builder shall supply labor, materials and equipment, and other requirements deemed necessary for the development design-construction of the Children's Playground.
2. The construction shall be finished with word-class workmanship to the satisfaction of the TIEZA and NPDC.
3. The Designer-Builder shall comply with pertinent regulations and shall adopt safety measures, such as but not limited to: enclosures, shielding, covering, warning devices, off-limits signs, etc.
4. The quality of materials to be furnished or work to be done shall be in accordance with the approved specifications and accepted by TIEZA and NPDC. However, if specified materials are not available, the Designer-Builder shall immediately propose acceptable alternatives in writing to TIEZA.
5. The Designer-Builder, before commencing work, shall examine the proposed location of the project and all adjoining areas on which this work is, in any way, dependent for perfect workmanship according to the intent of these specifications.
6. The Designer-Builder shall report to TIEZA any conditions which may prevent the Designer-Builder from performing the work according to requirements.
7. Representatives from TIEZA may, at any time, inspect the progress of the project and may issue a stoppage when the progress compromises or tends to compromise the integrity and security/ safety of the site and structures around the site.
8. All relevant permits and corresponding fees as may be assessed by the local government units/ regulating agencies shall be for the account of the Designer-Builder.

9. The Designer-Builder shall store his materials, equipment and tools in one place of the construction. The area shall be coordinated with NPDC. It shall be kept neat and clean at all times. Any damage thereto or to the surrounding area/s arising from accident, paint spills, etc. shall be repaired and/or restored to its original condition. Likewise, extra care shall be taken in the storage of hazardous chemicals (paints, thinners, lacquers, oils, solvents, etc.) in order to avoid accidents, explosions and/or fires. Oily rags, solvent-soaked foams, paint brushes and rollers shall be kept in metal container tightly sealed and shall be cleaned and/or removed from the job site at the end of every working day.
10. The Designer-Builder shall be responsible for the electric, water, sewage, and other utility connection needs of the playground and shall be tapped from utility service providers such as Meralco for power and Maynilad for water.

C. Warranties of Designer-Builder

1. The Designer-Builder warrants that it shall conform strictly to the terms and conditions of this Terms of Reference, including abiding by best practices and respecting standards and guidelines of international agencies, bodies, and organizations.
2. The Designer-Builder warrants, represents and undertakes reliability of the service and that their manpower complements are hardworking, qualified/reliable and dedicated to do the service required to the satisfaction of TIEZA. It shall employ well-behaved and honest employees with IDs displayed conspicuously while working within the compound. The Designer-Builder shall ensure that its workers/employees will not loiter on other areas, or otherwise interfere or interact with the tourists/guests within the vicinity of the Rizal Park Complex Flagship TEZ.
3. The Designer-Builder shall comply with the laws governing employees' compensation, PhilHealth, Social Security and labor standards.
4. The Designer-Builder personnel shall take all necessary precautions for the safety of all persons and properties at or near their area of work and shall comply with all the standard and established safety regulations, rules and practices.
5. The Designer-Builder shall coordinate with TIEZA or any of their authorized representatives in the performance of their jobs, so as to ensure that its tasks are performed excellently, promptly and safely.
6. The Designer-Builder shall be liable for any loss, damage, or injury as may be due directly through the fault or negligence of its personnel. It shall assume sole and exclusive responsibility therefore, and TIEZA shall be specifically released from any responsibility arising therefrom.
7. The Designer-Builder shall assume responsibility for the following:
 - a. Play equipment: **5 year-warranty from the supplier**
 - b. Softscape (plants, etc): 1-year warranty
 - c. Workmanship of Structures: 10-year warranty
8. The Designer-Builder shall not assign, transfer, pledge any part nor interest in this project. Subcontracting, however, may be allowed provided that the former shall retain responsibility for the full compliance of all applicable provisions of this TOR.

IX. Evaluation of Proposal

The project bids shall be evaluated using the guidelines for the procurement and implementation of contracts for design and build infrastructure projects as provided in Annex G of R.A 9184 and its Revised Implementing Rules and Regulations (IRR).

X. Proposal Submission

Parties interested to be engaged as the Consultant for the Project, whether as individuals or organized as a corporation or partnership, must secure bid forms and submit proposals to the TIEZA Bids and Awards Committee (BAC).

XI. 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.

XII. Records And Other Documents

The Consultant must waive complete ownership on the final documents of the project. All submitted outputs/documents shall be the property of the procuring entity upon completion of the 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 exclusive and irrevocable license to use, publish, copy, reproduce or distribute the work for government or public purpose.

XIII. Terms of Payment

- A. Subject to the relevant COA regulations, the Designer-Builder may request for advance payment in an amount equivalent to fifteen percent (15%) of the cost of the Design Development Phase. Another fifteen percent (15%) of the cost of the Construction Phase may be requested upon approval of the detailed designs by TIEZA and TWG.
- B. The advance payment shall be deducted from the periodic progress billing of the Designer-Builder, as may be agreed upon with TIEZA.
- C. The Designer-Builder shall collect payment on progress billings based on the percentage of work accomplished, upon submission of all the required documents, subject to necessary deduction like taxes and 10% retention fee.
- D. The Designer-Builder shall be paid upon submission of the following documents:
 1. Accomplishment Report
 2. Request of Payment
 3. Certificate of Acceptance (if applicable)

- E. A retention fee of ten percent (10%) of the Contract Price shall be withheld and shall be released only upon submission of the following documents:
1. Issuance of Certificate of Completion by TIEZA
 2. Acceptance of the project completion

All payments will be subject to the usual government accounting and auditing rules and regulations. The Designer-Builder is expected to be familiar with the Government Accounting and Auditing Manual (GAAM).

XIV. Schedule of Payment

PROGRESS BILLING	WORK COMPLETED	TERMS OF PAYMENT
First Billing	Upon approval and acceptance of the Detail Designs	Fifty Percent (50%) of the Contract Price for the Design Development Phase
Second Billing	Upon approval and acceptance of the Construction Documents	Fifty Percent (50%) of the Contract Price for the Design Development Phase
Progress Billing	Construction Phase	Actual percentage (%) accomplishment of the Contract Price for the Construction Phase, based on the submitted Statement of Work Accomplished (SWA) of the Design-Builder, as verified by the TIEZA Project Engineer
Final Billing	Upon turn-over of the project and acceptance of TIEZA within the prescribed project specifications and project schedule <u>including the as-built plans</u>	The remaining percentage (%) of the Contract Price for the Construction Phase
Retention Fee and Cash Bond	One (1) year from the date of issuance of Occupancy Permit	Total amount of retention fees and cash bonds charged to the consultant

XV. Project Duration

The project duration shall be for three hundred sixty (360) calendar days. Review and approval by TIEZA shall not be included in the project duration period.

1. Within fifty-five (55) days from the receipt of Notice to Proceed: the Designer Builder shall commence the Schematic Design Phase and submit a Schematic Design for the Project.
2. Within seven (5) days from the submission of the Schematic Design, the Designer-Builder shall present to the RPCFTEZ-TWG for comments and recommendations.
3. After seven (7) days from the presentation of the Schematic Design Documents: The Designer-Builder shall submit the revised Schematic Design for review and approval of TIEZA.
4. After three (3) days from the submission of the revised Schematic Design: TIEZA shall issue a Notice to Proceed to the Designer-Builder to commence the Construction Drawing Phase.
5. Within twenty-five (25) days from the receipt of Notice to Proceed: Designer-Builder shall undertake the Construction Drawing for the Project and submit a complete set of Construction Drawings to TIEZA.

6. Within seven (5) days from the submission of the Construction Drawings, the Designer-Builder shall present to the RPCFTEZ-TWG for comments and recommendations.
7. After five (5) days from the presentation of the Construction Drawings: the Designer-Builder shall submit the Revised Construction Drawings for review and approval of TIEZA.
8. After three (5) days from the submission of the revised Construction Drawing: TIEZA shall issue a Notice to Proceed to the Designer-Builder to commence the Construction of the project.
9. Within two hundred forty-three (270) days from the receipt of Notice to Proceed: Designer-Builder shall undertake construction of the project, including the post-construction evaluation of TIEZA prior to the turn-over of the project

DELIVERABLES	DURATION (In calendar Days)	REVIEW PERIOD (In calendar Days)
Schematic Design	60	10
Construction Drawing	30	10
Project Construction to Turn Over	270	
TOTAL	360	20

XVI. Liquidated Damages

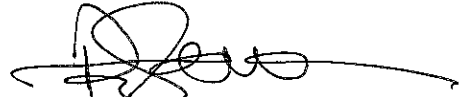
If the Consulting Firm/Service Provider fails to deliver any or all of the Services within the period(s) specified in this Contract, the Contracting Authority (CA) shall, without prejudice to its other remedies under this Contract and under the Applicable Law, deduct from the contract price, as liquidated 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. Once the amount of liquidated damages reaches ten percent (10%) of the total amount of the contract, the Procuring Entity may consider termination of this Contract pursuant to GCC Clause 27.

TIEZA has the sole and exclusive right to determine and exercise when and how much liquidated damages shall be charged against the Consulting Firm, in accordance with the rules and regulations. Such amount shall be deducted from any money due or which may become due to the Service Provider under the contract and/or collect such liquidated damages from the retention money or other securities posted by the Service Provider whichever is convenient to TIEZA.

Prepared by:



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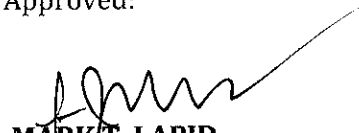


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Date: _____