

TERMS OF REFERENCE:

Provision of Learning Service Provider for the Conduct of the Training Program – Contract Management

I. Background

Effective contract management can be characterized by the phrase “No Surprises”. When done right, everyone knows what and when things are expected of them. Any business, regardless of nature, can see what’s on the horizon, it can prepare confidently for any audits and it can demonstrate compliance at any given time.

As the Department of Tourism’s implementing arm in providing support infrastructures and facilitating investments in tourism enterprise zones (TEZ) nationwide in the Philippines, the Authority engages in multiple contracts in varied forms, such as construction, supply/delivery, technical assistance, joint venture agreements, etc. Thus, it is essential that officers and employees involved in this process are equipped with the knowledge, skills, and tools necessary to manage contracts effectively, minimize risks, optimize performance, and ensure compliance with legal and regulatory requirements. This proactive approach not only protects organizations from potential pitfalls but also contributes to their growth and sustainability in a competitive business environment.

In view of this, TIEZA aims to engage the services of an LSP that will design and conduct face-to-face contract management training, which shall cover key concepts, processes, and practical approaches to manage contracts with varying complexities or within the context of an agile environment.

II. Target Competency

Title: Contract Management

Definition: The ability to understand and implement TIEZA established policies and procedures for managing and administering contracts and monitoring contractor performance.

Core Description:

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| <i>1 - Basic</i> | Helps in the preparation of technical and documentary requirements of contracts |
| <i>2 - Developed</i> | Monitors adherence to contracts including the time frame |
| <i>3 - Advanced</i> | Demonstrates understanding of the cost implications of contract revisions |
| <i>4 - Superior</i> | Oversees compliance with contracts to ensure value and return of investment |

III. Objectives

At the end of the two-day training program to be administered to twenty-five (25) pre-identified participants, they shall be able to:

1. Define key terms and concepts related to contracts.
2. Describe the stages of the contract lifecycle (from initiation to close-out)

3. Recognize legal and regulatory requirements relevant to contract management
4. Identify common risks in contracts and contract management processes
5. Identify and address conflicts of interest and ethical dilemmas in contracting.
6. Enumerate ways how a contract is secured in terms of privacy and confidentiality.
7. Analyze and learn from past contract management experiences, industry best practices.

The course design shall include, but not limited to the following modules:

1. Understanding Contract Fundamentals:
 - a. Define what a contract is and its essential elements.
 - b. Identify different types of contracts (e.g., sales contracts, service contracts, employment contracts, memorandum of agreement vs understanding, etc.).
 - c. Explain the importance of contracts in business operations.
2. Contract Lifecycle Management:
 - a. Describe the stages of a contract lifecycle (inception, negotiation, execution, start-up, operation, renewal, closeout).
 - b. Outline best practices for each stage of the contract lifecycle.
3. Legal and Compliance Aspects:
 - a. Understand legal terminology commonly used in contracts.
 - b. Recognize legal and compliance risks associated with contract management.
 - c. Comply with relevant laws and regulations affecting contracts (e.g., RA 386, 8293, 9184, 10173, Presidential Decree No. 1594, etc.)
4. Negotiation Skills
 - a. Develop negotiation strategies for contract terms and conditions.
 - b. Practice effective communication and conflict resolution during negotiations.
 - c. Understand how to achieve a win-win outcome in contract negotiations.
5. Contract Analysis and Interpretation
 - a. Analyze contract clauses and their implications.
 - b. Interpret complex contract language and legal terms.
 - c. Identify potential risks and liabilities in contracts.
6. Vendor and Supplier Management
 - a. Manage relationships with vendors and suppliers through effective contract management.
 - b. Evaluate vendor performance against contract terms and service level agreements (SLAs).
 - c. Resolve disputes and issues with vendors and suppliers through Alternative dispute resolution (ADR) methods, such as mediation and arbitration.

7. **Ethics and Integrity in Contracting**
 - a. Uphold ethical standards in contract management practices.
 - b. Prevent conflicts of interest and ensure transparency in contracting processes.
 - c. Identify ways on how to foster a culture of integrity and compliance within the organization.
8. **Risk Management and Mitigation**
 - a. Identify common risks associated with contracts and contracting processes.
 - b. Develop strategies to mitigate contract risks.
 - c. Implement contingency plans for contract breaches or disputes.
9. **Ways forward**
 - a. Industry trends and best practices in contract management
 - b. Integration

IV. Minimum Qualifications of the Learning Service Provider

1. Training institution must satisfy at least one (1) of the following by submission of corresponding accreditation/certification/recognition:
 - a. Accredited by the Civil Service Commission (CSC) as a Learning and Development Institution (ALDI).
 - b. Accredited by the Philippine Regulatory Commission (PRC) as a Continuing Professional Development (CPD) Provider in any field.
 - c. Recognized by the Commission on Higher Education (CHED) as a Center of Excellence (COE) or Center of Development (COD).
 - d. Holder of accreditation, awards, or recognition from international or local bodies that certify the institution's excellence in delivering training programs that meet international or local standards.
2. Possesses a minimum of three (3) years of experience in consulting and training services, with a focus on contract management for the private or public sector, as demonstrated by a certified or attested list of ongoing and completed projects for similar or related programs.
3. Designated resource person and facilitator should be a holder of at least a master's degree and with at least five (5) years of work experience in delivering programs of similar nature to private/public sector organizations.

V. Deliverables

1. Develop the course design containing the course learning outcomes, learning strategy, and training itinerary. The course design should include detailed interactive and learner-centered methodologies, such as lectures, workshops, practical exercises, and reaction and learning evaluations plan that will be employed during the training;
2. Prepare equipment and provide participants with training kits and softcopy of the presentation materials. Advance copy of presentation materials should be provided to ADSD-Learning and Development Team;
3. Facilitate the conduct of the training to at least twenty-five (25) in-person participants for two (2) days on the preferred dates of TIEZA;

4. Conduct pre- and post-program competency assessment of participants against the learning objectives of the program;
5. Incorporate creative and engaging activities, such as but not limited to group exercises and presentations, analysis of case studies, plenary discussions and feedback sessions, etc.;
6. Provide reinforcement rewards to acknowledge high-performing participants during the training program;
7. Provide the participants with printed and digital copies of course and reading materials;
8. Administer post-program evaluation survey to participants;
9. Issue training certificates to the participants upon completion of the program; and
10. Submit a terminal report on the course delivery and administration, individual pre and post-test competency assessments, course feedback from participants, analyses of issues, and recommendations.

VI. Training Duration and Venue

The program shall be held at the Multi-Purpose Hall B on **February 04-05, 2025** for **twenty-five (25) pax** with job grades of 11-14.

VII. Budget

The approved budget for the contract is **FIVE HUNDRED SEVENTY-FIVE THOUSAND FIVE HUNDRED PESOS (P575,500.00)**, inclusive of all applicable government taxes, service charges, and shall include all remunerations, costs or profits arising from or in relation to the services rendered in connection with and/or preparation for this engagement.

VIII. Reserved Rights on the Use of the Outputs/Deliverables

All concepts and original materials formulated and designed in conjunction with this program shall be owned by the TIEZA with full and exclusive rights on future use thereof both in the Philippines and internationally.

IX. Dispute Agreement/Resolution

Should any dispute related to the Contract and/or rights of TIEZA and the selected Learning Service Provider as parties of this Contract arise, the same shall be submitted to mutual consultation, mediation, and arbitration, in the order of application.

The venue of the proceedings shall be in Pasay City. In case of a court suit, the venue shall be the courts of competent jurisdiction in Pasay City, to the exclusion of all other courts.

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

X. Force Majeure, Liquidated Damages and Termination

The incidents on force majeure and/or liquidated damages and/or contract termination shall likewise be governed by the provisions under R.A. No. 9184 and other relevant rules and issuances.

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