

Terms of Reference (“TOR”) for Third Party Data Package Services for the Philippine Conventional Energy Contracting Program (“PCECP”)

BACKGROUND

The Government of the Philippines, through the Department of Energy (“DOE”), is launching the Philippine Conventional Energy Contracting Program (PCECP) through a simpler and faster public contracting program to facilitate a transparent and competitive system for awarding service and operating contracts for the exploration, development, and production of the country’s petroleum and coal resources.

To generate maximum participation and interest in the PCECP for Petroleum, the DOE desires to engage qualified third party service provider for data package services for petroleum areas. The data package services shall include a virtual data room, among others, to host the Philippines’ petroleum data online for easy access and reference of prospective applicants or proponents.

The Centralized Review and Evaluation Committee (“C-REC”), constituted to supervise the PCECP, are inviting interested firms to submit all required documents and information indicating their qualification to perform the above-mentioned services on or before 10 September 2018.

A. OBJECTIVES.

The engagement of the Third Party Data aims to:

1. Generate maximum participation and interest in the PCECP for Petroleum;
2. Ensure that data requirement of prospective applicants for the PCECP are readily available in acceptable format through uploading of digitized data, 2D/3D seismic data and related documents, well-logs and maps in a virtual data room that can be accessed through payment of fees; and
3. Improve the DOE’s database and capability.

B. SCOPE OF SERVICES

1. The Contractor shall provide all the management, supervision, labor, materials, consummables, and all other things necessary for the performance of the data package services and investment promotion activities of the DOE.
2. The Contractor shall coordinate with the DOE in the creation of petroleum database and in the technical capacity building for Petroleum Resources Development Division (PRDD) and Energy Data Center of the Philippines (EDCP) staff.

C. GENERAL CONDITIONS

1. The Contractor shall prepare the data necessary for virtual data room. The data should include well, seismic, reports, among others.
2. The Contractor shall create an accessible virtual data room for petroleum areas.

3. The DOE shall assist the Contractor securing data such as seismic, well and other related data and reports. Scanning of data should be at the DOE-EDCP. No data shall be taken out of the DOE. The Contractor shall comply with the terms and conditions for the borrowing of tapes.
4. The Contractor shall provide montage, write ups, and other relevant promotional materials for the PCECP.

D. QUALIFICATIONS OF THE CONTRACTOR

1. Proven track record in providing similar services.
2. Expertise and at least three (3) years' experience in implementing data package services.
3. Expertise and at least three (3) years of experience in the development and delivery of virtual data room for data and promotional activities.
4. Experience in working with different government agencies for similar services.

The complete requirements or check list of documents for the submission of proposal can be referred in Annex "A".

E. SUBMISSION OF PROPOSALS

Proposals for data package services and promotional services shall include, among others:

1. Services for data digitizing and cataloguing.
2. Preparation of data packages for potential applicants in Kingdom Suite-ready packages.
3. Proposed design of virtual data rooms and promotional materials for the PCECP.
4. Proposals on the cost estimates and the proceeds from the data package services.
5. The proposed timeline of the data package services which shall comply with the timelines of the PCECP.

F. FINANCIAL PROPOSAL

1. All costs and expenses for the services shall be for the account of the Contractor.
2. All costs should be inclusive of freight, duties and taxes attendant to the delivery of the services.
3. The Contractor shall be entirely responsible for all the necessary stamp duties, license fees, money transfer cost for the payment and other such levies imposed for the services rendered.

G. DELIVERABLES

The Contractor shall prepare and make available to the DOE the following:

1. Promotional materials for the PCECP (montages, write-ups, posters, and the like);
2. Virtual data room;
 - a. Review and audit available license round data held by the DOE (DOE to provide comprehensive list detailing data, logs, media and condition);
 - b. Format, convert, transcribe into suitable format for inclusion into data room;
 - c. Seismic vectorizing and well log digitizing (conversion to digital data formats after scanning) can be carried out at potential investors cost. Additional seismic processing, if required, also at potential investor's cost;
 - d. Prepare data packages for sale to potential investors in Kingdom Suite-ready packages where possible;
 - e. Provide an online data room to host up to 14 separate license areas as indicated by the DEPARTMENT.
3. Promotional services including the arrangement of booths and other materials in international petroleum related events;
4. All data collated and digitized for the virtual data room after the termination of the services;
5. Reports and other information to include, detailed pricing mechanism, access to transaction history and the like, as agreed between the Contractor and the DOE; and
6. Participation of at least two (2) Energy Data Center of the Philippines (EDCP) and two (2) Petroleum Resources Development Division (PRDD) staff in the creation of data package, pricing scheme and virtual data room.

H. PROJECT DURATION.

The services is expected to begin immediately upon award of the contract and shall remain in effect until a day after the final submission of proposals for Pre-Determined Areas (PDAs) offered under the PCECP for Petroleum.

I. SELECTION PROCESS AND CRITERIA

Interested firms shall submit their proposals to the C-REC in paper copies and electronic copies. The C-REC will determine the qualifications of the interested firms based on the submitted information and documents as specified in Annex "A". The winning proponent shall enter into an agreement/contract with the DOE.

J. PROFIT SHARING

CRITERIA	DOE	CONTRACTOR
Total Cost of Services (TCoS)	0 %	100 %
TCoS + 20%	25 %	75 %
TCoS + 30%	50 %	50 %
TCoS + 40%	75 %	25 %
TCoS + 50%	90 %	10 %

The Total Cost of Services (TCoS) is the total amount incurred by the CONTRACTOR from the Effectivity Date to the creation of the virtual data room, including but not limited to, the cost of updated version of Kingdom Suite and/or applicable software/s, associated hardware/s and its relevant trainings for the PRDD.

ANNEX "A"

Requirements for the Submission of Proposal by the Contractor for the Data Package Services

General Requirements

1. The applicant (Contractor) must meet all the legal, technical and financial qualifications.
2. The applicant may be any local/foreign company or a group of companies forming a joint venture/consortium, organized or authorized for the purpose of engaging in data package services. In case of a joint venture/consortium, all members must be legally qualified. The submission of technical and financial eligibility documents by any of the members of the joint venture/consortium shall constitute compliance.
3. Applicant/s shall submit a Letter of Intent (LOI) and 2 sets of the legal, technical, and financial documents before the specified deadline imposed by the Department of Energy in accordance with the following Documentary Requirements, subject to evaluation and recommendation by the Centralized Review and Evaluation Committee (CREC).

Documentary Requirements

A. Legal Documents

1. *Local Applicants*

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| <input type="checkbox"/> | a. Duly accomplished covering information sheet (DOE Format), attached as Annex "B". |
| <input type="checkbox"/> | b. Certified true copy of SEC Registration Certificate, Articles of Incorporation and By-Laws. |
| <input type="checkbox"/> | c. Certified true copy of General Information Sheet (GIS) stamped received by SEC. |
| <input type="checkbox"/> | d. Original copy of Secretary's Certificate attesting the authority from the Board of Directors of the applicant authorizing designated representative/s to apply, negotiate, sign any documents and execute the contract for the "Online Virtual Data Room". |
| <input type="checkbox"/> | e. In case of a joint venture/consortium, a certified true copy of the Joint Venture Agreement. Each partner to the joint venture/consortium shall submit the legal documents. |

2. Foreign Applicants

- a. Duly accomplished covering information sheet (DOE Format).
- b. Certified true copy of equivalent documents of the foregoing in English languages. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, authorized to translate documents or a registered translator in the foreign applicant's country.
- c. The appropriate Philippine foreign service establishments/post or the equivalent office having jurisdiction over the foreign applicants affairs in the Philippines should authenticate the said equivalent documents to guarantee the veracity and due execution thereof.

B. Technical Documents

- 1. Statement of the prospective applicant of all its ongoing and completed projects whether in the government or in the private sector, including projects awarded but not yet started if any, whether similar or not in nature and complexity.
- 2. Particulars on Operational organization, including resources, expertise, and experience.
- 3. Sample brochures/prototype/actual samples of the products offered.

C. Financial Documents

- 1. Certified true copy of the Audited Financial Statements (FS) for 2016 and 2017, and unaudited FS for 2018 duly signed by the responsible official such as the President and/or Chief Finance Officer. The unaudited FS shall be accompanied by an original bank certification.

NOTE:

Minimum working capital is 100% (liquid assets less current liabilities) of the financial commitment for the data package services. Liquid assets shall consist only of cash, trade accounts receivables and short-term investments/placements. Credit line is not a Liquid Asset.

ANNEX "B"
DOE INFORMATION SHEET
"DATA PACKAGE SERVICES"
PHILIPPINE CONVENTIONAL ENERGY CONTRACTING PROGRAM (PCECP)

Company Name		Participating Interest %	Country of Registration	Parent Company
Contractor:				
JV/Consortium Member:				
Address of Operator:				
Telephone No.:	Fax No.:	Mobile Phone No.:		
Email Address:		Website:		
Address of JV / Consortium Member:				
Telephone No.:	Fax No.:	Mobile Phone No.:		
Email Address:		Website:		
Applied for: "Data Package Services under Philippine Conventional Energy Contracting Program"				