NATIONAL ADMINISTRATIVE REGISTER · MAY 10, 1999

GUIDELINES ON ISSUANCE OF CARGO HANDLING CONTRACT/PERMITS IN GOVERNMENT PORTS/FACILITIES WITH LOW VOLUME CARGO

CPA MEMORANDUM CIRCULAR NO. 06-99, May 10, 1999

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Pursuant to the provisions of Section 6, 9, 7, 12, and 21 of RA 7621 (Charter of the Cebu Port Authority) and CPA Board Resolution No. 71-99, dated 06 May 1999, the following guidelines are hereby promulgated:

SECTION 1. Scope of the Regulation — This Circular shall cover all government ports/facilities with low volume cargo, that is, where the total monthly volume of cargo does not exceed 5,000 metric tons and/or where the cargo handling operation is primarily manual.

SECTION 2. Statement of Policies — The following policies shall govern the award or grant of management contracts/permits for the port herein covered, to wit:

2.1 Cargo handling contractors in ports with existing or expired contracts whose performance is satisfactory shall be granted renewal of their contracts/permits.

2.2 Cargo handling contractors issued one-year permits and have already been in operation for at least six (6) months prior to the effectivity of this Circular shall be audited, and if found satisfactory, awarded renewal of their contracts/permits.

2.3 There shall be only one cargo-handling operator in a port or port facility with low volume cargo. Where there are two or more applicants for the same area, a public bidding shall be conducted by the Authority.

SECTION 3. Provisional or Special Permit — The General Manager of the Authority may grant provisional/temporary or Special Permit to Operate with a term not to exceed one (1) year, under such terms and conditions prescribed by the Authority, in any of the following cases:

- where the cargo handling service is to be undertaken for a specific contract and there is no licensed cargo handling service provider within the area of operation;

- where cargo handling operation is to be undertaken on the beach or other similar area and there is no licensed cargo handling service provider within the area;

- where the existing cargo handling operator, despite demand, unreasonably fails or refuses to render cargo handling services;

- where the grant of a provisional/temporary or special permit is needed to ensure smooth flow of cargo at the area concerned;

- where the grant of a provisional/temporary or special permit is needed to ensure collection of government revenue;

- In other cases analogous or similar to the foregoing.

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Provided, that operators with provisional permits who have satisfactory performance and they do not have any unpaid accounts to the Authority, may be granted regular management contracts/permits for a period of not more than three (3) years.

SECTION 4. Authority of the General Manager — the General Manager may issue such other regulations as may be necessary to implement the above-mentioned policies with respect to port with low volume cargo.

SECTION 5. Repealing Clause — All CPA policies, rules, regulations and other issuance or parts thereof inconsistent with or contrary to any of the provisions of this Circular are hereby repealed/modified accordingly.

SECTION 6. Effectivity — This Circular takes effect immediately after publication in a newspaper of general circulation.

Adopted: 10 May 1999

(SGD.) ANTONIO JOSE B. ELUMIR, JR.
General Manager

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