GUIDELINES ON THE DEVELOPMENT, CONSTRUCTION, MANAGEMENT & OPERATION OF FERRY TERMINALS UNDER THE ROAD ROLL-ON/ROLL-OFF TERMINAL SYSTEM (RRTS)

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Pursuant to the provisions of Sections 6 a (ii) (iii) (iv) b (vi) (ix) (xv), Article IV, and Section 19 and Section 20 (a), Article VII, of Presidential Decree No. 857, as amended, Rule VI, Section 17, Rule X, Sections 34.2 and 35 of the Implementing Rules and Regulations of R.A. 9184 and in consonance with Executive Order Nos. 170 and 170-A as well as DOTC Department Order Nos. 2003-16 and 2003-39, the following guidelines are hereby prescribed for the guidance of and compliance by all concerned.

ARTICLE I - Preliminary Provision

SECTION 1. Scope

This Administrative Order prescribes the procedures in processing applications for the development, construction, management and operation of the RRTS. It shall also cover the procedures for the privatization of PPA-owned Ro-Ro terminals listed under the following links or sub-systems: 1) Western Nautical Highway; 2) Central Nautical Highway; 3) Eastern Nautical Highway.

SECTION 2. Objectives

§ To provide a special facility for the processing of applications for RRTS investments within the 30-day period prescribed under Executive Order Nos. 170 and 170-A.

§ To prescribe procedures for the privatization of PPA-owned Ro-Ro terminals under the RRTS.

SECTION 3. Definition of Terms

For purposes of this Order, the following terms shall be understood to mean as follows:

3.1 Road Ro-Ro Ferry Terminal System - refers to the network of terminals all over the country, regardless of the distance covered and linked by Ro-Ro vessels.

3.2 Ro-Ro Operation - refers to the method of loading and discharging of self-powered vehicles, such as cars and trucks, on their own wheels by their owners or drivers between vessel and shore via a ramp.

3.3 Ro-Ro Ferry Terminals - refer to ferry terminals which cater basically to Ro-Ro linked ferry vessels servicing passenger buses & private vehicles.

3.4 Ro-Ro Facilities - refers to Ro-Ro terminals constructed and operated by either the private sector or the port Authority.

3.5 Mediterranean berthing - refers to vessels berthed perpendicular to the pier or wharf.

3.6 Liberalized Private Ports Policy of PPA - also known as PPA Administrative Order No. 06-95, provides guidelines on the grant of PPA clearance to develop, permit to construct and operate a private port facility.

ARTICLE II - Criteria for Evaluation

SECTION 4. Eligibility of an RRTS Terminal Operator

An RRTS Terminal Project Proponent must have the following qualifications in order for the proposed private investment to be considered:

4.1 Be a registered single proprietorship, partnership, corporation or cooperative registered with the appropriate government agency. In case of a joint venture, the requirement for SEC registration shall be complied with before the issuance of a Certificate of Registration/Permit to Operate (COR/PTO).

4.2 Have under its employ key officials with at least two (2) years minimum experience in port management and/or vessel operations.

4.3 Have the financial capability to fund and sustain the detailed engineering design, construction and the operation and maintenance of the RRTS Ro-Ro ferry terminal project to be implemented.

Existing PPA registered private port operators who desire to operate Ro-Ro port services under the RRTS may likewise be qualified, subject to the above paragraphs 4.1, 4.2, 4.3 & Sec. 5 of this Order.

SECTION 5. Minimum Investment for an RRTS Facility

All RRTS Ro-Ro ferry terminals or ports must be able to cater to any type or design of Ro-Ro vessels, whether berthing alongside or Mediterranean. It must likewise have sufficient facilities and amenities to cater to the passengers and Ro-Ro vehicles related needs and requirements which shall include but not limited to:

- Ro-Ro docking facilities (An ordinary ramp must be able to accommodate a Ro-Ro vessel with 1,000 GRT or equivalent to the width of two (2) trucks;
- Passenger Terminal facilities with basic amenities such as:

- sufficient passenger seats;

- clean comfort rooms for male/female;

- drinking stations and water system;

- child care stations with feeding area for nursing mothers/diaper changing table;

- access ramps, railings for handicapped passengers/port users;

- priority lanes for pregnant women, women with children and senior citizens;

- properly labeled receptacles to segregate wastes; and

- covered walkways within entry/exit doors.

- Marshalling yard;
- Lane meter measurement area;
- Parking area; and
- Security and safety facilities.

SECTION 6. Incentives to RRTS Operators

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6.1 The RRTS Terminal Operator may be allowed to develop, construct and operate the RRTS terminal facility for a period of twenty-five (25) years and may be renewed for another twenty-five (25) years, subject to DENR and PPA requirements.

6.2 For the privilege of operating the port, the RRTS terminal operator shall pay the PPA through the PMO, an annual privilege fee of P20,000.00 per port/terminal.

ARTICLE III - Procedures

SECTION 7. Clearance to Develop, Construct & Operate RRTS Terminal Facility

The following procedures shall be complied with in the processing of said clearance to develop:

7.1 The Applicant or Project Proponent shall file his formal letter of intent with the PMO concerned together with the documents required under Annex A[*]. The PMO evaluates within one (1) week from receipt of complete documentary requirements and submits its recommendation to the PDO. In turn, the PDO reviews PMOs findings within one (1) week and forwards pertinent documents to the Office of the AGM for Operations Attn: Commercial Services Department (CSD).

7.2 The CSD evaluates within one (1) week and submits its recommendation to the General Manager thru the AGM for Operations. The General Manager may issue the corresponding clearance to develop and construct within one (1) week, copy furnished the PDO and the Applicant or Project Proponent.

7.3 The Project Proponent shall register their Ro-Ro ferry terminal or port upon its completion and shall submit the documents required under Annex B[*].

SECTION 8. Privatization of PPA-Owned Ro-Ro Ferry Terminals

8.1 A Special Bids and Awards Committee (SBAC) shall be created to handle the documentation, evaluation and processing of the bid activities for the privatization of all identified PPA-Owned Ro-Ro ferry terminals under the RRTS, which shall endorse the same to the General Manager thru the AGM for Operations, for disposition.

As a general rule, the privatization of Ro-Ro ferry terminals shall be conducted thru Open and Competitive Bidding based on the Terms of Reference to be prepared by the BAC.

8.2 All pertinent provisions contained under RA 9184 shall likewise be complied with.

ARTICLE IV - Miscellaneous Provisions

SECTION 9. Termination/Cancellation of Permit

9.1 The terms of the permit shall include a condition that the PPA may suspend, cancel and terminate the certificate of registration/permit to operate for violations/infractions committed by the Permittee. It shall also include a waiver of the Permittee's rights, in favor of PPA, over the foreshore lease area where the facilities are located, including the corresponding easement or right of way.

9.2 Violations/infractions cited under Section 9.1 shall refer to non-compliance to any of the terms and conditions attached to and made an integral part of the certificate of registration/permit to operate, as shown in Annex C. It shall also refer to violations of other rules, laws and regulations promulgated and to be promulgated by PPA and other concerned Authorities relative to private port operations.

9.3 There shall be due process in the termination/cancellation as enumerated hereunder:

9.3.1 A Notice of Violation shall be issued to Permittee of any infraction/s committed. Said Permittee shall be

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granted a 30-day grace period within which to explain and resolve/correct the violation committed.

9.3.2 Should the Permittee fail to correct, to the satisfaction of PPA, said violation/s within the 30-day grace period given, the PPA shall suspend the permit issued and temporarily take-over the operation of the port until appropriate actions have been taken. If after six (6) months, the violations remain unacted, PPA may cancel the RRTS permit and conduct public bidding for the lease, management and operation of the RRTS facility.

9.4 All RRTS Operations shall be strictly monitored by the PMOs. They shall oversee the implementation of all contract provisions including the terms and conditions of the permit issued. Any violation/s and/or infraction/s committed shall be reported immediately to the AGM for Operations, Attn: Commercial Services Department (CSD).

SECTION 10. Penalty Clause

Violation of any of the provisions of this Order and other relevant PPA regulations shall subject the violators to the penalties provided for under PD 857, as amended.

SECTION 11. Repealing Clause

All PPA orders, rules and regulations or issuances inconsistent herewith are hereby deemed modified, amended or otherwise revoked accordingly.

SECTION 12. Separability Clause

If any provision or section of this Order, or its application thereof to any person, corporate entity or circumstances is held invalid, the other provisions or sections of this Order shall not be affected and shall continue to be in full force and effect.

SECTION 13. Effectivity

This Order shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Adopted: 15 Dec. 2004

(SGD.) ATTY. OSCAR M. SEVILLA
General Manager

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[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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