NATIONAL ADMINISTRATIVE REGISTER · JULY 31, 1998

GRANTING “HOLDOVER PERMITS” TO CARGO HANDLERS WITH EXPIRED CONTRACTS

PPA MEMORANDUM ORDER NO. 29-98, July 31, 1998

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Pursuant to PPA Board Res. No. 912 dated 17 December 1987 granting cargo handlers with expired contracts the privilege of a contract renewal, and in view of the expiration of said renewed contracts, the authority hereby issues the following guides:

1. Scope — This Order shall cover all cargo handling contracts which are granted the "last renewal" privilege pursuant to PPA Bd. Res. No. 912 and PPA MC 8-88 dated 8 February 1988.

2. Objectives

2.1 To provide the best port services from a variety of offerors;

2.2 To allow development of ports by port or terminal operators beyond rendering the traditional arrastre and stevedoring services;

2.3 To provide sufficient time for both cargo handlers and the PPA to prepare for the award of port services thru public bidding.

3. The Guides

3.1 Public Bidding of Contracts — All cargo handling contracts covered by the scope of this order shall be open for public bidding.

3.2 Holder Permit — Holders of expired cargo handling contracts shall be granted a holdover authority or a "hold-over permit" to render cargo handling services for a period of one year from the date of its contract expiration, or its latest "holdover authority" granted before this order, subject to the following conditions.

> 3.2.1 The cargo handling contractor concerned shall have no accounts payable to PPA prior to the issuance of a "holdover permit".
>
> 3.2.2 The government percentage share on the cargo handling revenue which shall be based on the official cargo handling tariff of the port, shall be implemented as follows:
> 3.2.2.1 domestic operation 10%
> 3.2.2.2 foreign operation 20%

3.2.3 Items for which there is no official tariff issued by the authority shall immediately be reported by the Port Manager concerned to the AGM for Operations for the issuance of an official tariff.

3.2.4 Where the government percentage share as categorically stipulated in the expired contract is higher than 3.2.2.1 or 3.2.2.2 above, the sharing shall follow whichever gives the higher revenue to the Authority.

3.2.5 The government share shall be remitted by the cargo handling contractor to the PPA Cashiering Office in the port concerned not later than the 5th working day of every month, complete with supporting documents as

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required.

3.3 Monitoring — The Port Manager shall:

3.3.1 Submit a list of expired cargo handling contracts and prepare the necessary documents for a holdover permit for Head Office approval

3.3.2 Ensure that the terms and conditions of the previous contract, including the amended government sharing scheme under this order are properly monitored and reported.

3.4 Non-compliance — Failure to comply with the provision of the previous contract and the holder permit issued to the cargo handling contractor, pursuant to this order shall disallow the same from joining any future bidding for cargo handling contract, without prejudice to the implementation of other regulatory measure by which the authority has under its charter.

4. Preparation of bidding documents. — All district and port managers are directed to prepare the necessary bidding documents for submission to the Assistant General Manager for Operations for final review and approval not later than three months from the issuance of the holdover permit:

5. Implementation Deviation — If for any reason an extreme impediment to rationally implement this rule shall require a deviation from a provision or provisions of this order, prior clearance shall be secured from the General Manager before the same is implemented.

6. Effectivity — This Order shall take effect immediately.

Adopted: 31 July 1998

(SGD.) JUAN O. PEÑA
General Manager

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