



COMMISSION
ON HUMAN
RIGHTS

GUIDELINES FOR CONTRACT OF SERVICE UNDER EXTERNALLY- FUNDED PROJECT

PREPARED BY

Project Management Division

Planning and Management Office

BACKGROUND AND RATIONALE

In 2017, the Project Management Division (PMD) developed the Interim Guidelines for the Hiring of Personnel under Contract of Service Funded by the Governance in Justice (GOJUST) Human Rights Project. It served as the guiding policy for implementing offices (IOs) and concerned stakeholders on individuals hired under contract of service (CoS) in the said project. It considered provisions from related circulars from the Department of Budget and Management (DBM) and Civil Service Commission (CSC) as well as inputs from the CHR's Legal Office, GOJUST Technical Working Group (TWG), and Technical Assistance Team (TAT) then.

Currently, there are several externally-funded projects (EFPs) being implemented at the CHR. In the context of standardizing processes and requirements based on the CHR's Quality Management System (QMS), the PMD recognized the need to update the above stated guidelines and have a more comprehensive and inclusive version.

It is in this light that this **Guidelines for Contract of Service under Externally-Funded Project** is presented as the general policy in hiring individuals as CoS under EFPs.

A. Definition of Terms

For the purposes of these guidelines, the following terms and definitions shall be taken and understood in the context indicated hereunder:

- 1) **Contract of Service (CoS)** – refers to the engagement of the services of an individual, private firm, other government agency, non-governmental agency or international organization as consultant, learning service provider or technical expert to undertake special project or job within a specific period.
- 2) **Contracted Personnel** – refers to external service providers/specialists employed by the CHR to render required specific actions or services not carried out by the regular employees. The contracted personnel shall conform to the qualification standards and terms of reference required by the concerned implementing office.
- 3) **Implementing Office (IO)** – focal office or unit at the CHR requiring the services of a contracted personnel to work on a particular action under the EFP. It shall be responsible for the initial evaluation and recruitment of the prospective individual.
- 4) **Project Management Division (PMD)** – unit at the CHR that is responsible for facilitating the hiring process, handling the required documentation for the payment of service fees of contracted service providers/specialists, and monitoring the deliverables and reportorial requirements.

- 5) **Service Fee** – refers to the payment for the outputs/deliverables agreed by the contracted personnel and the CHR. Said fee is a fixed amount per agreed Contract of Service including taxes.
- 6) **Highly Technical Staff** – refers to experts/specialists in a particular field whose services are required by the IO due to unavailability of such expertise/specialization from the existing internal/regular staff. The experts/specialists must have a proven track record as reflected in their respective credentials to be submitted.
- 7) **Technical Staff** – refers to persons who are yet to be considered as experts/specialists in a particular field, but whose current capacities and/or abilities are required to perform peculiar tasks to augment the limitations of the IO.
- 8) **Project Staff** – refers to persons required by the IO to provide augmentation in performing other project-related functions and tasks as may be necessary.

B. Services or Functions to be Directly Outsourced

As a general rule, the hiring of personnel under individual Contract of Service may be allowed only for functions under the following specifications:

- 1) For jobs that require special or highly technical skills and the same are not available among existing internal staff, and shall be accomplished within a specific period not exceeding one (1) year. Contracted experts/specialists may be renewed for another term but under different terms of reference or scopes of work;
- 2) For piece of work or job that is intermittent and of short duration that requires a fixed daily or monthly rate and the job to be performed is to be accomplished under the service provider's own responsibility with minimum supervision from the CHR; and
- 3) For required services aligned with the objectives and scope of the EFP in which the contracted project personnel shall augment the existing number and capacities of regular CHR staff.

All other personnel requirements that would require consultancy services shall be governed by the Procurement Law, thus, will no longer be covered by these guidelines.

C. Prohibitions

Contracted personnel or service providers or specialists shall not be allowed on the following conditions:

- 1) Those who have been previously dismissed from the service due to the commission of an administrative offense;
- 2) Those who are covered under the rules of nepotism;
- 3) Those who are being hired to perform functions pertaining to vacant regular plantilla positions, or those functions which were declared redundant or no longer relevant to the CHR;
- 4) Those who have reached the compulsory retirement age of sixty-five (65), except those for consultancy services; and
- 5) Those who did not meet the qualification standards required by the IO.

D. Provisions in the Contract of Service

For common reference and transparency, the following provisions shall be stipulated in the Contract of Service:

- 1) That the service for which the personnel is contracted cannot be performed by regular personnel, unless necessary in the exigency of the service;
- 2) That the person to be hired signified intent and presented his/her action plan on the requirement which shall be the basis of CHR to evaluate his/her application;
- 3) That the person to be hired possesses the educational qualifications, professional experiences, and skills required to perform the job;
- 4) That the person to be hired has not been previously dismissed from service due to an administrative offense, and has not reached the compulsory retirement age of 65, except for consultancy;
- 5) That the person to be hired shall perform the functions pertaining to a specific position within a given period of time or for about six (6) months;
- 6) That the person to be hired agrees with the specific outputs/deliverables to be submitted on a particular period or schedule.
- 7) That the compensation of the person to be hired shall follow the salary grade level in the government salary standardization policy, inclusive of taxes and subject to accounting and auditing rules and regulations;

- 8) That the salary grade or amount of service fee of the contracted personnel is equivalent to the scope of work and/or expertise of the person to be hired in accordance with the existing rate in labor and employment;
- 9) That the person to be hired is not entitled to benefits enjoyed by government personnel such as PERA, ACA, or RATA, and all other benefits;
- 10) That the person to be hired has no relationship within the third degree of consanguinity or affinity with the contracting officer and/or signatories;
- 11) That the service to be rendered shall not be credited as government service and that the contract of service is not subject to governing policies of the CSC, but to the Commission on Audit (COA) rules and regulations;
- 12) That no employer-employee relationship shall exist between the CHR and the person contracted;
- 13) The services of the person to be hired may be renewed as necessary per recommendation of the IO, provided that the renewal of services shall not exceed six (6) months unless for compelling reasons;
- 14) That all agreed knowledge products must be turned over to the IO, copy furnished the PMD, and shall conform to the visibility requirements of the EFP;
- 15) That there shall be a Certificate of Acceptance of all outputs/deliverables submitted by the person to be hired; and
- 16) That there shall be a post-audit after the term of the contract to ensure there are no liabilities from the person to be hired.

E. Procedures in Hiring

Based on the approved Activity Request Form (ARF), the IO shall take the initial responsibility to scout for prospective candidates and require from them the following:

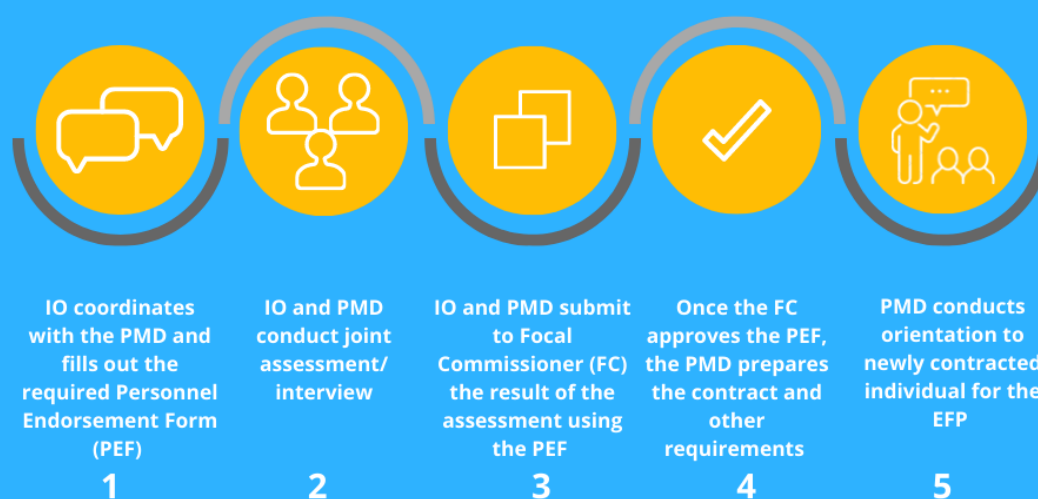
- Letter of Intent;
- Curriculum Vitae; and
- Initial Plan of Work s/he intends to do based on the terms of reference shared with her/him.

Once done, the following process set forth by the PMD for contracting individuals under a particular EFP shall be complied with:

Contract of Service under EFP

Hiring Process

A step-by-step guide



The PMD shall take charge in routing the contract for approval and ensure that the same is duly notarized once all concerned parties have signed.

After the PMD conducts the orientation to the newly contracted individual for the EFP, assumption of responsibilities may commence.

The PMD shall provide information to the Human Resource Development Division (HRDD) on the newly contracted individual for the EFP, including the start and expiration date of the contract, unit/office assigned to, scope of work, and amount of service fee.

F. Pay Scale and Qualification Standards of Contracted Personnel

The provisions set forth by the DBM in its existing and related circulars for remunerations accorded to contracted personnel shall be followed. The succeeding matrix presents the pay scale in terms of government salary grade (SG) based on current Salary Standardization Law (SSL) and minimum qualification standards (QS):

LEVEL	PAY SCALE	QS
Highly Technical Staff	Equivalent to SG 24 to 25, but not exceeding step 8 increment, per recommendation of the IO based on the credentials of the contracted personnel PhP90,000-PhP100,000	<ul style="list-style-type: none"> • Well-known and highly respected as well as competent individual in the field of particular expertise • With national and/or international commendations and/or recognitions • Holder of at least a master degree • With proven track record of related work experience
Technical Staff	Equivalent to SG 21 to 23, but not exceeding step 8 increment, per recommendation of the IO based on the credentials of the contracted personnel PhP60,000-PhP80,000	<ul style="list-style-type: none"> • Competent for the required post/task • With necessary knowledge on the technical specifications • Holder of at least a bachelor's degree • With proven track record of related work experience
Project Staff	Equivalent to SG 14 to 17, but not exceeding step 8 increment, per recommendation of the IO based on the credentials of the contracted personnel PhP30,000-PhP40,000	<ul style="list-style-type: none"> • Competent for the required post/task • Holder of at least a bachelor's degree • With proven track record of related work experience

G. Performance Monitoring and Payment of Service Fees

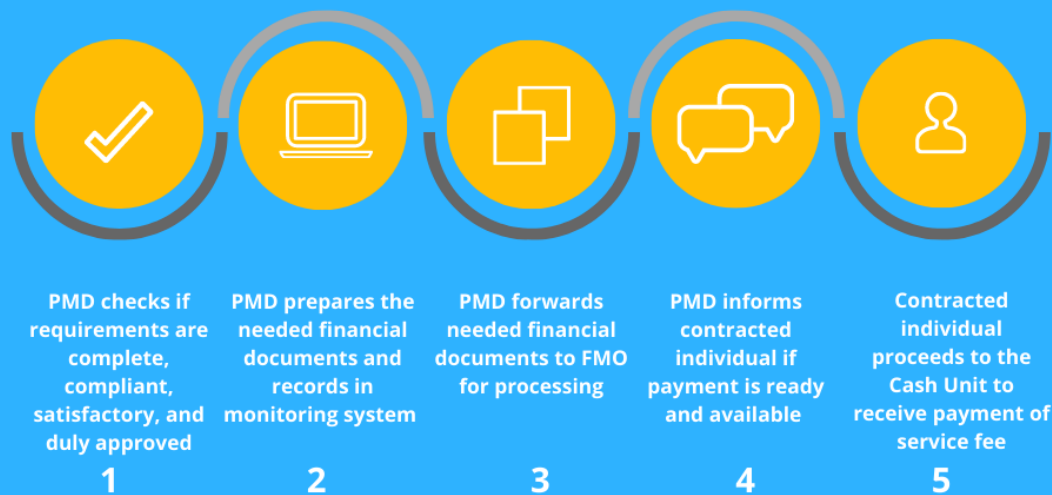
The contracted personnel shall conform to the prescribed reporting and monitoring forms developed by the PMD. The concerned IO shall ensure that the targeted deliverable/s is/are compliant and satisfactory to the terms of reference and/or scope of work as evidenced by a Certificate of Acceptance. The concerned Focal Commissioner (FC) shall approve all documentary requirements upon proper review and endorsement from the PMD.

The complete submission of necessary documents, reports, and/or required materials shall be the basis for processing of payment for services rendered.

Contract of Service under EFP

Payment of Service Fees

A step-by-step guide



H. Renewal of Contract of Service

- 1) Concerned IO shall submit to the PMD a Request for Renewal of Services of the contracted personnel. The request should clearly state or justify the need to renew the contract of concerned service provider/consultant/specialist as long as within the bounds and coverage of the corresponding approved ARF.
- 2) The PMD shall evaluate the request. If it is valid and necessary, the PMD shall forward the request to the FC for approval.
- 3) Upon approval of the request, the PMD shall prepare the necessary contract for the renewal of services of the concerned individual.

I. Termination of Contract Prior to Its Expiration

- 1) Services of the contracted personnel may be terminated at any time due to unsatisfactory performance or other justifiable reasons as may be identified by the concerned IO.
- 2) Non-submission of outputs shall be a ground for the non-renewal of the contract and the non-release of service fee payment.
- 3) The contracted personnel may withdraw her/his services before the expiration of her/his term due to valid and uncompromising reason/s.
- 4) The concerned IO or contracted personnel shall forward to the PMD a duly filled out and signed Request for Termination of Services. The PMD shall evaluate the merits of the request.
- 5) If the request is initiated by the contracted personnel and the reason/s is/are justifiable, the PMD shall process the request and forward the same to the IO for recommending approval.
- 6) Once signed by the IO, the request shall be forwarded to the FC for approval.
- 7) Once approved, the PMD shall facilitate the processing of final payment, if any. This shall be subjected to the recommendation of the concerned IO and/or submission of required deliverable/s for the period.