



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
MANILA

097 13 DPWH
3-4-91

19 February 1991

DEPARTMENT ORDER)

No. 47 Re: Interim Option for Constructors
Series of 1991 to Suspend Work Operations
Under Certain Conditions

In response to the request of various constructors groups that they be granted the option to suspend their work for certain reasons/circumstances beyond their control, the DPWH, in consonance with its commitment with NEDA in connection herewith, hereby establishes the period from 01 March to 31 August 1991 as a pilot period where contractors will be allowed to suspend work operation on any or all projects/activities after fifteen (15) calendar days from date of written notice from the contractors to the District Engineer/Regional Director/Consultant, as the case may be, due to the following:

1. there exist right-of-way problems which prohibit the contractor from performing work in accordance with the approved Construction Schedule;
2. requisite construction plans which must be Owner-furnished are not issued to the contractor precluding any work called for by such plans;
3. peace and order conditions make it extremely dangerous, if not impossible, to work. However, this condition must be certified in writing by the Philippine National Police (PNP) station which has responsibility over the affected area and confirmed by the Department of Interior and Local Government (DILG) Regional Director;
4. there is failure on the part of Government to deliver government-furnished materials as stipulated in the contract.

In any or all of the above-cited circumstances, work on other areas/activities shall continue if these areas/activities are not affected by the reasons aforesaid.

However, should the District Engineer/Regional Director/Consultant refute in writing within fifteen (15) calendar days from date of receipt of the contractor's written notice that the aforementioned reasons do not actually warrant work suspension, the Contractor is obliged to continue his operations until

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the District Engineer/Regional Director/Consultant is convinced otherwise. Non-refutation in writing by the aforementioned officials within the 15-day period means that the reason(s)/circumstance(s) given by the Contractor are confirmed valid. In such cases where suspension is warranted, the Regional Director or the Undersecretary concerned shall be advised immediately by the District Engineer in case the project is under his (DE) supervision, or by the Regional Director or Consultant in case the projects involved are under their supervision, so as to give said officials the opportunity to verify the rationale for such work suspension. When the reasons/circumstances for work suspension no longer exist, the District Engineer/Regional Director/Consultant, as the case may be, shall advise the contractor in writing that work can recommence and, within two (2) days from receipt of such advice, the Contractor must resume work on the suspended activity.

To compensate the contractor for time lost due to work suspension(s) on account of the aforesaid reasons/circumstances, such contract time extensions as are appropriate shall be recommended/approved by the officials authorized to act thereon.

In this connection, field implementing offices are hereby enjoined to see to it that neither shall they issue a Notice to Proceed unless the necessary road right-of-way and/or permit to enter shall have been acquired, nor shall stipulations be included in the contract regarding government-furnished materials unless extremely necessary, and that project plans should be properly prepared to avoid changes in plans/alignments/scopes of work, etc. However, if totally unavoidable, determination of the required changes shall be done at the earliest time possible, and the necessary Change Order should be submitted for approval as required by the Implementing Rules and Regulations (IRR) of PD 1594.

This pilot project will be in full force and effect during the period 01 March to 31 August 1991, after which a decision will be made by the DPWH, in collaboration with other agencies, whether or not to institutionalize the suspension by contractors of their work operations upon due notice to the government, for reasons aforesaid. It is understood, however, that notwithstanding DPWH's tacit acceptance of contractor's interim right of suspension of work, no monetary claims pertaining to or resulting therewith shall be entertained.

[Signature]

During this 6-month pilot period, Regional Directors/District Engineers/Consultants are hereby directed to submit monthly reports on all work suspensions to the Bureau of Construction (BOC) detailing circumstances/reasons behind each of these suspensions. BOC shall collate/evaluate all field reports and submit a consolidated report to the Secretary within fifteen (15) days after the expiry of this pilot period or not later than 15 September 1991, including its recommendations on the possible amendments to the IRR of PD 1594 to institutionalize contractor's right to suspend work.

For strict compliance.


JOSE P. DE JESUS
Secretary