



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

097.13 DPWH
4-2-90

27 March 1990

DEPARTMENT ORDER)

NO. 74 Subject: Determination of Contract
Series of 1990 Time; Suspension of Work; Suspension
of Contract Time.

It has been observed that many requests for extensions of contract time, approvals of work suspension orders and suspensions of contract time which are not in accordance with the Implementing Rules and Regulations of PD 1594, existing Department Orders and Memoranda are being entertained by Implementing Offices and submitted/endorsed to the Central Office for approval.

Henceforth, all Project Engineers, Resident Engineers, District Engineers, Project Managers and Regional Directors and all others concerned are ordered to strictly follow provisions of the IRR/PD 1594, conditions of contract, and all rules and regulations on this matter and desist from issuing work suspension orders, contract time suspensions and extensions in violation of the aforesaid scriptures.

For the information of everyone concerned, the following provisions of existing Orders pertaining to the above-captioned subject are herein reiterated/clarified:

1. Ministry (MPWH) Order No. 54, series of 1983. In the preparation of bidding documents and computation of contract time for any project, the topography and weather conditions of the region and the prevalence of typhoons thereat must be considered and sufficient allowances for these factors must be provided in the contract period for the project. Requests for suspension of contract time or suspension of work or extension of contract time due to unfavorable weather conditions shall not be entertained.

Work in the project may be suspended wholly or partly thru written order of the Engineer for such period as may be deemed necessary only for causes attributable to the fault or negligence of the contractor, like failure on his part to correct bad conditions which are unsafe for workers or for the protection of the general public, or to carry out valid orders of the Engineer, or to perform any provision of

the contract. Since these suspensions are due to faults of the contractor, no suspension of contract time nor extension thereof should be given.

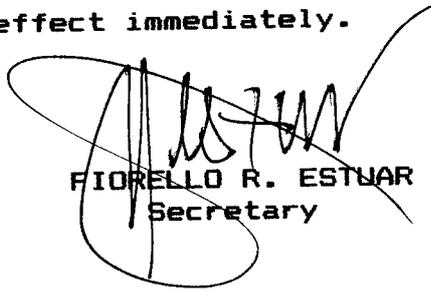
In cases where, due to supervening factors or causes which could not have been reasonably foreseen and/or are beyond the control of both parties and without fault or negligence on their part and work schedules are unreasonably delayed or the contractor is prevented from performing activities along the critical path of PERT/CPM network, reasonable time extension may be allowed subject to the requirements of the IRR of PD 1594.

2. Department Order No. 142, series of 1989. The contractor must file a written notice (for contract time extension/suspension) within thirty (30) calendar days after additional work (necessitating additional time) involved has been started or after circumstances leading to such claim (of suspension) have arisen.

No extension of contract time shall be granted due to (a) unfavorable weather conditions except as specifically defined in the contract; (b) negligence or inexcusable failure of contractor to provide the required equipment, supplies or materials; (c) other causes for which government is not directly responsible nor provided in the contract as valid basis for time extensions.

In this connection, all written notices/request for time extensions submitted by contractors shall be acted upon immediately by the Implementing Office concerned and submitted for the required action of the authority concerned within 30 days of receipt of the notice (request), otherwise the same may not be approved or the erring official be made to explain why disciplinary measures will not be meted on him for failure to observe this requirement.

This order shall take effect immediately.


FIORELLO R. ESTUAR
Secretary