



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

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DEPARTMENT ORDER) SUBJECT: Creation of a Committee to Evaluate
NO. 44) Requests for Suspension or Extension
Series of 1993) of Contract Time

In order to obviate the ill effects of unwarranted grant/ approval of requests for either suspension or extension of contract time, an Evaluation Committee to this effect is hereby created in the Central Office to be composed of the following:

Assistant Secretary for Legal Service	Chairman
Director, Bureau of Construction	Member
Director, Bureau of Design	Member

For the guidance and strict observance of the Committee in its assigned task, the provisions of CI 10 and CI 11 of the Implementing Rules and Regulations (IRR) of P.D. 1594 in regard to suspension and extension of contract time are hereunder reproduced:

"CI 10 - SUSPENSION OF WORK

1. The Government or its duly authorized representative shall have the authority to suspend the work wholly or partly by written order for such period as may be deemed necessary, due to force majeure or any fortuitous events or for failure on the part of the contractor to correct bad conditions which are unsafe for workers or for the general public to carry out valid orders given by the Government or to perform any provisions of the contract, or due to adjustment of plans to suit field conditions as found necessary during construction. The contractor shall immediately comply with such order to suspend the work wholly or partly.

2. The contractor or its duly authorized representative shall have the right to suspend work operation on any or all projects/activities along the critical path of activities after fifteen (15) calendar days from date of receipt of written notice from the contractor to the District Engineer/Regional Director/Consultant, as the case may be, due to the following:

- a. There exist right-of-way problems which prohibit the contractor from performing work in accordance with the approved construction schedule.
- b. Requisite construction plans which must be owner-furnished are not issued to the contractor precluding any work called for by such plans.

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- c. 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.
 - d. There is failure on the part of the government to deliver government-furnished materials and equipment as stipulated in the contract.
 - e. Delay in the payment of contractor's claim for progress billing and/or price escalation beyond forty-five (45) calendar days from the time the contractor's claim has been certified to by the implementing agency's authorized representative that the documents are complete unless there are justifiable reasons thereof which shall be communicated in writing to the contractor.
3. In case of total suspension, or suspension of activities along the critical path, which is not due to any fault of the contractor, the elapsed time between the effective order of suspending operation and the order to resume work shall be allowed the contractor by adjusting the contract time accordingly."

"CI 11 - EXTENSION OF CONTRACT TIME

1. Should the amount of additional work of any kind or other special circumstances of any kind whatsoever occur such as to fairly entitle the contractor to an extension of contract time, the Government shall determine the amount of such extension; provided that the Government is not bound to take into account any claim for an extension of time unless the contractor has prior to the expiration of the contract time and within thirty (30) calendar days after such work has been commenced or after the circumstances leading to such claim have arisen, delivered to the Government notices in order that it could have investigated them at that time. Failure to provide such notice shall constitute a waiver by the contractor of any claim. Upon receipt of full and detailed particulars, the Government shall examine the facts and extent of the delay and shall extend the contract time for completing the contract work when, in the Government's opinion, the findings of facts justify an extension.
2. No extension of contract time shall be granted the contractor due to (a) ordinary unfavorable weather conditions

(b) inexcusable failure or negligence of contractor to provide the required equipment, supplies or materials, or (c) other causes for which Government is not directly responsible.

3. Extension of contract time may be granted only when the affected activities fall within the critical path of the PERT/CPM network.

4. No extension of contract time shall be granted when the reason given to support the request for extension was already considered in the determination of the original contract time during the conduct of detailed engineering and in the preparation of the contract documents as prescribed under Section 1.4.J (Detailed Engineering) as agreed upon by the parties before contract perfection.

5. Extension of contract time shall be granted for rainy/unworkable days considered unfavorable for the prosecution of the works at the site, based on the actual conditions obtained at the site, for such period in excess of the number of rainy/unworkable days pre-determined by the government in accordance with Section 1.4.J hereof (Detailed Engineering) and/or for equivalent period of delay due to major calamities such as exceptionally destructive typhoons, floods and earthquakes, and epidemics, and for causes such as non-delivery on time of materials, working drawings, or written information to be furnished by the Government, non-acquisition of permit to enter private properties within the right-of-way resulting in complete paralization of construction activities, and other meritorious causes as determined by the Government's authorized Engineer and approved by the Government. Shortage of construction materials, general labor strikes, and peace and order problems that disrupt construction operations through no fault of the contractor may be considered as additional grounds for extension of contract time provided they are publicly felt and certified by appropriate government agencies such as DTI, DOLE, DILG, and DND, among others. Provided, further, that the written consent of bondsmen must be attached to any request of the contractor for extension of contract time and submitted to the Government for consideration and that the validity of the performance security shall be correspondingly extended."

No request for suspension or extension of contract time shall be recommended and/or approved for reasons other than the grounds enumerated above. Suspension or extension of contract time as evaluated by the Committee shall be subject to the approval of the Undersecretary concerned.

In the case of contracts entered into and approved by District Engineers and Regional Directors under their respective delegated authorities (up to ₱5 million and ₱10 million, respectively), suspension or extension of contract time shall only be granted in accordance with the conditions of the IRR as quoted above. They shall, however, submit to the Undersecretary concerned, for information, copies of all requests for suspension or extension of contract time acted upon by them.

In the case of suspension of activity on a particular item of work which would not result in total suspension of the work under contract, Regional Directors and District Engineers are authorized to issue the corresponding suspension order without prejudice to confirmation by the Undersecretary concerned. Regional Directors and District Engineers, however, shall be held fully responsible in the exercise of this delegated authority.

For the proper guidance of contractors, the provisions of this Department Order must be thoroughly discussed during the pre-bid conference and shall be made part of the Instructions to Bidders.

This Order supersedes all Department Orders, particularly No. 139, s. 1992; No. 226, s. 1991; Nos. 27, 34, 117 and 145, s. 1990; and No. 42, s. 1988, relative to issuance/approval of requests for suspension or extension of contract time which are inconsistent herewith, and takes effect immediately.


EDMUNDO V. MIR, CESO I
Acting Secretary