



24 MAY 2017

Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY

DEPARTMENT ORDER)
NO. **69**)
Series of 2017)

SUBJECT: DELISTING OF SCP
CONSTRUCTION IN THE
ROLL OF BLACKLISTED
CONSTRUCTORS BY THE
CONSTRUCTION INDUSTRY
AUTHORITY OF THE
PHILIPPINES (CIAP)

Appendix 17, Uniform Guidelines for Blacklisting of Manufacturers, Suppliers, Distributors, Contractors and Consultants, particularly Item 8.1, Delisting, states that "A blacklisted person/entity shall be automatically delisted after the period for the penalty shall have elapsed, unless the blacklisting agency requests the GPPB to maintain the blacklisted person/entity in the GPPB Consolidated Blacklisting Report due to justifiable reasons. In the latter case, the blacklisted person/entity shall be delisted only upon the blacklisting Agency's issuance of a Delisting Order",

Pursuant to the above regulation, **Sergio C. Pascual, General Manager of SCP Construction**, of KM 2, Doongan Road, Butuan City, blacklisted by CIAP for one (1) year, from February 20, 2014 to February 19, 2015, due to its terminated contracts: Contract ID No. 08K00014, Road Upgrading (Gravel to Paved) of Jct. S. H. Aglayan-Alanib-Ticalaan-Paganan Sections, Talakag, Bukidnon, and Contract ID No. 09K00068 Road Upgrading (Gravel to Paved) of Gingoog-Claveria-Villanueva Road, Misamis Oriental, both projects being implemented by DPWH Region X, is hereby **DELISTED** for having consummated the imposed one (1) year period of being blacklisted and after SCP Construction was certified by the implementing office to have no financial obligation in connection with its terminated contracts.

RAUL C. ASIS
Undersecretary
Officer-In-Charge

Department of Public Works and Highways
Office of the Secretary



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APPENDIX 17
**UNIFORM GUIDELINES FOR BLACKLISTING OF MANUFACTURERS, SUPPLIERS,
DISTRIBUTORS, CONTRACTORS AND CONSULTANTS**

1.0 SCOPE

These guidelines shall govern the blacklisting of manufacturers, suppliers, distributors, contractors and consultants ("contractors" for brevity) involved in government procurement for offenses or violations committed during competitive bidding and contract implementation, in accordance with Section 69.4 of the Implementing Rules and Regulations ("IRR")¹⁰⁹ of Republic Act No. 9184 ("R.A. 9184"), otherwise known as the "Government Procurement Reform Act."

These guidelines shall apply to all branches, constitutional commissions and offices, agencies, departments, bureaus, offices, and instrumentalities of the Government, including government-owned and/or controlled corporations ("GOCCs"), government financial institutions ("GFIs"), state universities and colleges ("SUCs"), and local government units ("LGUs").

2.0 PROHIBITION ON BLACKLISTED PERSONS/ENTITIES TO PARTICIPATE IN THE BIDDING OF GOVERNMENT PROJECTS/CONTRACTS

A person/entity that is blacklisted by a procuring entity and/or included in the Government Procurement Policy Board ("GPPB") Consolidated Blacklisting Report shall not be allowed to participate in the bidding of all government projects during the period of disqualification unless it is delisted as provided for in these guidelines.

A joint venture or consortium which is blacklisted or which has blacklisted member/s and/or partner/s as well as a person/entity who is a member of a blacklisted joint venture or consortium are, likewise, not allowed to participate in any government procurement during the period of disqualification.

In the case of corporations, a single stockholder, together with his/her relatives up to the third civil degree of consanguinity or affinity, and their assignees, holding at least twenty percent (20%) of the shares therein, its chairman and president, shall be blacklisted after they have been determined to hold the same controlling interest in a previously blacklisted corporation or in two corporations which have been blacklisted; the corporations of which they are part shall also be blacklisted.

3.0 DEFINITION OF TERMS

- 3.1 ***Appellate Authority.*** The department, office or government unit exercising general and/or administrative supervision/control over the blacklisting agency. Department level agencies shall exercise appellate authority over offices, agencies, bureaus, government units, GOCCs and SUCs under their jurisdiction. *Provided, further,* that blacklisting decisions of government agencies that are not subject to general and/or administrative supervision/control of any department, office or government unit shall be final and executory.

¹⁰⁹ As amended by GPPB Resolution 03-2011, dated 28 January 2011, published in the Manila Times on 6 April 2011.

contractor from participating in the bidding of all government projects. The performance security of said contractor shall also be forfeited.

7.0 STATUS OF BLACKLISTED PERSON/ENTITY

Before the issuance of a Blacklisting Order, the erring contractor may participate in the procurement of any government project except in the agency where he is suspended. But if Blacklisting Order is issued prior to the date of the notice of award ("NOA"), the blacklisted person/entity shall not be qualified for award and such project/contract shall be awarded to another bidder pursuant to R.A. 9184 and its IRR¹¹⁵.

If the Blacklisting Order is issued after award of a government project/contract to the blacklisted person/entity, the awarded project/contract shall not be prejudiced by the said order: *Provided, however*, that the said offense(s) committed by the blacklisted person/entity is/are not connected with the awarded project/contract.

8.0 DELISTING

- 8.1 A blacklisted person/entity shall be automatically delisted after the period for the penalty shall have elapsed, unless the blacklisting agency requests the GPPB to maintain the blacklisted person/entity in the GPPB Consolidated Blacklisting Report due to justifiable reasons. In the latter case, the blacklisted person/entity shall be delisted only upon the blacklisting agency's issuance of a Delisting Order.

9.0 METHODOLOGY FOR NOTIFICATION TO THE GPPB

- 9.1. Unless otherwise provided in these guidelines, the blacklisting agency concerned shall submit to the GPPB, within seven (7) calendar days after the issuance of the blacklisting order/delisting orders made by the agency, the following documents:

- a) Blacklisting Order duly signed by the Head of the Procuring Entity/apellate authority containing, among others, Department/Office Order or Board Resolution number, name and address of the blacklisted person/entity, license number, if applicable, Authorized Managing Officer ("AMO"), name of project/contract and location/amount, specific ground(s)/offense(s) committed as provided in Section 4 hereof, sanction imposed and its date of start and completion, date of issuance of the order to blacklist, and other conditions which can extend duration of sanctions in Section 4 hereof.
- b) Delisting Order duly signed by the blacklisting agency containing, among others, Department/Office Order or Board Resolution number, name and address of the blacklisted person/entity, name of project/contract and location, specific sanction being lifted and the number of previously issued blacklisting Department/Office Orders or Board Resolutions, effectivity date of delisting, and date of delisting approval.

¹¹⁵ *Ibid.*