



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

097.13 DPWH
05.06.2021

MAY 04 2021

DEPARTMENT ORDER)
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NO. 35)
Series of 2021 *cf 05/06/21*

SUBJECT: Amending D.O. No. 129, Series of 2014, on the Submission of Construction Safety and Health Program (CSHP), Approved by DPWH and Duly Concurred to by DOLE

Pursuant to D.O. No. 56, Series of 2005, all Heads of Procuring Entities of this Department are authorized to approve the Construction Safety and Health Program (CSHP) of winning bidders, subject to the concurrence of the Department of Labor and Employment (DOLE).

However, due to the travel, quarantine, and other restrictions imposed as a consequence of the COVID-19 public health emergency, practical and face-to-face trainings for certain qualifications (critical occupation/heavy equipment operators) are not available in all regions, especially in Mindanao. Theoretical and videoconference trainings are likewise unviable means to accomplish certification training for these types of technical equipment operation as first-hand trainings are crucial in acquiring the necessary skills therefor.

In view thereof, some employees of the contractors cannot secure the necessary Certification from the Technical Education and Skills Development Authority (TESDA), thereby causing DOLE to withhold its concurrence over the approved CSHPs duly received from DPWH. This, in turn, contributes to delay in project implementation as disbursement capacity of the Implementing Offices are affected by virtue of the restriction provided under D.O. No. 129, Series of 2014, which prohibits the processing and payment of advance payment or first billing filed by contractors without CHSPs duly concurred to by DOLE.

Thus, in order to address this predicament and to facilitate timely implementation and completion of infrastructure projects for the benefit of the public while taking into consideration the exigencies posed by COVID-19, as mandated under Section 4(mmm) of R.A. No. 11494 directing DPWH to fast-track the implementation of infrastructure programs and projects, the following guidelines on contractor's compliance and submission of CSHP shall be implemented:

1. Contractor must present proof of submission of its DPWH-approved CSHP, albeit pending concurrence by DOLE, in order for its claim for advance payment or first billing to be processed.
2. Within six (6) months from receipt of the advance payment or first billing, the contractor shall comply and submit its DPWH-approved CSHP, duly concurred to by DOLE. Otherwise, its subsequent billings shall be withheld until contractor has complied and submitted its DOLE-concurred CSHP, except if non-compliance therefor by the contractor is due to fortuitous events or circumstances beyond the control of the contractor. In the latter case, no claims for release of retention money shall be processed until such time that the contractor has submitted its DOLE-concurred CSHP.
3. In all cases, the contractor shall comply with its undertakings pursuant to its DPWH-approved CSHP and the construction safety and health protocols mandated under

DOLE D.O. No. 13, Series of 1998, D.O. No. 56, Series of 2005, and D.O. No. 30, Series of 2021, throughout the implementation of its project/s. Moreover, a DPWH-approved CSHP shall, at all times, be required before contractor's claims for billings/payments may be processed and paid.

4. Non-submission by the contractor of its DOLE-concurred CSHP within the aforementioned period may constitute as prima facie case of construction malperformance of grave consequence due to negligence, incompetence, or malpractice contemplated under R.A. No. 4566, or the "Constructor's Licensing Law", and its case may be endorsed to the Philippine Contractors Accreditation Board for appropriate action. The contractor may also be liable for administrative sanctions such as, but not limited to, blacklisting and deduction of the amount corresponding to the contractor's non-compliance from the contractor's total billing. Penalties and sanctions provided under DOLE D.O. No. 13, Series of 1998, D.O. No. 56, Series of 2005, and other pertinent rules and regulations shall also be applicable.

This Order amends provisions of D.O. No. 129, Series of 2014 and D.O. No. 11, Series of 2021 (Implementation of the Document Tracking System for Civil Works Projects), which are inconsistent herewith. This Order shall take effect immediately.



MARK A. VILLAR
Secretary

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