



SEP 22 2023

DEPARTMENT ORDER)
NO. 117)
Series of 2023)

9/25/23

SUBJECT: Standardized Guidelines / Procedures in processing Request for Work Suspension Order and Contract Time Extension due to Pending Issuance of Permits to be issued by Local Government Units and other Concerned Government Agencies (MMDA, DENR, etc.)

In line with the President Marcos Administration's "Build, Better, More" Program, the DPWH is committed in providing and managing quality infrastructure facilities and services responsive to the needs of the Filipino people in the pursuit of national development objectives. However, it has been observed based on available data that one of the causes of delay during project implementation is due to pending / delayed issuance of permits to be issued by Local Government Units (LGU) and other concerned Government Agencies, wherein securing such permit went beyond the prescribed processing time as indicated in their respective Citizen's Charter, which has a detrimental effect in the implementation of DPWH Infrastructure projects.

This Order aims to establish guidelines / procedures in the preparation and evaluation of request for Work Suspension Order and Contract Time Extension due to pending / delayed issuance of LGU and other concerned Government Agency Permits. It also aims to assist technical staff of Implementing Offices to achieve a more efficient and objective process of evaluation as well as to reconcile current evaluation practices with the existing technical references.

1. LEGAL BASES

- 1.1. Annex "E" of the Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 for locally funded projects.
- 1.2. Federation International des Ingenieurs-Conseils (FIDIC), General Conditions of Contract and Conditions of Particular Application, or any other guidelines for foreign assisted projects

2. DEFINITION OF TERMS

- 2.1. **Work Suspension Order (WSO)** - a written order issued by the DPWH Project Engineer/Engineer's Representative and approved by the concerned authorized DPWH officials to the Contractor to suspend the contract work wholly or partly for such period as may be deemed necessary.
- 2.2. **Work Resumption Order (WRO)** - a written order issued by the DPWH Project Engineer/Engineer's Representative and approved by the concerned Head of the

IO to the Contractor to resume construction operation covered by a previous WSO, after the cause of or reason for the work suspension has been resolved.

- 2.3. **Contract Time Extension (CTE)** - a written authority issued by the IO granting the contractor additional time beyond the approved completion date in order to carry out additional work or on account of other special circumstances that warrant such additional contract time.
- 2.4. **Citizen's Charter** - is a document of commitments made by a Government organization to the citizen / client groups in respect of the services / schemes being provided to them or to be provided to them.
- 2.5. **Anti-Red Tape Authority (ARTA)** - Section 17 of RA No. 11032 provides for the creation of the ARTA, the government agency mandated to administer and implement the said law and its Implementing Rules and Regulations (IRR), and to monitor and ensure compliance with the national policy on anti-red tape and ease of doing business in the country.

3. GUIDELINES / PROCEDURES IN THE APPLICATION OF NECESSARY PERMITS

- 3.1. The application for the necessary permits should be filed by the contractor or his duly authorized representative(s) within fifteen (15) calendar days after the effectivity of the contract or from the occurrence of any activity that requires LGU and other necessary permits (excavation, etc.). After fifteen (15) calendar days had lapsed and no application was filed, the request for work suspension due to delayed / pending issuance of said permit may be approved. Should the contractor request for CTE in lieu of work suspension, any corresponding delay in the application shall be deducted from the CTE to be granted.
- 3.2. In filing an application for the necessary permit, the contractor should see to it that all documentary requirements as contained in the Citizen's Charter of the concerned LGU / other Government Agency should be provided / completed and all necessary forms should be filled up / accomplished, including any payment thereto, indicating the date as to when the application was filed, duly received by the authorized personnel of the concerned LGU / other Government Agency. If the documents were returned to the contractor for its sole default due to incomplete supporting documents, the corresponding delayed time should be attributable to the contractor and should not be considered for CTE.
- 3.3. The concerned IO MUST assign a liaison officer (from the Contractor) to the LGU or other concerned agencies who will coordinate and closely monitor / follow up the actions to any request made thereto, provided that said follow up should be made at least once a week. All follow ups should be made official, and duly received by the concerned LGU / other Government Agency. Should the contractor finds difficulty in the application for permits, the contractor should immediately notify in writing the IO of the same.
- 3.4. If, after the lapse of the prescribed processing time as indicated in the concerned LGU's and other Government Agency's Citizen's Charter and after five (5) working days reckoned from the date of the third follow-up on the status of the application



was made, and no action(s)/development(s) has been given, the concerned Head of the IO [Unified Project Management Office (UPMO), Bureau, Regional Office (RO) and District Engineering Office (DEO)] shall file a complaint regarding the situation, through the ARTA (website:www.arta.gov.ph)(e-mail: complaints@arta.gov.ph).

- 3.5. If, after the lapse of fifteen (15) working days from the date of acknowledgement of ARTA of the formal complaint filed by the concerned Head of the IO (UPMO, Bureau, RO and DEO), the said concerned Head of the IO (UPMO, Bureau, RO and DEO) should submit his / her report directly to the DPWH Secretary, informing him about the situation, citing Chronology of Events from the date of application of Permit to the concerned LGU / other Government Agency up to the filing of formal complaint to the ARTA.
- 3.6. Upon receiving the report from the concerned Head of the IO (UPMO, Bureau, RO and DEO), the DPWH Secretary should forward a letter to the ARTA informing them about the situation, and request for the issuance / release of the said permit, through their intervention.

4. DOCUMENTARY REQUIREMENTS AND TIMELINES IN THE PROCESSING OF NECESSARY PERMITS

4.1. LGU PERMIT

The documentary requirements as well as the timelines in the processing of necessary LGU Permit varies according to the Citizen's Charter of each City / Municipality and the type of permit (building, excavation, etc.) to be requested.

4.2. MMDA PERMIT

Please refer to Annex A (requirements, process flow) for the documentary requirements and timelines in the processing of necessary MMDA Permit.

4.3. DENR PERMIT

Please refer to Annex B (requirements, process flow) for the documentary requirements and timelines in the processing of necessary DENR Permit.

4.4. OTHER GOVERNMENT AGENCY

Please refer to the agency's Citizen's Charter. An example of Citizen's Charter is attached as Annex C.

5. REQUEST FOR WORK SUSPENSION, WORK RESUMPTION AND CONTRACT TIME EXTENSION DUE TO DELAYED / PENDING ISSUANCE OF LGU AND OTHER CONCERNED GOVERNMENT AGENCIES' PERMIT (MMDA, DENR, ETC.)

The preparation of the desired WSO, WRO and CTE shall remain with the concerned DPWH Project Engineer. He shall ensure that all supporting documents are submitted. The documentary requirements for the request for WSO, WRO and CTE due to pending /



delayed issuance of LGU and other Government Agency Permit are provided in DO 11 series of 2021 (or as amended) and the additional documents not stated therein are as follows:

WSO

- a. Letter request of the contractor for WSO
- b. Straight Line Diagram showing the critical activities affected
- c. Straight Line Diagram showing the contract effectivity, expiry and other vital dates of the project
- d. Previously approved WSO / CTE / WRO
- e. Certified True Copy of Original Contract
- f. Copy of latest approved Project Evaluation Review Technique (PERT) / Critical Path Method (CPM) Network Diagram Bar Chart or Precedence Diagram Method (PDM)
- g. Application letter / form duly accomplished by the contractor with date as to when the said application was made, duly received by concerned LGU / other Government Agency
- h. Executive Summary
- i. Proposed Suspension Order in standard format per existing DO
- j. Project/Consultant Engineer's Report
- k. Evaluation / Recommendation with justification from the IO / Consultant of the requested WSO
- l. Complete Contractual Data
- m. Letters, follow up letters or minutes of the meetings and other communications made between the contractor, IO and the concerned LGU / other Government Agency
- n. Chronology of Events showing the efforts made in the application of such permit
- o. Concerned LGU's / other Government Agency's Citizen's Charter
- p. Official Receipt / Proof of payment/s made to the LGU / other Government Agency
- q. Report to the Secretary informing the non-issuance of LGU / other Government Agency, if applicable



- r. Document containing the receipt of the complaint to the ARTA, if applicable

CTE

- a. Letter request of the contractor for CTE
- b. Approved Suspension and Resume Orders
- c. Straight Line Diagram showing the critical activities affected
- d. Straight Line Diagram showing the contract effectivity, expiry and other vital dates of the project
- e. Previously approved CTE
- f. Certified True Copy of Original Contract
- g. Copy of latest approved PERT/CPM Network Diagram Bar Chart or PDM
- h. Sworn Contractor's Quit Claim
- i. Conformity of Contractor's Bondsman for the Time Extension
- j. Application letter / form duly accomplished by the contractor with date as to when the said application was made, duly received by concerned LGU / other Government Agency
- k. Copy of approved LGU / other Government Agency Permit with date of issuance
- l. Executive Summary
- m. Project/Consultant Engineer's Report
- n. Evaluation/Recommendation with justification from the IO / Consultant of the requested Time Extension
- o. Complete Contractual Data
- p. Chronology of Events showing the efforts made in the application of such permit
- q. Letters, follow up letters or minutes of the meetings and other communications made between the contractor, IO and the concerned LGU / other Government Agency
- r. Concerned LGU's / other Government Agency's Citizen's Charter
- s. Proof of payments made with the LGU / other Government Agency



- t. Report to the Secretary informing the non-issuance of LGU / other Government Agency Permit, if applicable
- u. Proof / document confirming the receipt of complaint to the ARTA

WRO

- a. Letter request of the contractor for WRO
- b. Approved Suspension Order
- c. Certified True Copy of Original Contract
- d. Executive Summary
- e. Copy of the proposed Resume Order in accordance with Format per existing department order
- f. Project / Consultant Engineer's Report
- g. Complete Contractual Data
- h. Copy of approved LGU / other Government Agency Permit with date of issuance

6. DELEGATED AUTHORITY

The delegated authority in the approval of WSO, WRO, and CTE should be in accordance with the provisions of D.O. No. 42 series of 2020, as shown hereunder, unless otherwise revoked/amended:

For WSO and CTE:

Item III of D.O. No. 42 series of 2020 – Delegated Authority

A. For locally funded projects:

Approving Official
District Engineer
Regional Director

Cumulative Inclusive Period
- up to 60 calendar days (c.d.)
- beyond 60 c.d.

B. For Central/UPMO projects:

Approving Official
UPMO Cluster Director/ Bureau
Undersecretary for Technical Services/
UPMO Operations

Cumulative Inclusive Period
- up to 120 c.d.
- beyond 120 c.d.

For WRO:

Approval for all WROs should be within the authority of the Head of the IOs.

Relative to the provisions of the D.O. on the Document Tracking System (DoTS), all requests of the contractor shall be duly registered in the DoTS and duly recorded in the Receiving Logbook of the IO (Records Section/DoTS Center). Likewise, the *letter request* of the contractor should be stamped with "*Received*" by the IO indicating therein the date and time it was received.

Failure of the concerned DPWH personnel to implement the provisions of this Order shall, after due process, make them liable to the penalties prescribed for violation of reasonable office rules and regulation in Rule 10, Administrative Offenses and Penalties of the 2017 Rules on Administrative Cases in the Civil Service dated 03 July 2017.

This Order shall take effect immediately and amends any previous issuances to the contrary.


MANUEL M. BONOAN
Secretary

6.1.2. AMD/MLC

Department of Public Works and Highways
Office of the Secretary



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