AUTHORIZING DPWH TO ADOPT PRE-PAYMENT BASIS IN THE PROCUREMENT OF CEMENT REQUIREMENTS FOR THE CIRCUMFERENTIAL ROAD 5 (C-5) FLAGSHIP PROJECT

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WHEREAS, the DPWH is presently rushing the completion of a section of Circumferential Road No. 5 (C-5), from the South Luzon Expressway up to Ortigas Avenue Extension;

WHEREAS, the completion of said road is a flagship project of Government, designed to alleviate traffic in Metro Manila;

WHEREAS, one of the factors affecting the early completion of said project is the procurement of cement, particularly during the Christmas holiday season, when cement plants are expected to shut down;

WHEREAS, in order to ensure the early completion of said project, it is necessary to procure in advance said cement requirements;

WHEREAS, due to the accelerated mode of implementation of said project, the concerned contractors do not have the financial resources to procure said cement requirements in advance;

WHEREAS, Section 88(1) of Presidential Decree No. 1445 otherwise known as the Government Auditing Code of the Philippines provides that:

> "Except with the prior approval of the President, the government shall not be obliged to make an advance payment for services not yet rendered or for supplies and material not yet delivered under any contract therefor. No payment, partial or final, shall be made on any such contract except upon a certification by the head of the agency concerned to the effect that the services or supplies and materials have been rendered or delivered in accordance with the terms of the contract and have been duly inspected and accepted."

WHEREAS, the grant of authority to DPWH to adopt pre-payment basis in the procurement of their cement requirement, subject to certain limitations, would accelerate the implementation of said project;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Department of Public Works and Highways is hereby authorized to adopt pre-payment basis in the procurement of the cement requirement for the C-5 project as an exception to the prohibition under Section 88 (1) of Presidential Decree No. 1445.

SECTION 2. The authority granted herein shall remain in force and effect for a period of two(2) months from date hereof.

SECTION 3. This Memorandum Order shall take effect immediately.

Adopted: 13 Dec. 1994

(SGD.) FIDEL V. RAMOS

President

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