SUPERSEDING DEPARTMENT MEMORANDUM CIRCULAR NO. 73, S. 1990, ON APPLICABILITY OF IRR OF P.D. 1594, AS AMENDED

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The provision of Part IV, paragraph 1, of the Implementing Rules and Regulations (IRR) of PD 1594, as approved in January 1990, provides:

> "1. These implementing rules and regulations as amended shall apply to all contracts for infrastructure and other construction projects of all government agencies including government owned or controlled corporations and other instrumentalities THAT WILL BE BID OUT AFTER TEN (10) DAYS FROM DATE OF DISSEMINATION OF THESE AMENDED IMPLEMENTING RULES AND REGULATIONS BY THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY (NEDA), COMMITTEE ON INFRASTRUCTURE (INFRACOM), FOR CONTRACTS BID OUT BEFORE SAID EFFECTIVITY DATE, THE PREVIOUS IMPLEMENTING RULES AND REGULATIONS SHALL APPLY. THESE AMENDED IMPLEMENTING RULES AND REGULATIONS SHALL NOT APPLY TO LUMP SUM "PAKYAW CONTRACTS." (underscoring supplied)

In the light of this provision, there is no room for doubt that the provisions of the amended IRR shall only have prospective application and that for contracts bid out before the effectivity of the amended IRR, the previous IRR shall apply. From this provision, therefore, since the dissemination of the amended IRR was completed on 15 March 1990, it follows that for contracts bid out after 15 March 1990, or starting 16 March 1990, the amended IRR shall govern.

This supersedes Department Memorandum Circular No. 73, s. 1990, and any issuance that may be in conflict herewith.

Adopted: 26 July 1990

(SGD) FIORELLO R. ESTUAR
Secretary

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