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GUIDELINES IN THE ACCREDITATION IN THE DPWH OF SURETY AND INSURANCE COMPANIES/CORPORATIONS

DPWH DEPARTMENT ORDER NO. 03, S. 2009, January 20, 2009

Read online (full-text search, related cases, audio case brief): https://batas.org/library/83f16e201b54/

I.
RATIONALE

To provide safeguards to ensure that only reputable and financially qualified insurance and surety companies and their re-insurers shall be authorized and allowed to do business with the DPWH.

II.
COVERAGE

The accreditation shall cover all surety and insurance companies, including their re-insurers, nationwide, doing business with the DPWH.

III.
CREATION OF AN ACCREDITATION COMMITTEE AND ITS TWG

A committee on accreditation shall be created to receive, evaluate, process and recommend approval or disapproval of all applications for accreditation. The POCW/Bureau of Construction, as the Technical Working Group, shall assist the said Committee.

IV.
DEVELOPMENT OF THE ACCREDITATION SYSTEM

The Monitoring and Information Service in coordination with the Committee, shall develop an accreditation system similar to the POCW's National Civil Works Contractors Registry which shall be used in the monitoring of the profile and financial capabilities of surety and insurance companies who shall be doing business with the DPWH.

V.
ACCREDITATION REQUIREMENTS

V.a. Qualifications:

To be able to do business with the DPWH, the surety and insurance company must possess the following qualifications:

> V.a.1 must have a minimum paid-up capital of five hundred million (P500M); and
>
> V.a.2 must have been in the surety or insurance business for at least ten (10) years prior to the date of its application for accreditation.

V.b. Documentary Requirements

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The surety and insurance companies applying for accreditation shall submit the following updated documents to the Committee on Accreditation:

V.b.1 Legal Documents

a. DTI/SEC Registration Certificate together with Articles of Incorporation and By-Laws;

b. Current mayor's permit/city or municipal licenses;

c. Tax Clearance Certificate of the current year;

d. Statements under oath of the surety or insurance company's authorized representative stating that:

d.1 It is not blacklisted or barred from engaging in business with the government or any of its agencies, offices, corporations or LGUs including non-inclusion in the consolidated blacklisting report issued by the Office of the Insurance Commission (OIC);

d.2 It has no unsettled money claims to any government office/agency or instrumentality, national or local as well as any private entity;

d.3 It is not facing any litigation in regular courts or any administrative bodies arising from non-compliance of its obligation under any issued bonds or insurance policy using the prescribed form; and

d.4 Each of the documents submitted in satisfaction of the accreditation requirements are authentic or a true and faithful reproduction of the original copy, and that all statements and information provided therein are true and correct;

e. Names of agents (corporation, partnership or sole/single proprietorship) approved by the Office of the Insurance Commission including their Articles of Incorporation/Partnership and By-Laws, SEC Registration Certificate and in case of sole proprietorship, Bureau of Domestic Trade Registration Certificate, if any;

f. Name/s of re-insurer/s including their Articles of Incorporation/Partnership and By-Laws, SEC Registration Certificate and in case of sole proprietorship, Bureau of Domestic Trade Registration Certificate, if any; and

g. Board Resolution in case of a Corporation or Special Power of Attorney in case of single proprietorship authorizing DPWH to verify any or all documents submitted for accreditation.

V.b.2 Financial Documents:

a. Audited Financial Statements stamped received by the BIR for the last three (3) years; and

b. Amount of exposure of the Applicant Surety or Insurance Company and its re-insurer, supported by details at the time of the filing of the application for registration.

V.b.3 Processing/Accreditation and Renewal Fee:

Processing/Accreditation and Renewal Fee shall be in the amount of Five Thousand Pesos (P5,000) which shall be imposed for every surety or insurance company/re-insurer.

VI.
PROCEDURE FOR ACCREDITATION:

VI.a Submission of duly accomplished Accreditation form with complete documentary requirements to the Committee on Accreditation together with the payment of the non-refundable processing/accreditation fee;

VI.b Evaluation and validation of said application for accreditation;

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VI.c Recommendation of the Committee on Accreditation;

VI.d Approval/Disapproval by the Secretary;

VI.e In case of renewal for Accreditation, the concerned Surety and Insurance Company/ Corporation shall submit the duly accomplished renewal form together with the payment of the renewal fee for evaluation and approval; and

VI.f All applications and renewals for accreditation with complete and valid requirements shall be forwarded to the Office of the Secretary within Fifteen Calendar Days (15 C.D.) from the date of application for approval/disapproval.

VII.
GROUNDS FOR DISQUALIFICATION

VII.a Submission of forged or spurious documents in connection with the surety or insurance company application for accreditation without prejudice to whatever any legal action the DPWH may file against the applicant to protect its interest; and

VI.b Failure to comply with its obligation under the bond or insurance policy issued by it with valid and lawful cause upon demand without prejudice to whatever any legal action the DPWH may file against the applicant to protect its interest.

VIII.
RESERVATION CLAUSE

The DPWH reserves the right to suspend or cancel the accreditation of the surety or insurance company should the DPWH find after due investigation that the surety or insurance company's accreditation was acquired through fraud, misrepresentation or submission of any false information or the capability of the surety or insurance company to comply with its obligation has significantly diminished.

IX.
EFFECTIVITY CLAUSE

These guidelines shall become effective after fifteen (15) days of their publication in a newspaper of general circulation or in the Official Gazette.

Adopted: 20 Jan. 2009

(SGD.) HERMOGENES E. EBDANE, JR.
Secretary

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