NATIONAL ADMINISTRATIVE REGISTER · JULY 18, 2000

APPROVING THE REVISED UNIFORM GUIDELINES FOR BLACKLISTING CONSTRUCTORS INVOLVED IN PUBLIC CONSTRUCTION

CIAP BOARD RESOLUTION NO. 5, S. 2000, July 18, 2000

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On motion duly seconded.

WHEREAS, the Construction Industry Authority of the Philippines (CIAP), under Section 2 of PD 1746, is tasked to promote, accelerate and regulate the growth of the construction industry in conformity with the national goals;

WHEREAS, Section IB 10.5.2 of the Implementing Rules and Regulations (IRR) of PD 1594 as amended 12 July 1995, provides for the formulation of the uniform guidelines for blacklisting constructors involved in public construction and revision of the same whenever necessary by a committee composed of representatives from government tendering agencies and constructors associations created by the CIAP;

WHEREAS, the CIAP created the Inter-Agency Committee (IAC) on Blacklisting composed of representatives from the Department of Public Works and Highways (DPWH), Transportation and Communications (DOTC), Labor and Employment (DOLE), Energy (DOE), National Defense (DND), National Power Corporation (NPC), National Irrigation Administration (NIA), National Economic and Development Authority (NEDA), Philippine Constructors Association, Inc. (PCA), and National Association of Constructors Association of the Philippines (NACAP) which formulated

the Uniform Guidelines for Blacklisting Constructors Involved in Public Construction approved by the National Economic and Development Authority (NEDA) Committee on Infrastructure (INFRACOM) on 14 August 1996.

WHEREAS, the CIAP IAC on Blacklisting reviewed and revised the Guidelines and submitted the final revised version to the CIAP Board;

WHEREAS, Section V-2 of the IRR of PD 1594, as amended 24 May 2000, provides that the amendments/revisions to the Guidelines shall be approved by the CIAP Board and become effective fifteen (15) days after filing of the same with the Office of the National Administrative Register pursuant to Administrative Code of 1987.

NOW, THEREFORE, in consideration of the foregoing premises, BE IT RESOLVED, as it is hereby RESOLVED, to approve the following Revised Uniform Guidelines for Blacklisting Constructors Involved in Public Construction based on the recommendations of the CIAP IAC on Blacklisting and the agreements of the CIAP Board in its 31st Regular Meeting held on 18 July 2000:

I
General

The Implementing Rules and Regulations (IRR) of P.D. No. 1594 as amended last 12 July 1995 provide under Section IB 10.5-2 the formulation of uniform guidelines for blacklisting constructors involved in public construction and revision of the same whenever necessary by a committee composed of representatives from

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government tendering agencies and constructors associations created by the Construction Industry Authority of the Philippines (CIAP). The guidelines shall stipulate, among others, the administrative sanctions to be imposed for offenses/violations committed by constructors during the contract implementation phase.

These guidelines were developed to address the following issues: differing sanctions imposed by agencies concerned on erring constructors; absence of administrative procedures or due process for blacklisting constructors by some concerned agencies; and, lack of information networking within and among agencies on offenses committed by constructors.

II
Scope

These guidelines shall cover the blacklisting of constructors involved in government infrastructure projects who committed offenses/violations during prequalification, bidding, award, and contract implementation.

The prequalification, bidding and award phases are included in these guidelines to harmonize the blacklisting and delisting procedures and to expand coverage of the blacklisting reports.

Joint ventures and consortia are likewise covered by these guidelines but the number of times sanctioned and corresponding sanctions imposed shall be accrued by the joint ventures and/or consortia concerned and their individual member-constructors.

III
Constructors Not Allowed to Participate in the Pre-Qualification and Bidding of Government Projects

A CONSTRUCTOR WHO WAS SUSPENDED OR DISQUALIFIED BY A GOVERNMENT TENDERING AGENCY AND/OR INCLUDED IN THE CIAP CONSOLIDATED GOVERNMENT-LEVEL BLACKLISTED CONSTRUCTORS SHALL NOT BE ALLOWED TO PARTICIPATE IN THE PREQUALIFICATION AND BIDDING OF ALL GOVERNMENT TENDERING AGENCIES DURING THE PERIOD OF SUSPENSION/DISQUALIFICATION UNLESS A CERTIFICATE FROM CIAP CONFIRMING A DELISTING ORDER FROM THE BLACKLISTING AGENCY HAS BEEN SUBMITTED TO THE TENDERING AGENCY CONCERNED.

A JOINT VENTURE OR CONSORTIUM WITH BLACKLISTED MEMBER/S AND/OR AN INDIVIDUAL CONSTRUCTOR WHO IS A MEMBER OF A BLACKLISTED JOINT VENTURE OR CONSORTIUM IS LIKEWISE NOT ALLOWED TO PARTICIPATE IN THE PREQUALIFICATION AND BIDDING OF ALL GOVERNMENT TENDERING AGENCIES DURING THE PERIOD OF SUSPENSION.

IV
Definition of Terms

4.1 APPELLATE AUTHORITY — REFERS TO THE AGENCY/OFFICE EXERCISING GENERAL AND/OR ADMINISTRATIVE SUPERVISION/CONTROL OVER THE BLACKLISTING AGENCY, I.E., IN CASE OF AGENCIES LIKE THE NATIONAL IRRIGATION ADMINISTRATION, PHILIPPINE PORTS AUTHORITY, AND PHILIPPINE TOURISM AUTHORITY, THE APPELLATE AUTHORITY SHALL BE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS, AND DEPARTMENT OF TOURISM, RESPECTIVELY; FOR ALL DEPARTMENT LEVEL AGENCIES SUCH AS THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS, DEPARTMENT OF AGRICULTURE, THE APPELLATE AUTHORITY SHALL BE THE OFFICE OF THE PRESIDENT.

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4.2 AWARD — A WRITTEN NOTICE FROM THE AGENCY ACCEPTING A BID OR NEGOTIATED PROPOSAL.

4.3 BID — AN OFFER TO PERFORM THE WORK UNDER THE TERMS AND CONDITIONS SPECIFIED IN THE INFORMATION TO BIDDERS.

4.4 BLACKLISTING — AN AGENCY DECISION TO SUSPEND/DISQUALIFY A CONSTRUCTOR FROM PARTICIPATING IN ALL GOVERNMENT CONSTRUCTION PROJECTS EITHER PERPETUALLY OR FOR A GIVEN PERIOD.

4.5 BLACKLISTING WITH CONDITIONS — AN AGENCY DECISION TO SUSPEND/DISQUALIFY CONSTRUCTOR FROM PARTICIPATING IN ALL GOVERNMENT CONSTRUCTION PROJECTS FOR A GIVEN PERIOD WHICH IS DEEMED TO CONTINUE EVEN AFTER THE LAPSE OF THE PERIOD UNTIL ALL OUTSTANDING LIABILITIES/OBLIGATIONS WITH THE AGENCY HAVE BEEN SETTLED BY THE SAID CONSTRUCTOR.

4.6 CONSOLIDATED BLACKLISTING REPORT — A REPORT PREPARED BY THE CIAP CONTAINING THE LIST OF CONSTRUCTORS BLACKLISTED BY GOVERNMENT TENDERING AGENCIES AND THE PHILIPPINE CONTRACTORS ACCREDITATION BOARD (PCAB).

4.7 CONSORTIUM — A COOPERATIVE ARRANGEMENT BETWEEN LICENSED CONSTRUCTORS AND NON-CONSTRUCTOR/S TO JOINTLY PERFORM A SINGLE SPECIFIC UNDERTAKING/PROJECT WITH THE LICENSED CONSTRUCTOR/S AS MANAGING AND OPERATING PARTNER/S AND OTHERS AS FINANCIER/S OR ANY OTHER SUPPORTIVE ROLE.

4.8 CONSTRUCTION INDUSTRY AUTHORITY OF THE PHILIPPINES (CIAP) — A GOVERNMENT AGENCY ATTACHED TO THE DEPARTMENT OF TRADE AND INDUSTRY (DTI) CREATED UNDER PRESIDENTIAL DECREE NO. 1746 (AS AMENDED BY EXECUTIVE ORDER NOS. 679 AND 768).

4.9 Constructor — deemed synonymous with the term builder and hence, any person or entity including joint venture and consortium licensed by the Philippine Contractors Accreditation Board (PCAB) who undertakes or offers to undertake or purports to have the capacity to undertake or submit a bid for infrastructure projects.

4.10 CONTRACT IMPLEMENTATION — A PROCESS OF UNDERTAKING A CERTAIN PROJECT IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

4.11 DELIST — TO REMOVE A CONSTRUCTOR FROM THE CONSOLIDATED BLACKLISTING REPORT.

4.12 Government-Level Blacklisted Constructor — a constructor who was suspended or disqualified by a government tendering agency and/or is included in the CIAP-Consolidated Government-Level Blacklisted Constructors.

4.13 HEARING OFFICER/COMMITTEE — AN OFFICER OR BODY DESIGNATED BY THE AGENCY TO CONDUCT INVESTIGATION/HEARING OF BLACKLISTING CASES.

4.14 Infrastructure Projects — refers to construction, improvement or rehabilitation of roads and highways, airports and air navigation facilities, railways, ports, flood control and drainage, water supply and sewerage, irrigation systems, dams, buildings, communication facilities, dredging and reclamation, power generating plants, power transmission and distribution facilities and other related construction projects.

4.15 JOINT VENTURE — A COOPERATIVE ARRANGEMENT OF LICENSED CONSTRUCTORS TO

JOINTLY PERFORM A SINGLE SPECIFIC UNDERTAKING/PROJECT WITH EACH OF THE PARTNERS CONTRIBUTING TO THE PERFORMANCE.

4.16 PREQUALIFICATION — THE PROCESS OF EVALUATING THE QUALIFICATIONS OF PROSPECTIVE BIDDERS ON THE BASIS OF THEIR COMPETENCE, INTEGRITY, AND RESPONSIBILITY RELATIVE TO THE CONTEMPLATED PROJECT.

4.17 PREQUALIFICATION, BID AND AWARD COMMITTEE (PBAC) — A COMMITTEE RESPONSIBLE FOR THE CONDUCT OF PREQUALIFICATION, BIDDING AND EVALUATION OF BIDS AND RECOMMENDING AWARD OF CONTRACT.

4.18 PROJECT MANAGEMENT OFFICE — A DEPARTMENT/DIVISION IN AN AGENCY ASSIGNED TO SUPERVISE/MONITOR THE IMPLEMENTATION OF PROJECTS.

V
SANCTIONS AND GROUNDS FOR BLACKLISTING

5.1 Prequalification, Bidding and Award STAGE

The following administrative sanctions as provided for IN THE IRR of P.D. 1594 shall be imposed for offenses/violations committed by constructors during prequalification, bidding and award:

a. Suspension for one (1) year for first offense, disqualification for two (2) years for the second offense, and perpetual disqualification for succeeding offense on any of the following:

a.1 Misrepresentation or concealment of any material fact or information in the sworn prequalification statements and/or bids, including but not limited to:

i. falsification of public documents
ii. submission of borrowed license (license lending).

a.2 Submission of bids and/or detailed estimates that are identical to each other or to the Approved Agency Estimate (AAE) which manifestly indicate rigging or collusion.

a.3 PARTICIPATING IN PBAC ACTIVITIES AS A CONSTRUCTORS ASSOCIATION (CA) REPRESENTATIVE WHERE HE/SHE HAS ANY PECUNIARY INTEREST.

a.4 Other acts of constructors which directly or indirectly tend to defeat the purpose of public bidding.

b. Suspension for six (6) months for first offense, disqualification for one (1) year for second offense, disqualification for two (2) years for third offense, and perpetual disqualification for succeeding offense;

b.1 Non-submission OR LATE SUBMISSION of bids by prequalified constructors WITHOUT JUSTIFIABLE REASON AND WRITTEN NOTICE OF WITHDRAWAL OF INTENT TO PARTICIPATE IN THE BIDDING FIVE (5) WORKING DAYS BEFORE THE DEADLINE OF SUBMISSION OF BIDS.

c. Forfeiture of bid security for first offense, FORFEITURE OF BID SECURITY and suspension of one (1) year for second offense, and FORFEITURE OF BID SECURITY AND perpetual disqualification for succeeding offense on any of the following:

c.1 Unjustified failure or unreasonable refusal of the winning bidder to accept or signify conforme to the Notice of Award (NOA).

c.2 Non-submission by the proposed awardee within the AGENCY prescribed time of the performance security and other requirements necessary for contract preparation, i.e., Contractor’s All Risk (CAR)

Insurance, Affidavit of No Pending Case for Non-Payment of Tax, Construction Schedule, Cash Flow and other requirements necessary for the formalization of the contract.

c.3 Unjustified refusal or failure of the proposed awardee to enter or sign the prepared contract within the agency prescribed time.

d. SUSPENSION FOR FIVE (5) YEARS FOR FIRST OFFENSE AND PERPETUAL DISQUALIFICATION FOR SUCCEEDING OFFENSE:

d.1 RECEIVING A FEE, GIFT, OR OTHER VALUABLE THING IN RELATION TO, OR IN CONNECTION WITH, PBAC ACTIVITIES FROM ANY PERSON/ENTITY IN THE HOPE OR EXPECTATION OF RECEIVING FAVOR OR OTHER TREATMENT THAN THAT ACCORDED OTHER PERSONS;

d.2 COMMITTING ACTS PUNISHABLE UNDER THE ANTI-GRAFT LAWS.

5.2 Contract Implementation STAGE

The following administrative sanctions shall be imposed for offenses/violations committed by constructors during contract implementation:

a. Forfeiture of performance security and disqualification for six (6) months for first offense, FORFEITURE OF PERFORMANCE SECURITY and disqualification for one (1) year for second offense, FORFEITURE OF PERFORMANCE SECURITY and disqualification for two (2) years for third offense, and FORFEITURE OF PERFORMANCE SECURITY and perpetual disqualification for succeeding offense on any of the following:

a.1 Failure of the constructor due solely to his fault or negligence to mobilize and start work within the agency specified period in the Notice to Proceed (NTP).

a.2 Failure by the constructor to fully and faithfully comply with its contractual obligations without valid cause or failure by the constructor to comply with any lawful instruction of the contracting officer or its representative/s pursuant to the implementation of the contract in any or combination of the following:

i. Employment of competent engineers and/or work supervisors.
ii. Provision of warning signs and barricades in accordance with approved plans and specifications and contract provisions.
iii. Stockpiling in proper places of all materials including broken pavement and excavated debris in accordance with approved plans and specifications and contract provisions.
iv. Deployment of committed equipment and manpower.
v. Failure to renew the effectivity dates of the performance security after its expiration during the course of the execution of the works.

b. Forfeiture of performance security and disqualification for one (1) year for first offense, FORFEITURE OF PERFORMANCE SECURITY and disqualification for two (2) years for second offense, and FORFEITURE OF PERFORMANCE SECURITY AND perpetual disqualification for succeeding offense on any of the following:

b.1 Assignment and subcontracting of the construction works or any part without written approval by the agency Head concerned.

b.2 Poor performance by the constructor or unsatisfactory quality of work or progress of work arising from his fault or negligence as reflected in his Constructor’s Performance Evaluation System (CPES) rating sheet. In the absence of the CPES rating sheet, the existing performance monitoring system of the agency concerned shall be applied. Any of the following acts by the constructor shall be construed to mean as poor performance:

i. Negative slippage of 15% and above due entirely to the fault or negligence of the constructor.

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ii. Quality of materials and workmanship not complying with the approved specifications arising from constructor's fault or negligence.

b.3 FAILURE OF THE CONSTRUCTOR TO COMPLY WITH THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS, AS AMENDED, PARTICULARLY THOSE THAT ARE PROVIDED FOR UNDER THE DOLE DEPARTMENT ORDER NO. 13, SERIES OF 1998 ON GUIDELINES GOVERNING OCCUPATIONAL SAFETY AND HEALTH IN THE CONSTRUCTION INDUSTRY AND SUBSEQUENT RELATED ISSUANCES; PROVIDED, HOWEVER, THAT IN ORDER TO GIVE ENOUGH TIME FOR CONSTRUCTORS TO COMPLY WITH THE PROVISIONS OF DOLE D.O. NO. 13, SERIES OF 1998, THIS SHALL NOT BE A GROUND FOR BLACKLISTING UNTIL AFTER A GRACE PERIOD TO BE DETERMINED BY CIAP OR UNTIL SUCH TIME THAT THE TOTAL COST OF IMPLEMENTING A CONSTRUCTION SAFETY AND HEALTH PROGRAM IS MADE AN INTEGRAL PART OF A PROJECT'S CONSTRUCTION COST AS SEPARATE PAY ITEM, AS REFLECTED IN THE PROJECT'S TENDER DOCUMENTS AND IN THE PROJECT'S CONSTRUCTION CONTRACT DOCUMENTS, WHICHEVER COMES FIRST.

b.4 WILLFUL NEGLIGENCE TO CORRECT OR RECTIFY IMMINENT DANGER CONDITIONS IN CLEAR VIOLATION OF THE STOPPAGE OF WORK ORDER BY THE SECRETARY OF THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) OR HIS/HER AUTHORIZED REPRESENTATIVE.

b.5 FAILURE TO REGISTER AS CONTRACTOR WITH THE DOLE REGIONAL OFFICES OR WITH THE BUREAU OF LOCAL EMPLOYMENT PURSUANT TO DOLE ORDER NO. 10, S. 1997 AND SUBSEQUENT RELATED ISSUANCES.

c. Forfeiture of performance security and disqualification for two (2) years for first offense, and FORFEITURE OF PERFORMANCE SECURITY AND perpetual disqualification for succeeding offense on:

c.1 Willful or deliberate abandonment of the project by the constructor without lawful and/or just excuse.

In any of the abovementioned offenses/violations, the agency concerned may undertake by administration the whole or a portion of the unfinished work, or award the same to another qualified constructor pursuant to existing laws.

6. DUE PROCESS OR PROCEDURE FOR BLACKLISTING CONSTRUCTORS

6.1 Verification

a. Verification of A REPORT OR FINDINGS OF ACTS OR CAUSES WHICH MAY CONSTITUTE AN offense during prequalification, bidding and award shall be made by the Prequalification, Bid and Award Committee (PBAC) within fifteen (15) calendar days from the discovery of the ACTS OR CAUSES WHICH MAY CONSTITUTE AN OFFENSE OR FROM THE SUBMISSION OF A REPORT TO THE PBAC ON THE EXISTENCE OF GROUNDS FOR BLACKLISTING. THE PBAC SHALL SUBMIT ALL VERIFIED REPORTS ACCOMPANIED BY SUPPORTING AFFIDAVITS OR MATERIAL EVIDENCES TO THE LEGAL OFFICE OF THE AGENCY CONCERNED.

b. VERIFICATION OF A REPORT OR FINDING OF ACTS OR CAUSES WHICH MAY CONSTITUTE AN OFFENSE ARISING FROM CONTRACT IMPLEMENTATION SHALL BE MADE BY THE PROJECT MANAGEMENT OFFICE (PMO) OR ITS EQUIVALENT. THE PMO OR ITS EQUIVALENT SHALL SUBMIT ALL REPORTS ACCOMPANIED BY SUPPORTING AFFIDAVITS OR MATERIAL EVIDENCES TO THE LEGAL OFFICE OF THE AGENCY CONCERNED.

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6.2 Notification and Hearings

The Legal Office of the agency concerned shall notify the constructor concerned requiring him to answer the charges within fifteen (15) calendar days from receipt of notice. Based on the merits of the case, a Hearing Officer shall be assigned who shall schedule hearings with notices to both parties and invite a representative from a constructor association, preferably one that is accredited by the CIAP, as an observer for each hearing. THE HEARING OFFICER SHALL MAKE HIS RECOMMENDATION NOT LATER THAN THIRTY (30) CALENDAR DAYS FROM THE DATE OF THE LAST HEARING OR LAST PLEADING SUBMITTED.

6.3 Decision

The agency shall deliberate and decide based on the merits of the case presented. Based on the offense committed by the constructor, the corresponding sanction shall be imposed. The date of effectivity of serving the given penalty, i.e., date of start and completion, FACTS, FINDINGS, EVIDENCE PRESENTED, REASONS FOR DECISION AND BASIS FOR IMPOSING THE PENALTY, shall be stated clearly in the decision.

In cas a constructor commits more than one offense or a combination of offenses for the same period in a particular agency, each violation shall be meted the corresponding penalty.

6.4 Notification on Decision

The agency concerned shall notify the government-level blacklisted constructor and CIAP for information purposes within seven (7) calendar days after the decision IS made.

6.5 MOTION FOR RECONSIDERATION

A MOTION FOR RECONSIDERATION MAY BE FILED BY THE GOVERNMENT-LEVEL BLACKLISTED CONSTRUCTOR WITHIN FIFTEEN (15) CALENDAR DAYS FROM RECEIPT OF THE NOTICE OF DECISION ON THE CASE AND SHALL BE FOR EITHER OR BOTH OF THE FOLLOWING CAUSES, PROVIDED THAT ONLY ONE (1) MOTION FOR RECONSIDERATION SHALL BE FILED WITH THE AGENCY :

a. THE DECISION IS NOT IN CONFORMITY WITH THE EVIDENCE AND/OR FACTS PRESENTED; AND

b. NEWLY DISCOVERED EVIDENCE OR FACTS WHICH COULD NOT BE DISCOVERED AND PRODUCED AT THE INVESTIGATION AND WHICH WHEN PRESENTED WOULD PROBABLY ALTER THE RESULT OF THE INVESTIGATION.

THE AGENCY SHALL DECIDE ON THE MOTION FOR RECONSIDERATION WITHIN FIFTEEN (15) CALENDAR DAYS FROM RECEIPT THEREOF. THE CIAP SHALL BE FURNISHED WITH A COPY OF THE MOTION FOR RECONSIDERATION AND THE RESOLUTION OF DENIAL/REVERSAL FOR INFORMATION PURPOSES.

6.6 APPEAL FROM DECISION

AN APPEAL MAY BE FILED BY THE BLACKLISTED CONSTRUCTOR WITH THE APPELLATE AUTHORITY WITHIN FIFTEEN (15) CALENDAR DAYS FROM RECEIPT OF THE DECISION. THE APPELLATE AUTHORITY SHALL DECIDE ON THE APPEAL WITHIN FIFTEEN (15) CALENDAR DAYS FROM RECEIPT THEREOF. THE CIAP AND THE AGENCY CONCERNED SHALL BE FURNISHED WITH A COPY OF THE APPEAL AND DECISION FOR INFORMATION PURPOSES.

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6.7 STATUS OF BLACKLISTED CONSTRUCTOR WITH PENDING MOTION FOR RECONSIDERATION/APPEAL.

BEFORE ANY DECISION ON THE MOTION FOR RECONSIDERATION/APPEAL IS MADE, THE PROSPECTIVE GOVERNMENT-LEVEL BLACKLISTED CONSTRUCTOR MAY PARTICIPATE IN THE PREQUALIFICATION AND BIDDING OF ANY GOVERNMENT PROJECT. BUT IF THE DECISION ON THE MOTION FOR RECONSIDERATION/APPEAL HAS BEEN DENIED AND WAS ISSUED PRIOR TO THE DATE OF THE NOTICE OF AWARD (NOA), THE GOVERNMENT-LEVEL BLACKLISTED CONSTRUCTOR SHALL NOT BE ELIGIBLE FOR AWARD AND SUCH PROJECT SHALL BE AWARDED TO ANOTHER CONSTRUCTOR PURSUANT TO EXISTING LAWS.

IF THE DECISION ON THE MOTION FOR RECONSIDERATION/APPEAL HAS BEEN ISSUED AFTER THE AWARD, TE AWARDED PROJECT SHALL NOT BE AFFECTED BY THE DECISION TO BLACKLIST THE SAID CONSTRUCTOR AS LONG AS THE OFFENSE/S COMMITTED IS NOT CONNECTED WITH THE AWARDED PROJECT.

6.8 Effectivity of Sanctions

THE DECISION OF THE AGENCY SHALL BE IMMEDIATELY EXECUTORY AFTER THE LAPSE OF FIFTEEN CALENDAR DAYS FROM THE RECEIPT OF THE NOTICE OF THE DECISION. IF A MOTION FOR RECONSIDERATION/APPEAL IS FILED, THE CONFIRMED DECISION OR, IN CASE OF REVERSAL OR MODIFICATION, THE RESOLUTION SHALL TAKE EFFECT AFTER THE RECEIPT OF THE NOTICE OF THE AGENCY'S RESOLUTION ON THE MOTION FOR RECONSIDERATION APPEAL.

THE CIAP SHALL BE FURNISHED WITH A COPY OF THE AGENCY'S/APPELLATE AUTHORITY'S DECISION AND RESOLUTION ON THE MOTION FOR RECONSIDERATION/APPEAL FOR REFERENCE/GUIDANCE IN ITS PUBLICATION OF THE CIAP CONSOLIDATED LIST OF GOVERNMENT-LEVEL BLACKLISTED CONSTRUCTORS.

7. DELISTING

7.1 Blacklisting — A BLACKLISTED CONSTRUCTOR SHALL BE automaticALLY DELISTED after the penalty PERIOD HAS LAPSED UNLESS THE BLACKLISTING IS WITH CONDITION AND THE CONDITION HAS NOT BEEN SATISFIED OR THE AGENCY REQUESTS CIAP TO MAINTAIN THE BLACKLISTED CONSTRUCTOR IN THE CONSOLIDATED REPORT DUE TO JUSTIFIABLE REASONS.

7.2 Blacklisting with Conditions — at the end of the period of blacklisting, a request shall be made by the government-level blacklisted constructor to the agency concerned to issue a Delisting Order. Such Delisting Order shall be issued only when all liabilities/obligations have been settled by said constructor.

7.3 Perpetual Disqualification - no corrective action for delisting.

8. METHODOLOGY FOR INFORMATION SHARING/NETWORKING

8.1 The agency concerned shall submit to CIAP within seven (7) calendar days after the blacklisting/delisting decisions are made by the agency any of the following documents:

a. Blacklisting Order duly signed by the agency containing, among others, Department/Office Order or Board Resolution number, name and address of the constructor, license number, Authorized Managing Officer (AMO), name of project/contract and location/amount, specific ground(s)/offense(s) committed as enumerated in Sections 5.1 and 5.2 hereof, sanction imposed and its date of start and completion, date of approval of

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blacklisting, and other conditions which can extend effectivity of sanctions in Sections 5.1 and 5.2 hereof.

b. Delisting Order duly signed by the agency containing, among others, Department/Office Order or Board Resolution number, name and address of constructor, name of project/contract and location, specific sanction being lifted and the number of previously issued blacklisting Department/Office Order or Board Resolution, effectivity date of delisting, and date of delisting approval.

8.2 Should an agency decide to REFER the case of its government-level blacklisted constructor to PCAB for proper action, such agency should submit to PCAB A copY of THE DECISION accompanied with supporting DOCUMENTS.

8.3 The CIAP shall prepare every quarter the CIAP-Consolidated Government-Level Blacklisted Constructors based on the submitted Blacklisting Order as provided for in Section 8.1-a hereof and disseminate the same to tendering agencies as stated in Section 8 hereof and the Commission on Audit (COA), indicate in such quarterly report the number of times a constructor has been blacklisted by type of offense/violation and by agency, delist from such report those whose sanctions are lifted automatically after serving the given penalty as provided for in Section 7.1 hereof and those whose sanctions are lifted through the issuance of Delisting Order as provided for in Section 7.2 hereof and upon receipt thereof by the CIAP, and release upon request by any agency updates on blacklisting. To be integrated in the aforementioned report is CIAP-Consolidated List of Constructors with Revoked/Suspended PCAB Licenses.

9. APPLICABILITY

These guidelines shall apply to all contracts for infrastructure projects of all national government agencies and instrumentalities, including government-owned and controlled corporations (GOCCs).

10. EFFECTIVITY

These guidelines shall be approved by the CONSTRUCTION INDUSTRY AUTHORITY OF THE PHILIPPINES (CIAP) BOARD and become effective fifteen (15) days after the filing of the same with the Office of the National Administrative Register pursuant to the Administrative Code of 1987.

UNANIMOUSLY APPROVED.

Adopted: 18 July 2000

(SGD.) MANUEL A. ROXAS, II
Chairman
(Represented by Undersecretary Ernesto M. Ordoñez)

(SGD.) GREGORIO R. VIGILAR
Member
(Represented by DPWH PBAC Head, Antonio v. Molano)

(SGD.) VICENTE C. RIVERA, JR.
Member
(Represented by DOTC Director, Samuel C. Custodio)

(SGD.) BIENVENIDO E. LAGUESMA
Member
(Represented by DOLE Director, Danilo S. Lorredo)

(SGD.) DAVID M. CONSUNJI
Member
(Represented by POCB Board Member, Rogelio S. Lombos)

(SGD.) GERONIMO V. MANAHAN
Member

(SGD.) LORETO C. AQUINO
Member

(SGD.) ISIDRO A. CONSUNJI
Member
(Represented by PCA Exec. Director, Manolito P. Madrasto)

(SGD.) ROGELIO M. MURGA
Member

Note: THE REVISIONS CHANGES TO THE OLD GUIDELINES ARE INDICATED BY CAPITALIZED AND HIGHLIGHTED WORDS, PHRASES, SENTENCES AND PARAGRAPHS.

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