

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
FIRST REGULAR SESSION



House Bill No. **2845**

Introduced by **REP. SALACNIB F. BATERINA** and **REP. SIMEON A. DATUMANONG**

EXPLANATORY NOTE

Existing laws pertaining to the implementation of infrastructure projects were enacted to apply to normal or ordinary conditions, where implementing agencies have the luxury of time to go through the multiple steps required for project planning, pre-construction and procurement – which include detailed engineering surveys and designs, advertisement for bids, pre-qualification of contractors, submission and evaluation of bids, awards and processing of contracts.

This time-consuming and lengthy process does not adequately respond to and answer the exigencies of emergency or extraordinary cases, especially those involving major calamities and disasters, such as severe typhoons, floods, earthquakes, volcanic eruptions, debris / lahar flow, landslides, tidal waves, air, marine and transportation disasters, conflagration and others where quick reaction by government infrastructure agencies is imperative in order to save lives and property and to restore destroyed infrastructure as soon as possible. Consequently, in emergency cases, many infrastructure agencies are caught in a dilemma: Should they strictly go through the time-consuming procedure for project planning, pre-construction stress and procurement processes suited to ordinary conditions before they undertake the required infrastructure works in order to save lives and properties, and restore basic services, but run the risk of being charged later with short-cutting bureaucratic processes for such project implementation?

This bill aims to resolve this issue, by defining the emergency and extraordinary cases where immediate response by infrastructure agencies is warranted, and by setting guidelines and procedures for fast-track reaction by these agencies, especially on the aspects of engineering design, procurement, implementation, and funding of the required infrastructure projects.


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AN ACT
DEFINING THE PRESENCE OF EMERGENCY OR EXTRAORDINARY CIRCUMSTANCES AS
EFFECTS OF NATURAL AND MAN-MADE CALAMITIES AND PROVIDING FOR THE
PROCEDURE FOR AND ESTABLISHING GUIDELINES ON THE IMPLEMENTATION OF
INFRASTRUCTURE PROJECTS OF GOVERNMENT DURING OR IMMEDIATELY
FOLLOWING THE EMERGENCY OR EXTRAORDINARY CIRCUMSTANCES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

Section 1. Policy Objective. It is the policy of the government to give the implementing agencies adequate capability to quickly and effectively respond to the need to provide vital infrastructure under emergency and other extraordinary cases in order to avert imminent loss of life and property and to restore or avoid disruption of vital social and economic services without sacrificing the structural integrity, economy and quality of such infrastructure.

Section 2. Emergency and Extraordinary Cases. Emergency and extraordinary cases, as used in this Act, refer to those cases arising from abnormally severe and/or extensive natural or man-made disasters or calamities, which have occurred or threaten to occur, including, but not limited to, destructive typhoons, floods, earthquakes, volcanic eruptions and debris flows, landslides and conflagrations, where immediate engineering action, through the construction, improvement, strengthening or rehabilitation of appropriate infrastructure, is imperative in order to prevent the loss of life and property, and to restore, provide or avoid interruption, of essential public services, such as those affected by collapsed bridges, cut road sections, destroyed dikes and dams, unroofed hospitals, and the like.

Section 3. Certification From the Department Head Needed to Qualify The Situation As An Emergency and Extraordinary Case. A certification that a proposed infrastructure project will respond to such an emergency or extraordinary case must first be obtained from the Secretary of the department concerned, or his duly authorized representative, before the project is implemented. The departments that are involved in direct construction are, but not limited to, the following: Department of Public Works and Highways, Department of Transportation and Communication, Department of Energy and such other department which must make the implementation of a plan in order to respond to the requirements of the emergency or extraordinary case.

Section 4. Procedures. Under the said emergency and extraordinary case, the infrastructure department concerned is authorized to adopt the following fast-track procedure:

- a. Engineering Design. Before any project is implemented, the implementing agency must first prepare at least preliminary engineering plans in accordance with design guidelines set by the Secretary of the department. Survey and design data may be based on available information if this is deemed by the implementing agency as technically sufficient to prepare the preliminary engineering plans. Alternatively, the project may be undertaken by a contractor on a design-and-build scheme following appropriate performance or output standards set by the implementing agency. In any case, as-built detailed plans, however, shall be prepared within one (1) month after the completion of the project.
- b. Procurement and Implementation. Construction works for the project may be undertaken either by force account for administration, by negotiated contract, or by a canvass of pre-qualified contractors, aside from the competitive bidding process. Materials, equipment and supplies for the project may be procured from qualified suppliers directly or through a canvass. Qualified consultants may be engaged directly to assist the implementing office in the design and construction supervision of the project. In preparing the agency estimates and in evaluating the proposed contract prices for the project, the emergency circumstances of the project shall be given due consideration, including the required early start and finish date of implementation, the need for overtime work, and the use of special construction, methods, equipment, materials, and to carry out the work within the prescribed time.
- c. Funding. The agency concerned is authorized to use its available Quick Response Fund or other appropriate sources of funds for the implementation of the project.

Section 5. Implementing Rules and Regulations. A Committee composed of the Secretaries of the Department of Public Works and Highways, Department of Transportation and Communication, and the Department of Energy shall, within two (2) months after the approval of this Act, prepare the rules and regulations to implement this Act which shall be subject to the approval of the President.

Section 6. Separability Clause. If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

Section 7. Repealing Clause. All laws, decrees, orders, rules, and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

Section 8. Effectivity. This Act shall take effect fifteen (15) days following its complete publication in at least two (2) national newspapers of general circulation.

Approved.

A handwritten signature in black ink, consisting of a stylized 'J' or 'I' shape with a long horizontal stroke extending to the right.