

[REPUBLIC ACT NO. 8150, September 08, 1995]

AN ACT PROVIDING FOR A FOUR-YEAR PUBLIC WORKS AND HIGHWAYS INFRASTRUCTURE PROGRAM

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

SECTION 1. *Title.* - This Act shall be known as the "Public Works and Highways Infrastructure Program Act of 1995."

SEC. 2. *Declaration of Policy.* - It is declared policy of the State to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, an improved quality of life for all and promote comprehensive rural development. Towards these ends, infrastructure, as a catalyst for development, shall be given utmost priority.

SEC. 3. *Prioritization of Projects.* - For projects under the category of arterial roads under this Act, the development and economic usefulness and impact of the road shall be a major consideration and, therefore, priority shall be given to the following: roads leading to planned growth centers in areas of significant economic development potentials, roads leading to regional industrial and tourist centers, roads leading to national ports and airports, roads traversing the principal agricultural production areas, roads connecting regional and provincial capitals and other major urban areas, and other roads of strategic importance to provide immediate and direct access to population centers in case of national and regional emergencies.

SEC. 4. *Public Works and Highways Infrastructure Program.* - Consistent with the above declared policy, the Department of Public Works and Highways, except as otherwise provided in Section 5 of the Act, shall undertake the implementation of the following priority projects, which shall include new construction, reconstruction, improvement and/or rehabilitation of, and feasibility studies, engineering, acquisition of sites, equipment, materials, supplies, labor, supervision and management services: *

SEC. 5. *Participation of Local Government Units.* - The Department of Public Works and Highways (DPWH) shall, upon the request of the member(s) of Congress concerned, authorize provinces, cities, municipalities or barangays to implement projects under the categories of local roads and other public works in this Act: Provided, that these local government units have the capability to implement such projects.

SEC. 6. *Programming of Projects.* - Annually within the approved expenditure

ceiling, the projects herein provided shall be programmed by the Department of Public Works and Highways in consultation and coordination with the respective oversight committees of the Senate and the House of Representatives, always taking into consideration the policies and priorities in Sections 2 and 3 of this Act: *Provided*, that during the annual programming of projects under the categories of local roads and other public works, a member of Congress may submit a substitute priority project listing for his district if a member of the House of Representatives or, in any congressional district if a member of the Senate, whenever any particular project originally submitted by him/her is already being implemented through other sources or a more urgent project is identified: *Provided, further*, That in the case of a project originally submitted by an incumbent senator, no substitution or realignment thereof may be done without the written conformity of said incumbent senator, notwithstanding the provision of Section 63 of Republic Act. No. 7663, otherwise known as the General Appropriations Act of 1994: *Provided, finally*, that the substitute project listing falls under the same category as the original project and has the same probable socioeconomic impact on the community as originally intended.

* See Annex for copy of the Public Works and Highways Infrastructure Program

SEC. 7. *Engineering and Administrative Overhead Expenses.* - Appropriations for projects authorized in this Act shall be used solely for project implementation which shall include direct engineering and administrative overhead expenditures incidental thereto, including but not limited to salaries of employees who may be hired for the duration of the project, office supplies, and similar operational costs. These engineering and administrative overhead expenditures shall be reflected in the program of work for the project concerned and shall not exceed four per centum (4%) of the amount actually released for the project: *Provided*, that the said percentage shall be reduced as the total project cost increases.

SEC. 8. *Program of Work.* - Projects authorized under this Act shall not be implemented without the prior approval of the corresponding program of work by the Secretary of the Department of Public Works and Highways or his duly authorized official.

The program of work shall include, among others, estimates of the work items, quantities and costs, and the schedule of project activities and disbursements.

SEC. 9. *Public Bidding.* - Unless otherwise provided in Sections 10 and 11 hereof, all projects covered under this Act shall be implemented by contract awarded after competitive public bidding open to all qualified bidders and shall be awarded to the bidder who submits the lowest evaluated bid that is most advantageous to the government based on existing laws and regulations.

SEC. 10. *Work by Administration.* - Except as may be expressly authorized by the President of the Philippines, any project in this Act with a cost of Twenty million pesos (P20,000,000) or less, based on the approved program of work under Section 8 hereof, may be done by administration or force account by the agency concerned without prior public bidding.

A project costing over Twenty million pesos (P20,000,000) may be prosecuted by administration by the agency concerned only in case of: (a) emergency arising from