REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRARIAN REFORM
Diliman, Quezon City

MEMORANDUM CIRCULAR
No. 06
Series of 1993

SUBJECT: Guidelines on the Prequalification, Public Raffle and Award of CARP Module Survey Projects; Instructions to Prospective Survey Contractors and Terms and Conditions of the Contract.

The herein guidelines on the prequalification, public raffle and award of CARP Module Survey Projects and other DAR land survey projects, instruction to bidders/survey contractors, and terms to be included in all DAR survey contracts are hereby promulgated for the guidance and strict compliance of all concerned.

A. **Qualification of Participants/Survey Contractor:**

A.1 Participation in Public raffle for CARP Survey Projects shall be open to all duly registered Geodetic Engineers.

A.2 Any duly registered geodetic engineer with updated Professional Regulatory Commission (PRC) registration and unexpired Professional tax receipt (PTR), not possessing any of the disqualifications enumerated in B.1. who is a member in good standing of the Geodetic Engineers of the Philippines, Incoporated (GEPI) shall be qualified to participate.

B. **Disqualification:**

B.1 The following Geodetic Engineers are disqualified to participate in the raffle:

1. Any Geodetic Engineer who is employed in any survey project (such as cadastral survey, public land subdivision , CARP module survey, control survey, topographic survey, etc.) or has been awarded a survey project/contract in any government office which is still in progress. However, survey projects already submitted and accepted for verification and approval by the Regional Technical Director, LMS-DENR or other government agencies contracting surveys, shall not be considered as a project in progress.

2. Any geodetic engineer presently employed in the government service.

3. Any geodetic engineer who has been declared as a contractor of not good standing by either the DENR, DAR, NIA or other government agencies contracting survey projects.

4. Any geodetic engineer whose survey or mapping contract had been abandoned, rescinded or terminated due to his fault or negligence. Abandonment means failure to continue executing the project in accordance with the contract.

5. Any geodetic engineer who refused or failed to complete correction work within the time limit required; however, a Geodetic Engineer who submitted the corrected work beyond the time limit required, but such work was approved by the Regional Technical Director concerned before the raffle, may still be allowed to participate.

C. **Pre-Qualification Statements:**

C.1 Instruction to participants together with the terms and conditions of contract for CARP Survey Pre-qualification Forms and other related papers/forms shall be made available to all prospective participants at the DAR Regional Office upon payment of a non-refundable fee of ₱200.00 per set.

C.2 Pre- qualification statement in the prescribed forms shall be submitted by the prospective participant in triplicate, not later than the time and date indicated in the Notice of Public Raffle.

C.3 The following documents shall be attached to the pre-qualification statement to be submitted:

C.3.1 Xerox copy of Professional Tax Receipt and G.E. current registration card:

C.3.2 The concerned geodetic engineer's affidavit, duly notarized, to the effect that he has no survey project in progress, or that he has not abandoned, rescinded or terminated, due to his fault or negligence, survey or mapping project officially declared pending or undergoing correction beyond the original time limit required:

C.3.3 Xerox copy of current certificate of registration of tapes and transits;

C.3.4 Contract of lease of equipment, if leased from other owners; and

C.3.5 Certificate of membership of good standing in the Geodetic Engineers of the Philippines Incorporated.

D. **Evaluation and Qualification:**

D.1 The prequalification statement shall be submitted and evaluated by the Regional Director, not later than five (5) working days before the public raffle date. As part of the evaluation, it may be required that the equipment listed in the prequalification statements be physically presented for inspection at the Surveys Operation Division, DAR. The names of all prequalified participants will be posted on the Bulletin Board of the DAR Regional Office, not later than two (2) days before the public raffle date. Those who failed to qualify may request from the Chairman of the Raffle Committee a statement why they have been disqualified.

E. **Posting of Notices of Public Raffle:**

E.1. Notice/s of public raffle of CARP Module Projects shall be posted on the Bulletin Board and other conspicuous place of the DAR Regional Office and PARO Office, at least ten (10) days before the public raffle date. The notice shall indicate the place and time the public raffle will be held.

E.2. At least two (2) days before the public raffle date, a listing of module projects with their respective locations, corresponding cost, number of lots and such other data shall be posted at the DAR Regional Office. The names of qualified participants duly certified by the Chairman of Public Raffle Committee shall likewise be posted on the same date.

E.3 Only projects or modules costing not more than ₱200,000.00 each shall be allowed under the public raffle system. The usual procedures on public bidding shall continue to be used for projects costing more than ₱200,000.00 each.

F. **Public Raffle:**

F.1 Qualified participants to the raffle should register at the public raffle site by signing on the registry book or sheet provided before the scheduled time of public raffle. At the precise starting time, as indicated in the public notice, the registration shall be closed. The names listed thereon shall be compared with those officially certified by the Chairman as indicated in E.2. Only those prequalified and subsequently registered on or before the scheduled public raffle shall be allowed to participate.

F.2 The qualified participants must be personally present during the public raffle. No representative, agent or proxy will be allowed.

F.3 After the close of registration, the names of qualified participants shall be written on the board for the information of all concerned. Each participants shall be assigned a number with a corresponding chip which shall be placed in a "Tambiolo" containing the chips of all participants. The participants number shall likewise be listed in the blackboard. The Raffle Officer shall see to it that there are as many chips with the correct numbers in the Bidder's "Tambiolo" as there are participants.

F.4 A separate "Tambiolo" shall be used to contain the pre-numbered chips corresponding to the module projects being offered for public raffle. Each numbered chip shall strictly correspond to only one of the module project. As may be deemed necessary, additional blank chips shall be used such that the total number of numbered chips including the blank chips shall equal to the actual number of participants.

F.5 The Raffle Officer shall then start with the public raffle by drawing first from the participants "Tambiolo" and reading the number drawn. The participants whose number had been drawn shall be asked to draw a chip from the "Tambiolo" containing the module project numbers.

F.6 As soon as the participant have drawn a numbered chip, the Raffle Officer shall likewise read the number which corresponds to a module project. He shall, among others, publicly announce the location of the project, the approximate number of lots thereon, the estimated price thereof and then ask the participant concerned if he is willing to accept the project. If the answer is in the affirmative, the same shall be recorded on the module number written on the blackboard opposite the name of the lucky participant while the numbered chip is set aside. If the project is declined, the module chip shall then be returned to the "Tambiolo" to be offered again for public raffle. However, the chip of the concerned participant shall be set aside and his rejection of the project drawn by him shall be recorded. If a participant draws a blank chip, the same shall be recorded and the participants' chips as well as the blank chip shall be set aside.

F.7 Procedures in F.5 to F.6 shall be repeated until there are no more modules left to be raffled.

F.8 In case all of the participants' chips have already been drawn and there are still modules left, which may have resulted from the return of drawn module chip because of rejection/s as described in F.6, then

a second round of raffle may be declared. All non-winners on the first round who may desire to participate in the next round shall return their previously assigned chips in the participants "Tambiolo". The chips corresponding to the undrawn modules shall likewise be returned to the modules "Tambiolo" plus additional blank chips, as may be necessary. The procedure described in F.6 to F.7 shall then be repeated until there are no more modules to be raffled.

G. **Notice of Award:**

G.1 The Regional Director of the DAR shall reserve its right to cancel or delete from the listing of projects to be raffled any of the projects in the interest of public service.

G.2 Within five (5) days from the date of the public raffle, the Notice of Award will be issued to the winning participants. Each awardee shall prepare and submit a work schedule for his/her corresponding module, to be evaluated and approved by the Regional Director.

G.3 It is a condition precedent that before any award is issued or contract is entered into by the Department of Agrarian Reform, all requirements provided for under existing laws, decrees, letter of instruction, executive orders, COA circulars and rules and regulations must be complied with.

H. **Survey Contract and Performance Bond:**

H.1 Within five (5) days from receipt of the Notice of Award, the winning participant shall enter into a contract with the Regional Director, DAR, for the execution of the project. All the supporting documents related thereto shall be submitted, such as, but not limited to:

H.1.1 Performance Bond with the GSIS in an amount equal to at least twenty percent (20%) of the estimated contract price, at the time he signs the contract for the project and it shall continue to be effective one (1) month after the approval of the survey returns. If the performance bond is no longer subsisting, the Regional Director may demand putting up another bond within five (5) days from receipt of a written notice. Failure to do so shall mean the Regional Director concerned may cancel or rescind the contract with damages.

H.1.2 Approved Program of Work

I. Execution of Work:

I.1 As soon as the contractor receives the notice of award, he shall immediately start conducting research work in areas where the technical documents could not be provided by the DAR.

I.2 The Contractor shall begin operation within five (5) days from the date of his receipt of the copy of the CARP Module Survey Contract which shall likewise be considered as notice to commence. Before starting field operations, the contractor must notify in writing the Regional Director of the DAR, the Municipal Mayor, the PARO, MARO and Barangay Chairperson and tenant-beneficiaries within the Module as well as give written notice to the landowner/s or his representative of the start of operations. He shall likewise establish a work place in any convenient place within the Module coverage, the location of which should be made known to the Municipal Mayor, and PARO, MARO and the Barangay Chairperson concerned. The working place shall be maintained until the final pulong-pulong or upon certification from the MARO that the office/work place maybe dispensed.

An information drive called the "first pulong-pulong" in coordination with the Municipal Mayor's Office, the PARO, MARO of the DAR and the Barangay Chairperson concerned shall be conducted with the farmer-beneficiaries. The purpose is to acquaint those concerned and the responsibilities and duties of those affected. The contractor shall discuss his plan of work and timeframe so that he and those concerned can adjust their respective schedules so that there will be congruency in activities.

I.3 After the initial pulong-pulong, the contractor shall start monumenting the areas claimed by the beneficiaries, preferably in the presence of the latter and the DAR representative. thereafter, the lot survey shall be conducted likewise in the presence of both farmer-beneficiaries and the DAR representative. Under no condition should the lot survey start before the monuments are properly set as agreed upon by the adjoining claimant-beneficiaries.

I.4 Preferably the traverse and the lot data computations shall be done in the field. This is accordingly plotted on B.L. Form No. 700-V-A. After plotting, this shall be presented to the farmer-beneficiary, DAR representative and other officials in the final pulong-pulong for their information. Should there be any defect found or errors/mistakes, the contractor shall immediately cause the correction of the same.

I.5 The Regional Director shall have the right to require the contractor to increase the facilities and personnel engaged in the work in case it shall appear from the progress work cannot be completed within the time stipulated.

I.6 The completion of field and office work and the submission of the corresponding survey returns shall be within the time schedules provided in the contract, and should follow strictly the program of work submitted by the contractor.

All survey returns must be coursed through the Regional Geodetic Engineer for preliminary verification and must be endorsed within three (3) working days to the LMS-DENR.

I.7 If, for any reason, the contract shall violate or fail to comply with any of the terms and conditions herein set or if the contractor delays, neglects or abandons the work to such extent that in the opinion of the Regional Director the project may not be completed within the stipulated time, the Regional Director shall, after ten (10) days from receipt of written notice to the contractor, have the right to cancél the contract and forfeit the performance bond and all sums of money that would otherwise accrue to the contractor. Upon cancellation of the contract, the contractor shall be obligated to immediately surrender all records of the project to the Regional Director. All the monuments already set on the ground shall not be removed or destroyed but shall be left intact and become the property of the government.

All the aforementioned actions shall also be without prejudice to the filing by the DAR Regional Director of an administrative case with the Board of Examiners for Geodetic Engineers for the imposition of appropriate disciplinary action against the erring Geodetic Engineer, should the circunstances warrant.

I.8 Upon approval of the survey returns, the following shall be submitted by the contactor to the DAR Regional Office:

a. Tracing cloth of approved plan or acceptable equivalent

b. five (5) white print copies of each plan

c. Five (5) white print copies of lot description of all lots within the project

d. Technical description of all lots within the project

J. Contract Price and Payment:

J.1 Payment of the contract price shall be made to the contractor in accordance with the following schedule:

J.1.1 Fifty-five percent (55%) of the contract price upon certification as to the satisfactory completion of the sketching, if there are no available preliminary map sketch, and monumenting of all lot corners of the tenanted parcels of land and home lots in the project; completion of all field and office work and the submission of the complete and acceptable survey returns to the DENR-LMS, and through the DAR.

J.1.2 Forty-five percent (45%) of the contract price, or any balance due, after the final approval of the complete survey returns and presentation of the required tracing cloth of approved plans or acceptable equivalent, white print plans and certified technical descriptions thereof.

J.1.3 The above schedules may be paid based on the number of lots or number of hectares and shall be computed as follows:

Payment Due = Unit Price/Lot x No. of resulting lots in the landholdings submitted x the percentage of payment being collected, if contract is based on number of lots

= Unit Price/ha. x number of hectares in the landholdings x the percentage of payment being collected, if the contract price is based on the number of hectares

J.1.4 A five percent (5%) retention for every collection/payment shall be witheld to take care of any contingency. Such amounts shall be released and paid to the contractor forty five (45) days after the submission of all documents as provided for under I.8, provided that there are no valid complaints on record filed with the DAR office concerned against the contractor or regarding the manner of execution of the module project.

K. Adjustment of Contract Price:

K.1 Increase in the number of lots caused by fragmentation of farmlots due to the introduction of infrastructure shall be entitled to a contract price adjustment of seventy-five percent (75%) of the Original unit cost of the module, provided that the total adjustment cost shall not be equal to or more than the original contract cost.

K.2 If the total adjustment cost is equal or more than the original contract price, causes of these excessive increases shall be properly investigated and documented . In addition, all these excess lots should be properly identified and documented by the MARO. Upon proper documentation and certification by the MARO concerned, a supplementary contract shall be drawn with a unit cost of seventy five (75%) of the original unit cost of the module.

K.3 In all cases, it should be the duty of the CARP Module Contractor to communicate in writing to the Regional Director concerned, copy furnish BLD, DARCO, the expected increase in the number of lots of their modules, to enable the DAR Regional Director to make fund adjustments and supplementary contracts. All adjustments shall be subject to the availability of funds.

L. Penalty

For each calendar day of delay on the submission of the required and acceptable survey returns to the DENR-LMS, a penalty of one tenth (1/10) of one percent (1%) of the total contract price shall be imposed on the contractor. Survey returns that are withdrawn for correction shall also be given a reasonable deadline, and each calendar day of delay in resubmission of the corrected survey returns shall make the contractor liable to a fine of one tenth (1/10) of one percent of the total contract price. The time spent in the review of the survey returns by the DAR shall not be included in the determination of contractor's deadline. Such penalty shall be collected immediately in cash or deducted from the succeeding collection, at the discretion of the DAR Regional Director concerned.

The aforementioned penalties shall be without prejudice to the filing by the DAR Secretary or Regional Director concerned of an administrative case with the Geodetic Engineers of the Philippines (GEP) and with the Board Examiners for Geodetic Engineers for the cancellation of license and imposition of appropriate disciplinary action against the erring Geodetic Engineer.

M. Project Inspection:

The Regional Director or his authorized representative shall have the full and unrestricted right to inspect and supervise the operation of the contractor, and to issue instruction from time to time, as may be deemed necessary for the proper execution of the project. The Regional Director or his authorized representatives shall have free access to the records of the contractors and shall be furnished free of charge by the contractor, with sketches, maps and other data for use in verification of the fieldwork and/or the processing of land transfer by the Department of Agrarian Reform.

N. **Natural Elements in Survey Contracts:**

All the terms and conditions stipulated herein shall be deemed part and parcel of any and all survey contracts that maybe entered into by any geodetic engineer for CARP survey projects.

O. **Effectivity**

This circular shall take effect ten (10) days after its publication in two newspaper of general circulation.

Quezon City, 21 May (~~March~~) 1993.

ERNESTO D. GARILAO
Secretary

Copy furnished:

The Auditor
Department of Agrarian Reform

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