



Republic of the Philippines
OFFICE OF THE CITY MAYOR
City of Davao

EXECUTIVE ORDER NO. 85
Series 2021

AN ORDER CREATING THE CONSTRUCTORS' PERFORMANCE EVALUATION SYSTEM IMPLEMENTING UNIT IN THE CITY GOVERNMENT OF DAVAO

WHEREAS, Section 12, Annex E of the Revised Implementing Rules and Regulations (IRR) of R.A. 9184 or the Government Procurement Reform Act requires all procuring entities implementing government infrastructure projects to evaluate the performance of their contractors using the NEDA-approved Constructors Performance Evaluation System (CPES) guidelines for the type of project being implemented;

WHEREAS, the same law provides that all Procuring Entities implementing infrastructure projects are required to establish CPES Implementing Units (IUs) in their respective offices/agencies/corporations;

WHEREAS, the CPES Implementing Guidelines for Infrastructure Projects lays down the objectives of the CPES, to wit: a) to establish a uniform set of criteria for rating the performance of constructors; b) to develop a centralized base of information on performance rating of constructors for licensing, pre-qualification, quality improvement, and other purposes of government agencies, project owners and other interested parties; and c) to contribute in ensuring that infrastructure projects conform with the specified requirements of project owners;

WHEREAS, the performance evaluation of constructors shall be undertaken by the CPES Evaluators which shall pertain to an individual or group of evaluators nominated by the CPES-IU of the City Government and duly accredited by the Construction Industry Authority of the Philippines (CIAP);

WHEREAS, the Project Monitoring Committee (PMC) issued Resolution No. 9, Series of 2019 resolving that the Constructor's Performance Evaluation System be localized;

WHEREAS, the City Government of Davao recognizes the need to create a separate unit that will oversee the CPES implementation for quality and performance control in roads, bridges, drainage and flood control, building projects, and all other infrastructure projects;

NOW THEREFORE, I, SARA Z. DUTERTE, Mayor of the City of Davao, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. CREATION AND COMPOSITION. There is hereby created a Constructors' Performance Evaluation System- Implementing Unit (CPES-IU) to lead the implementation of Section 12, Annex E of the Revised Implementing Rules and Regulations (IRR) of R.A. 9184 or the Government Procurement Reform Act and other laws related thereto.

The CPES-IU shall be composed of the following:

Head: City Administrator

Assistant Head: Asst. City Administrator for Administration

Members:

1. City Engineer's Office;
2. City Planning and Development Office;
3. President- Philippine Institute of Civil Engineers, Davao City Chapter;
4. President- United Architects of the Philippines, Davao City Chapter;
5. Office of the City Building Official;
6. City Legal Office;
7. City General Services Office;
8. Chairperson, Infrastructure Development Committee- City Development Council (Barangay Chairman); and
9. Vice-Chairperson, Infrastructure Development Committee- City Development Council (Civil Society Organization Member).

SECTION 2. DUTIES AND FUNCTION. CPES-IU shall act as the City Government of Davao's overall coordinating unit in the implementation of the CPES guidelines in compliance with the IRR of RA No. 9184 and shall be the direct link of the CIAP-Philippine Domestic Construction Board (PDCB) in CPES matters.

Specifically, the following are the duties of the CPES-IU:

a. Technical Function

- a.1 Undertake accreditation process which consist of a) pre-screening and endorsement of application of CPE applicants; and (b) facilitate conduct of CPES required trainings and seminars;
- a.2 Undertake yearly performance evaluation of CPEs;
- a.3 Update CPE members on latest developments and other technical functions;
- a.4 Orient resource persons/ witnesses;
- a.5 Review and prepare CPES reports and recommend appropriate actions based on the CPES Rating; and
- a.6 Assign its accredited CPE staff member/s to act as individual CPE/s or member/s of the CPE group/team as required.

b. Administrative/ Coordinative Function

- b.1 List all projects to be subjected to evaluation using CPES and identify/ assign personnel to compose the CPE;
- b.2 Schedule orientation-seminar on CPES for in-house CPE members and resource person/ witnesses;
- b.3 Generate latest project status, schedule CPE site visits, coordinate visit with the Head of the Procuring Entity and constructor concerned, and file/safe keep all CPES-related documents;

- b.4 Provide the CPE with CPES documents implementing guidelines and forms, and prepare CPE travel documents as required; and
- b.5 Data banking and dissemination of CPES reports and documents to all concerned users within the agency, CIAP's Philippine Domestic Construction Board (PDCB), and other interested users.

SECTION 3. CREATION OF A TECHNICAL WORKING GROUP (TWG). There is hereby created a CPES-IU TWG to assist the CPES-IU in the implementation of Section 12, Annex E of the Revised Implementing Rules and Regulations (IRR) of R.A. 9184 or the Government Procurement Reform Act and other laws related thereto.

SECTION 4. COMPOSITION. The CPES-IU TWG shall be composed of the permanent representatives of the following offices:

- City Planning and Development Office;
- City Engineer's Office;
- Office of the City Building Official;
- City Legal Office; and
- City General Services Office.

The CPES-IU may hereinafter designate additional City Government of Davao full-time technical employees and/or identify qualified personnel to be part of the CPES-IU TWG.

SECTION 5. DUTIES AND FUNCTION. CPES-IU TWG shall facilitate the sequential activities to be undertaken by the Constructors Performance Evaluation (CPE) as directed by the CPES-IU, to wit:

➤ **Deployment Flowchart**

- **Listing of Projects by the CPES-IU.** Prepares the list of all infrastructure projects of the agency which have been issued Notice to Proceed (NTP) on a monthly basis upon receipt of documents from the Implementing Offices (IO) concerned.
- **Consolidation and Review of Documents by the CPES-IU.** Requires the IO concerned to submit copies of required documents and consolidate all of the submitted project documents for subsequent use of the CPE.
- **Assignment of Constructors' Performance Evaluator/s (CPE) and Provision of Documents by the CPES-IU.** Selects the CPE from the accredited evaluators accredited by CIAP. Further, The CPES-IU shall determine the most appropriate evaluation date(s) based on the status of the project.
- **Finalization of the Evaluation Dates and Notification of Agency's and Constructor's Project Engineer.** Notifies the agency's and constructor's project engineer and/or Authorized Representative before the actual evaluation date(s) within 24 hours for projects located in urban areas where means of communications are readily available and three (3) working days for projects located in remote areas.

➤ **Notification of the CPE, CPE resource Persons/Witnesses by the CPES-IU.** Notifies the agency's and constructor's project engineer and/or Authorized Representative before the actual evaluation date(s) within 24 hours for projects located in urban areas where means of communications are readily available and three (3) working days for projects located in remote areas.

➤ **Review of CPES Rating, Preparation of Reports, and Dissemination of Information by CPES – IU.** Reviews CPES Evaluation Report and shall issue CPES Rating to the constructor upon satisfactory completion of the necessary corrective actions in the Corrective Action Request. Further, submit authenticated copies of the Constructor's Performance Summary Report to CIAP-PDCB.

➤ **Databanking by CPES-IU.** Develops a database for the storage of pertinent data used in the CPES.

➤ **Act as an Adjudicating Body.** The TWG shall function as an adjudicating body with the function of settling disagreements between the Constructor's Project Engineer and/or its authorized representative and the CPEs relative to the rating or any of the Corrective Action Request/s (CARs) or in case of appeals made by the constructor.

The General Services Office shall act as the secretariat of the adjudicating body and a non-voting member in the execution of this function. The decision of the adjudicating body shall be forwarded to the CPES IU which shall have the final decision on the matter.

The adjudicating body shall decide with the concurrence of the majority. In cases of equal voting, the merits of the case shall be raised to the CPES-IU for final decision.

SECTION 6. SECRETARIAT. The City Planning and Development Office shall serve as the secretariat of the CPES-IU. The secretariat shall be composed of two sections for administration and technical support and shall have the following functions:

Administration:

- Prepare lists of schedules of all infrastructure projects and constructors to be evaluated;
- Process evaluation reports of CPE for the information of the Adjudicating Body, and the Bids and Awards Committee;
- Identify problems, concerns, and verify information for appropriate actions;
- Endorse disputes to the Adjudicating Body and compiles decision;
- Prepare annual CPES report to be submitted to the Department of Trade and Industry- Construction Industry Authority of the Philippines through its Philippine Domestic Construction Board and/or other agencies needing the report;
- Encode CPES data and maintains agency-wide database;
- Prepare reports and render assistance as may be required in the discharge of its functions; and
- Provide coordinative services and documentation of proceedings of CPES-IU meetings and activities.

Technical Support: The technical support team will be composed of the Constructor's Performance Evaluators which are personnel of the City Government of Davao.

- The CPE shall be trained and undergo the accreditation process by CIAP;
- Orient resource persons/witnesses;
- Review and prepare CPES reports and recommend appropriate actions based on the CPES Rating;
- Consolidation and Submission of Documents by Constructor's Project Engineer and/or Authorized Representative;
- Conduct of On-site Pre-Evaluation Meeting among CPE, Resource Persons and Witnesses;
- Conduct of Actual Evaluation by CPE. The CPE and its resource persons/witnesses, shall undertake the necessary evaluation and records findings in the required checklists. The CPE may list additional indicators in relevant checklists if needed and corresponding findings. The CPE shall also take photos and/or videos to substantiate its findings; and
- Conduct of Post-Evaluation Meeting. The CPE shall undertake the following, to wit:
 - a. Validation of Findings by CPE.
 - b. Finalization of Evaluation Rating and Corrective Action Request (CAR) by CPE.
 - c. Presentation /Issuance of Rating and CAR(s) by CPE.
 - d. Agreement on Rating and CAR(s) by Constructor's Project Engineer and/or Authorized Representative.
 - e. Preparation and Implementation of Corrective Action Plan (CAP) and Preventive Action Plan (PAP) by the Constructor.
 - f. Monitoring of Constructor's Compliance on CAR. To ensure and check constructor's compliance on CAR, the CPES-IU shall require the government project engineer to submit a Monitoring Report to the concerned Implementing Office, copy furnished the CPES-IU.
 - g. Submission of CPES Reports to CPES-IU.

SECTION 7. FUNDING. All costs pertaining to the Operation of the CPES-IU shall be taken from the available funds of the City Government of Davao subject to the usual accounting and auditing rules and regulations.

SECTION 8. SEPARABILITY CLAUSE. If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 9. REPEALING CLAUSE. All orders or parts thereof which are inconsistent with the provisions of the Executive Order are hereby repealed or modified accordingly.

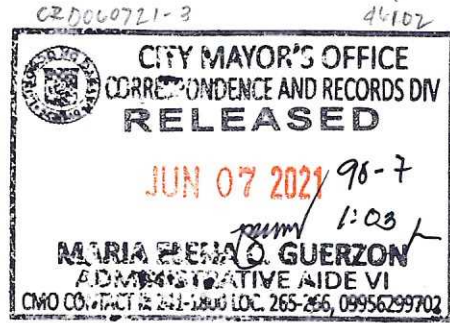
SECTION 10. EFFECTIVITY. This Executive Order shall take effect immediately.

Done on JUN 07 2021 at Davao City, Philippines.


SARA Z. DUTERTE
City Mayor

Attested by:


ATTY. ZULEIKA T. LOPEZ
City Administrator



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