



Republic of the Philippines
MUNICIPALITY OF PANIQUI
 Province of Tarlac

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION OF THE SANGGUNIANG BAYAN OF PANIQUI, TARLAC FOR THE TERM YEAR 2019-2022 HELD ON MAY 22, 2020 AT THE SB SESSION HALL.

PRESENT: Hon. Javerne C. Santillan, *member-Temporary Presiding Officer*
 Hon. Felomina F. Bravo, *member*
 Hon. Christian Alfred F. Cuchapin, *member*
 Hon. Nestor B. Castro, *member*
 Hon. Robert J. Torio, *member*
 Hon. Mary Anne B. Fernandez, *member*
 Hon. Linda B. Manuel (ABC Pres.), *Ex-Officio member*
 Hon. Karl Bernard M. Obcena (SK Pres), *Ex-Officio member*

ABSENT: Hon. Aida D. Roxas II-*Vice Mayor- Privilege Leave*
 Hon. Rachilda Myra O. Garcia, *member -Privilege Leave*
 Hon. Charo G. Oca, *member- Sick Leave*

ORDINANCE NO. 004-s2020

CONSTRUCTION SAFETY GUIDELINES FOR THE IMPLEMENTATION OF INFRASTRUCTURE PROJECTS DURING THE COVID-19 PUBLIC HEALTH CRISIS.

WHEREAS, pursuant to the Revised Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines dated 15 May 2020 ("Revised Omnibus Guidelines"), granted the Department of Public Works and Highways (DPWH) to issue Construction Safety Guidelines for allowed government and private construction projects in area under Enhanced Community Quarantine (ECQ), Modified Enhanced Community Quarantine (MECQ), General Community Quarantine (GCQ), and Modified General Community Quarantine (MGCQ);

WHEREAS, DPWH Department Order. No. 39 the Revised Construction Safety Guidelines for the Implementation of Infrastructure Projects during the COVID-19 Public Health Crisis repealing D.O. No. 35, s2020, must be strictly observed at all times in the implementation of all government and private infrastructure projects for the duration of this public health crisis;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY THE SANGGUNIANG BAYAN OF PANIQUI, PROVINCE OF TARLAC, IN SESSION ASSEMBLED, TO ENACT AN ORDINANCE "CONSTRUCTION SAFETY GUIDELINES FOR THE IMPLEMENTATION OF INFRASTRUCTURE PROJECTS DURING THE COVID-19 PUBLIC HEALTH CRISIS"

BE IT ORDAINED by the Sangguniang Bayan of Paniqui, Tarlac in session duly assembled, that:

Section I. Title. This Ordinance shall be known and cited as the "Construction Safety Guidelines for the Implementation of Infrastructure Projects during the COVID-19 Public Health Crisis within the territorial jurisdiction of the municipality of Paniqui, Tarlac;"

Section II. Coverage:

The Revised Construction Safety Guidelines for the Implementation of Infrastructure Projects during the COVID-19 Public Health Crisis shall apply to allowed government and private construction projects as stated in the AITF-issued Revised Omnibus Guidelines dated 15 May 2020 in areas under Enhanced Community Quarantine (ECQ), Modified Enhanced Community Quarantine (MECQ), General Community Quarantine (GCQ), and Modified General Community Quarantine (MGCQ).

Section III. Types of Construction projects that may be implemented pursuant to the Revised Omnibus Guidelines on the Implementation of the Community Quarantine in the Philippines:

A. *In areas under Enhanced Community Quarantine (ECQ). The following construction projects are allowed to operate through a skeleton workforce:*

1. Essential projects, whether public or private, such as but not limited to quarantine facilities and isolation facilities for Persons under Investigation (PUIs), Persons under Monitoring (PUMs), and suspect and confirmed COVID-19 patients;
2. Facilities for the health sector workers, including those dealing with PUMs and suspect and confirmed COVID-19 patents;
3. Facilities for construction personnel who perform emergency works, flood control and other disaster risk reduction and rehabilitation works.
4. Sewerage projects, water service facilities projects, and digital works;
5. Priority Public Infrastructure projects; and
6. Priority private infrastructure projects defined as those that refer to food production, agriculture, fisheries, energy, housing, communication, water utilities, manufacturing, and business process outsourcing (BPO).

B. *In areas under Modified Enhance Community Quarantine (MECQ).*

In addition to those allowed construction projects enumerated above, other essential and priority projects shall be allowed to operate subject to strict compliance with the herein Revised Construction Safety Guidelines; provided however, that small scale projects shall not be allowed.

Small-scale projects are defined as those construction projects which are intended for private and personal use, and because of scale, would not be able to or would impractically be unable to comply with the herein Revised Construction Safety Guidelines in areas under ECQ, MECQ, GCQ, and MGCQ.,

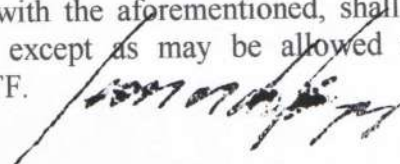
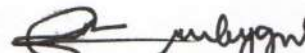
C. *In areas under General Community Quarantine (GCQ or Modified General Community Quarantine (MGCQ).*

All public and private construction projects shall be allowed, subject to strict compliance with the herein Revised Construction Safety Guidelines.

Section IV. Revised Construction Safety Guidelines for the Implementation of Infrastructure Projects during the COVID-19 Public Health Crisis.

A. Prior to Deployment

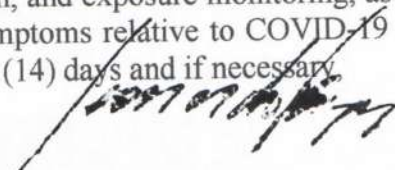
1. Any person below twenty-one (21) years old, those who are Sixty (60) years old and above, those with immune deficiencies, comorbidities, or other health risks, and pregnant women, including those who reside with the aforementioned, shall not be apt of the workforce for construction projects except as may be allowed under the Revised Omnibus Guidelines issued by the IATF.

2. Construction personnel shall undergo quarantine for fourteen (14) days prior to deployment; or in the alternative, the employee may undergo any available Food and Drug Administration (FDA) – approved COVID-19 test, as may be prescribed by the Department of Health (DOH), and be retested as the need arises. In this regard, consultation with medical doctors (duly accredited by DOH, if possible) prior to the conduct of COVID-19 test shall be made. Further, COVID-19 test procedures and return-to-work policies of the contractors should comply with DOH Circular No. 2020-0160 dated 31 March 2020, Department Memorandum No. 2020-0220 dated 11 March 2020, and other pertinent issuances of the DOH on the matter.
3. The concessionaires, contractors, subcontractors, and suppliers shall provide for their personnel/workers the necessary welfare facilities and amenities, such as employees' quarters for board and lodging, ensuring compliance to social distancing, proper hygiene, etc..
4. Concessionaires, contractors, and subcontractors shall ensure that their projects are in compliance with DOLE D.O. No. 13, Series of 1998, and the DTI and DOLE Interim Guidelines on Workplace Prevention and Control of COVID-19. Contractors shall provide their personnel and workers continuous supply of vitamins, particularly Vitamin C, other over-the-counter medicines, quarantine facilities, and oxygen tanks for emergency purposes.
5. Concessionaires, contractors, and subcontractors shall provide disinfection facilities at their respective project sites in compliance with pertinent DOH and IATF Guidelines, to be placed at strategic locations to ensure the safety and welfare of all personnel.
6. Proper information dissemination regarding COVID-19 construction by Safety Officers to all personnel.

B. During Deployment

1. Conduct an inventory of works for the construction sequencing to be followed and undertaken to uphold the required social distancing. Break times shall be conducted in a staggered manner.
2. Employees shall be housed in their respective quarters for the entire duration of the project covered by the ECQ, MECQ, GCQ, and MGCQ. In case there is a need to leave the said quarter during the project duration, "Prior to Deployment" procedures shall be conducted at every instance of re-entry.
3. Errands to be conducted outside the construction site premises shall be kept to a minimum. Number of personnel running errands shall be limited and shall be properly disinfected and closely monitored for symptoms within fourteen (14) days upon re-entry.
4. Field offices, employees' quarters, and other common areas shall be regularly maintained including the daily disinfection of such facilities.
5. Adequate food, safe/potable drinking water, disinfectants, and hand soaps shall be made available by the concessionaires, contractors, subcontractors, and suppliers to its in-house personnel.
6. Daily monitoring of the pre and post work health conditions of workers shall be undertaken by the concessionaires, contractors, subcontractors, and suppliers including, but not limited to, temperature, health, and exposure monitoring, as preventive measures. Personnel with manifestations or symptoms relative to COVID-19 shall be immediately isolated and quarantined for fourteen (14) days and if necessary,




brought to the nearest DOH COVID-19 treatment facility under strict confidentiality and privacy. Proper protocols in accordance with the DTI and DOLE Interim Guidelines on Workplace Prevention and Control of COVID-19 shall likewise be strictly observed.

7. Work activities shall be strictly monitored daily by the Safety Officer on site to ensure compliance with safety standards and quarantine protocols.
8. There shall be a full-time Safety Engineer/Officer assigned at the site who shall strictly monitor work activities. Said Safety Engineer/Officer shall ensure strict compliance with DOLE D.O. No. 13, Series of 1998, and the DTI and DOLE Interim Guidelines on Workplace Prevention and Control of COVID-19 with regard to the wearing of additional personal protective equipment (PPE) required such as, but not limited to, face masks, safety glasses/goggles, face shields, and long sleeve T-shirts, and other measures to contain the spread of COVID-19 in the workplace, as provided in these Guidelines.
9. For off-site employees' quarters, transport service, duly disinfected before and after use, shall be provided, and social distancing shall be likewise be observed therein at all times in accordance with DOTr guidelines.
10. Sharing of construction and office equipment is discouraged. However, if necessary, the shared equipment must be disinfected in between transfers amongst personnel.
11. All material and equipment delivery and disposal shall be conducted by a specific team of personnel on an isolated loading/unloading zone while limiting contact with the delivery/disposal personnel. All material and/or equipment entering the construction site shall be duly disinfected, as much as possible.
12. Non-essential personnel, visitors, and the general public shall be restricted to enter the construction site, employees' quarters, and field offices. Otherwise, all personnel entering the construction site premises on a temporary basis (e.g. Delivery truck drivers, inspectors, etc.) shall be properly logged and checked for symptoms. Gatherings, Liquors, and/or merry-making are strictly prohibited within the construction site premises.
13. Clustered and staggered deployment of employees within the construction site shall be observed to minimize personnel contact and for easier contact tracing.
14. Proper waste disposal shall be provided for infectious waste such as PPEs and toher waste products coming from outside the construction premises.

Section V. Monitoring and Enforcement

- A. For DPWH infrastructure projects, the head of the concerned DPWH Implementing Office (IO) shall monitor compliance with these Guidelines and issue construction quarantine pass (QP) to the individual qualified personnel of the concessionaires,

contractors, subcontractors, and suppliers based on the list submitted and certified by the said concessionaires, contractors, subcontractors, and suppliers, clearly stating the identification, designation, nature of work, validity, and destination (A copy of the QP form is attached hereto as Annex "A"). It is understood that the QP referred in these Guidelines shall cover transit of personnel from (a) MGCQ, GCQ, MECQ, area to ECQ area, and vice versa, and (b) an area not under community quarantine to a MGCQ, GCQ, MECQ, ECQ area and vice versa.

- B. For LGU implemented projects and private construction projects, the LGU concerned, through its Municipal Engineering Office, shall monitor compliance with these Guidelines and shall issue QPs to the individual qualified personnel of the concessionaires, contractors, subcontractors, and suppliers based on the list submitted and certified by the said concessionaires, contractors, subcontractors, and suppliers.


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- C. For infrastructure projects implemented by other national government agencies, Government-Owned and Controlled Corporations (GOCC), and other government instrumentalities, the head or representative of the agency, GOCC, or government instrumentality concerned shall monitor compliance with these Guidelines and issue QPs to the individual qualified personnel of the concessionaires, contractors, subcontractors, and suppliers based on the list submitted and certified by the said concessionaires, contractors, subcontractors, and suppliers.
- D. For monitoring purposes, personal records and health report of all personnel necessary for contact tracing shall be submitted by the concessionaires, contractors, subcontractors, and suppliers to the DPWH IO, LGU, or Implementing Government Agency, Instrumentality or GOCC, as the case may be, and shall be resubmitted and updated monthly, or as the need arises (Copies of the monitoring forms are attached hereto as Annexes "B" and "C")
- E. Concessionaires, contractors and subcontractors shall submit the design for disinfection facilities and amenities, for monitoring purposes, to the DPWH IO, LGU, or Implementing Government Agency, Instrumentality or GOCC, as the case may be, as mentioned in Section III (A) (5).
- F. Concessionaires, contractors and subcontractors shall submit to the DPWH IO, LGU, or Implementing Government Agency, Instrumentality or GOCC, as the case may be, a certification under oath that they have complied and shall continue to comply with the provisions of these Guidelines within fifteen (15) days from commencement of work (A copy of the certification is attached hereto as Annex "D")
- G. The allowed government and private construction projects are subject to the visitorial and enforcement powers of the Department of Labor and Employment and the Department of Trade and Industry in order to ensure compliance with the provisions on maximum allowable operational capacity in establishments as well as minimum health standards and protocols in accordance with Section 8 (4) of the Revised Omnibus Guidelines.

Section VI. PENALTIES

Violation of any provision of this Revised Construction Safety Guidelines Ordinance shall be subject to the following penalties, without prejudice to the imposition of additional administrative sanctions as the Internal Rules of DPWH may provide and/or further criminal action that maybe filed against such erring concessionaires, contractors, subcontractors, and suppliers, as maybe provided by applicable laws.

- a. **Termination of Contract** for breach thereof resulting to default pursuant to item III (A)(2)(c)(i), Annex I of the Implementing Rules and Regulations of Republic Act No. 9184 in relation to Section 37.2.3 of the same, which provides that bidding documents requiring bidders to know and be familiar with all existing laws, decrees, ordinances, acts, and regulations, including the Department Orders of DPWH, shall form part of the contract awarded, and refusal or failure to comply with the valid instruction of the procuring entity, shall justify the contract's termination.
- b. **Contract Termination/Rescission** under Section 12.21 (b) of the Implementing Rules and Regulations of Republic Act No. 6957, as amended by Republic Act No. 7718 (BOT Law);

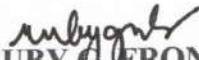



- a. **Referral to the Philippine Contractors Accreditation Board** of any such violation by the contractor/subcontractor, which shall constitute as prima facie case of construction malperformance of grave consequence due to negligence, incompetence, or malpractice contemplated under DOLE D.O. No. 13, Series of 1998 and DPWH D.O. No. 56, Series of 2005 in relation to Republic Act No. 4566 (Contractors' License law); and
- b. **Institution of Criminal Action** under Republic Act 11469 (Bayanihan to Heal as One Act).

Section 7. Separability Clause. Any parts of this ordinance that is declared null and void shall not have any effect on the entirety of this ordinance.

Section 8. Effectivity. This Construction Safety Guidelines Ordinance shall take effect immediately upon its approval.

CERTIFIED CORRECT:


RUBY C. FRONDA
 Secretary to the Sanggunian

ATTESTED:


HON. JAVERNE C. SANTILLAN
 Councilor/Temporary Presiding Officer

APPROVED:


HON. LEONARDO M. ROXAS
 Municipal Mayor