

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

MEMORANDUM ORDER NO. 453

AUTHORIZING THE MWSS TO MAKE AN ADVANCE PAYMENT FOR THE USE OF A HEAVY-LIFT HELICOPTER TO ACCELERATE THE IMPLEMENTATION OF THE UIRAY-ANGAT TRANSBASIN PROJECT (UATP)

WHEREAS, one of the measures to insure the continuing adequate water supply for the Metro Manila Area is the implementation of the UATP;

WHEREAS, the implementation of the above-mentioned UATP, particularly the barging of equipment and materials to the project work site, has been significantly delayed by the low Angat Reservoir water level resulting from the El Nino phenomenon;

WHEREAS, the above-mentioned delay may be mitigated with the use of a heavy-lift helicopter that will require an advance payment of approximately P50 million;

WHEREAS, the UATP contractor (Grande Lavori) has requested that the MWSS advance the above-mentioned P50 million as a means of alleviating said contractor's difficult financial position, the use of the heavy-lift helicopter being an unforeseen development for this project;

WHEREAS, Section 88 (1) of Presidential Decree No. 1445 otherwise known as the Government Auditing Code of the Philippines provides that:

"Except with the prior approval of the President (Prime Minister) the government shall not be obliged to make an advance payment for services not yet rendered or for supplies and materials not yet delivered under any contract therefor. No payment, partial or final, shall be made on any such contract except upon a certification by the head of the agency concerned to the effect that the services or supplies and materials have been rendered or delivered in accordance with the terms of the contract and have been duly inspected and accepted."

IN REPLYING, PLEASE CITE:

PFVR Memorandum #

M970378



M970378

WHEREAS, the grant of authority for the implementing agency (MWSS) to advance the above-mentioned P50 million will enable said agency to accelerate the implementation of the UATP;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The MWSS is hereby authorized to advance the amount of approximately P50 million to the UATP Contractor (Grande Lavori) as an exception to the prohibition under Section 88 (1) of Presidential Decree No. 1445, subject to the following conditions:

- a. Said advance shall be recouped within a six-month period after the advance is made, from deductions on the progress payments to said contractor.
- b. The contractor shall pay an interest rate of 22% on the advance mentioned above.

SECTION 2. The authority granted herein shall apply only to the use of a heavy-lift helicopter for the movement to the UATP work site of the waste materials locomotive, and for the mobilization and demobilization of said helicopter.

SECTION 3. This Memorandum Order takes effect immediately.

DONE in the City of Manila this 17 day of Nov in the year of Our Lord, Nineteen Hundred and Ninety Seven.

By the President:



RUBEN D. TORRES
Executive Secretary



PMS LIBRARY

Received

DEC 10 1997 *fdm*
Date



PMS LIBRARY BCODE007327