REPUBLIC OF THE PHILIPPINES
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO
BANGSAMORO TRANSITION AUTHORITY
Cotabato City

Republic of the Philippines
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO
BANGSAMORO TRANSITION AUTHORITY
OFFICE OF THE SECRETARY
RECEIVED
06/14/19
11:30 AM

CabinetBill No. 04

AN ACT APPROPRIATING AND AUTHORIZING THE DISBURSEMENTS OF TEN BILLION ONE HUNDRED THREE MILLION EIGHT HUNDRED SIXTEEN THOUSAND PESOS (PHP 10,103,816,000.00) FOR PUBLIC WORKS IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO AND FOR OTHER PURPOSES

Be it enacted by the Bangsamoro Transition Authority assembled:

SECTION 1. TITLE. - This Act shall be known as the "BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO ACT OF 2019".

SECTION 2. APPROPRIATION AND USE OF FUNDS. – The sum of Ten Billion One Hundred Three Million Eight Hundred Sixteen Thousand Pesos (PhP 10,103,816,000.00) is hereby appropriated to fund the public works, infrastructure and development projects in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), as listed in the List of Projects attached hereto as Annex and made an integral part of this Act.

PROVIDED, thatthe release and use of the fund shall be subject to the provisions of Republic Act No. 11054 or the Bangsamoro Organic Law (BOL), and other pertinent laws and official issuances.

SECTION 3.VALIDITY OF APPROPRIATIONS. – The Appropriations authorized in this Act shall be valid and effective for the fiscal year 2019 and beyond, until fully released, obligated and disbursed, but subject to law, rules and regulations.

SECTION 4. ALLOCATION OF APPROPRIATIONS. – The amount appropriated in this Act shall be allocated and distributed to the provinces, cities, municipalities and barangays constituting the BARMM, according to the List of Projects attached hereto.

SECTION 5. PROGRAM OF WORKS. Before the actual implementation of the identified projects, there shall be a Program of Works duly approved by the Minster of Public Works or his duly authorized representative, which Program of Works shall serve as basis for disbursement and expenditure of the funds.

SECTION 6. PROJECT IMPLEMENTATION. - All projects covered by this Act shall be implemented by the Ministry of Public Works – BARMM or may be delegated by the latter to the District Engineering Offices (DEOs).

Implementation and disbursement of funds shall be subject to appropriate laws, rules and regulations.

SECTION 7. RELEASE OF FUNDS. - The funds shall be released to the Ministry of Public Works – BARMM.

The Ministry of Public Works – BARMM is authorized to deduct a maximum of three percent (3%) from the appropriated amount of the infrastructure projects as Engineering and Administrative Overhead (EAO) Expenses, to be used in the following:

1. Administrative overhead including the hiring of individuals but only under Job Orders or Contracts of Service or such other form of engagements where there is no employer-employee relationship;

2. Pre-construction activities after detailed engineering;

3. Construction project management;

4. Testing and quality control;

5. Acquisition, rehabilitation and repair of heavy equipment, motor vehicles, laboratory apparatus, survey instruments and other equipment, machineries and implements of the Ministry;

6. Contingencies in relation to pre-construction activities, PROVIDED THAT, the EAO expenses shall be treated / booked as capitalized expenditures and shall form part of the project cost PROVIDED FURTHER, that EAO deduction shall not be authorized for projects costing below One

Million Pesos (PhP 1,000,000.00) PROVIDED FINALLY, that the acquisition of motor vehicles shall only be allowed if it is proven more economical than vehicle rental and that the acquisition thereof is consistent with NBC 446, series of 1995, as amended by NBC 446-A, series of 1998, and other pertinent laws, rules and regulations.

The release of mobilization fund equivalent to fifteen percent (15%) of the total project cost may be authorized.

SECTION 8. MONITORING OF PROJECTS. – The Ministry of Public Works – BARMM shall closely monitor and conduct periodic inspection and validation of the status of project implementation based on the approved Program of Work, project specifications, and time frame of completion, among others.

SECTION 9. PROJECT REALIGNMENT AND CONVERSION. – The Regional Planning and Development Office (RPDO – BARMM) may recommend the realignment or conversion of projects to the Bangsamoro Transition Authority for appropriate action or legislation subject to the approval of the Chief Minister, when the conversion or realignment thereof warrants, PROVIDED, that any realignment or conversion shall not exceed the original amount of the project, PROVIDED FURTHER, that splitting or clustering of projects may be allowed and funded out of such funds within the legislative district, PROVIDED FINALLY, that the following grounds are present:

1. The peace and order situation in the proposed project site prevents the orderly implementation of the project;

2. The project is not feasible as shown by a feasibility study conducted thereon;

3. A fortuitous event renders the implementation of the project impractical at the proposed site;

4. There is duplicity in the funding of the project and/or overlapping of identification as when a proposed project is already adequately funded from other sources; and

5. Abandonment for just, reasonable and valid grounds.

SECTION 10. COORDINATION. – The Ministry of Public Works – BARMM shall closely coordinate with project proponents, contractors, and all stakeholders in order to ensure the smooth and timely implementation of the projects.

SECTION 11. SEPARABILITY CLAUSE. - If any provision of this Act is declared invalid by a court of competent jurisdiction, the other remaining unaffected provisions shall continue to be in full force and effect.

SECTION 12. REPEALING CLAUSE. - All laws, rules and regulations, orders and issuances, which are inconsistent with this Act are hereby revoked, amended or modified accordingly.

SECTION 13. EFFECTIVITY. - This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette a newspaper of general circulation.

APPROVED,

_____
SPEAKER

This Act was passed by the Bangsamoro Transition Authority on _____.

_____
SECRETARY GENERAL

APPROVED:

AHOD BALAWAG EBRAHIM
CHIEF MINISTER