

Memorandum Circular
No. 11
July 16, 1990

SUBJECT: Guidelines for Replanting and Recovering Shortfalls in Survival Rates and Targetted Areas in Contract Reforestation

The recent validation of forestation work of the National Forestation Program (NFP) has shown that there have been shortfalls in survival rates and planted areas with respect to prescribed norms and targets in some reforestation sites. Incidence of fires in newly established plantation and other causes of destruction have been likewise reported therefor. In order to insure, compliance with terms and conditions stipulated in the reforestation contract and attain higher survival, the following guidelines are hereby adopted for the guidance of all concerned:

A. Basic Procedures and Requirements

1. All DENR field offices, specifically the CENRO/PENRO/RED concerned, shall require all contractors who have shortfalls in survival rate and targets to submit an official written explanation on the reasons and causes for such. The written explanation shall form part of the contract documents and serve as one of the basis for evaluation.
2. All DENR field offices, specifically the CENRO/PENRO/RED concerned shall immediately conduct a field survey within five (5) working days after occurrence of incidence and/or upon receipt of report on shortfalls to determine and gather the following information:
 - 2.1 area of shortfall
 - 2.2 causes/reasons for shortfall
 - 2.3 estimate of the value of shortfall
 - 2.4 sketch map of the area showing shortfall
 - 2.5 photographs and other documents to show proof of shortfall
3. A Replanting/Reworking Plan must be prepared and submitted by the Contractor which must be in accordance with the original specifications if not an improved version of the former. Such plan shall be approved by the CENRO/PENRO/RED concerned and appended to the original contract.

4. A report shall be made and shall serve as a basis for action to be taken as provided for in Items B & C by this Circular. A copy of the report shall be submitted by the field office thru the Office of the Assistant Secretary for Field Operation to the Chairman, NFP Steering Committee for monitoring, evaluation and record purposes.
5. In the case of forest fires in reforestation projects, the provisions of Memorandum dated 10 May 1990 on Monitoring, Evaluation and Documentation of reported cases on Occurrences of Forest Fires (Burning) in Reforestation Projects shall apply. Nevertheless, other provisions of this circular which are consistent with the provisions of the said Memorandum shall still apply.

B. Shortfalls in Survival Rate

All DENR field offices and reforestation contractors are required to undertake immediate rehabilitation work to ensure that the plantations established in 1989 and previous years would meet the required density.

1. For areas evaluated at less than 50% survival rate, replant to achieve 100% stocking. In case the area is under contract reforestation, suspend further payments on the contract; the area should be replanted to 100% at the contractor's cost, although the DENR may provide seedlings at cost.
2. For areas evaluated at more than 50% survival rate, payments on the contract may proceed but the contractor should replant vacant planting spots to 100% stocking, and DENR may provide necessary seedlings at cost.

C. Shortfall in Planted Area as Against Target Area

All DENR field offices and reforestation contractors are required to undertake immediate supplementary planting to ensure that the target hectares in 1989 and subsequent years are met:

1. In case the shortfall is due to damage to previously planted areas, caused by force majeure (typhoon, flood, etc) or by factors(s) not within the control of the contractor like fire due to sabotage/deliberately planned or combination thereof, the area shall be replanted jointly by the contractor and DENR; the cost to the contractor shall be charged to the maintenance and protection budget in the contract cost. However, this action of the DENR shall be dependent on the result of the evaluation report as indicated in Item A of this Circular and

assistance by DENR shall be rendered on a case to case basis only. Seedlings may be provided by DENR at cost to the contractor.

2. Where the damage is due to the contractor's negligence, the replanting should be done by the contractor at his own expense. No further releases shall be made on the contract until the area has been planted to the original specifications. The DENR may provide seedlings at cost charged to the contractor's account.
3. In the meantime and until after the contractor has completed the replanting and/or reworking of his shortfall, no new contract shall be awarded to him. He shall, however, continue to undertake and perform the obligations set forth in his contract as far as reasonably practicable. An evaluation report must be conducted to determine his compliance to the replanting/reworking requirements. This holds true for all types of shortfalls regardless of the causes and/or reasons.
4. In case there is a shortfall in area planted as against area contracted, no further releases shall be made on plantation establishment for the remaining hectareage. If the shortfall is justifiable, the provisions under Section 8.4 of MC 04 Series of 1990 quoted hereunder shall apply and the original contract amended accordingly to include the work and financial plan and the schedule of payment.

"SEC. 8.4 To cope with unavoidable delays that upset planting schedules (e.g. delayed release of funds) any or all of the following options may be applied:

- a. first year activities may be confined to ANR, covercrop planting or other site amelioration treatments, seedling production, trail construction (etc.), with outplanting postponed to the rainy season in the second year of the contract.
- b. fifty percent (50%) of outplanting may be completed in year 1 (YR 1) and the balance of outplanting in YR. 2.
- c. the duration of the contract may be extended to a maximum of four (4) years with outplanting in YR. 2 and maintenance covering YRS. 2, 3 and 4;

d. disbursement schedules may be adjusted accordingly, provided that the fifteen percent (15%) final payment shall only be disbursed at the conclusion of the contract."

5. In the case of areas planted by DENR administration, where the damage was caused by force majeure or by factors beyond the control of the project manager, the area shall be given priority for the current year's planting, the cost of which shall be charged against the maintenance and protection budget and/or administration and supervision budget.
6. In the case of areas planted by DENR administration, where the damage was caused by the project manager's negligence or incompetence, the area shall be given priority for the current year's planting, the cost of which shall be charged against the maintenance and protection budget and/or administration and supervision budget. The project manager shall be relieved immediately without prejudice to the imposition of administrative sanctions.

D. Supplemental Rules and Regulations

1. The Regional Executive Director may promulgate supplemental rules, procedures and regulations to effectively carry out the objectives of this Circular which may apply to his/her Region. However, such rules procedure and regulation shall be subject to the approval of the DENR Secretary.

This circular shall by no means, be used to justify negligence or incompetence, either by DENR personnel or reforestation contractors. Appropriate administrative sanctions shall be imposed where such elements of incompetence or negligence were the causes of low plantation survival or shortfalls in area.

This circular shall take effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

Recommending Approval:
EBERT T. BAUTISTA
Chairman, NFP Steering Committee