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|  <p><b>LBP RESOURCES AND DEVELOPMENT CORPORATION</b><br/>24<sup>TH</sup> Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p> | <b>CONSTRUCTION MANAGEMENT DEPARTMENT MANUAL</b> | <b>Class Code: D</b> |
|  |  | Reference Code:      |
|  |  | <b>OM-CMD-10.0</b>   |
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|  |  | <b>Nov. 20, 2018</b> |
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| <b>Chapter 10: Termination of Agreement/Records Retention and Disposal</b>   |  |                      |

## **A. TERMINATION OF AGREEMENT**

The Project Agreement may be terminated by any of the parties by reason of non-compliance with any of its provisions. The parties agree that any legal action arising from the Project Agreement shall be submitted to the exclusive jurisdiction of the Courts of City of Manila, Philippines.

## **B. SETTLEMENT OF DISPUTES**

All disputes, claims or questions subject to arbitration under the Agreement shall be settled in accordance with the provisions of Executive order No. 1008 otherwise known as the Construction Industry Arbitration Law.

## **C. RECORDS RETENTION AND DISPOSAL**

For the purpose of organizing a systematic filing of records and to avoid piling up of records in the proposed records warehouse in Antipolo City, LBRDC adopted a Records Disposition Schedule (see Chapter XII) patterned from Land Bank of the Philippines and the National Archives of the Philippines.


The following records/documents should have a retention period as follows:

| <u><b>DOCUMENTS</b></u>  | <u><b>RETENTION PERIOD</b></u> |
|--------------------------|--------------------------------|
| 1. COST ESTIMATES        | 5 Years                        |
| 2. PROJECT FOLDERS       |                                |
| a. CONSTRUCTION          | 15 Years                       |
| b. RENOVATION            | 5 Years                        |
| c. OPERATIONS REPORT     | 5 Years                        |
| d. PROJECT STATUS REPORT | 5 Years                        |
| e. SHOP DRAWINGS/PLANS   | 5 Years                        |
| f. CONSTRUCTION LOGBOOKS | 5 Years                        |

### **C.1. GENERAL REQUIREMENTS ON DISPOSAL OF VALUELESS RECORDS**

C.1.1. Use the General Records Disposition Schedule (GRDS), Agency Records Disposition Schedule (RDS) and/or specific laws and regulations in determining public records for disposal.

C.1.2. Ensure that only records with a Disposal Schedule are destroyed after the completion of its period for storage.

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- C.1.3. Ensure that the records to be disposed have a number and subject/title as in the LBRDC’s Records Disposition Schedule and General Records Disposition Schedule.
- C.1.4. Conduct periodic examination of LBRDC files at least once a year to identify valueless records that can be requested for disposal.
- C.1.5. Separate the records for disposal from those for further retention as suggested by the National Archives of the Philippines.
- C.1.6. Do not dispose any public records under their administration and control without authority from the National Archives of the Philippines.
- C.1.7. Do not dispose public records that are involved in any case until they are finally decided upon or settled.
- C.1.8. Do not dispose financial records that are subject of audit by the Commission on Audit until they are post-audited and finally settled.

**C.2. DETERMINATION OF VALUELESS RECORDS FOR DISPOSAL**

- C.2.1. LBRDC personnel concerned shall determine the valueless records by checking their specific and authorized retention periods using LBRDC’s RDS, GRDS and/or specific laws and regulations as the legal basis.
- C.2.2. LBRDC personnel concerned shall estimate the volume of the valueless records to determine and facilitate economical purpose.

**C.3. REQUEST FOR AUTHORITY TO DISPOSE**

- C.3.1. LBRDC personnel concerned shall accomplish the Request for Authority to Dispose of Records in three (3) copies and properly fill-up the specific record series, period covered, volume and authorized retention periods in LBRDC’s RDS, GRDS and/or specific laws and regulations are complied.
- C.3.2. Upon completion of Request for Authority to Dispose of Records and the LBRDC officials concerned have approved and signed the request, agency Personnel concerned shall submit the same to NAP.

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#### **C.4. EVALUATION OF DISPOSABLE RECORDS**

- C.4.1. Upon receipt of the Request for Authority to Dispose of Records, the same shall be forwarded to the Chief of Records Management Services Division (RMSD).
- C.4.2. The chief of RMSD concerned shall assign a division staff to evaluate the valueless records requested for disposal who shall then prepare and submit an analysis report based on his/her evaluation and/or examination.

#### **C.5. AUTHORITY TO DISPOSE**

- C.5.1. The Executive Director, upon the recommendation of the Chief of RMSD and based upon his/her final evaluation and judgment shall issue the Authority to Dispose of Records indicating therein the mode of disposal.

#### **C.6. NOTIFICATION OF ACTUAL DISPOSAL**


- C.6.1. Upon approval of the Request for Authority to Dispose of Records, the requesting agency shall be notified on its approval.
- C.6.2. In case the mode of disposal is by Sale, the guidelines on Government Procurement shall be followed in the selection of contracted buyer. A copy of the contract shall be submitted to NAP prior to the actual disposal. For agencies that opted to avail the services of NAP official buyer, a letter of avilment shall be submitted to NAP.

#### **C.7. SEGREGATION AND CUSTODY OF VALUELESS RECORDS**

- C.7.1 The Records Officer/Records Custodian of LBRDC shall supervise the segregation of valueless records and be responsible for their safekeeping until their actual disposal.

#### **C.8. ACTUAL DISPOSAL**

- C.8.1. Actual disposal shall be witnessed by Authorized Representatives from LBRDC, NAP and COA to ensure that the records to be disposed of are the same records that were authorized for disposal.

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C.8.2. Witnessing of actual disposal by NAP authorized representative shall be dispensed with for those agencies that have been compliant with all the government recordkeeping requirements as ascertained by NAP or instances deemed appropriate and expedient by the Executive Director based on economy, nature of records series involved and track records of the agency.

**C.9. CERTIFICATE OF DISPOSAL**

C.9.1. A Certificate of Disposal shall be prepared in three (3) copies by the NAP authorized representative who will witness the actual disposal of records and ensure that all pertinent data are complete.

C.9.2. In cases where the witnessing by NAP authorized is dispensed with, Records Officer/Archivist/Records Custodian of LBRDC shall prepare the said Certificate of Disposal in three (3) copies.

C.9.3. The distribution of copies shall be as follows: Requesting Agency-Original Copy; NAP-2nd Copy and COA-3rd Copy.

**C.10. PROCEEDS OF SALE**

C.10.1. All proceeds realized from the sale of valueless records shall be remitted to the Cashier of LBRDC to be covered by Official receipt (OR).