

### Department of Education Region X

### **LANAO DEL NORTE DIVISION**

Gov. A. Quibranza Prov'l. Gov't. Compound Pigcarangan, Tubod Lanao del Norte (063)227 – 6633, (063)341 – 5109

lanao.norte@deped.gov.ph



### **MEMORANDUM**

TO:

LEONILO B. GORECHO, Principal I, Bansarvil NHS, Kapatagan

MONALAWAN L. BALABAGAN, Principal I, Munai NHS SAIMAH P. SAMPORNA, Principal I, Poonapiagapo CES

EDNA D. LINDAO, Principal I, Munai CES

NORJANNAH D. UNTONG, Principal I, Kiasar I S, Tagoloan

AISAH A. SANGGACALA, MT2/School-in-Charge, Panggao PS, Munai

RAIHANA A. HADJI SIRAD, MT1/School-in-Charge, Datu Timbul Ali IS, Balo-i MUFIDAH M. MANGANDINGAN, MT1/School-in-Charge, Beruar IS, Tangcal

OLYMPIA M. MALNA, HT-3, Payawan ES, Tagoloan

MARLON PAUL C. APALE, T-3/ School-in-Charge, Maliwanag P S, Maigo

SANIMA M. ASUM, T-3/ School-in-Charge, Tumple IS, Tagoloan

NORMILA M. MACARAMBON, T-1/School-in-Charge, Malimbato ES, Tagoloan

FROM:

EDILBERTO L. OPLENARIA, CESO V

\$chools/Division Superintendent

SUBJECT:

APPROVAL OF THE REQUEST FOR EXCLUSION OF 107 SUB-PROJECTS UNDER

PSIP II, PACKAGE E

DATE:

July 14, 2021

DOM

- In adherence to Regional Memorandum No.203, series 2021 dated May 03, 2021 and OUA MEMO 00-0321-0279 dated March 31, 2021, this Office informs concerned schools to take note of the approval of the request for exclusion of 107 sub-projects under Public-Private Partnership for School Infrastructure Project Phase II (PSIP II), Package E.
- 2. The exclusion of these projects is in consideration of the delay in its implementation. The Education Facilities Division (EFD) is currently evaluating the corresponding sanctions that may be applied to the proponent. The EFD is assuring that the mentioned excluded schools will be covered in the programming of the succeeding years' School Building Program under the Basic Education Facilities Fund (BEFF).
- 3. For clarification and any concern on the above national issuance, kindly contact Engr. Nor-janah G. Macasimpan through email address: max\_tricia@yahoo.com. or mobile number: 0917-150-0542.
- 4. Attached are Regional Memorandum No.203, series 2021 and OUA MEMO 00-0321-0279 for references.
- 5. Immediate dissemination of and strict compliance with this Memorandum is desired.



# Republic of the Philippines Department of Education

REGION X - NORTHERN MINDANAC

DEPARTMENT OF EDUCATION

Office of the Regional Director

May 3, 2021

REGIONAL MEMORANDUM No. , s. 2021

### APPROVAL OF THE REQUEST FOR EXCLUSION OF 107 SUB-PROJECTS UNDER PSIP II, PACKAGE E

To: Schools Division Superintendents All Others Concerned

Attached is a copy of the signed letter of approval of exclusion and list of affected schools and sub-projects. The exclusion of these projects is in consideration of the delay in implementation. The Education Facilities Division (EFD) is currently evaluating the corresponding sanctions that may be applied to the proponent. The EFD is assuring that the mentioned excluded schools will be covered in the programming of the succeeding years' School Building Program under the basic Education Facilities Fund (BEFF).

2. For immediate and appropriate action.

BAYOCOT, CESO III

Regional Director

To be indicated in the Perpetual Index under the following subjects:

DEPED ENGINEERS

PPP-PSIP II, Package E

ESSD/fels













### Republika ng Pilipinas

# Kagawaran ng Edukasyon

Tanggapan ng Pangalawang Kalihim

### OUA MEMO 00-0321-0279 MEMORANDUM

31 March 2021

For:

Regional Directors and Schools Division Superintendents

Regional/Division/DepEd Project Engineers

PPP Focal Engineers (Region X and CARAGA)

Subject:

APPROVAL OF THE REQUEST FOR THE EXCLUSION OF

107 SUB-PROJECTS UNDER PSIP II, PACKAGE E

This is to inform all concerned Regions and Divisions covered by Public-Private Partnership for School Infrastructure Project Phase II (PSIP II), Package E that in response to the request of VT Lao Consortium, a total of 107 sub-projects (270 classrooms) are being excluded in their contract. Kindly refer to the details below.

Region	Contract Package	No. of Sub-Projects	No. of Classrooms
X		36	111
CARAGA	E	71	159
	Total	107	270

Attached is a copy of the signed letter of approval of exclusion and list of affected schools and sub-projects. Kindly note that the exclusion of these projects is in consideration of the delay in implementation. The Education Facilities Division (EFD) is currently evaluating the corresponding sanctions that may be applied to the said proponent. In this regard, rest assured that these projects will be covered in the programming of the succeeding years' School Building Program under the Basic Education Facilities Fund (BEFF).

For all future correspondence and queries on the above-mentioned subject, please contact Engr. Donna Mae Apalla, Senior Technical Assistant III of EFD, through +63 966 406 1103 or email at donna.apalla@deped.gov.ph.

For immediate and appropriate action.

ALAIN DE . PASCU Undersecretary





Office of the Undersecretary for Administration (OUA)

[Administrative Service (AS), Information and Communications Technology Service (ICTS), Disaster Risk Reduction and Management Service (DRMMS), Bureau of Learner Support Services (BLSS), Baguio Teachers Camp (BTC), Central Security & Safety Office (CSSO)]

Department of Education, Central Office, Meralco Avenue, Pasig City Rm 519, Mabini Bldg; Mobile: +639260320762; Tel: (+632) 86337203, (+632) 86376207 Email: usec.admin@deped.gov.ph; Facebook/Twitter @depedtayo







### Republika ng Pilipinas

# Kagawaran ng Edukasyon

Tanggapan ng Pangalawang Kalihim

18 March 2021

### MR. BEN-AZEL S. PONIO

Authorized Managing Representative BSP & Company Inc./Vicente T. Lao Construction (JV) BSP Compound, RMT Industrial Complex Tunasan, Muntinlupa City

## RE: REQUEST FOR EXCLUSION OF 107SP/270CL UNDER PSIP II, PACKAGE E

### Dear Mr. Ponio:

With reference to your letter dated 17 February 2021 requesting for exclusion of 107 Sub-Projects equivalent to 270 Classrooms under Public Private Partnership for School Infrastructure Project Phase 2 (PSIP-2), Package E due to accessibility and security issues, and with the current pandemic situation in the country, the Department of Education (DepED) hereby approves your request.

Below is the summary of the Sub-Projects for Exclusion:

Package E	SP	CL
Region X	36	111
CARAGA	71	159
TOTAL	107	270

See attached Annex A for the detailed list of the Sub-Projects for Exclusion.

For these Sub-Projects, the Proponent will be liable for the Liquidated Damages for Non-Delivery of Sub-Projects as calculated in Section 18.0 of the Built - and - Transfer Agreement (BT Agreement):

Section 18.0 Liquidated Damages

18.1 General Principles: Liquidated damages consist of payments that Proponent shall make to DepEd because delays or non-compliance with ce obligations specified in the Agreement."





Office of the Undersecretary for Administration (OUA)

[Administrative Service (AS), Information and Communications Technology Service (ICTS), Disaster Risk Reduction and Management Service (DRRMS), Bureau of Learner Support Services (BLSS), Baguio Teachers Camp (BTC), Central Security & Safety Office (CSSO))

Department of Education, Central Office, Meralco Avenue, Pasig City Rm 519, Mabini Bldg; Mobile: +639260320762; Tel: (+632) 86337203, (+632) 86376207 Email: usec.admin@deped.gov.ph; Facebook/Twitter @depedtayo

18.2 Grounds for Liquidated Damages on Proponent: "Failure to meet the obligations of the Proponent in Table 4 shall be subject to Liquidated Damages to be determined as follows:

Table 4. Liquidated Damages for Non-Compliance

Relevant Section	Event	Liquidated Damages
Section 12.10.e	If by the Construction Completion Deadline, the Proponent has not started the Construction of a Sub-project	25% of the Sub-project Contract
Section 12.10.g	If by the Final Rectification Deadline, any Sub-project not previously Excluded has not yet passed either the Punch List Inspection or the Rectification Inspection.	25% of the Sub-project Contract

Based on these Contract Clauses, 107 Sub Projects equivalent to 270 Classrooms with a total Sub-Projects Contract Amount of Two Hundred Twenty-Five Million Three Hundred Forty-Seven Thousand Two Hundred Twenty-Eight and 70/100 (P225,347,228.70) shall be subject for the imposition of Liquidated Damages (LD) amounting to Fifty-Six Million Three Hundred Thirty-Six Thousand Eight Hundred Seven and 18/100 (P56,336,807.18). See attached Annex B for the Computation of Liquidated Damages.

Payment of Liquidated Damages is stated in Section 18.3 of the BT Agreement. Application of Liquidated Damages, stated as follows:

18.3 Application of Liquidated Damages

- a. Upon the occurrence of any of the events stated in Section 18.2, the DepEd shall make a written demand for the payment of the Liquidated Damages in cash by the Proponent. Such Liquidated Damages shall be paid within twenty-one (21) days from the receipt by the Proponent of such written demand.
- b. If the Proponent fails to remit payment in cash within the period stated in Section 18.3a., Liquidated Damages due from the Proponent shall be drawn from the Performance Security, if the events stated in Table 4 occur while the Performance Security is in force. If the Performance Security is insufficient in such case or is no longer in force, the DepEd shall deduct the Liquidated Damages from the Retention Money. The DepEd shall have the right to continue to deduct any amounts of unpaid Liquidated Damages from any Payments due to the Proponent. Any amounts unpaid after such written demand for cash payment will accrue interest on a monthly basis, at an annualized rate of one-year PDST-F + 5%.

c. If the events stated in Table 4 occur while the Retention Money or Warranty Security is in force, the DepEd shall deduct the Liquidated Damages from the Retention Money or Warranty Security, respectively.

In compliance with the above provisions on the application of liquidated damages, this letter shall also serve as a demand for payment of the same.

For all future correspondence and queries on the above-mentioned subject, please contact Engr. Donna Mae Apalla, Senior Technical Assistant III of Education Facilities Division (EFD) at +63 966 406 1103 or email at <a href="mailto:donna.apalla@deped.gov.ph">donna.apalla@deped.gov.ph</a>.

Thank you.













### Republika ng Pilipinas

# Kagawaran ng Edukasyon

Tanggapan ng Pangalawang Kalihim

24 March 2021

### MR. BEN-AZEL S. PONIO

Authorized Managing Representative BSP & Company Inc./Vicente T. Lao Construction (JV) BSP Compound, RMT Industrial Complex Tunasan, Muntinlupa City

# DEMOLITION OF EXCLUDED SUB-PROJECTS UNDER PSIP II, PACKAGE E

### Dear Mr. Ponio:

In connection with the letter dated 18 March 2021 on Package E of Public -Private Partnership for School Infrastructure Project Phase 2 (PSIP II), the Department of Education (DepEd) hereby approves the exclusion of 107 subprojects (SPs)/270 classrooms from the said program.

Based on the official record of the Education Facilities Division (EFD), there are currently 81 idle SPs (equivalent to 212 Classrooms) which are subject for demolition. For more details, kindly refer to the attached document.

Given this, the Proponent is hereby instructed to carry out the said demolition. This entails the uprooting of foundation, dismantling of the roofing system and its structural steel components, clearing the school site of any debris and securing the salvaged materials from areas identified by the School Principal to prevent untoward incidents.

Section 12.10.g of the Build-And-Transfer (BT) Agreement states, "A Sub-Project which, by its Final Rectification Deadline, has not yet passed either the Punch List Inspection or Rectification Inspection, and which has not previously been Excluded, shall be Excluded. For any Excluded Sub-Project under this paragraph, the Proponent will be liable for Liquidated Damages as calculated in Section 18.0. DepEd shall have the option to either require the Proponent to remove or demolish the Sub-Project Construction Works from the Project Site, at the Proponent's cost, within a period of thirty (30) days from the date when the DepEd notifies the Proponent of requirement, or to take ownership of such Construction works without any further payment from DepEd to Proponent. Any Construction works required for removal or demolition, but which are not removed or demolished within the 30-day timeframe,





Office of the Undersecretary for Administration (OUA)

[Administrative Service (AS), Information and Communications Technology Service (ICTS), Disaster Risk Reduction and Management Service (DRRMS), Bureau of Learner Support Services (BLSS), Baguio Teachers Camp (BTC), Central Security & Safety Office (CSSO)

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shall be considered automatically transferred to the DepEd, without need for any additional compensation to the Proponent."

For all future correspondence and queries on the above-mentioned subject, please contact Engr. Donna Mae Apalla, Senior Technical Assistant III of EFD, through +63 966 406 1103 or email at donna.apalla@deped.gov.ph.

Thank you.

ALAIN DEL B. PASCUA Undersecretary





# PUBLIC-PRIVATE PARTNERSHIP FOR SCHOOL INFRASTRUCTURE PROJECT PHASE II (PSIP II) CONTRACT PACKAGE E PROPONENT: BSP & CO. INC./VT Lao Construction JV Original Contract Amount: Php 1,603,397,790.00

# LIST OF SUB PROJECTS FOR DEMOLITION

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39.59%	1,484,467.50	0.091335%	1STY 2CL	2	_	Lincia	I arusan iso	317926	Surigeo del Sur	CARAGA	862
	2,012,941.56	0.125542%	1STY 3CL	3	-	Hinatuan	Barobo NHS	304861	Surigao del Sur	CARAGA	858
66.64%	6,592,615.67	0.411165%	2STY 6CL	6	-	Bambo	CARROMATA ES	132875	Surigao del Sur	CARAGA	848
30.00%	2,012,941.58	0.125542%	18TY 3CL	ω	-	San Miguel	Haguimitan ES	132878	Surigao del Sur	CARAGA	842
47.00%	660,728.62	0.041208%	1STY 1CL	1	-	SAN MIGUEL					
STATUS	CONTRACT AMOUNT	COEFFICIENT (%)	WORK	No. of CL	BLDG	MUNICIPALITY/ LOCATION	NAME OF SCHOOL	SCHOOL	NOISIVIO	REGION	SPID
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