

**Invitation to Submit Proposal
for the Supply of Power to Davao Light and Power Company**

1. Bid Information

Davao Light and Power Company (“**davao light**”) is a duly franchised distribution utility engaged in the distribution of electricity within its franchise area covering Davao City, areas of Panabo City, and the municipalities of Carmen, Dujali, and Santo Tomas in Davao del Norte. Davao light is in need of the supply of electricity for its power requirements to meet the demand of its captive customers.

Davao light is in need of a qualified supplier that can supply 55MW of power to commence on February 26, 2022, which date for the start of supply shall be subject to the approval of the Energy Regulatory Commission.

1. Minimum Requirement of Supply

Davao light, through its Third Party Bids and Awards Committee (“**TPBAC**”), is inviting proposals with the following Minimum Requirements of Supply (“**Bid**”):

1	Required Capacity Annual Maximum Energy Annual Minimum Energy	55 MW equivalent energy of 300,000 MWh per annum net of forced and unforced outages equivalent energy of 200,000 MWh per annum net of forced and unforced outages
2	Supply Description	75% of the supply must come from an Eligible RE Facility or Facilities as defined by the Renewable Energy Act of 2008. Hence, at least 75% of the Energy from the PSA shall have Renewable Energy Certificates. Has the capability to provide power during peak and off-peak May come from a single or portfolio of plants
3	Start of Supply	February 26, 2022 subject to the approval of the Energy Regulatory Commission
4	Term of Power Supply Agreement	Ten (10) years with option to terminate on the 5th year by davao light without termination penalty
5	Receiving Point	Davao light Metering Point/s

6	Connection Scheme	Bidder must submit a diagram of its connection to the Transmission Grid or Distribution System which will form part of the overall evaluation.
7	Form of Payment	Philippine Peso
8	Tariff Structure	Supply offers must have an attached Renewable Energy Certificates of at least 75% of the total contracted energy. Supplier to indicate all applicable indexes as of March 2020, when applicable. Tariffs will be evaluated at the receiving point/s of davao light or at delivered cost. An offer with Prompt Payment Discount is an advantage.
9	Taxes	Bidders to indicate applicable taxes
10	Price Cap	Davao light shall set a price ceiling which will be disclosed before opening the Second Bid E-Submission. Price Cap will be on the Tariff before deducting the Prompt Payment Discount.
11	Penalty for failure to Supply	Winning Bidder shall shoulder the replacement cost in excess of the winning bid price in the event that the winning Bidder fails to supply power on the date of the Start of Supply. Further, in the event that davao light will experience outages due to the failure of winning Bidder to supply energy, davao light will be reimbursed by an amount equivalent to the shortage in kWh multiplied by 1.50 P/kWh.
12	Other Terms and Conditions	As set out in the power supply agreement

2. Eligibility Requirements

Parties intending to bid (“**Prospective Bidders**”) shall be required to comply with the following eligibility requirements (“**Eligibility Requirements**”):

A. Prospective Bidders shall submit the following:

(i) duly notarized Secretary’s Certificate authorizing participation in the Bid;

(ii) duly notarized expression of interest to participate in the Bid in accordance with the terms set out in the ITSP;

(iii) duly notarized Non-Disclosure Undertaking in the form prescribed by the TPBAC signed on every page by the duly authorized representative; and

B. Payment of non-refundable bid processing fee of PhP100,000.00

3. Instruction to Bidders

All requests and submissions of CSP documents shall be addressed to the TPBAC Chairman and communicated through the CSP Secretariat at dlpc.csp.secretariat@aboitiz.com. Only the authorized representative/s of the Prospective Bidder are allowed to ask queries or submit documents through electronic mail.

Prospective Bidders may obtain a copy of the form of the Eligibility Documents through a letter request on or before 5:00 p.m. of February 21, 2021 (the “**Pre-Qualification Deadline**”). Clarifications on the Eligibility Documents shall be entertained up to February 23, 2021. Deadline for the submission of the eligibility requirements and payment of bid processing fee is on 12:00 p.m. of February 26, 2021 (the “**Pre-Qualification Deadline**”).

The TPBAC shall notify a Prospective Bidder whether it meets the Eligibility Requirements for timeliness, completeness and conformity on February 26, 2021. However, the TPBAC will verify the veracity of the electronic submission with the duly accomplished original hard copies which the prospective bidder shall submit and should be received by davao light on or before March 19, 2021 at the DLPC Admin Office, C. Bangoy Sr. Street, Davao City. Failure of the Prospective Bidder to submit the duly accomplished original hard copies may be a ground for disqualification.

Only Prospective Bidders that have complied with the Eligibility Requirements on time may be allowed to participate in the Bid and to obtain all bidding documents, including the detailed terms of reference and bid procedures.

The TPBAC reserves the right to declare a failed bidding in the event that less than two (2) Prospective Bidders comply with the eligibility requirements.

Indicative Schedule

Pre-Qualification Evaluation	1.30 p.m. of February 26, 2021
Availability of Bid Documents	May 18, 2021
Deadline for Submission of Comments and Questions on the Bid	12:00 p.m. of June 16, 2021
Pre-bid Conference	June 18, 2021 from 10:00 a.m. to 5:00 p.m.
Issuance of Bid Bulletin/s, if required	June 21 to 23, 2021
Deadline for Submission of Bids (“Bid Submission Deadline”)	9:00 a.m. of July 8, 2021

Opening of Bids Evaluation of Bids Provisional Declaration of Winning Bidder (subject to Post Qualification)	9:00 a.m. of July 8, 2021
Post Qualification (validation of hard copies submitted by the Winning Bidder)	July 15, 2021
Issuance of Notice of Award	July 15, 2021

Any amendment to the Schedule will be announced through Bid Bulletins and communicated to the Prospective Bidders through email.

Unless otherwise expressly specified in writing, all references to times and dates shall refer to Philippine Time.

For further information, prospective Bidders shall communicate to the CSP Secretariat at dlpc.csp.secretariat@aboitiz.com.

**THIRD PARTY BIDS AND AWARDS COMMITTEE
DAVAO LIGHT AND POWER COMPANY**

By:



**Orville Lazaro
Chairman, TPBAC**

February 5, 2021

DAVAO LIGHT AND POWER COMPANY
COMPETITIVE SELECTION PROCESS
BID DOCUMENTS

TERMS OF REFERENCE

(As amended by TPBAC Resolution No. 2 dated May 12, 2021)

		Description	
1	Bid Subject	<p>This Terms of Reference (“TOR”) shall cover the bidding for the Power Supply Agreement (“PSA”) on the supply of up to 55MW within the franchise area (the “Franchise Area”) of Davao Light and Power Company (“davao light”) for its compliance to the Renewable Portfolio Standard requirement.</p> <p>The template PSA is attached as Annex “1” hereof.</p>	
2	Bidding Summary	<p>The bid shall cover the power supply obligation for and within the franchise area of davao light in accordance with the terms of the Invitation to Submit Proposal, as provided under Section 5 and attached as Annex “2” hereof (the “Bid”).</p> <p>The winning bidder will enter into a PSA with davao light. The quantity to be contracted is 55MW of power or a maximum energy of 300,000 MWh per annum and minimum energy of 200,000 MWh per annum to be supplied for a period of ten (10) years from the Commencement Date.</p>	
3	Bid Processing Fee Bid Security	<p>Php100,000.00 (Non-refundable)</p> <p>Php150,000,000.00, in cash or Standby-Letter of Credit* and valid until (or to be returned upon) the approval of the PSA in the Energy Regulatory Commission (“ERC”) or February 26, 2022.</p> <p><i>*In form and substance as prescribed in Annex “3” hereof.</i></p>	
4	Minimum Requirements of Supply	Required Capacity	55 MW
		Annual Maximum Energy	equivalent energy of 300,000 MWh per annum net of forced and unforced outages
		Annual Minimum Energy	equivalent energy of 200,000 MWh per annum net of forced and unforced outages
		Supply Description	<p>75% of the supply must come from an Eligible RE Facility or Facilities as defined by the Renewable Energy Act of 2008. Hence, at least 75% of the Energy from the PSA shall have Renewable Energy Certificates.</p> <p>Has the capability to provide power during peak and off-peak</p> <p>May come from a single or portfolio of plants</p>
		Start of Supply	February 26, 2022 subject to the approval of the Energy Regulatory Commission

	Term of Power Supply Agreement	Ten (10) years with option of davao light to terminate on the 5th year without termination penalty
	Receiving Point	Davao light Metering Point/s
	Connection Scheme	Bidder must submit a diagram of its connection to the Transmission Grid or Distribution System which will form part of the overall evaluation.
	Payment Currency	Philippine Peso
	Tariff Structure	<p>Supply offers must have an attached Renewable Energy Certificates of at least 75% of the total contracted energy.</p> <p>Supplier to indicate all applicable indexes as of March 2020, when applicable.</p> <p>Tariffs will be evaluated at the receiving point/s of davao light or at delivered cost.</p> <p>An offer with Prompt Payment Discount is an advantage.</p>
	Taxes	Bidder to indicate applicable taxes
	Price Cap	Davao light shall set a price ceiling which will be disclosed before opening the Second Bid E-Submission. Price Cap will be on the Tariff before deducting the Prompt Payment Discount.
	Penalty for Delay in Start of Supply	Winning Bidder shall shoulder the replacement cost in excess of the winning bid price in the event that the winning Bidder fails to supply power on the date of the Start of Supply. Further, in the event that davao light will experience outages due to the failure of winning Bidder to supply energy, davao light will be reimbursed by an amount equivalent to the shortage in kWh multiplied by 1.50 P/kWh.
	Other terms and conditions	As set out in the PSA
	<p>The Third Party Bids and Awards Committee (“TPBAC”) of davao light shall publish the attached Invitation to Submit Proposal for the Supply of Power to Davao Light and Power Company (“ITSP”), attached as Annex “2” hereof, in a newspaper of general circulation. The publication of the ITSP shall be once weekly for two (2) consecutive weeks.</p> <p>To qualify to bid, an interested bidder (the “Prospective Bidder”) must comply and submit the following requirements:</p>	

		<p>(i) duly notarized Secretary's Certificate authorizing participation in the Bid ;</p> <p>(ii) duly notarized expression of interest to participate in the Bid in accordance with the terms set out in the ITSP;</p> <p>(iii) duly notarized Non-Disclosure Undertaking in the form prescribed by the TPBAC signed on every page by the duly authorized representative; and</p> <p>(iv) pay the non-refundable Bid Processing Fee (collectively, the "Eligibility Requirements") on or before February 26, 2021.</p> <p>Only Prospective Bidders that are declared by the TPBAC as compliant with the Eligibility Requirements ("Qualified Bidders") shall be qualified to participate in the Bid, including to receive the Bid Documents, submit comments or questions on the Bid and participate in the Pre-Bid Conference.</p> <p><i>*In form and substance as prescribed in Annex "6" hereof.</i></p> <p><i>**In form and substance as prescribed in Annex "7" hereof.</i></p>			
				Venue/ Submission/ Notification Method	Date
6	Bidding Schedule	1a	First Publication of ITSP Posting in davao light and DOE websites of ITSP Dissemination of ITSP to generators Invitation to Competitive Selection Process Observers (" CSP Observers ")		February 8, 2021
		1b	Second Publication of ITSP		February 15, 2021
		2	Deadline for Compliance with Eligibility Requirements (" Pre-Qualification Deadline ")	Email	12:00 p.m. of February 26, 2021
		3	Pre-Qualification Evaluation	Virtual	1:30 p.m of February 26, 2021
		4	Period to Cure Deficiency or Defect of Pre-Qualification Requirement	Email	12:00 p.m. of March 5, 2021
		5	Notice to Qualified Bidders of Eligibility to Bid	Email	May 18, 2021
		6	Availability of Bid Documents	Email/ PDF Copy	May 18, 2021

		7	Deadline for Submission of Comments and Questions on the Bid	Email/ Prescribed Form	12:00 p.m. of June 16, 2021
		8	Pre-bid Conference	Virtual	June 18, 2021 from 10:00 a.m. to 5:00 p.m.
		8	Issuance of Bid Bulletin/s, if required	Email	June 21 to 23, 2021
		9	Deadline for Submission of Bids (“Bid Submission Deadline”) Opening of Bids	Email/PDF Copy with password unless otherwise specified in Annex “8”	9:00 a.m. of July 8, 2021
		10	Opening of Bids Evaluation of Bids Provisional Declaration of Winning Bidder (subject to Post Qualification)	Virtual	9:00 a.m. of July 8, 2021
		11	Deadline for Submission of original documents from the Winning Bidder for both Pre-Eligibility Document and Bid Submission	Hard Copy	12:00 p.m of July 15, 2021
		12	Post Qualification (validation of hard copies submitted by the Winning Bidder) *a curing period of 15days shall be provided for deficiency or defects in the submission of hard copies	Virtual with authorized Representative from the Bidder to be Physically present in the venue	1.30 p.m of July 15, 2021
		13	Issuance of Notice of Award	Email	July 15, 2021
		14	Signing of PSA		July 22, 2021
		15	Filing with ERC		July 29, 2021
		16	Start of Supply		February 26, 2022
7	Venue /Time	<p>Unless otherwise expressly specified in writing, all requests and submissions of CSP documents shall be addressed to the TPBAC Chairman and communicated through the CSP Secretariat at dlpc.csp.secretariat@aboitiz.com . Only the authorized representative/s of the Prospective Bidder are allowed to ask queries or submit documents through electronic mail.</p> <p>Unless otherwise expressly specified in writing, all references to times and dates shall refer to Philippine Standard Time.</p>			

8	Submissions	<p><u>A. Eligibility Requirements</u></p> <ol style="list-style-type: none"> 1. Prospective Bidders shall submit the following: <ol style="list-style-type: none"> a. Duly notarized Secretary’s Certificate authorizing participation in the Bid b. Duly notarized expression of interest to participate in the Bid c. Duly notarized non-disclosure undertaking in the form prescribed by the TPBAC signed on every page by the duly authorized representative; 2. Payment of non-refundable bid processing fee of PhP100,000.00 <p><u>B. Submission of Bids by Qualified Bidders</u></p> <p>Procedure and Requirement are detailed in Annex “8”</p>
9	Bid Procedures	<ol style="list-style-type: none"> a. Prospective Bidders shall submit the Eligibility Requirements through the CSP Secretariat through email at dlpc.csp.secretariat@aboitiz.com on or before the Pre-Qualification Deadline. b. Invitation to witness the Pre-Qualification, Pre-bid Conference, Opening of Bids, Evaluation of Bids and Post Qualification shall be extended to the Prospective Bidders and Bid Observers. <p>The TPBAC Guidelines for the Conduct of Virtual CSP will be provided to the Prospective Bidders.</p> c. On February 26, 2021, the TPBAC shall proceed with the Pre-Qualification evaluation of the Eligibility Requirement submissions. The TPBAC shall open each submission, one at a time, in the order of first to last received. A PASS and FAIL criterion will be used on whether the Prospective Bidders meets the Eligibility Requirements for timeliness, completeness and conformity. The TPBAC shall notify a Prospective Bidder if it complied with all the requirements. d. Only Prospective Bidders that have complied with the Eligibility Requirements on time shall be allowed to participate in the Bid. e. The TPBAC shall provide the Bid Documents to the Qualified Bidders which may submit comments or questions regarding the Bid or the Bid Documents. Qualified Bidders will be provided with a format which they will use in submitting comments or questions. f. The TPBAC shall hold the Pre-Bid Conference and shall be open to Qualified Bidders and CSP Observers. Where reasonably necessary as determined by

the TPBAC, it shall issue clarifications or amendments to the Bid Documents by way of bid bulletins which shall be provided to the Qualified Bidders.

- g. On or before the Bid Submission Deadline, the Qualified Bidders may submit their bids by way of the Bid Submissions set out in item 8 of this TOR.
- h. On the date for the Opening of the Bids, the TPBAC shall first identify the Bids that were submitted on time before the Bid Submissions are opened. Bids submitted after the 9:00 a.m of June 14, 2020 shall not be opened. The TPBAC shall proceed to open each Bid Submission, one at a time, in the order of first to last received
- i. In opening each Bid Submission, the TPBAC shall conduct a brief inventory of the contents of the same. The Bid Submissions shall be opened upon the instruction of the TPBAC. Opening of the E-Bid Submissions will be shown in the virtual meeting and the results shown on the screen.
- j. Submission with email subject First Bid E-Submission shall be opened first. A PASS and FAIL criterion will be used on whether the Bid meets the Eligibility Requirements for completeness and conformity. A FAIL mark will disqualify a Bidder and its Second Bid E-Submission shall not be opened.
- k. The TPBAC shall then proceed with the opening and evaluation of the Second Bid E-Submissions. Items (d) "Technical Specifications" & (e) "Terms of the proposed supply" of the Second Bid E-Submissions shall be evaluated on a PASS or FAIL criterion. Only Bid Submissions marked "PASS" on items (d) and (e) of the Second Bid E-Submission the Minimum Requirements for Supply shall be evaluated.
- l. The TPBAC shall then proceed with the evaluation of items (f) - "Proposed Tariff and Basis of Proposed Tariff" and (g) - "Discount/s offer and scheme of availment." The TPBAC shall follow the procedure outlined in Annex "10" hereof to evaluate items (f) and (g) of the Second Bid E-Submission.
- m. Based on the evaluation, the winning bidder (the "Winning Bidder") shall be declared provisionally by the TPBAC subject to Post-Qualification.
- n. The TPBAC shall convene for the verification of the accuracy, authenticity and completeness of all documents submitted in the bid. To facilitate the

		<p>TPBAC verification, the Winning Bidder shall submit the original copies of all Electronic Submissions on or before July 15, 2021. The winning Bidder shall confirm an attendance of an authorized representative during the Post-Qualification Evaluation. The TPBAC shall serve, personally, by registered mail or electronically, a written notice (“Notice of Award”) to the bidder of its selection as the Winning Bidder within two (2) days after the Post-Qualification on July 15, 2021.</p> <p>o. In the event that the Winning Bidder fails to submit the hard copies on the set deadline, the Performance Security shall be forfeited in favor of Davao Light and Power Company and shall result in the disqualification of the Bidder.</p> <p>p. For any deficiency or defects in hard copy submission, Davao Light will give the Winning Bidder fifteen (15) days to cure the deficiency or defects otherwise, the Performance Security shall be forfeited in favor of Davao Light and Power Company and shall result in the disqualification of the Bidder.</p>
10	Power Supply Agreement	<p>Davao light and the Winning Bidder shall then proceed to sign the PSA within five (5) days from issuance of the Notice of Award. The PSA shall be in the form attached hereto as Annex “1.” Notwithstanding the issuance of the Notice of Award, the effectivity of the same shall be subject to the following conditions:</p> <p>a. signing of the PSA; and</p> <p>b. approval of the ERC.</p> <p>c. the issuance of the relevant permits, licenses and government authorities, as may be applicable.</p>
11	Failed Bid and Direct Negotiations	<p>For a bidding to be successful, the TPBAC must receive at least two (2) proposals that conform to the Minimum Requirements of Supply under this TOR and are from entities with whom davao light is not prohibited from entering into the PSA. If no such two (2) proposals are received, the bidding is declared a failed bidding and the bidding process shall be repeated.</p> <p>In case the First Bidding fails, the davao light shall revisit and may modify the TOR, including the Minimum Requirements of Supply. Such would facilitate the potential bidders to re-evaluate and revise their bids and compete for the second round of CSP. The second bidding process shall follow the same procedure as the first bidding process. If in the second bidding process, the BAC still fails to receive at least two (2) proposals that conform to the Minimum Requirements of this TOR, davao light may then conduct direct negotiations with a party for the execution of a power supply agreement.</p>
12	Effectivity of the PSA	<p>The effectivity of the PSA shall be in accordance with the terms of the same, subject to the approval of the ERC</p>

13	General Conditions	<ol style="list-style-type: none"> 1. Neither the TPBAC, the TPBAC Technical Working Group (TWG), the TPBAC Secretariat, nor its advisors or consultants assumes any responsibility for interpretations or conclusions drawn by any party from data furnished by the TPBAC, or any of its advisors or consultants, of davao light's investors, or for the accuracy or completeness of data furnished by the TPBAC or any of its advisors or consultants. 2. Before making any Bid Submission, Prospective Bidders shall be deemed to have become familiar with and must at all times comply with Philippine Law. 3. All risks, taxes, costs, fees and expenses incurred, directly or indirectly, by a party in the preparation of its bid, including fees and disbursements of its own advisors, if any, shall be borne and paid by such party whether its bid is accepted or rejected for any reason. 4. The TPBAC or any of its advisors or consultants shall not be held liable for such risks, taxes, costs, fees, expenses and liabilities. Neither the TPBAC nor any of its advisors or consultants shall be held liable in the event that a court of competent jurisdiction or other governmental authority declares the bidding, selection and/or award invalid or sets it aside, for any reason whatsoever at any future date. 5. The TPBAC or any of its advisors or consultants, at their own discretion, reserves the right to: (i) accept or reject any or all bids or any part thereof; (ii) withdraw from the proposed transaction or any part of the bidding process or to vary any of its or their terms at any time without giving any reason therefore; (iii) waive any defect contained therein; (iv) conduct verification or request clarifications thereon; or (v) exercise any other remedy granted by Philippine Law or the bidding procedures. 6. In the event that the TPBAC exercises its right to withdraw from the proposed transaction or the Bid after the announcement of the Winning Bidder, the Bid Processing Fee of PhP100,000.00 shall be returned to the Winning Bidder. The Winning Bidder acknowledges that, if the TPBAC or davao light withdraws from the proposed transaction or the Bid, the sole remedy of the Bidder against the TPBAC or davao light shall be the refund of the Bid Processing Fee. 7. The TPBAC reserves the right to add to, modify, supplement or change the bidding, including the Bidding Schedule, at any time, for any reason whatsoever, without prior notice. The changes in bidding or schedule shall be done through issuance of Supplemental Bid Bulletin.
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	Language	The official language to be used in the bidding, bidding procedures and the Final Transaction Document, reports, communications, and correspondence between the parties, as well as all orders, procedures, work instructions, and safety notices shall be English.
15	Governing Law	The bid, bidding procedures, TOR and the PSA shall be governed by and construed in accordance with Philippine Law.
16	Venue	In the event of litigation arising out of or in connection with the bidding, the bidding procedures and the PSA, the venue of the action shall exclusively be in the proper courts of Davao City, to the exclusion of all other courts elsewhere situated, unless the action falls within the jurisdiction of the ERC.
17	Confidentiality	<p>Each bidder agrees that it shall, at all times, keep in strict confidence and shall not disclose to any party any and all Confidential Information (as hereinafter defined) which the bidder may acquire by reason of the bidding, the bidding procedures and the PSA, except information (i) to the extent that at the time of disclosure is already in the public domain, or (ii) to the extent that such information subsequently comes into the public domain other than by reason of breach of this provision, or (iii) is required to be disclosed by law, regulation, legal process or other statutory or regulatory requirements in any relevant jurisdiction.</p> <p>The bidder shall indemnify davao light or its customers, subsidiaries, affiliates, directors, officers, employees or any third person for any damage resulting from the disclosure or consequent unauthorized use of any Confidential Information.</p> <p>“Confidential Information” means any and all information relating to the bid, businesses, operations, financial transactions, procedures or other practices of davao light and those of its customers, subsidiaries, affiliates, directors, officers or employees, which includes, but is not limited to, discoveries, ideas, concepts, software in various stages of development, designs, drawings, specifications, techniques, models, data, source code, object code, documentation, diagrams, flow charts, research, development, processes, procedures, “know-how”, strategic, tactical and negotiating information, proposed projects, any proprietary information, proposed contracts, their respective terms and conditions and any negotiations, arrangements or matters relating thereto, information supporting litigation or administrative proceedings, computational methodologies and decisional analysis, client lists and databases, any and all business, technical, marketing, operational, organizational, financial or other information, including information which davao light obtains from another party and which it treats as proprietary or confidential, whether in electronic, oral or written form, and all notes, analyses, compilations, studies or other documents which contain or reflect such information.</p>
19	Procedure for Protest	Any decision of the TPBAC at any stage of the bid may be questioned by the filing of a written request for reconsideration and sent to the Secretariat Email address within three (3) days upon receipt of written notice or verbal

		<p>notification. The TPBAC shall decide on the request for reconsideration within seven (7) days from receipt thereof.</p> <p>If the request for reconsideration is not resolved within the said period, such request for reconsideration shall be deemed denied. In the event that the request for reconsideration is denied, the decision of the TPBAC may be protested in writing to the Chief Operating Officer of davao light. The protest shall be filed within seven (7) days from receipt of the resolution of the TPBAC denying the request for reconsideration. It shall be made by filing a verified position paper, accompanied by the payment of a non-refundable protest fee of Five Hundred Thousand Pesos (PhP 500,000.00). The verified position paper shall contain the following information: (a) name of bidder, (b) address, (c) name of project, (d) brief statement of facts, (e) issue to be resolved, (f) arguments and supporting evidence, if any, and (g) such other matters and information pertinent to the proper resolution of the protest.</p> <p>The protest shall be resolved within seven (7) days from receipt thereof. The decision of the COO shall be final.</p>
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**BOARD RESOLUTIONS OF
THE THIRD PARTY BIDS AND AWARDS COMMITTEE**

an excerpt from the TPBAC Meeting Held on May 12, 2021
via Virtual Meeting utilizing Google Meet Platform
with Meeting Code: *meet.google.com/yog-kiga-upa*

PRESENT:

Committee Members and Officers

Orville Lazaro - Chairman
Al Balagot - Vice Chairman
Nicolas Galas
Herbert Lariago
Dennis Verallo

ALSO PRESENT:

Secretariat Team

Sherwin Ma. V.C. Quilatan
Christopher Nacionales

Technical Working Group

Annie Magno
Lenie Anne Galvez

After the discussions and upon motions made and seconded during the meeting held on May 12, 2021, the following resolutions were passed:

Resolution no. 1

“RESOLVED, that the pronouncement of the TPBAC on the failure of the first round of bidding be withdrawn and be declared without force and effect in consideration of the Letter from DOE dated April 29, 2021;

RESOLVED FURTHER, that the TPBAC shall promulgate the withdrawal and declaration of its first pronouncement to be without force and effect through a correspondence to the concerned parties involving government agencies and private corporations involved in the CSP;

RESOLVED FINALLY, that the committee shall utilize the secretariat email in the promulgation of the said decision.”

Resolution no. 2

“RESOLVED, that the CSP TOR shall be ratified in accordance with the DOE’s instruction through its letter dated April 29, 2021;

RESOLVED FURTHER, such ratification shall reflect the TPBAC Resolution to which it is based for the purpose of allowing traceability and revision history;

RESOLVED FINALLY, that such ratification shall be posted in the Bid Bulletin for promulgation.

DAVAO LIGHT & POWER CO., INC.

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+63 920 970 1357 (Smart)
Email: davaolight@aboitiz.com

Resolution no. 3

“RESOLVED, that the TPBAC shall respond to the DOE correspondence on SMPCPC’s disqualification;

RESOLVED FURTHER, that such correspondence shall contain the initial position of the TPBAC with in inclusion of the possible concern which may be raised by the remaining bidders in the event that SMPCPC shall be allowed to participate in the resumption of the CSP;

RESOLVED FINALLY, that the committee shall utilize the secretariat email in the delivery of such correspondence.”

Prepared by:



CHRISTOPHER NACIONALES
Member, Secretariat Team

Noted by:



SHERWIN M.A. V.C. QUILATAN
Secretariat

Approved by:



ORVILLE LAZARO
Chairman, TPBAC



A. BALAGOT
Vice Chairman, TPBAC



NICOLAS E. GALAS, JR.
IBP Representative TPBAC
NICOLAS GALAS, JR.
Member, TPBAC



HERBERT LARIEGO
Member, TPBAC



DENNIS VERALLO
Member, TPBAC

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SUPPLEMENTAL BID BULLETIN NO. 1
 COMPETITIVE SELECTION PROCESS
 DAVAO LIGHT AND POWER COMPANY, INC.

RESUMPTION OF THE 1ST ROUND OF COMPETITIVE SELECTION PROCESS

This Bid Bulletin is issued to inform Prospective Bidders of the Withdrawal of the Declaration of Failure of Bid issued by the Third Party Bids and Awards Committee (“TPBAC”) issued last May 12, 2021. Therefore, Aboitiz Power - Hedcor Sibulan, Inc., Filinvest-Engie Renewable Energy Enterprise, Inc., First Gen Corporation - Energy Development Corporation, and Team (Philippines) Energy Corporation will be furnished with the Bid Documents, may participate in the Pre-Bid Conference and if they opt to, submit a Bid.

Furthermore, the Bid Schedule has been updated and is shown in the table below:

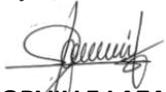
Bid Schedule

Availability of Bid Documents	May 18, 2021
Deadline for Submission of Comments and Questions on the Bid	12 P.M. of June 16, 2021
Pre-bid Conference	June 18, 2021 from 10:00 a.m. to 5:00 p.m.
Issuance of Bid Bulletin/s, if required	June 21 to 23, 2021
Deadline for Submission of Bids (“Bid Submission Deadline”)	9 A.M. of July 8, 2021
Opening of Bids Evaluation of Bids Provisional Declaration of Winning Bidder (subject to Post Qualification)	9 A.M. of July 8, 2021
Post Qualification (validation of hard copies submitted by the Winning Bidder)	9 A.M. of July 15, 2021
Issuance of Notice of Award	July 15, 2021

Observers and Prospective Bidders who wish to join the Pre-Qualification Stage are required to confirm participation with the Secretariat at dlpc.csp.secretariat@aboitiz.com.

**THIRD PARTY BIDS AND AWARDS COMMITTEE
DAVAO LIGHT AND POWER COMPANY, INC.**

By:

A handwritten signature in black ink, appearing to read 'Orville Lazaro', written over a horizontal line.

**ORVILLE LAZARO
Chairman, TPBAC**

May 12, 2021