



INVITATION TO BID

First Bay Power (FBPC) Corp. is a duly franchised distribution utility engaged in the distribution of electricity within its franchise area in the Municipality of Bauan, Province of Batangas. It has identified the necessity for the supply of electricity for its full energy requirement to meet the demand of its captive customers.

FBPC invites all eligible suppliers that can supply 10MW of power to commence on 26 January 2021, subject to the approval of the Energy Regulatory Commission.

Terms of Reference

		Description
1	Bid Subject	This Terms of Reference (TOR) shall cover the bidding of the Power Supply Agreement (PSA) for the supply of 10MW within the franchise area of First Bay Power Corporation (FBPC), in compliance with the requirements of the Department of Energy (DOE) Circular DC2018-02-0003 <i>“Adopting and Prescribing the Policy for the Competitive Selection Process in the Procurement by the Distribution Utilities of Power Supply Agreement for the Captive Market.”</i>
2	Bidding Summary	First Bay Power Corporation (FBPC) is looking for a qualified supplier that will supply the 10-year full energy requirement for its captive customers under the provisions provided in this Terms of Reference (TOR).
3	Contract Capacity	<p>FBPC requires a supply of 10MW of power, escalating up to 15 MW, for a period of ten (10) years commencing on January 26, 2021 or any such date, subject to the approval of the Energy Regulatory Commission of the resulting PSA which will be jointly applied by FBPC and the Winning Bidder of this CSP.</p> <p>The details of the capacity to be contracted are as follows:</p>

		Contract Period		Contract Capacity	
		26 January 2021 to 25 January 2022	10 MW		
		26 January 2022 to 25 January 2023	10 MW		
		26 January 2023 to 25 January 2024	11 MW		
		26 January 2024 to 25 January 2025	11 MW		
		26 January 2025 to 25 January 2026	11 MW		
		26 January 2026 to 25 January 2027	12 MW		
		26 January 2027 to 25 January 2028	12 MW		
		26 January 2028 to 25 January 2029	13 MW		
		26 January 2029 to 25 January 2030	14 MW		
26 January 2030 to 25 January 2031	15 MW				
4	Bid Documents Fee	All Prospective Bidders may participate in this CSP by submitting all requirements for pre-qualification and purchasing the Bid Document package subject to the payment of a non-refundable Bid Document Fee of PhP 100,000.00.			
5	Bid Security	All Prospective Bidders shall furnish, as part of its bid, a bid security amounting to PhP 65,000,000.00 in the form of cash or Standby Letter of Credit in favor of First Bay Power Corporation. Such bid security in the prescribed form will be returned to unsuccessful bidders without interest after the PSA is awarded to the Winning Bidder.			
6	Monthly Maximum Energy Monthly Minimum Energy Off-Take	<p>Equivalent energy at 90% of the Contracted Capacity.</p> <p>65% of the Contracted Capacity.</p> <p>FBPC shall not be obligated to pay the Fixed Capacity Fees during events of Force Majeure, Scheduled, and Unscheduled Outages.</p>			
7	Supply Description	Can supply the full load (baseload and mid-merit) requirement of FBPC.			
8	Start of Supply	Supply shall commence on January 26, 2021, subject to the issuance of the Provisional Authority (PA) by the ERC.			

		<p>In the event that FBPC will require the Winning Bidder to procure replacement power due to the failure of the Winning Bidder to deliver the supply on the Start of Supply Date, Winning Bidder shall shoulder the replacement cost in excess of the winning bid price or the ERC issued PA Rate.</p> <p>Furthermore, in the event that FBPC will experience outages due to the failure of Winning Bidder to supply energy, FBPC will be reimbursed by an amount equivalent to the shortage in kWh multiplied by 2.50 PhP/kWh.</p>
9	Term of Power Supply Agreement	Ten (10) years from 26 January 2021 to 25 January 2031.
10	Receiving Point	NGCP Metering Point of FBPC
11	Outage Allowance	<p>Supplier shall be entitled to a Maximum Annual Scheduled Outage Allowance equivalent to 720 hours, on a full load equivalent, and a Maximum Annual Unscheduled Outage Allowance equivalent to 360 hours, on a full load equivalent.</p> <p>Bidders shall also indicate in their respective bids the schedules/dates of their Scheduled Outages, as submitted and indicated in the Grid Operating and Maintenance Program (GOMP).</p> <p>Replacement power for outages beyond allowances shall be required by FBPC at the winning contract price</p>
12	Connection Scheme	Bidder must submit a diagram of its Connection Scheme with the Transmission Grid and a certification from IEMOP of its Final Generator Ex-Ante Nodal Prices from October 26, 2019 to April 25, 2020 for evaluation purposes.

13	Payment Currency	All bids to be submitted by Prospective Bidders shall be in Philippine Peso.
14	Tariff Structure	<p>Price for generation must be broken down into Fixed Capacity Fee, Fixed and Variable O & M, and Energy Fees, or their equivalent, including all applicable indices and taxes.</p> <p>Bidder may also express their offer in a per kilo-watt hour basis with yearly adjustment of not more than 4% of 75% of the contract price.</p> <p>The Bidder shall specify the formula for the computation of the submitted contract price. The Bidder must also specify the base fee adjustment formula, if any, and all applicable adjustments in percent by which each component is affected by price factors such as CPI, Forex, and escalation due to fuel degradation.</p> <p>There shall be no indexation on Capital Recovery Fee.</p> <p>Evaluation of price offers shall consider delivered cost at FBPC receiving point/s.</p>
15	Taxes	Prospective Bidders shall indicate all applicable taxes including future taxes, fees, and imposts.
16	Price Cap	FBPC shall set a price ceiling which will be disclosed before the opening of bid proposals and after all bids are submitted by Prospective Bidders.
17	Reduction in Contract Capacity	The Contract Capacity and its Associated Energy may be reduced equivalent to the reduction in the demand of FBPC's captive market by reason of the implementation of Retail Competition and Open Access, RA No. 9513 or the

		Renewable Energy Act of 2008, or other laws, and legal requirements to which FBPC is required to comply.
18	Grounds for Termination	<p>The following shall be the grounds to which the resulting PSA of this CSP may be terminated:</p> <ul style="list-style-type: none"> • Event of Default • Non-fulfilment of conditions to effective date • Certain events of Force Majeure • Expiration of Term • Upon Mutual Agreement • Change in circumstances
19	Pre-Qualification	<p>Interested Bidders shall submit the following documents which must be delivered by hand and be stamped RECEIVED by the Third Party Bids and Awards Committee (TPBAC) Secretariat not later than 5:00PM of July 29, 2020 at the FBPC Main Office located at Kapitan Ponso Ext., Polacion 2, Bauan, Batangas.</p> <ol style="list-style-type: none"> a. Notarized Letter of Intent (LOI) to participate, signed by a duly authorized representative, indicating the following: <ol style="list-style-type: none"> 1. Full name of the company 2. Complete address 3. Telephone number and/or fax number 4. Name of principal contact 5. Email address and mobile number of principal contact b. Original or certified true copy of Secretary's Certificate authorizing the company's participation in the CSP c. Summary of Company Profile and List of Products and Services or a Latest Company Brochure signed on each page by the Company's duly authorized representative. d. Certified true copy of DTI Business Name Registration or SEC Registration Certificate e. Certified true copy of valid and current Mayor's Permit/Municipal License/Business Permit f. Certified true copy of Value Added Tax (VAT Registration) g. Certified true copy of the latest available Audited Financial Statement h. Certified true copy of valid Tax Clearance from the BIR <p><i>*Except for the valid Tax Clearance from the BIR which must be certified by the BIR, all requirements which are required to be a CTC of the original may be certified by the duly authorized representative or the custodian of the required document.</i></p> <p>Qualified Bidders shall be notified through a formal letter three (3) working days after the submission of the pre-qualification documents.</p>

		All Qualified Bidders may purchase the Bid Document package upon payment of a non-refundable Bid Document Fee of PhP 100,000.00 starting 9:00AM of July 27, 2020 at the FBPC Main Office.			
20	Bidding Schedule	1a	First Publication of Invitation to Bid	July 15, 2020	General Newspaper
			Invitation of Competitive Selection Process Observers		DOE and ERC Website
		1b	Second Publication of Invitation to Bid	July 22, 2020	General Newspaper
		2	Deadline for Submission of Pre-Qualification Documents	July 29, 2020	5:00 PM @ FBPC Building, Kapitan Ponso Ext., Poblacion 2, Bauan, Batangas
		3	Last day of Issuance of Notice to qualified bidders of Eligibility to Bid	August 4, 2020	
		4	Availability of Bid documents	July 27 to August 17, 2020	9:00 AM @ FBPC Building, Kapitan Ponso Ext., Poblacion 2, Bauan, Batangas
		5	Deadline for Submission of Comments and Questions on the Bid	August 7, 2020	Not later than 5:00 PM thru tpbacsecretariat@firstbaypower.com
6	Pre-Bid Conference	August 13, 2020	9:00 AM to 12:00 PM Via Zoom or google Meet or any other means of virtual communication available		

		7	Issuance of Bid Bulletin/s, if necessary	August 20, 2020	
		8	Deadline for Submission of Bids	August 27, 2020	9:00 AM @ FBPC Building, Kapitan Ponso Ext., Poblacion 2, Bauan, Batangas
		9	Opening of Bids	August 27, 2020	10:00 AM @ FBPC Building, Kapitan Ponso Ext., Poblacion 2, Bauan, Batangas
		10	Post Qualification of Bids	September 2-3, 2020	
		11	Issuance of Notice of Award to Winning Bidder	September 4, 2020	
		12	Signing of PSA	September 11, 2020	The Bauan Plaza Hotel J.P. Rizal St., Poblacion, Bauan, Batangas
		13	Filing with ERC	September 17, 2020	ERC Office
		14	Start of Supply	January 26, 2021	