



**BIDDING**  
**FOR CONTRACT PERIOD ENDING 25 JANUARY 2037**

**BID BULLETIN NO. 5**

To all Interested Bidders, a matrix containing a set of additional queries that have been received and the response of Meralco's Third Party Bids and Awards Committee ("TPBAC") is set out in **ANNEX A**;

For your guidance and information.

Issued on 10 November 2021.

**Third Party Bids and Awards Committee (TPBAC)**  
**Manila Electric Company**

*(sgd)*

**Atty. Ferdinand A. Domingo**  
*Chairman*

**COMPETITIVE SELECTION PROCESS (CSP) FOR CONTRACT PERIOD FROM 26 JANUARY 2017 TO 25 JANUARY 2037**

FORMATTING/PROCEDURAL-RELATED QUERIES/COMMENTS					
		TOPIC / BID DOCUMENT REFERENCE	ARTICLE / SECTION / PAGE NO.	DISCUSSION OF COMMENTS / QUESTIONS FOR CLARIFICATION RECOMMENDATIONS / PROPOSED WORDING	TPBAC RESPONSE
1.				<p>Bidder has provided Annex BID-2 to its preferred bank for comments. The Bidder / bank has asked to make certain formal changes to the form of the bid security through mark-ups or comment boxes.</p> <p>Most significant changes are the following:</p> <ol style="list-style-type: none"> <li>1. In clause 2 of the form, the bank proposed to insert the requirement for drawing of the SBLC is the: (i) original copy of the SBLC and amendments, if any; and (ii) <b>notarized</b> demand for payment.</li> <li>2. Drawing documents allowing the option of: "or sent to the Issuer to the following contact information:" Bidder/bank comments that "This needs to be deleted. Drawing documents must be submitted physically. E-submission not allowed."</li> <li>3. There appears to be a suggestion of removing the signature portion of the form by the bank's authorized representative and/or removal of the notarial acknowledgment.</li> </ol>	<p>As relayed to the TPBAC by the DU, it is <u>not amenable</u> to the proposed modifications. Specifically:</p> <p>1.(i) The requested revision will be allowed but using the wording shown below in the next row.</p> <p>1.(ii) <b>Not amenable.</b> The requested changes will impose stringent requirements before the DU can draw from the SBLC considering the varying community quarantines that are implemented, which can easily hinder physical submission of the demand letter.</p> <p>2. <b>Not amenable.</b> The requested changes will impose stringent requirements before the DU can draw from the SBLC considering the varying community quarantines that are implemented, which can easily hinder physical submission of the demand letter.</p> <p>3. <i>The removal of the signature portion of the authorized representative or notarial acknowledgment. – Not amenable.</i> Submission of SBLC without the signature of the bank's authorized representative and/or unnotarized SBLC may not be binding or result to an unenforceable document, affecting the TPBAC or DU's ability to draw on the Bid Security.</p>
2.		Annex BID-2	Bid Security template	<p>2. Subject to the other provisions of this Letter of Credit, Meralco is hereby irrevocably authorized to make one drawing for the entire Stated Amount under this Letter of Credit by presenting to the Issuer, at its address set forth above, a demand for payment from Meralco in substantially the form attached as Annex A, duly completed, and is in the form of a letter on Meralco's letterhead signed by any of its authorized signatories <i>along with the original Standby Letter of Credit.</i></p>	<p>The requested revision will be allowed but using the following wording:</p> <p>"...along with the original copy of this Letter of Credit."</p>
3.		Annex BID-2	Bid Security template	<p>What Meralco phone and fax numbers to indicate in the Bid Security template?</p>	<p>Phone: 86328311 Fax: 86317273</p>
4.		ANNEX BID-2	Bid Security template	<p>[Requesting] need to incorporate text re: presentation of original SBLC copy as well as the notarized demand letter from Meralco which is non-negotiable on BPI's end.</p> <p>For TPBAC's consideration please.</p>	<p>(i) The requested revision (presentation of original letter of credit) will be allowed (see response in item 2.)</p> <p>(ii) <b>Not amenable.</b> As relayed to the TPBAC by the DU, the required notarization of the demand letter will impose a stringent requirement before the DU can draw from the SBLC.</p>

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5.		Annex BID-2	Bid Security template	<p>7. 7. All documents presented to the Issuer in connection with a drawing hereunder, as well as all notices and other communications to the Issuer in respect of this Letter of Credit, shall be in writing and addressed and presented to the Issuer at its address set forth above. Such documents, notices, and communications shall make specific reference to this Letter of Credit by number. Such documents, notices, and other communications may be delivered or sent by courier to the Issuer at its address set forth above, <b>or at such other address as the Issuer shall have specified in writing Meralco, or sent to the Issuer to the following contact information:</b></p> <p><b>BPI Meralco Branch G/F Technical Services Bldg. Ortigas Avenue Meralco Compound Ortigas Avenue, Pasig City</b></p> <p>The original drawing documents still need to be submitted. To address concerns on quarantine restrictions, BPI will allow submission of original documents in the BPI branch inside Meralco compound.</p> <p>Can the TPBAC confirm if this is acceptable?</p>	<p>The requested revision about including the original letter of credit will be allowed (see response in item 2.)</p> <p>The proposal to allow submission of original documents in the BPI branch inside Meralco compound will be accepted. The requested revision will be allowed.</p>
6.		Annex Bid 2: Bid Security	-	<p>Revision on <b>Item 2</b>, as proposed by the Bank:</p> <p>1. Subject to the other provisions of this Letter of Credit, Meralco is hereby irrevocably authorized to make one drawing for the entire Stated Amount under this Letter of Credit by presenting to the Issuer, at its address set forth above, <b>an original copy of this Letter of Credit No. XXXXXX and amendments, if any, a notarized</b> demand for payment from Meralco in substantially the form attached as Annex A, duly completed, and is in the form of a letter on Meralco's letterhead signed by any of its authorized signatories.</p> <p><b>Comment from the BPI:</b> We need to incorporate text re: presentation of original SBLC copy as well as the notarized demand letter from Meralco which is non-negotiable on BPI's end. For TPBAC's consideration please.</p> <p><b>Comment from the BDO:</b> (1) original copy of this Letter of Credit as well as any and all amendments thereto; and (2) a demand for payment from Meralco</p> <p>Thus, both Banks requires attachment of the original SBLC in case of drawing.</p>	<p>The requested revision about including the original letter of credit will be allowed (see response in item 2.)</p>

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7.		Annex Bid 2: Bid Security	-	Bank suggested to delete. The Bank is not a party to the IPB:  <b>Capitalized terms used in this Letter of Credit shall have the meanings given to them in the IPB except as otherwise expressly defined herein.</b>	Not amenable. The TPBAC suggests that the Bidder provides the bank a copy of the IPB, subject to the Confidentiality Undertaking of the Bidder, so that the bank will be aware of the defined terms/capitalized terms therein as it issues a Letter of Credit in favor of the Bidder in connection with this Bidding.
8.		Annexes to IPB	General	Should we retain the Annex labels on the templates or are we allowed to delete them and just retain the document title prior to execution?	The Annex labels should be retained and continued to be adopted for ease of reference of the TPBAC during evaluation of the bids.
9.		Annexes to Instruction to Prospective Bidders	Annex QD-1A	Are we allowed to list more than 1 representative under the third and fourth resolutions? If yes, may we edit the third resolution as follows:  "RESOLVED FURTHER, that <b>[A, B, and C]</b> <del>is</del> <b>are</b> hereby appointed as the authorized representatives of the Company during the Bidding, authorized to execute, sign, submit and receive documents for, and otherwise act, <b>whether singly or jointly</b> , in the name of, the Company;"	The proposed edit is acceptable. The TPBAC will note and accept this revision.
10.		Annexes to Instruction to Prospective Bidders	Annex QD-4A	If the Bidder has PSAs with several affiliates of Meralco, should we ask each affiliate to separately execute the Counterparty's Certification of Absence of Unsatisfactory Performance Record, Outstanding Dispute or Due and Demandable Financial Obligation/s?  Is it correct that if the contract (s) or project have been terminated and/or expired although commenced within the last five (5) years there is no need for such certifications.	Yes, this understanding is correct. For example, Meralco DU and MPower will each issue a separate certification for its respective PSA/s with the Bidder.  Even if the project/contract with Meralco and/or its Affiliates engaged in generation, distribution and supply is terminated before the Bid Submission Deadline, if it is within the last 5-year coverage period requirement, a certification from Meralco and/or its Affiliates engaged in generation, distribution and supply needs to be obtained by the Bidder or its Affiliate engaged in power generation.  The TPBAC further announces that according to the DU, six (6) PSAs entered into with Meralco on April 2016 were not implemented by reason of Supreme Court's ABP Decision, hence, there is no need to secure a certification for those PSAs. It is also the same (i.e. certification not required) for PSAs that were not implemented because its application for approval with the ERC was never acted upon by ERC until its Term expired.

**COMPETITIVE SELECTION PROCESS (CSP) FOR CONTRACT PERIOD FROM 26 JANUARY 2017 TO 25 JANUARY 2037**

<b>INSTRUCTIONS TO PROSPECTIVE BIDDERS / BIDDING DOCUMENTS-RELATED QUERIES/COMMENTS</b>					
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11.		Pre-Bid Conference questions		In the computation of the reserve price, did MERALCO consider the effect of the recent high in the fuel prices (i.e. Newcastle Index)?	<p>As relayed to the TPBAC by the DU, it is based on the DU's evaluation of prevailing market prices and recent-ERC approved prices.</p> <p>The TPBAC recognizes the concern of the Bidder's query and have decided that in the Financial Evaluation Workbook (FEW), negative escalation of the escalating component of the Contract Price for Contract Years 2 and 3 of the Prospective Contract Period will now be allowed. Unlike the positive escalation cap of 3.5%, the negative escalation for said Contract Years shall have no floor. This is to give the Bidders the flexibility to offer a Contract Price that will consider the prevailing market of fuel prices and at the same time be able to lower said Contract Price for the remainder of the Prospective Contract Period. For clarity, the negative escalation shall only be allowed for Contract Years 2 and 3 of the Prospective Contract Period and the Bidder can nominate a negative escalation for both Contract Years. Such nominated negative escalation shall be binding to the Winning Power Supplier and shall be used in calculating its annual Contract Prices in accordance with the Appendices of the Power Supply Agreement.</p> <p>This revision in the FEW will be reflected on the final version of the FEW.</p>
12.		IPB	Sec. 3.3 (d) (1)	<p>Sec. 3.3 (d) (1) of the Instructions reads that: "1. For the Proposed Price for the Past Contract Period: xxx For clarity, the Proposed Price shall not include VAT rate, Line Rental cap, and Ancillary Services (AS) Cost recovery cap.</p> <p>The section states that the Proposed Price for the Past Contract Period shall not include the VAT rate, Line Rental cap and AS Cost recovery cap.</p> <p>Since this section discusses also the implementation of any refund amount, what is the effect if the ERC directs that the refund for the Past Contract Period should include the VAT, line rental and AS cost?</p>	<p>For purposes of evaluation of the Bids, in order to have a levelized Proposed Price with the actual Past Contract Period tariff of the PEDC PSA, the Proposed Price should not include the VAT rate, Line Rental cap, and AS Cost recovery cap.</p> <p>However, upon implementation of any refund, whatever application on the line rental, AS cost and VAT, is ruled or directed by the ERC, BIR or any Governmental Agency, it shall be for the account of the Winning Power Supplier and such line rental, AS cost and VAT shall be treated (e.g. as input/output VAT) in accordance with existing laws, rules and regulations.</p>

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13.		Invitation to Bid	Disallowances and Refund	<p>Please clarify further how will the refund mechanism work.</p> <p>Can the winning bidder be held liable for any refund in excess of the amount it nominated in its bid for the Past Contract Period?</p>	<p>Yes, the Bidder will be liable for any refund in case the FA Rate is lower than the PA Rate regardless of the amount of refund nominated or nominating a zero amount to cover the refund of the Past Contract Period.</p> <p>The Bidders should input a realistic refund amount in the Financial Evaluation Workbook that will approximate the Bidder's risk. This is intended to ensure a leveled playing field among all bidders by trying to avoid a scenario wherein the PEDC PSA, whose tariff for the Past Contract Period (approved by the ERC through the PA Rate or FA Rate) did not include the assumption of risk of having the obligation to refund the difference between the FA Rate and PA Rate and have its tariff structure pre-terminated 15 years early than its assumed contract period/term as a result of this Bidding. The directive by the Supreme Court in the ABP Decision to apply the tariff result of this Bidding retroactively should also assume as if the participating Bidder is already the power supplier delivering the electricity to Meralco starting from year 1 (January 26, 2017), hence, should the Bidder avoid nominating any amount or nominates an unrealistic or unreasonable amount to cover the refund of the Past Contract Period, the said Bidder is effectively not submitting or gaming the bid for the Past Contract Period.</p> <p>Thus, for LCOE evaluation purposes of the Required Contract Period, the resulting total refund amount from Components A and B of the Proposed Price for the Past Contract Period shall be considered and factored into the Proposed Price for the Prospective Contract Period, by assuming that the Bidder will be recovering the risk of refund it incorporated in its Proposed Price during the first five (5) years of the Prospective Contract Period.</p> <p>For clarity, the actual refund amount that shall be used to lower the generation cost of Meralco's consumers shall be determined by computing the positive difference between the PA Rate and the FA Rate. If the Winning Power Supplier's Blended Plant Gate LCOE (as computed by its submitted Financial Evaluation Workbook) is less than or equal to the FA Rate, then the positive difference between the PA Rate and the FA Rate shall be for the account of the Winning Power Supplier. However, if the Winning Power Supplier's Blended Plant Gate LCOE (as computed by its submitted Financial Evaluation Workbook) is greater than the FA Rate, then the positive difference between the PA Rate and the Winning Power Supplier's Blended Plant Gate LCOE shall be for the account of the Winning Power Supplier, while the positive difference between the Winning Power Supplier's Blended Plant Gate LCOE and the FA Rate shall be for the account of PEDC. For purposes of converting the rates discussed above into amount, the actual delivered energy of PEDC during the Past Contract Period shall be used as the energy determinant.</p> <p>To illustrate the above refund allocation, below is a sample calculation:</p>

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14.		Fuel Supply Plan	IPB Sec 3.2 (e) p.24	Can the Bidder instead show that it has been in the business of coal with a dedicated fuel management team for more than 10 years? We do not have long-term contracts at the moment. Furthermore, not locking-in contracts more than 3 years gives us sharper pricing and more price flexibility as: The amount of coal suppliers who can bid for 10 years is very few, therefore, decreasing the playing field for a truly competitive coal contract tender; and, it would be difficult to price a 10-year coal supply contract due to the volatile nature of the coal industry such that the tendency of coal suppliers would be to sand-bag prices or price-in the perceived risks.	The TPBAC notes the bidder’s concern. Thus, a Bidder’s presentation of its current fuel agreement and an additional write-up/explanation how the Bidder intends to procure the fuel of its Nominated Power Plant for the remainder of the Prospective Contract Period, duly certified by the bidder’s authorized representative under oath and notarized, will be allowed and considered by the TPBAC.																																																																																																																													
15.		Pending Query from		The total refund amount was incorporated in the LCOE by	see response no. 54, Annex B, Bid Bulletin No. 4:																																																																																																																													

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<b>INSTRUCTIONS TO PROSPECTIVE BIDDERS / BIDDING DOCUMENTS-RELATED QUERIES/COMMENTS</b>					
		<b>TOPIC / BID DOCUMENT REFERENCE</b>	<b>ARTICLE / SECTION / PAGE NO.</b>	<b>DISCUSSION OF COMMENTS / QUESTIONS FOR CLARIFICATION RECOMMENDATIONS / PROPOSED WORDING</b>	<b>TPBAC RESPONSE</b>
		the 1st Session Prebid Conference: Financial Evaluation Workbook		<p>assuming that the winning bidder will recover said amount during the first five (5) years of the prospective contract period. However, the design of the bid (that is, a base price and escalated annually) is consistent with this and that the refund amount, had the winning bidder incorporated this in its proposed price, would be recovered for the entire term of the contract.</p> <p>Following this, in the computation of the LCOE, shouldn't the refund amount be then spread throughout the entire 15-year term of the contract, rather than for the first 5 years only?</p>	"As relayed to the TPBAC by the DU, the 5-year period to cover the refund will be retained. The refund is expected for the first five years to allow the customers to enjoy this benefit early on, in keeping with ERC's policy of effecting refund over a period not longer than the period payments are made. In this case, the payments are made by customers over a five-year period from 2017 to 2022. In any case, this refund mechanism is one of the matters that the ERC is expected to rule on."
16.		Audited Financial Statements	IPB 3.1.4 (a) & (b) p.23	<ol style="list-style-type: none"> <li>1. For this requirement, can [the Bidder] submit the AFS and quarterly financial statement of [its Ultimate Parent] instead? The direct shareholder is [Xyz, Inc.] but the controlling entity is [the Ultimate Parent].</li> <li>2. Do we have to submit any form of proof or documentation for the submission of [the Ultimate Parent]'s AFS?</li> <li>3. Do we also have to submit [the Bidder]'s AFS and quarterly financial statements as a supplement to the AP AFS and quarterly financial statement submission?</li> </ol>	<ol style="list-style-type: none"> <li>1. Yes, as stated in the Bid Requirements, the AFS submission requirement may be complied by the Bidder or any of its direct shareholders representing Controlling interest, Affiliates <b>or Ultimate Parent</b>.</li> <li>2. The Bidder's submission of its Ultimate Parent's AFS (and most recent quarterly financial statements) will be verified by the TPBAC using the diagram of corporate structure submitted in Envelope 1 (Sec. 3.1.2 (d) of the IPB). Also, as stated in the Bid Requirements, other proof required is that the AFS should be duly stamped "received" by the Bureau of Internal Revenue (BIR) or Securities and Exchange Commission (SEC) and certified as a true copy by (i) the BIR or SEC or (ii) the chief financial officer or treasurer, in which case, it must be under oath and notarized.</li> <li>3. In connection with the response above, for item 1., if the AFS and quarterly FS submission requirements are already complied by the Ultimate Parent (and found compliant by the TPBAC), the Bidder's submission of its own AFS and quarterly FS will not be prohibited and only serve as supplementary information.</li> </ol>
17.		Technical Proposal	IPB 3.2 pp. 23-24	Should all the Technical Proposal documents cover both the Past and Prospective Contract Periods?	Yes, as what is applicable, the documents should cover both the Past Contract Period and, at the least, should cover (or be valid) at the time of the Operations Effective Date of the PSA (for the Prospective Contract Period).



**COMPETITIVE SELECTION PROCESS (CSP) FOR CONTRACT PERIOD FROM 26 JANUARY 2017 TO 25 JANUARY 2037**

<b>INSTRUCTIONS TO PROSPECTIVE BIDDERS / BIDDING DOCUMENTS-RELATED QUERIES/COMMENTS</b>					
		<b>TOPIC / BID DOCUMENT REFERENCE</b>	<b>ARTICLE / SECTION / PAGE NO.</b>	<b>DISCUSSION OF COMMENTS / QUESTIONS FOR CLARIFICATION RECOMMENDATIONS / PROPOSED WORDING</b>	<b>TPBAC RESPONSE</b>
18.		MPA	IPB 3.2 (c) p.24	Can we submit a redacted version of the MPA (Market Participation Agreement)?	Yes, a redacted version of the MPA will be accepted.
19.		Instruction to Prospective Bidders	3.3 Bid Price and Bid Security/ Section d.2.d/Page 26	How is the P0.28/kWh AS Charges determined? Is it based on NGCP's billing?	As relayed to the TPBAC by the Meralco, Meralco based it on its actual AS cost payments from its current power suppliers.
20.		Instruction to Prospective Bidders	3.3 Bid Price and Bid Security/ Section d.2.d/Page 26	When the Causer's Pay Mechanism (CPM) is implemented, please confirm that the P0.28/kWh that power supplier can pass on to buyer pertains only to the Genco's share in AS charges? And that it does not cover the DU's share in AS Charges?	Yes, this understanding is correct.

**COMPETITIVE SELECTION PROCESS (CSP) FOR CONTRACT PERIOD FROM 26 JANUARY 2017 TO 25 JANUARY 2037**

<b>PSA TEMPLATE-RELATED QUERIES/COMMENTS</b>					
		<b>TOPIC / BID DOCUMENT REFERENCE</b>	<b>ARTICLE / SECTION / PAGE NO.</b>	<b>DISCUSSION OF COMMENTS / QUESTIONS FOR CLARIFICATION RECOMMENDATIONS / PROPOSED WORDING</b>	<b>TPBAC RESPONSE</b>
21.		Assignment Clause	PSA Sec 17.1.1 p.34	At what point in the contract can Supplier transfer the contract to its Affiliate? What is the criteria for creditworthiness?	<p>Section 3.2 provides for occurrence of Commencement Date (CD), which includes ERC Approval and Acceptance Date by Longstop Date. Section 3.3 is Operations Effective Date (OED) which shall commence on January 26, 2022, provided that CD has occurred. Given this, PSA may be assigned by PS upon OED, provided that CD has occurred.</p> <p>On the other hand, as mentioned in Section 17.1.1(a), creditworthiness of the Affiliate must be equal to or higher than that of Power Supplier. In this regard, Power Supplier should submit proof of the credit rating of the Affiliate issued by any local or foreign credit rating agency.</p>
22.		Draft PSA	Section 13.2	<p>We respectfully suggest to add the following paragraph to the list of FM events:</p> <p>“Appropriate actions taken in response to any orders or instructions given by a Government Instrumentality, the System Operator or the Market Operator for safety reasons to implement grid security or emergency shutdown (except if due to the act or omission of the Party seeking to claim an event of Force Majeure, unless otherwise due to an even of Force Majeure).”</p>	Not amenable. As relayed to the TPBAC, the DU prefers to retain the original wording.
23.		Draft PSA	Section 13.2	<p>We respectfully request deletion of this provision in Section 13.2. In case of FM, the price of electricity in the WESM will most probably be higher than normal. This essentially makes the power supplier a guarantor of FM events.</p> <p><del>“For clarity, Power Supplier shall not be allowed to claim Force Majeure under Article 13 in case there is supply available from the WESM or any other source.”</del></p>	Not amenable. As relayed to the TPBAC, the DU prefers to retain the provision.



**BIDDING**  
**FOR CONTRACT PERIOD ENDING 25 JANUARY 2037**

**BID BULLETIN NO. 6**

To all Interested Bidders:

1. In relation to Bid Bulletin No. 1, the **final version** of the Financial Evaluation Workbook containing the official PEDC PSA Provisional Rate as of the cut-off date, shall now be released in your respective cloud-based folders containing the Bidding Documents. This final version of the Financial Evaluation Workbook shall be used in the LCOE evaluation.
2. The Bid Submission Deadline and Opening of Document Submissions on 19 November 2021 will be conducted fully online via Zoom. For the physical submission of the Original Copy box of the Document Submissions, due to venue availability, the venue indicated in the in the TOR/Invitation to Bid (published on 30 September 2021 and 8 October 2021) and Instructions to Prospective Bidders (dated 30 September 2021) (IPB) has been relocated to the **Meralco Theater east side entrance**, Lopez Building, Meralco Center, Ortigas Ave., Pasig City. Other details of the venue for the Bid Submission Deadline (including the date and time) remains unchanged.

All references to Lopez Lobby as the venue for the Bids Submission Deadline in the TOR/Invitation to Bid (published on 30 September 2021 and 8 October 2021) and Instructions to Prospective Bidders (dated 30 September 2021) are hereby amended.

3. A Checklist of Document Submissions, summarizing the Document Submissions of the Bidders as prescribed under Section 3 of the IPB and its Annexes, as amended or clarified by the Bid Bulletins, is set out in **ANNEX A**;
4. The House Rules containing the guidelines and rules to be observed during the Bid Submission Deadline and Opening of Document Submissions are set out in **ANNEX B**;
5. The instructions to upload to a cloud-based folder the Document Submissions of the Interested Bidders, as well as the Zoom registration details, designated meeting IDs, passcodes, links, and such other information necessary to join the virtual/online Bid Submission Deadline and Opening of Document Submissions shall be provided by the TPBAC Secretariat to the emails of the Interested Bidders' authorized representatives on or before **9:00 A.M. of 17 November 2021**; and

6. The Interested Bidder's authorized representative/s (indicated in the latest Expression of Interest) or designated persons authorized through, and possessing, Special Powers of Attorney, who will submit the Original Copy box should submit on or before **4:00 P.M. of 18 November 2021** to the Safety and Security Office of MERALCO (c/o the TPBAC Secretariat's e-mail) the details of the vehicle make, plate number, driver, and passenger/s).

For your guidance and information.

Issued on 12 November 2021.

**Third Party Bids and Awards Committee (TPBAC)**  
**Manila Electric Company**

*(sgd)*

**Atty. Ferdinand A. Domingo**  
*Chairman*



**CHECKLIST OF DOCUMENT SUBMISSIONS\***  
**FOR CONTRACT PERIOD ENDING 25 JANUARY 2037**

<b>Bidder</b>	
<b>Nominated Power Plant</b> (name/description/location)	

Summarized below are the Document Submissions prescribed under Section 3 of the Instructions to Prospective Bidders and its Annexes, as amended or clarified by the Bid Bulletins (collectively, the "IPB") issued by the Third Party Bids and Awards Committee, relating to Meralco's Competitive Selection Process for **Contract Period ending 25 January 2037**, and to be uploaded to a cloud-based folder no later than **9:00 A.M. of 19 November 2021**, and the original copy of which be submitted on between **8:00 A.M. to 9:00 A.M. of 19 November 2021**.

The following are the general guidelines on the form of the Document Submissions as provided by the IPB, and Bid Bulletins:

- (a) For documents which must be certified as a true and correct copy, all the pages must be certified. In the alternative, a certification page may be attached to the document (1) clearly identifying the document to which it is attached (including the name of the document, the issuer and the date of issue), and (2) attesting under oath that such document, including the number of pages of such document, is a true and correct copy of the original, which certification must be under oath and notarized (Section 2.1(h));
- (b) Assistant Corporate Secretary will be allowed to certify documents in lieu of the Corporate Secretary (Bid Bulletin No. 4);
- (c) Qualification Documents shall be prepared and written in the English language. All documents issued or executed in a foreign country, kindly refer to Section 2.7 of the IPB;
- (d) Each set of the Qualification Documents, Technical Proposal or Bid Price should contain a table of contents (Section 3.4.1(a));
- (e) Whenever possible, the Document Submissions must be printed in standard letter size (8 1/2"x11") and bound together in ring binders or folders of appropriate size. Documents must be paginated and text must be of 11- or 12-font size. In one set of Document Submissions (e.g. Envelope 1), all pages are to be paginated from 1 to xxx, for the ease of monitoring by the TPBAC. As such, all pages are again to be paginated from 1 to yyy for the other set of Document Submissions (e.g. Envelope 2) (Section 3.4.1(b));
- (f) If the same document is a required attachment in more than one Annex, the original set must contain at least one original of the document. A simple photocopy of the same document may be attached to the subsequent Annex(es) and will be considered as an original for this purpose (Section 3.4.1(c));
- (g) All documents shall be properly organized and sequenced in the same order these appear in Sections 3.1, 3.2, and 3.3. The first page of the individual documents shall be properly labelled with a document tab or separator for easy distinction of individual documents. For electronic copies, the filename format to use, as much as possible, should be the document title and preceded by the bidder's shorthand or acronym identification (e.g. "MERALCO Articles of Incorporation," "MERALCO Environmental Compliance Certificate dated NNN," "MERALCO AFS 2019," etc.). (Section 3.4.1(d));
- (h) Electronic copies of all documents submitted in each Document Submission (i.e. Envelope 1, Envelope 2 and Envelope 3) shall be in PDF format, with the exception of the Financial Evaluation Workbook which is to be submitted in both soft copy and hard copy format, and the Interested Bidder shall submit such electronic copies on three (3) USB/thumb flash memory drives, to be attached/taped to the original copy set of each Document Submission (Section 3.4.1(e));

- (i) All prices shall be expressed in Philippine Pesos (PHP). The Bidder may write down the prices in words (handwritten will be allowed) to re-confirm the total amounts/figures reflected in the Financial Evaluation Workbook (Section 3.4.1(f));
- (j) The Proposed Price and LCOE shall be calculated up to the fourth (4th) decimal place (Section 3.4.1(g));
- (k) Bidders shall submit offers that comply with the requirements of this IPB. Alternative Bids or conditional Bids with modified terms other than the IPB terms shall not be accepted (Section 3.4.1(h));
- (l) If a requirement is deemed not applicable by the Bidder, a write-up should be submitted to explain the non-applicability. However, for any write-up/explanation, the Bidder must know that it is a calculated and known risk on its part that it is submitting to the TPBAC's exercise of discretion in allowing/disallowing the explanation provided in the said write-up as to why a particular bid requirement was deemed inapplicable by the said Bidder (Bid Bulletin No. 4);
- (m) The authorized representative/s of the Interested Bidder/s who submitted the Original Copy shall be required to sign over the sealed flap of its Envelope 3 before placing it inside the sealed container box of its Document Submissions (Section 4.4.3);
- (n) Subject to some allowed revisions issued in various Bid Bulletins to address specific circumstances of a bidder, Bidders shall submit one (1) complete original set, clearly marked on each page as "ENVELOPE 1-QD-ORIGINAL," "ENVELOPE 2-TP-ORIGINAL," and "ENVELOPE 3-BID-ORIGINAL," as applicable, and numbered continuously, and taped/attached to the said set are three (3) USB/thumb flash memory drives containing the electronic copies/scanned files (PDF format) of the contents of the said original set; and for electronic copies to be submitted or uploaded to the cloud-based online repository/folder assigned to the Interested Bidder, all the scanned copies (PDF format) of the original set (described immediately above) shall be placed in a password-protected zip folder (.zip file), with a file name " ENVELOPE 1-QD-ORIGINAL," "ENVELOPE 2-TP-ORIGINAL," and "ENVELOPE 3-BID-ORIGINAL," as applicable. For the Original Copies, each set shall be placed in a sealed enveloped marked as follows:

MANILA ELECTRIC COMPANY

70 MW CSP

[QUALIFICATION DOCUMENTS (ENVELOPE 1) – ORIGINAL]

[TECHNICAL PROPOSAL (ENVELOPE 2) – ORIGINAL]

BID (ENVELOPE 3) – ORIGINAL]

[STATE NAME, ADDRESS, AND E-MAIL ADDRESS OF BIDDER]

Pursuant to the Disclaimer of the IPB, the TPBAC reserves the right to waive any minor defects in the Document Submissions of any party.

**\*Disclaimer:** *The Checklist of Document Submissions is being provided for the sole purpose of reference and convenience of the Bidders only. No reliance can be made on the said checklist and its issuance (including its contents) does not relieve Bidders of their responsibility to examine all the Bidding Documents and comply with the provisions of the IPB. In the event of a conflict or discrepancy between the checklist of Document Submissions and the IPB, the latter shall prevail.*

## **ENVELOPE 1 – QUALIFICATION DOCUMENTS**

<b>Bid Documents</b>		<b>Page No. in the set</b>	<b>Form</b>	<b>Notes</b>	<b>Yes</b>	<b>No</b>	<b>Comments</b>
1	<p><b>One (1) Electronic copy uploaded to the cloud-based folder</b></p> <p><b>One (1) Original copy</b></p> <p><b>Three (3) Electronic copies contained in a USB/thumb flash memory drive, attached/taped to the set of the Original copy</b></p>			Each page shall be marked as "Envelope 1-QD-Original".			
2	<p><b>TABLE OF CONTENTS</b> (Sec. 3.4.1(a))</p>			All pages must be numbered consecutively.			
3	<p><b>EXPRESSION OF INTEREST (EOI), CONFIDENTIALITY UNDERTAKING (CU), AND ACKNOWLEDGEMENT AND CONSENT FORM FOR DATA PRIVACY</b></p>			<p>For the electronic copies, it is a mere resubmission of the latest EOI, CU and Acknowledgement and Consent Form for Data Privacy already submitted to the TPBAC Secretariat, for ease of reference and proper compilation of the TPBAC.</p> <p>More importantly, this is the only opportunity for the Bidders to submit the hard copy of said documents to the TPBAC (placed in Envelope 1 and inside the Original Copy box).</p>			
4	<p><b>APPLICATION TO QUALIFY AND PARTICIPATE IN THE BIDDING</b> (Sec. 3.1.1)</p> <p><b>Attachment:</b></p> <p>Authority to Participate in the Bidding and Designation of Authorized Representative</p>		<p>Annex QD-1</p> <p>Annex QD-1A</p>	Annexes QD-1 and QD-1A should be notarized.			
5	<p><b>COMPANY INFORMATION</b> (Sec. 3.1.2)</p> <p><b>Attachments:</b></p> <p>(a) SEC Certificate of Incorporation;</p> <p>(b) Articles of Incorporation and By-Laws or Articles of Partnership;</p> <p>(c) Latest General Information Sheet, stamped "received" by the SEC;</p> <p>(d) Diagram of the corporate structure of the Bidder, and a copy of the shareholders' agreement, pooling agreement, voting trust agreement or equivalent document, if applicable to explain the diagram or if the Bidder is a partnership or consortium.</p>		Annex QD-2	<p>(subject to some allowed revisions issued in various Bid Bulletins to address specific circumstances of a bidder (e.g. partnership entity))</p> <p>For the Attachments, the required notarized certifications must be followed.</p> <p>For Attachment (a), only the one pager Certificate of Registration, usually attached with the Articles of Incorporation need be submitted. If it forms part together with Attachment (b), this will be acceptable.</p> <p>For Attachment (b), if the Articles of Incorporation has been</p>			

Bid Documents		Page No. in the set	Form	Notes	Yes	No	Comments
	<p>(e) if the Bidder is under a partnership or consortium, the Bidders should submit an agreement showing that their liability in this Bidding and the resulting Power Supply Agreement shall be solidary for the parties thereto; and</p> <p>(f) BOI Registration, if applicable</p>			<p>amended several times, only the most recent amended AOI need be submitted.</p> <p>GIS – for submissions made during the COVID-19 pandemic, e-mail acknowledgement of the SEC would suffice as a substitute of the SEC stamp “received.”</p> <p>Diagram of the corporate structure – only up to Affiliates engaged in the power industry.</p>			
6	<p><b>CERTIFICATION THAT NOMINATED POWER PLANT IS UNCONTRACTED</b> (Sec. 3.1.2(g))</p>		Annex QD-3 (Amended by Bid Bulletin No.4)	Annex QD-3 should be notarized.			
7	<p><b>BIDDER’S CERTIFICATION OF ABSENCE OF UNSATISFACTORY PERFORMANCE RECORD, OUTSTANDING DISPUTE, OR DUE AND DEMANDABLE FINANCIAL OBLIGATION/S</b> (Sec. 3.1.3)</p> <p><b>Attachments:</b></p> <p>(a) List of the Bidder’s Counterpart(ies)/Financial Lenders</p> <p>(b) Counterparty’s Certification of Absence of Unsatisfactory Performance Record, Outstanding Dispute or Due and Demandable Financial Obligation/s</p>		<p>Annex QD-4</p> <p>Annex A of Annex QD-4</p> <p>Annex QD-4-A</p>	<p>Annexes QD-4 should be notarized.</p> <p>Annexes QD-4-A should be notarized.</p>			
9	<p><b>STATEMENT OF FINANCIAL CAPABILITY</b> (Sec. 3.1.5)</p> <p><b>Attachments:</b></p> <p>(a) Audited (parent and consolidated, if applicable) financial statements of the Bidder or any of its direct shareholders representing Controlling interest, Affiliates or Ultimate Parent for the last three (3) years (the latest of which must not be earlier than for the year ending December 31, 2020) duly stamped “received” by the Bureau of Internal Revenue (“BIR”) or SEC, or the equivalent thereof in a foreign country; <b>and</b></p> <p>(b) copy of the most recent quarterly financial statements</p>		Annex QD-5	<p>The Statement of Financial Capability, to be used as the cover page of all attachments in Annex QD-6, should be notarized.</p> <p>(Subject to some allowed revisions issued in various Bid Bulletins to address specific circumstances of a bidder)</p> <p>Attachment (a) must be certified as a true copy by (i) the BIR or SEC, or the equivalent thereof in a foreign country; or (ii) the chief financial officer or treasurer, in which case, it must be under oath and notarized.</p> <p>Attachment (b) must be certified as a true copy by the chief financial</p>			



Bid Documents		Page No. in the set	Form	Notes	Yes	No	Comments
				officer or treasurer, and must be under oath and notarized.  For Attachment (b), all available quarterly financial statements must be submitted.			

**ENVELOPE 2 – TECHNICAL PROPOSAL**

Bid Documents		Page no. in the set	Form	Notes	Yes	No	Comments
1	<p><b>One (1) Electronic copy uploaded to the cloud-based folder</b></p> <p><b>One (1) Original copy</b></p> <p><b>Three (3) Electronic copies contained in a USB/thumb flash memory drive, attached/taped to the set of the Original copy</b></p>			Each page shall be marked as "Envelope 2-TP-Original".			
2	<p><b>TABLE OF CONTENTS</b> (Sec. 3.4.1(a))</p>			All pages must be numbered consecutively.			
3	<p><b>TECHNICAL PROPOSAL (NOMINATED POWER PLANT)</b> (Sec. 3.2)</p> <p><b>Attachments:</b></p> <p>(a) Technical characteristics of the Plant showing evidence of compliance to the technical requirements stated in the Invitation to Bid's Terms of Reference Table ("TOR Table");</p> <p>(b) The Nominated Power Plant must be covered by a Certificate of Compliance (COC) or Provisional Authority to Operate (PAO) from the ERC, to be submitted by the Interested Bidder which shall be certified as a true copy by (i) the ERC; or (ii) the corporate secretary, in which case it must be under oath and notarized. For the Past Contract Period, the Nominated Power Plant's COC or PAO should be since at least 25 January 2017;</p> <p>(c) The Nominated Power Plant must be registered as a direct member of the WESM and a copy of its Market Participation Agreement for the Nominated Power Plant, which shall be certified as a true copy by (i) the PEMC and/or IEMOP; or (ii) the corporate secretary, in which case it must be under oath and notarized, must be submitted. For the Past Contract Period, the Nominated Power Plant's registration as a direct member of the WESM should be since at least 25 January 2017;</p> <p>(d) The Nominated Power Plant must be covered by a valid Transmission Service Agreement, which shall be duly certified by the National Grid Corporation of the Philippines (NGCP) or the corporate secretary, in which case it must be under oath and notarized;</p> <p>(e) The Nominated Power Plant must be covered by a Fuel Supply Agreement (covering the Past</p>		Annex TP-1 (Amended by Bid Bulletin No. 4)	<p>The Certification regarding Technical Proposal (Nominated Power Plant), to be used as the cover page of all attachments in Annex TP-1, should be notarized.</p> <p>(Subject to some allowed revisions issued in various Bid Bulletins to address specific circumstances of a bidder)</p>			

Bid Documents		Page no. in the set	Form	Notes	Yes	No	Comments
	<p>Contract Period) and a Fuel Supply Procurement Plan, and if available, a Fuel Supply Agreement (for the Prospective Contract Period), which shall be duly certified by corporate secretary, in which case it must be under oath and notarized; and</p> <p>(f) If applicable, the Certificate of Registration issued by the Board of Investments (BOI), which shall be certified as a true copy by (i) the BOI; or (ii) the corporate secretary, in which case it must be under oath and notarized.</p>						

## **ENVELOPE 3 – BID PRICE AND BID SECURITY**

Bid Documents		Page no. in the set	Forms	Notes	Yes	No	Comments
1	<p><b>One (1) Electronic copy uploaded to the cloud-based folder</b></p> <p><b>One (1) Original copy</b></p> <p><b>Three (3) Electronic copies contained in a USB/thumb flash memory drive, attached/taped to the set of the Original copy</b></p>			Each page shall be marked as "Envelope 3-BID-Original".			
2	<b>TABLE OF CONTENTS</b> (Sec. 3.4.1(a))			All pages must be numbered consecutively.			
3	<b>BID LETTER</b> (Sec. 3.3(a))		Annex BID-1	Annex BID-1 should be notarized.			
4	<b>BID SECURITY</b> (Sec. 3.3(b))		<p>Annex BID-2</p> <p>ANNEX A to Annex BID-2: DEMAND FOR SIGHT PAYMENT</p>	<p>(Subject to some allowed revisions issued in various Bid Bulletins to address specific circumstances of a bidder)</p> <p>Annex BID-2 should be notarized.</p> <p>The Bid Security shall be equivalent to Two Hundred Ten Million Pesos (PhP210,000,000.00), in the form of an irrevocable standby letter of credit issued by issued by one or more Allowed Bank.</p> <p>No combination of forms of the Bid Security (i.e., combination of irrevocable standby letters of credit and manager's check) will be allowed.</p> <p>This Bid Security requirement may be complied with by the Interested Bidder directly, or, provided the Bid Security format in the IPB is followed, through any of its direct shareholders representing Controlling interest, Affiliates, or Ultimate Parent</p> <p>The Bid Security shall initially be valid for sixty (60) days from the Bid Submission Deadline (i.e. <b>until January 18, 2022</b>). The Bid Security's validity may be for more than sixty (60) days but should not be less than the said period.</p>			
5	<p><b>FINANCIAL EVALUATION WORKBOOK ("FEW")</b> (Sec. 3.3(d) and (e))</p> <p>See pages 24 to 27 of the IPB.</p> <p>(a) A soft copy of the Bidder's duly accomplished Financial Evaluation Workbook submitted as an electronic</p>			Bidders must use the <b>final version of the FEW</b> (see Bid Bulletin No. 6).			

Bid Documents		Page no. in the set	Forms	Notes	Yes	No	Comments
	<p>copy file uploaded to the cloud-based folder and contained in USB/thumb flash memory drive (attached to the Original Copy).</p> <p>(b) Print outs of the relevant worksheets, as reflected in the Financial Evaluation Workbook of the Bidder and signed by the Bidder's authorized representative:</p> <p>i. LCOE Result Worksheet;  ii. Annual Caps Worksheet;  iii. Base Rates Table Worksheet.</p>						
6	<b>ACKNOWLEDGEMENT AND ACCEPTANCE OF THE POWER SUPPLY AGREEMENT TEMPLATE</b>		Annex BID-3				

## **HOUSE RULES BID SUBMISSION AND OPENING OF DOCUMENT SUBMISSIONS CONTRACT CAPACITY OF 70MW (net) FOR CONTRACT PERIOD ENDING 25 JANUARY 2037**

19 November 2021  
Zoom Virtual Meeting and  
Meralco Theater, Lopez Building, Meralco Center  
Meralco Ave., Pasig City

To supplement the procedure provided under the Instructions to Prospective Bidders, as amended by the Bid Bulletins, (collectively, the "IPB") for the Competitive Selection Process for Contract Capacity of 70MW (net), for Contract Period ending 25 January 2037, the Third-Party Bids and Awards Committee ("TPBAC") adopts the following House Rules for the Submission, Opening and Evaluation of Document Submissions (the "Proceedings"):

### **A. GENERAL GUIDELINES**

1. The Proceedings shall be under the direction and control of the TPBAC. The TPBAC Chairperson, or in his absence, the Vice-Chairperson, shall preside over the Proceedings.
2. The Head of the Secretariat shall act as the Secretary of the Proceedings. The Secretariat shall be in charge of documenting and recording the Proceedings.
3. Only the Interested Bidders that timely submitted its submissions (represented by their authorized representative/s named in their latest Expression of Interests ("EOI") submitted at least five (5) days before the Bid Submission Deadline (as defined below) are allowed to attend and participate in the opening of the submissions and Bid, together with the Department of Energy ("DOE") and Energy Regulatory Commission ("ERC") observers invited by the TPBAC.
4. No individual, except for the Secretariat, shall be allowed to video, audio record, or take photographs of the Proceedings. A copy of the official recording may be given to the requesting Interested Bidder only upon request and approval of the TPBAC pursuant to Section 2.6 (Confidentiality) of the IPB.
5. In accordance with Section 4 of the IPB, the Proceedings will be conducted through a hybrid of virtual video/audio conferencing using the Zoom application, with some members of the TPBAC and Technical Working Group ("TWG"), among others, inside one large venue, observing the prescribed health and safety measures for COVID-19 prevention.

The guidelines before and during the Proceedings are as follows:

- A. Before the Proceedings through virtual video/audio conferencing -
  - 1) Registration is required for all participants, including the Bidders' authorized representatives, to receive the videoconferencing details for the Proceedings that will be conducted through Zoom.
  - 2) Only the registered email addresses of the Bidder's authorized representatives, as stated in their latest EOI, will be allowed to join the Zoom meeting for the Proceedings. Thus, such email address must be the one used to register, and it should have a Zoom account to be able to join the conference. Only one device per email address will be allowed to connect.
  - 3) On **17 November 2021**, the registration link will be sent to the email addresses of the authorized representatives of Bidders and DOE/ERC observers ("Participants") who have registered for the Proceedings.

- 4) The **deadline for registration is on 18 November 2021 at 4:00 P.M.** A confirmation link will be sent to registered Participants before 7:00 A.M on 19 November 2021.

B. During the Proceedings through virtual video/audio conferencing -

- 1) The Participants must be in the waiting room of the Zoom Meeting by 7:50 A.M. on 19 November 2021 in order for their attendance to be registered and considered.
- 2) At 8:00 A.M., the TPBAC Secretariat will start admitting into the Zoom Meeting the DOE/ERC observers; the TPBAC and TWG members; and the Bidder's authorized representatives that successfully registered, subject to the applicable removal of access after the 9:00 A.M. deadline (as described below).
- 3) Only Bidders that meet the Bid Submission Deadline will be allowed to attend the Zoom meeting for the Opening of Bids.
- 4) At 9:00 A.M., a roll call of the registered and authorized representatives of the Bidders and Observers will be conducted by the TPBAC Secretariat of the Bidders who were able to meet the Bid Submission Deadline.

**Bidders who were not able to meet the Bid Submission Deadline or did not submit a bid will be removed from the Zoom Meeting.**

- a) Since only Bidders' authorized representatives can join the Proceedings, only a maximum of three (3) individuals per Interested Bidder may join the conference. Convergence of Participants in one venue or using one Zoom account is allowed provided that they are all EOI-indicated authorized representatives of one Bidder.
- b) During the roll call, the Bidders' authorized representatives must designate one (1) of its authorized representatives as speaker for the Interested Bidder. As a rule, only the designated speaker may speak on behalf of the Bidder.
- c) Those who are admitted in the Zoom Meeting but not included in the list of authorized representative/s of the Bidders will be removed by the Secretariat from the Zoom Meeting.
- 4) The Participants must use the following display credentials throughout the Proceedings: "Company Name Initials - Surname, First Name";
- 5) Participants shall ensure that their names and the name of the company they are representing are properly reflected on their respective accounts;
- 6) Participants shall be required to mute themselves during the entire duration of the Zoom Meeting unless prompted by the Secretariat to unmute. Only those recognized by the TPBAC or TPBAC Secretariat may be allowed to speak;
- 7) Participants shall be required to turn on their respective video cameras during the entire duration of the Proceedings;
- 8) If necessary, the TPBAC and TWG may declare a recess of the proceedings and move to a breakout room for a caucus; and
- 9) All Participants must observe the House Rules provided herein. The Secretariat may give warnings to Participants who do not observe the House Rules by indicating the same in the chat box. The Secretariat shall flag to the TPBAC Chairperson and recommend the removal of Participants who continue to disregard the House Rules and who disrupt the Proceedings from the Zoom Meeting despite warnings.

6. The TPBAC may request assistance from the TWG and/or the Secretariat to perform such functions as may be necessary, at the discretion of the TPBAC.

**B. SUBMISSION OF BIDS**

1. The TPBAC shall only receive the Original Copy box of the Document Submissions of the Bidders between **8:00 A.M. until 9:00 A.M. of 19 November 2021** ("Bid Submission Deadline"). In accordance with Section 2.2 of the IPB, Interested Bidders shall submit to the TPBAC their Document Submissions by submitting original hard copies, which includes three (3) USB/thumb flash memory drives containing the electronic copies/scanned files (PDF format) of the contents of the said original set, inside a properly labeled sealed box. The soft copies of the Document Submissions stored in the USBs shall be in the form of a .zip folder protected by a password (similar to the uploaded copy in the cloud-based folder).
2. The Bidder shall ensure that it will deliver the Document Submissions at the designated venue for submission at the Meralco Theater east side entrance, Lopez Building, Meralco Center, Meralco Ave, Pasig City. For the submission, the Bidder shall ensure that the authorized representative (or a designated person authorized through, and possessing, a Special Power of Attorney executed by any of the Bidder's authorized representatives) on board the Bidder's authorized vehicle with the Document Submissions, enters the designated queue on or before the Bid Submission Deadline.

For this purpose, the Bidder shall submit to the TPBAC by **18 November 2021 at 4:00 P.M** the vehicle details (e.g., vehicle make, plate number) of the authorized vehicle which will be used to deliver the Document Submissions at the designated venue, and the name(s) of the driver and authorized representative or the designated person (authorized through, and possessing, a Special Power of Attorney from any of the Bidder's authorized representative) who will personally submit the Bidder's Document Submissions.

3. Before or at 9:00 A.M., Bidders whose authorized representatives (or designated persons authorized through, and possessing, Special Powers of Attorney) are present inside their authorized vehicle which contains the Document Submissions and is inside the designated queue area, will be given queuing numbers. Fixed and roving cameras shall be set at designated areas to ensure full view of the queuing and during submission.
4. Only Bidders who were issued queuing numbers on or before 9:00 A.M. shall be allowed to register; submit their Document Submissions at the registration table; **and** be allowed inside the Zoom virtual meeting for the Opening of the Bids. Late submissions shall be rejected and returned unopened to the concerned Bidder. As long as the Bidder is in queue by 9:00 A.M. and whose representative possesses a queue number, the submission will be considered as having been made within the deadline. Only Bidder's authorized representatives (or designated persons authorized through, and possessing, Special Powers of Attorney) shall disembark from the vehicle to place the sealed box at the non-contract receiving table beside its vehicle. After submission, the Bidders' authorized representatives (or designated persons authorized through, and possessing, Special Powers of Attorney) will be directed to leave the venue.
5. For the purpose of monitoring the Bid Submission Deadline, the Philippine standard time as provided in [\*<https://oras.pagasa.dost.gov.ph/widget.shtml>\*](https://oras.pagasa.dost.gov.ph/widget.shtml) shall be followed.
6. The envelopes or boxes, containing the original documents, of Bidders will be marked received by the TPBAC by indicating therein "Received" and the time of receipt. After the submission has been recorded, the sealed boxes will be placed in front of the TPBAC's table while followed by and within clear view of the Zoom meeting video camera or video recording.
7. The TPBAC Secretariat shall prepare a list of Bidders which have submitted their respective Document Submissions on or before the Bids Submission Deadline and late submissions, if any, and submit such list to the TPBAC for evaluation and/or approval.
8. For clarity, the Bidder's authorized representatives will be allowed to enter the Zoom meeting venue for the Opening of Bids only after their Document Submissions are timely received by the TPBAC (and have duly registered themselves).



**C. RETURN BY THE BANK CUSTODIAN OF THE RESERVE PRICE ENVELOPE**

1. The return by the bank custodian, Asia United Bank (AUB), of the custody of the sealed Reserve Price envelope to the TPBAC is scheduled between **9:00 to 9:30 A.M. of 19 November 2021.**
2. The sealed Reserve Price envelope will be placed by the bank custodian on the non-contact receiving table outside the venue but followed by and within clear view of the Zoom meeting video camera or video recording. The bank custodian shall issue a certification on the safekeeping of the sealed Reserve Price envelope, which shall be read or shown to the Bidders.
3. After the turnover, the bank custodian will leave the venue. The sealed Reserve Price envelope shall be placed on a book stand or table in front of the TPBAC table in full view of all of the Bidders or the Zoom meeting camera for the whole duration of the Proceedings.

**D. OPENING AND EVALUATION OF BIDS**

1. At **9:30 A.M. of 19 November 2021,** to start the Opening of Bids, a rollcall of Bidders' authorized representatives shall be conducted by the TPBAC Secretariat.
2. The TPBAC shall direct the opening and evaluation of the Document Submissions. During the Opening of the Pre-Qualification Documents, the Interested Bidder/s shall email to the TPBAC- Secretariat the password for the pertinent zip folder/file to be opened by the TPBAC. The opening and evaluation of the Document Submission shall be in three (3) stages, Envelope 1: Qualification Documents, Envelope 2: Technical Proposals and Envelope 3: Bid Prices in this order with the assistance of TWG. Such documents shall be opened and evaluated based on the order of registration of the Bidders. The uploaded/soft copies to the cloud-based folder of the Document Submissions shall be opened for simultaneous review of the TPBAC and TWG. The opening of the Document Submissions of all bidders shall be shown to the Participants through the Screen Share feature to be facilitated by one of the TPBAC or TWG members. If technical difficulties prevent the opening of the uploaded copies of the Document Submissions, the TPBAC may direct the opening of the Original Copy sealed box in order to get the USB thumb / flash memory drives contained the scanned soft copies of the Document Submissions. After the contents are copied by the TPBAC or TWG, the said USB thumb / flash memory drives will be returned to their envelopes and resealed.
3. The Bidder's authorized representatives, particularly the designated speaker, whose Document Submissions are being opened and evaluated are expected to be ready to respond in case the TPBAC or TWG will have clarificatory questions (see next item immediately below).
4. During the opening and evaluation of the Document Submissions, the TPBAC may confer with the Bidder's authorized representatives to verify any deficiency, ambiguity or possible error in the Document Submissions. If the TPBAC determines that any required document or information in the Document Submissions is found to be incomplete or patently insufficient or otherwise "non-conforming," the TPBAC reserves the right to immediately reject the Document Submissions of the concerned Bidder and consider its Document Submissions as "FAILED".
5. No Bidder shall be allowed to raise questions or make manifestations during the opening and evaluation of the Qualification Documents, Technical Proposals, and Bids. The Bidders are requested, instead, to note down all questions and/or manifestations and submit it formally in writing to the TPBAC Secretariat following the proper remedy under the IPB.
6. At the end of each stage of evaluation, the TWG shall prepare a report for the TPBAC's evaluation and/or approval. The TPBAC shall announce the Bidders who have qualified after each stage and who are allowed to participate in the next stage, and any other information which it deems necessary. Bidders whose Document Submissions were found to have "FAILED" at a relevant stage, shall be required to leave the Zoom meeting.

7. The TPBAC shall take custody of the original and soft copies of the Document Submissions that have been considered as "PASSED" at the relevant stage. The unopened original and soft copies of the Documents Submissions that have been considered as "FAILED" shall be returned to the concerned Bidder.
8. No amendments by Bidders to Annexes and forms shall be allowed. Any amendment by the Bidder on the Annexes and forms, which have not been approved by the TPBAC through the Bid Bulletins, shall be a ground for disqualification.
- E. **Reminders for entering the Meralco Operations Center (MOC) on 19 November 2021.** The Interested Bidder's authorized representative/s (indicated in the latest Expression of Interest) or designated persons authorized through, and possessing, Special Powers of Attorney, who will submit the Original Copy box shall:
  1. Submit on or before **4:00 P.M. of 18 November 2021** to the Safety and Security Office of MERALCO (c/o the TPBAC Secretariat's e-mail) the vehicle make, plate number, name(s) of driver, and passenger/s.
  2. Bear the risk of the traffic peak/rush hours going to the Meralco Center Gate 2 (located between The Medical City hospital complex and intersection of Meralco Ave. and Ortigas Ave.), as well the as possible closure of the left turn access going to Meralco Center Gate 2 if coming from EDSA or Meralco Ave.

Approved on 12 November 2021.