BIDDING
CONTRACT CAPACITY OF 400 MW (NET), EFFECTIVE SEPTEMBER 2025

BID BULLETIN NO. 7
(16 September 2024)

To all Interested Bidders:

1. A matrix containing the set of additional queries by Interested Bidders and the corresponding responses of Meralco's BAC-PSA are set out in **ANNEX A**.

2. A matrix showing the amendments to the Power Supply Agreement (PSA) Template is provided herein as **ANNEX B**.

3. The Bid Submission Deadline and Opening of Pre-Qualification Document Submissions (Qualification Documents and Technical Proposals) on **1 October 2024** will be conducted mainly online via Zoom. For the physical submission of the Original Copy box of the Document Submissions, due to venue unavailability, the venue indicated in the Invitation to Bid, Bid Requirements and Instructions to Prospective Bidders (IPB), will be changed to the **14th Floor, Lopez Building, Meralco Center, Ortigas Ave., Pasig City**. The receipt, handling, and custody of the Original Copy boxes and Reserve Price envelope after the Bid Submission Deadline and return by the BAC-PSA's authorized bank custodian, respectively, may, upon the BAC-PSA's sole discretion, be delegated to any member of the TWG present at the venue;

4. The House Rules containing the guidelines and rules to be observed during the Bid Submission Deadline and Opening of Pre-Qualification Document Submissions (Qualification Documents and Technical Proposals) are set out in **ANNEX C**;

5. 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 D;**

6. Pursuant to Section 6, Appendix B of the ERC CSP Guidelines, "*[a]ll Bidders shall be duly notified by the DU of any amendment, not later than fifteen (15) calendar days before the deadline for submission of bids, to allow the participants to consider the same in the preparation of their bids. The notice of the amendment in the form of a bid bulletin shall be* ***duly acknowledged by each Bidder prior***

to the submission of its bid <u>and</u> shall be so indicated in the bid." (Emphasis and underscoring supplied)

In line with this requirement, we hereby release as **<u>ANNEX E</u>** the form/template of the ERC CSP Guidelines-required "Sworn Acknowledgment on the Bid Bulletins," for Interested Bidders to accomplish, state and acknowledge that:

a. The amendments released by the BAC-PSA through the following Bid Bulletins in this Bidding were released to, and duly received by, the Bidders at least fifteen (15) days before the Bid Submission Deadline on **<u>1 October 2024</u>**:

   i. Bid Bulletin No. 1 (dated 3 July 2024);
   ii. Bid Bulletin No. 2 (dated 10 July 2024);
   iii. Bid Bulletin No. 3 (dated 18 July 2024);
   iv. Bid Bulletin No. 4 (dated 1 August 2024);
   v. Bid Bulletin No. 5 (dated 20 August 2024);
   vi. Bid Bulletin No. 6 (dated 29 August 2024); and
   vii. Bid Bulletin No. 7 (dated 16 September 2024).

b. Bidders agree that the Bid Bulletins, including the amendments to the Bidding Documents subject of said Bid Bulletins, have/had been duly considered in the preparation of the Bidder's bid; and

c. The foregoing considered, the Bidders expressly consent to the conduct of the Bid Submission on **<u>1 October 2024</u>**.

The said "Sworn Acknowledgment on the Bid Bulletins" must be submitted (i) on or before **4:00 P.M. of 27 September 2024** to the BAC-PSA (c/o the BAC-PSA Secretariat's e-mail) **<u>and</u>** (ii) included in Envelope 1 (Qualification Documents) of the Interested Bidder's Document Submissions to be submitted at the Bid Submission Deadline.

7. 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 Pre-Qualification Document Submissions (Qualification Documents and Technical Proposals) shall be provided by the BAC-PSA Secretariat to the emails of the Interested Bidders' authorized representatives on or before **27 September 2024. The deadline for registration is at 4:00 P.M. of 30 September 2024**; and

8. 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 30 September 2024** to the Safety and Security Office of MERALCO (c/o the BAC-PSA Secretariat's e-mail) the details of the vehicle make, plate number, driver, and passenger/s).

For your guidance and information.

Bids and Awards Committee-Power Supply Agreements (BAC-PSA)
Manila Electric Company

(sgd)
Lawrence S. Fernandez
Chairman

COMPETITIVE SELECTION PROCESS (CSP) FOR CONTRACT CAPACITY OF 400 MW (NET), EFFECTIVE SEPTEMBER 2025

	FORMATTING/PROCEDURAL-RELATED QUERIES/COMMENTS				
		TOPIC / BID DOCUMENT REFERENCE	**ARTICLE / SECTION / PAGE NO.**	**DISCUSSION OF COMMENTS / QUESTIONS FOR CLARIFICATION RECOMMENDATIONS / PROPOSED WORDING**	**BAC-PSA's RESPONSE**
1.		Annex QD-6A	Section 3.1.3 Page 26 of the IPB	Does the bidder need to request a new certification from its counterparties since the submission deadline was extended, and the original deadline is the one stated in the certification?	The BAC-PSA has referred this matter to the DU and will await the DU's response whether it will issue a general certification relating to this matter. The Bidders are advised to monitor further updates on this matter.
2.		3.3 Bid Price and Security item (g)	IPB page 33, item (h)	Hard copy of non-fuel invoices. Do the documents need to be certified as true copies by the Corporate Secretary/Assistant Corporate Secretary, Authorized Representative, or the document owner? Or if the BAC can advise which documents in Envelope 3 require certification to ensure compliance of all bidders?	The authorized representative may certify the hard copy of non-fuel invoices as true copies.
3.		3.3.3 Return Cancellation of Bid Security	IPB page 35, item c	Can the bidder maximize the validity of the Bid Security before replacing it with the performance bond, while ensuring it is replaced before expiration to keep MERALCO secured?	Please refer to Section 3.3.1. of the IPB which states that: "Any expiring Bid Security, if not yet replaced with a Performance Bond, should be kept valid until required under this Section 3.3.1, and replaced at least fifteen (15) days prior to the expiration thereof, without need of demand from the BAC-PSA or Meralco, and subject to the BAC-PSA or Meralco's rights under Section 3.3.3 (Return/Cancellation). In case of failure to replace the Bid Security within this period, and subject to Section 3.3.2 (Forfeiture), the BAC-PSA shall have the right to forfeit the same and hold the proceeds thereof in trust until a new Bid Security is provided by the Interested Bidder; otherwise, there is ground to return or cancel a Bid Security in favor of such Interested Bidder under Section 3.3.3. "i
4.		Annex QD-7	IPB Section 3.1.4 (a) BB6 item No. 19	For further clarification, the bidder may only submit (i) a list of projects from the last 10 years and (ii) a list of generation plants operated in the past 5 years to meet the requirements. The list of track records or GCMR/MOR can no longer be submitted. Kindly confirm.	See p. 11 and 15, Annex A of Bid Bulletin No. 3, for the amendments to Section 3.1.4 and Annex QD-7 of the IPB which reads: […] 3.1.4 Notarized Certification regarding Technical Qualification (Reference Plant), using the form in Annex QD-7, with the following attachments: (a) The Bidder, whether directly or through any of its direct shareholders representing Controlling interest, Affiliates or Ultimate Parent must submit: (i) list of projects

	FORMATTING/PROCEDURAL-RELATED QUERIES/COMMENTS				
		TOPIC / BID DOCUMENT REFERENCE	ARTICLE / SECTION / PAGE NO.	DISCUSSION OF COMMENTS / QUESTIONS FOR CLARIFICATION RECOMMENDATIONS / PROPOSED WORDING	BAC-PSA's RESPONSE
					undertaken over the last ten (10) years; (ii) list of electricity generation plants that it has operated for the last five (5) years; ~~or~~ **and** (iii) proof /documentation of track record for the last five (5) years of power plants operated by it; […] ANNEX QD-7 CERTIFICATION REGARDING TECHNICAL QUALIFICATION (REFERENCE PLANT) Required attachments: (a) The Bidder, whether directly or through any of its direct shareholders representing Controlling interest, Affiliates or Ultimate Parent must submit: (i) list of projects undertaken over the last ten (10) years; (ii) list of electricity generation plants that it has operated for the last five (5) years; ~~or~~ **and** (iii) proof /documentation of track record for the last five (5) years of power plants operated by it; […] Thus, if the GCMR / MOR is the "proof/documentation of track record for the last five (5) years of power plants operated [by the Bidder], then it must be submitted.

	INSTRUCTIONS TO PROSPECTIVE BIDDERS / BIDDING DOCUMENTS-RELATED QUERIES/COMMENTS				
		TOPIC / BID DOCUMENT REFERENCE	ARTICLE / SECTION / PAGE NO.	DISCUSSION OF COMMENTS / QUESTIONS FOR CLARIFICATION RECOMMENDATIONS / PROPOSED WORDING	BAC-PSA's RESPONSE
5.		Printing Format		Is the bidder allowed to print the documents in A4 size paper?	Yes, this will be allowed.
6.		3.2 Technical Proposal	Item (q), No. 2 Registration as a Direct Member and Market Participation Agreement	Can the bidder submit either a Certification proving registration as a Direct WESM Member or the Market Participation Agreement?	Yes, this will be allowed.
7.		Financial Evaluation Workbook		We would like to further clarify the calculation of the outage allowance. In FEW, bidders are required to input the allowance in days. Could you please confirm the equivalent hours, as bidders are only required to deliver 15 hours per day?	The full load equivalent outage days taken shall be calculated in accordance with the formula stated in Schedule 4 of Appendix E of the PSA. As stated in the PSA, the Available Hours during Mondays to Saturdays is 15 hours for each day, while during Sundays it is 10 hours. As an example, kindly see a sample calculation below:

INSTRUCTIONS TO PROSPECTIVE BIDDERS / BIDDING DOCUMENTS-RELATED QUERIES/COMMENTS

		TOPIC / BID DOCUMENT REFERENCE	ARTICLE / SECTION / PAGE NO.	DISCUSSION OF COMMENTS / QUESTIONS FOR CLARIFICATION RECOMMENDATIONS / PROPOSED WORDING	BAC-PSA's RESPONSE

Monday to Saturday

CC = 400
k = 10
m = 15

Hourly Trading Interval	$ACSO_{ij}$	$CC - ACSO_{ij}$	$\frac{CC - ACSO_{ij}}{CC * m}$
1			
2			
3			
4			
5			
6			
7			
8			
9			
10	400	0	0
11	400	0	0
12	400	0	0
13	400	0	0
14	400	0	0
15	400	0	0
16	400	0	0
17	0	400	0.0667
18	0	400	0.0667
19	0	400	0.0667
20	0	400	0.0667
21	400	0	0
22	400	0	0
23	400	0	0
24	400	0	0

Full Load Equivalent Scheduled Outage Days Taken: **0.2667**

Sunday

CC = 400
k = 15
m = 10

Hourly Trading Interval	$ACSO_{ij}$	$CC - ACSO_{ij}$	$\frac{CC - ACSO_{ij}}{CC * m}$
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15	400	0	0
16	400	0	0
17	0	400	0.1000
18	0	400	0.1000
19	0	400	0.1000
20	0	400	0.1000
21	400	0	0
22	400	0	0
23	400	0	0
24	400	0	0

Full Load Equivalent Scheduled Outage Days Taken: **0.4000**

	PSA TEMPLATE-RELATED QUERIES/COMMENTS				
		TOPIC / BID DOCUMENT REFERENCE	ARTICLE / SECTION / PAGE NO.	DISCUSSION OF COMMENTS / QUESTIONS FOR CLARIFICATION RECOMMENDATIONS / PROPOSED WORDING	BAC-PSA's RESPONSE
8.		PSA Template	Article 1 Section 1.1	**ERC Approval Definition:** We would like to confirm if we will seek Final Approval (FA) only for the 400MW PSA if yes, Proposed Wording: **ERC Final Approval** means the ~~provisional approval/authority, interim relief~~, decision or final order on any motion for reconsideration thereof issued by the ERC on the ERC Application filed by the Parties seeking approval of this Agreement	As consulted with the DU, the Operations Effective Date (OED) is defined as 400 MW (net) by August 26, 2025 which is less than a year from now. Meralco wants to keep the option open to pray for provisional authority/interim relief to ensure that the approval is secured in time for the OED.
9.		PSA Template	Article 1 Section 1.1	**Longstop Date Definition:** We would like to suggest to align the Longstop Date Definition with the ERC's 270 calendar days for quasi-judicial cases under the EVOSS Act to issue an action from the submission of a valid application. Proposed Wording: **Longstop Date** means the date falling two hundred seventy (270) calendar days ~~six (6) months~~ after the date of submission to the ERC by Meralco and Power Supplier of their Joint ERC Application.	As consulted with the DU, Meralco prefers to maintain the current period of the Longstop Date. The ERC is free to revise the period when it issues the ERC Approval.
10.		PSA Template	Article 12 Covenants Section 12.2.1	**ERC Application** What if delay is attributed to MERALCO? Note that there are also penalties to be shouldered for delayed filings based on the 2023 ERC CSP Guidelines. Proposed Wording: 12.2.1 Within five (5) Days after receipt from Power Supplier of the documents set forth in Appendix C (or such other period agreed upon by the Parties), the Parties shall jointly file with the ERC the necessary application for the approval of this Agreement (the "ERC Application") and shall exert best efforts to obtain such approval as promptly as practicable following the submission of the ERC Application and to allow for the issuance of the ERC Approval on or before the Longstop Date and occurrence of the Acceptance Date. For clarity, in case of Power Supplier's failure, inability, refusal or delay to provide or comply with ERC requirements, which results in failure to timely file the ERC Application, Meralco shall have the right to forfeit the Performance Bond. Should the failure to timely file the ERC Application is	As consulted with the DU, Meralco is not amenable with this proposal. 1st, this is standard provision in the DU's PSAs. 2nd, this pertains to timely filing of the ERC Application, and, as evident from the ERC pre-filing checklist, majority of the supporting documents will come from the Power Supplier. 3rd, the Contract Capacity under the PSA is as appearing in Meralco's Power Supply Procurement Plan. This means that Meralco needs the capacity. In which case, Meralco's actions as to the Joint Application is to ensure timely filing thereof.

	PSA TEMPLATE-RELATED QUERIES/COMMENTS				
		TOPIC / BID DOCUMENT REFERENCE	ARTICLE / SECTION / PAGE NO.	DISCUSSION OF COMMENTS / QUESTIONS FOR CLARIFICATION RECOMMENDATIONS / PROPOSED WORDING	BAC-PSA's RESPONSE
				caused by Meralco's failure, inability, refusal or delay to provide or comply with the ERC requirements, Meralco shall be liable for and shall indemnify Power Supplier for any fine, penalty or demerit to be imposed by the ERC.	
11.		Appendices, NHR NDC		If Power Supplier and Meralco have an existing PSA, will the certified NHR and NDC for the existing PSA be valid for the 400MW Mid Merit contract, provided this is certified by the Independent Engineer?	Yes
12.		PSA, Definition of terms. Capacity Test Certificate		Does Meralco have a prescribed/standard template? If none, who will draft the required certificate	None. Power Supplier is free to provide its own template.

AMENDMENTS TO THE POWER SUPPLY AGREEMENT (PSA) TEMPLATE

Item	Reference / Subject Matter of Amendment	Amendments
1	Section 1.1	[…] **Forced Outage** means (a) any interruption of the Plant's generating capability resulting in an unplanned reduction or suspension of the electrical output from the Plant and/or unavailability of capacity in whole or in part from the Plant; (b) any automatic shutdown of any part of the Plant; and/or (c) any other unavailability of the Plant for operation, in whole or in part, for maintenance and/or repair, and in each of (a), (b) or (c), that is not a Scheduled Outage and/or not the result of an Event of Force Majeure, and that affects the Plant's ability to generate and export all or any portion of the Contract Capacity or Associated Energy. Any interruption, reduction or suspension of the Plant's output **within dispatch conformance standards under existing regulations or** as instructed by the System Operator shall not be considered as a Forced Outage. […]
2	Section 1.1	[…] **Scheduled Outage** means a removal of the Plant or any portion thereof from service initiated by Power Supplier, and scheduled and approved by the System Operator, for regular scheduled inspection, testing, preventive maintenance, corrective maintenance, repairs, replacement or improvement that has been scheduled in accordance with Section ~~9~~**8**.2. For clarity, the Scheduled Outage period shall be subject to requirements under DOE guidelines and ERC rules and regulations. […]
3	Section 3.3	[…] **3.2 Operations Effective Date** 3.2.1 Subject to Section 3.2.2, the obligations of Power Supplier with respect to the Contract Capacity and Associated Energy shall commence on the later between ~~26~~ August **26,** 2025 and the ERC Approval (the "**Operations Effective Date**"). […]

Item	Reference / Subject Matter of Amendment	Amendments
4	Section 5.3.3	[…] 5.3.3 Notwithstanding Section 5.3.2, Meralco shall have the option to increase or decrease its day-ahead nominations, subject to the ~~Technical Limits~~ **Performance Guarantees, provided in Appendix B**, Operating Procedures, WESM Rules and Grid Code. […]
5	Section 8.3	[…] **8.3 Early Completion of a Scheduled Outage** 8.3.1 If a Scheduled Outage is completed earlier than the date originally anticipated, Power Supplier shall immediately advise Meralco of such event and the availability of Contract Capacity, and submit to Meralco a revised month-ahead, and day-ahead capacity availability schedule, as may be applicable, indicating the revised capacity availability of the Plant. In the same manner, Meralco shall submit to Power Supplier the revised month-ahead, and day-ah**ea**d energy nomination schedule, as may be applicable, to avail of the Contract Capacity made available as a result of the early completion of the Scheduled Outage. In such case, subject to Section 8.1.1, the Full Load Equivalent Days of Availability when the Scheduled Outage was not used for maintenance, inspection and testing hours shall not be counted as availments of the Full Load Equivalent Scheduled Outage Allowance Days. […]
6	Article 9	[…] **9 ~~Adjustments~~ Reduction in Contract Capacity** […]
7	Section 11.1.3	[…] 11.1.3

Item	Reference / Subject Matter of Amendment	Amendments
		xxx (b) actual WESM line rental charges or line rental cap provided in Table 3, Schedule 1 of Appendix E, whichever is lower. For clarity, **Meralco shall settle the full line rental amount with the Market Operator and** any amount in excess **in the amount** of the line rental cap**, as calculated in accordance with Appendix E,** shall be ~~for the account of~~ **reimbursed by** Power Supplier **to Meralco**; […]
8	Section 14.5	[…] 14.5 Without limiting any payments (or the calculations thereof) contemplated under this Agreement including, but not limited to ~~Section 3.2,~~ Section 16.3 or Appendix E, no Party shall in any circumstances, be liable to the other Party in its performance of or failure to perform this Agreement or any provision hereof, whether in contract, tort or breach of statutory duty or otherwise for: xxx […]
9	Section 15.2	[…] 15.2 xxx (h) any System Emergency or ~~Transmission~~ **Network** Failure that prevents delivery by Power Supplier, or acceptance by Meralco, of Contract Capacity and Associated Energy (except if due to the act or omission of the Party seeking to claim an Event of Force Majeure, unless otherwise due to an Event of Force Majeure). In case of disagreement as to the existence of a Network Failure, the Parties shall secure the necessary certification from ERC, which certification shall bind both Parties; xxx […]

Item	Reference / Subject Matter of Amendment	Amendments
10	Section 16.3.1	[…] 16.3.1 xxx Immediately upon lapse of the Curing Period with respect to a Power Supplier Event of Default under Section 1~~8~~**6**.1(b), where Power Supplier fails to cure the Power Supplier Event of Default, if an NDC Test demonstrates that the actual available capacity of the Plant is lower than the Contract Capacity, Meralco may opt to defer termination of this Agreement as it seeks to secure a replacement agreement for the portion of the Contract Capacity unavailable, as substantiated by the said NDC Test; xxx […]
11	Section 16.4(c)	[…] (a) If the Party receiving the Termination Notice intends to raise a Dispute regarding the right to give effect to the Termination Notice (the "**Termination Notice Dispute**") and to refer such Termination Notice Dispute to resolution pursuant to Article ~~20~~**18**, xxx […]
12	Section 18.2.1	[…] 18.2.1 Provided that the ERC has jurisdiction over a Dispute between the Parties within its administrative authority, any such Dispute that is not resolved under Section 18.1 shall be referred to and shall be heard and resolved by the ERC in accordance with its rules on practice and procedure. Otherwise, the Dispute shall be settled by arbitration in accordance with the Philippine Dispute Resolution Center Inc. (PDRCI) Arbitration Rules (the "**Arbitration Rules**") in force on the date of commencement of the arbitration. The dispute shall be settled by three (3) arbitrators (the "**Tribunal**")~~, two (2) of them to be appointed separately by the Parties and the third (3rd) arbitrator to be appointed by the President of PDRCI~~. **The appointment of the three (3) arbitrators shall be in accordance with Section 18.2.3 herein.** The place and seat of the arbitration shall be in Pasig City. […]

Item	Reference / Subject Matter of Amendment	Amendments
13	Appendix E	[…] **6. Component F - Line Rental Adjustment Payment (LRAP)** xxx LR_{ACT} = summation of actual hourly line rental charges based on Market Operator issued billing **to Meralco**, in PhP xxx […]
14	**APPENDIX E** **SCHEDULE 6** **SAMPLE CALCULATIONS OF LIQUIDATED DAMAGES**	This will be deleted since there is no reference to Sample Calculation of Liquidated Damages in the PSA Main Body.
	Appendix G	[…] **5 Day-Ahead Capacity Availability and Energy Nomination Schedules** XXX 5.3 Meralco shall, in all Available Hours not affected by a Scheduled Outage, Forced Outage, Event of Force Majeure, or suspension of delivery of Associated Energy as requested by Meralco, nominate any value from zero up to the Contract Capacity as its day-ahead energy nomination, subject to the Dispatch Ramp Rates under Appendix B. If Meralco does not furnish Power Supplier with its day-ahead energy nomination schedule, the nomination for the same Day in the week-ahead energy nomination schedule shall be deemed the nominated schedule for the Day. Notwithstanding the foregoing, Meralco shall have the option to increase or decrease its day-ahead energy nomination schedule on an intra-day basis, subject to Operating Procedures and WESM Rules. In addition, Meralco shall have the option

Item	Reference / Subject Matter of Amendment	Amendments
		to increase its day-ahead energy nomination schedule on a day-after basis **based on metered quantity of the Plant**, which shall be the Incremental Energy for that Trading Interval. For clarity, the revised day-ahead energy nomination schedule, including the intra-day and day-after revisions, shall be declared by Power Supplier in its day-after declaration to the WESM as BCQs for Meralco. XXX […]
15	Appendix H	[…] **Appendix H, Invoicing and Payment Procedures** xxx **6. Receipt** Power Supplier shall issue **to Meralco** ~~a value-added tax-qualified official~~ **an acknowledgement** receipt **or any equivalent document required under applicable regulations** to ~~Meralco acknowledging~~ **acknowledge** receipt of any payment hereunder on the date of such payment. […]

ANNEX C

HOUSE RULES
BID SUBMISSION AND OPENING
OF DOCUMENT SUBMISSIONS
400 MW (net), effective September 2025
1 October 2024
Zoom Virtual Meeting

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 **400 MW Mid-merit Requirement Effective September 2025**, MERALCO's Bids and Awards Committee for Power Supply Agreements ("BAC-PSA") 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 BAC-PSA. The BAC-PSA Chairperson, or in his absence, the Vice-Chairperson, shall preside over the Proceedings.

2. The Head of the BAC-PSA Secretariat shall act as the Secretary of the Proceedings. The BAC-PSA Secretariat shall be in charge of documenting and recording the Proceedings.

3. Only the Interested Bidders that timely submitted their 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 CSP Observers.

4. No individual, except for the BAC-PSA Secretariat, shall be allowed to video, audio record, or take photographs of the Proceedings. A copy of the official recording may be given to a requesting Interested Bidder and CSP Observer only upon request and approval of the BAC-PSA pursuant to Section 2.6 (Confidentiality) of the IPB. In case of video/audio recording of opening, discussion, or evaluation of Document Submissions, only the relevant portions involving the opening, discussion, or evaluation of the requesting Bidder's Document Submissions will be accessed/viewed.

5 In accordance with Section 4 of the IPB, the Proceedings will be conducted mainly using virtual video/audio conferencing using the Zoom application.

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 or before **27 September 2024**, the registration link will be sent to the email addresses of the authorized representatives of Bidders and CSP Observers ("Participants") who registered for the Proceedings.

4) The **deadline for registration is at 4:00 P.M. of 30 September 2024.**

5) A confirmation link will be sent to registered Participants after the deadline and successful registration.

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

1) The respective authorized representative/s of the Participants must be in the waiting room of the Zoom Meeting by **7:50 A.M. of 1 October 2024** in order for their attendance to be registered and considered.

2) **At 8:00 A.M**., the BAC-PSA Secretariat will start admitting into the Zoom Meeting the CSP Observers, the BAC-PSA, BAC-PSA representative/s and Technical Working Group ("TWG") members; authorized representative/s of the BAC-PSA's Independent Engineer; and, the Bidder's authorized representatives who 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 Pre-Qualification Document Submissions (Qualification Documents and Technical Proposals).

4) **At 9:00 A.M.,** a roll call of the registered and authorized representatives of the Participants that/who were able to meet the Bid Submission Deadline will be conducted by the BAC-PSA Secretariat.

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 BAC-PSA 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 BAC-PSA Secretariat to unmute. Only those recognized by the BAC-PSA or BAC-PSA 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 BAC-PSA 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 BAC-PSA Secretariat may give warnings to Participants who do not observe the House Rules by indicating the same in the chat box. The BAC-PSA Secretariat shall flag to the BAC-PSA Chairperson and recommend the removal of Participants who continue to disregard the House Rules and/or disrupt the Proceedings from the Zoom Meeting despite warnings.

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

B. SUBMISSION OF BIDS

1. The BAC-PSA shall only receive the Original Document Submissions box of the Bidders between **8:00 A.M. until 9:00 A.M. of 1 October 2024** ("Bid Submission Deadline''). In accordance with Section 3.4 of the IPB, Interested Bidders shall submit to the BAC-PSA 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.

2. The Bidder shall ensure that it will deliver the Document Submissions at the designated venue for submission at the **14th Floor, 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) enters the designated queue with the Document Submissions on or before the Bid Submission Deadline. The designated queue shall begin at the entrance Lobby of the 14th Floor, Lopez Building, Meralco Center, Meralco Ave., Pasig City.

   For this purpose, the Bidder shall submit to the BAC-PSA by **4:00 P.M. of 30 September 2024** 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 of the 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 at / inside the venue (i.e., 14th Floor, Lopez Building, Meralco Center, Meralco Ave, Pasig City) will be given queuing numbers, if necessary. Fixed and/or 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. After submission, the Bidders' authorized representatives (or designated persons authorized through, and possessing, Special Powers of Attorney) will be directed to leave the venue and attend the proceedings via the Zoom meeting link.

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*> shall be followed.

6. The envelopes or boxes, containing the original documents, of Bidders will be marked received by the BAC-PSA 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 BAC-PSA/TWG's table within clear view of the Zoom meeting video camera or video recording.

7. The BAC-PSA 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 BAC-PSA for evaluation and/or approval.

8. For clarity, the Bidder's duly registered authorized representatives will be allowed to enter the Zoom meeting venue for the Opening of Pre-Qualification Document Submissions (Qualification Documents and Technical Proposals) only after their Document Submissions are timely received by the BAC-PSA (and have duly registered themselves).

C. REMINDERS FOR ENTERING THE MERALCO OPERATIONS CENTER (MOC) ON 1 OCTOBER 2024.

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 Document Submissions box shall 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.); the possible closure of the left turn access going to Meralco Center Gate 2 if coming from EDSA or Meralco Ave; and the foot traffic peak/rush hours of the elevator wells going to the 14th Floor, Lopez Building, Meralco Center, Meralco Ave., Pasig City.

Approved on 16 September 2024.

ANNEX D

CHECKLIST OF DOCUMENT SUBMISSIONS*
400 MW (NET, EFFECTIVE SEPTEMBER 2025)

Bidder	
Nominated Plant/s (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 MERALCO's Bids and Awards Committee for Power Supply Agreements ("BAC-PSA") relating to Meralco's Competitive Selection Process for **400 MW MID-MERIT REQUIREMENT EFFECTIVE SEPTEMBER 2025**, the original copies of which are be submitted between **8:00 A.M. to 9:00 A.M. of 1 October 2024**.

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

(a) As a general rule, Interested Bidder/s should ensure that the electronic copy/ soft copy files of their Document Submissions are clear and complete as the BAC-PSA shall not be required to verify the contents of the Interested Bidder's electronic copy of the Document Submissions against the Original Copy. Instead, the opening of the Original Copy is subject to the BAC-PSA's sole discretion. In case of conflict or discrepancies between the electronic copy/ soft copy files and the hard copies/Original Copy, the submitted electronic / soft copy files shall prevail and any verification with the hard copies/Original Copy is subject to the BAC-PSA's sole discretion (Section 2.2 (e) of the IPB, as amended by Bid Bulletin No. 3)

(b) 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));

(c) Qualification Documents shall be prepared and written in the English language. For 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 BAC-PSA. 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 Interested Bidder's shorthand or acronym identification (e.g., "MERALCO Articles of Incorporation," "MERALCO Environmental Compliance Certificate dated NNN," "MERALCO AFS 2023," 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 Interested 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 Tariff shall be calculated up to the fourth (4th) decimal place (Section 3.4.1(g));

(k) Interested 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 Interested Bidder, a write-up should be submitted to explain the non-applicability. However, for any write-up/explanation, the Interested Bidder must know that it is a calculated and known risk on its part that it is submitting to the BAC-PSA'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 Interested Bidder;

(m) The authorized representative/s of the Interested Bidder/s who submitted the Original Copy are required to sign over the sealed flap of its Envelope 3 before placing it inside the sealed container box of its Document Submissions (Section 4.2.1);

(n) Subject to some allowed revisions issued in various Bid Bulletins to address specific circumstances of a bidder, Interested 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
400 MW CSP

[*QUALIFICATION DOCUMENTS (ENVELOPE 1) – ORIGINAL*]

[*TECHNICAL PROPOSAL (ENVELOPE 2) – ORIGINAL*]

BID (ENVELOPE 3) – ORIGINAL]

DO NOT OPEN BEFORE 9:30 A.M. of 1 OCTOBER 2024

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

Pursuant to the Disclaimer of the IPB, the BAC-PSA 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

	Bid Documents	Page No. in the set	Form	Notes	Yes	No	*Comments*
1	**One (1) Original copy** **Three (3) Electronic copies contained in a USB/thumb flash memory drive, attached/taped to the set of the Original copy**			Each page shall be marked as "Envelope 1-QD-Original".			
2	**TABLE OF CONTENTS** *(Sec. 3.4.1(a))*			All pages must be numbered consecutively.			
3	**EXPRESSION OF INTEREST (EOI), CONFIDENTIALITY UNDERTAKING (CU), AND ACKNOWLEDGEMENT AND CONSENT FORM FOR DATA PRIVACY**			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 BAC-PSA Secretariat, for ease of reference and proper compilation of the BAC-PSA. More importantly, for the hard copies, this is the only opportunity for the Bidders to submit the hard copy of said documents to the BAC-PSA (placed in Envelope 1 and inside the Original Copy box).			
4	**SWORN ACKNOWLEDGMENT ON THE BID BULLETINS**		*(see Bid Bulletin No. 7)*	Should be notarized and is the original copy of the electronic copy submitted to the BAC-PSA at the deadline set *(see Bid Bulletin No. 7)*			
5	**APPLICATION TO QUALIFY AND PARTICIPATE IN THE BIDDING** *(Sec. 3.1.1)* ***Attachment:*** Authority to Participate in the Bidding and Designation of Authorized Representative Sworn Attestation on the Capital Recovery Fee offer		Annex QD-1 Annex QD-1A Annex QD-1B	Annexes QD-1, QD-1A and QD-1B should be notarized. *As amended by Bid Bulletin No. 1*			
6	**COMPANY INFORMATION** *(Sec. 3.1.2)* ***Attachments:*** (a) Executive Summary of Bidder's company history and structure (b) SEC Certificate of Incorporation/Partnership; (c) Articles of Incorporation and By-Laws or Articles of Partnership; (d) Latest General Information Sheet, stamped "received" by the SEC;		Annex QD-2	(Subject to some allowed revisions issued in various Bid Bulletins to address specific circumstances of a bidder) For the Attachments, the required notarized certifications must be followed. For Attachment (b), only the one pager Certificate of Registration, usually attached with the Articles of Incorporation need be submitted. If it forms part together with			

	Bid Documents	Page No. in the set	Form	Notes	Yes	No	*Comments*
	(e) Diagram of the corporate/partnership 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. (f) 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. Moreover, each party to the joint venture or consortium must separately submit an undertaking as to its commitment to infuse the required equity contribution to the joint venture or consortium.			Attachment (c), this will be acceptable. For Attachment (b), if the Articles of Incorporation has been amended several times, only the most recent amended AOI need be submitted. GIS – e-mail acknowledgement of the SEC would suffice as a substitute of the SEC stamp "received." Diagram of the corporate structure – only up to Affiliates engaged in the power industry.			
7	**SWORN ATTESTATION AGAINST CORRUPTION** *(Sec. 3.1.2 (g))*		Annex QD-3	Should be notarized.			
8	**SWORN ATTESTATION OF NO CONFLICT OF INTEREST** *(Sec. 3.1.2 (h))*		Annex QD-4	Should be notarized.			
9	**CERTIFICATION THAT NOMINATED PLANT IS UNCONTRACTED** *(Sec. 3.1.2(i))*		Annex QD-5	Should be notarized.			
10	**BIDDER'S CERTIFICATION OF ABSENCE OF UNSATISFACTORY PERFORMANCE RECORD, OUTSTANDING DISPUTE, OR DUE AND DEMANDABLE FINANCIAL OBLIGATION/S** *(Sec. 3.1.3)* ***Attachments:*** (a) List of the Bidder's Counterpart(ies)/Financial Lenders (b) Counterparty's Certification of Absence of Unsatisfactory Performance Record, Outstanding Dispute or Due and Demandable Financial Obligation/s		Annex QD-6 Annex A of Annex QD-6 Annex QD-6-A	Should be notarized. Should be notarized.			
11	**CERTIFICATION REGARDING TECHNICAL QUALIFICATION (REFERENCE PLANT)** *(Sec. 3.1.4)* ***Attachments:*** (a) The Bidder, whether directly or through any of its direct shareholders representing Controlling interest, Affiliates or Ultimate		Annex QD-7 Certification regarding Technical Qualification	The Certification regarding Technical Qualification (Reference Plant), to be used as the cover page of all Attachments in Annex QD-7, should be notarized. (Subject to some allowed revisions issued in various Bid Bulletins			

	Bid Documents	Page No. in the set	Form	Notes	Yes	No	*Comments*
	Parent must submit: (i) list of projects undertaken over the last ten (10) years; (ii) list of electricity generation plants that it has operated for the last five (5) years; **and** (iii) proof /documentation of track record for the last five (5) years of power plants operated by it; (b) Proof that, as a general rule, the Bidder or any of its direct shareholders with Controlling interest, Affiliate or Ultimate Parent, has, in the reasonable opinion of the BAC-PSA, satisfactorily undertaken the development, construction, and/or operation or maintenance of, as a general rule, a single power plant of at least 150 MW (AC, net) installed capacity (firm, dispatchable and has attained a simple monthly average of at least 50% PCF over a 3-month consecutive period of operations) ("Reference Plant"), whether in the Philippines or elsewhere; (c) In respect of any Reference Plant, proof that the Reference Plant is capable of generation of electricity of at least 150 MW (AC, net), which must be supported by an official document [GCMR] of the Bidder's Reference Power Plant as submitted by the Bidder to the ERC, showing that it attained a simple monthly average of at least 50% PCF over a 3-month consecutive period of operations within the most recent forty-two (42) month period of operations, certified as a true copy by the corporate secretary, in which case it must be under oath and notarized. If the Reference Plant is located outside of the Philippines, the Bidder must provide any equivalent or similar official document like the GCMR which is submitted to or issued by that foreign country's regulatory body or agency, and such document must be certified as a true copy by the corporate secretary, in which case it must be under oath and notarized; (d) Proof that the Reference Plant is covered by a Certificate of Compliance (COC) or Provisional Authority to Operate (PAO) from the ERC, as submitted by the Bidder as a certified true copy by (i) the ERC; or (ii) the corporate secretary, in which case it must be under oath and notarized. If the COC/PAO is not available as			to address specific circumstances of a bidder)			

	Bid Documents	Page No. in the set	Form	Notes	Yes	No	*Comments*
	of Bid Submission Deadline, the Bidder must submit an application for a COC/PAO pending before the ERC or any other official document coming from the ERC confirming the Reference Plant's authority to operate at least 150 MW (AC, net). If the Reference Plant is located outside of the Philippines, it must have the license or permit equivalent to the ERC's COC/PAO (e.g. a certification issued by that foreign country's regulatory body or agency for the power industry that the Reference Plant is licensed or authorized to operate a power plant - a self-certification issued by the Reference Plant's developer, owner or operator will not be accepted); (e) In respect of a Reference Plant located in Luzon or Visayas, it must be registered as a direct member of the WESM and submit a copy of its Market Participation Agreement for the Reference Power Plant, which shall be certified as a true copy by (i) the Philippine Electricity Market Corporation and/or Independent Electricity Market Operator of the Philippines; or (ii) the corporate secretary, in which case it must be under oath and notarized. If the Reference Plant is located outside of the Philippines, it must submit the equivalent of these documents if in a foreign country and such document must be certified as a true copy by the corporate secretary, in which case it must be under oath and notarized; and (f) Proof that the Reference Plant is covered by a valid Transmission Service Agreement (TSA) or a Distribution Wheeling Service Agreement (DWSA), if embedded, which shall be duly certified by the National Grid Corporation of the Philippines (NGCP) or applicable distribution utility, or the corporate secretary, in which case it must be under oath and notarized. If the Reference Plant is located outside of the Philippines, the Bidder must submit the equivalent of these documents if in a foreign country and such document must be certified as a true copy by the corporate secretary, in which case it must be under oath and notarized;						

	Bid Documents	Page No. in the set	Form	Notes	Yes	No	*Comments*
	(g) If applicable, the Reference Plant's valid Fuel Supply Agreement, if available, otherwise a Fuel Procurement Plan containing a narrative description of strategies and plans for ensuring long-term availability of fuel and regulatory compliance on fuel inventory and specification, which shall be certified as a true copy by the corporate secretary/assistant corporate secretary, in which case it must be under oath and notarized; and (h) If available, 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.						
12	**STATEMENT OF FINANCIAL CAPABILITY** *(Sec. 3.1.5)* ***Attachments:*** (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, 2023) duly stamped "received" by the Bureau of Internal Revenue ("BIR") or SEC, or the equivalent thereof in a foreign country; ***and*** (b) copy of the most recent quarterly financial statements, which shall be certified as a true copy by the chief financial officer or treasurer, and must be under oath and notarized.		Annex QD-8	The Statement of Financial Capability, to be used as the cover page of all attachments in Annex QD-8, should be notarized and should show that if the Nominated Plant is already in commercial operation, the financial statements must show an Unrestricted Net Worth equivalent to Seven Million Pesos (PhP7,000,000.00) multiplied by MegaWatt (MW) of Offered Contract Capacity, or, if the Nominated Plant is not yet in commercial operation, the financial statements must show, as a general rule, an Unrestricted Net Worth of at least 30% of the Project Cost (defined below) ("Required Unrestricted Net Worth"). (Subject to some allowed revisions issued in various Bid Bulletins to address specific circumstances of a bidder) E-mail acknowledgement of the BIR/SEC would suffice as a substitute of the BIR/SEC stamp "received." Attachment (a) must be certified as a true copy by (i) the BIR or SEC, or the equivalent thereof			

	Bid Documents	Page No. in the set	Form	Notes	Yes	No	*Comments*
				in a foreign country; or (ii) the chief financial officer or treasurer, in which case, it must be under oath and notarized. For Attachment (b), All available quarterly FS after the most recent Audited FS should be submitted. For example, if the latest AFS is for the year ending December 2023, then quarterly FS for 1st [to 2nd, 3rd, or 4th, if available] quarters of 2024 should be submitted.			
13	**(If Nominated Plant is not yet in commercial operation)** **STATEMENT ON PROJECT COST AND FINANCING PLAN** *(Sec. 3.1.6)* ***Attachments:*** (a) Commitment Letter; and (b) Testimonial.		Annex QD-9 Annex QD-9A Annex QD-9B	The Statement on Project Cost and Financing Plan, to be used as the cover page of all attachments in Annex QD-9, should be notarized. (Subject to some allowed revisions issued in various Bid Bulletins to address specific circumstances of a bidder)			

ENVELOPE 2 – TECHNICAL PROPOSAL

	Bid Documents	Page no. in the set	Form	Notes	Yes	No	Comments
1	**One (1) Original copy** **Three (3) Electronic copies contained in a USB/thumb flash memory drive, attached/taped to the set of the Original copy**			Each page shall be marked as "Envelope 2-TP-Original".			
2	**TABLE OF CONTENTS** *(Sec. 3.4.1(a))*			All pages must be numbered consecutively.			
3	**TECHNICAL PROPOSAL (NOMINATED PLANT)** *(Sec. 3.2)* ***Attachments:*** (a) Proof that the Bidder or its direct shareholder representing Controlling interest is the developer of, owner of, and Controls, the Nominated Plant and has sufficient authority to enter into the offtake agreement with Meralco; (b) 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"). From August 26, 2025 and for the duration of the PSA, no capacity and electrical output within the Contract Capacity shall be contracted under an agreement apart from the resulting PSA of this Bidding; provided that, if Bidder's Plant is contracted, Bidder must be able to terminate such agreement on or before OED to fulfill requirements under the resulting PSA (c) Evidence of land acquisition, or legal possession of the proposed site/s of the Nominated Plant (i.e. including the Energy Storage System ["ESS"] component, if any) over the Required Contract Period, which, as a general rule, shows that the Bidder has acquired legal possession of the right, title or interest therein, including, but not limited to, the following permits or certificates issued by the appropriate government or administrative agency (e.g. Land Use Conversion, Foreshore Lease Agreement, etc.). (d) The Bidder shall provide a description for the Nominated Plant, and of its use of a technology that complies with the prevailing emission standards under pertinent DENR issuances on emission and other environmental standards for power plants as well as the		Annex TP-1	The Certification regarding Technical Proposal (Nominated Plant), to be used as the cover page of all attachments in Annex TP-1, should be notarized. (Subject to some allowed revisions issued in various Bid Bulletins to address specific circumstances of a bidder)			

	Bid Documents	Page no. in the set	Form	Notes	Yes	No	Comments
	appropriate international codes and standards (e.g. IEC-International Electro-technical Commission, IEEE-Institute of Electrical and Electronics Engineers, ANSI-American National Standards Institute, ASME-American Society of Mechanical Engineers, ASNT-American Society for Non-destructive Testing, ASTM-American Society for Testing and Materials, BSI-British Standards Institute, ISO-International Organization for Standardization, NBS-National Bureau of Standards, USA, NACE-National Association of Corrosion Engineers, NEMA-National Electrical Manufacturers Association, PBC-Philippines Building Code, etc.), provided compliance with statutory and local Philippines laws and regulations shall take precedence over international standards. (e) The Bidder shall provide convincing proof that the technology of the Nominated Power Plant is of proven design, which means that a generating unit of the same technology, with at least 150 MW installed capacity, must have been engaged in reliable commercial operation for at least one (1) year in a 60 Hertz system ("Comparable Plant"). The Comparable Plant will be considered to have been in "reliable" commercial operation for the purposes of this requirement once the BAC-PSA's independent engineer determines and certifies that the Bidder's submitted Comparable Plant has an average forced outage factor that has not been above five percent (5%) and its average Unit equivalent availability factor has not been below 50% for the duration of the commercial operation period except in a year of a major planned overhaul. For this purpose, the Bidder's authorized representative should submit a notarized certification attaching as proof a certification, issued by the Comparable Plant's owner, operator, or manufacturer that the Comparable Plant is of proven design, which means that a generating unit of the same technology, with at least 150 MW installed capacity, must have been engaged in reliable commercial operation for at least one (1) year in a 60 Hertz system. For clarity, when the certification from the Comparable Plant's owner, operator, or manufacturer is issued or executed in a foreign						

	Bid Documents	Page no. in the set	Form	Notes	Yes	No	Comments
	country, it should be authenticated or apostilled; (f) The Project's Feasibility Study; (g) Details of the Project's execution, where the Bidder shall provide a description on how it will carry out the development, financing, construction, interconnection, operation, and maintenance of the Nominated Plant, including but not limited to general information on the Nominated Plant and its key components (e.g., boiler, turbine and generator), such as the design data (e.g., type, including specific fuel, number of units, and capacity), proposed plant site/s, and proposed interconnection site/s; the key project milestone schedule, if available; and the details on the development, engineering, procurement and construction plan of the Nominated Plant; (h) The Bidder shall submit a certified statement that the Nominated Plant is capable of operating consistent with the Performance Guarantees in Annex TP-2; (i) If applicable, the Bidder shall also provide in Annex TP-2 the specifications of the Performance Fuel by way of a Proximate Analysis and Ultimate Analysis. The Performance Fuel shall be used for the conduct of the Net Dependable Capacity (NDC) Test and the Heat Rate Test (HRT) in accordance with the PSA; (j) If applicable, the Fuel Supply Agreement, if available, otherwise a Fuel Supply Procurement Plan containing a narrative description of strategies and plans for ensuring long-term availability of fuel and regulatory compliance on fuel inventory and specification. Each Bidder shall ensure that it shall procure its fuel supply and its freight following a competitive selection process to be promulgated; (k) The Renewable Energy Contract/s for the Nominated Plant executed with the DOE; or an application for Renewable Energy Contract/s pending before the DOE, provided that if the Bidder's Bid Price is declared as the Best Bid, a certified true copy of the Renewable Energy Contract/s must be submitted during Post-Qualification; (l) The Environmental Compliance Certificate/s (ECC)						

	Bid Documents	Page no. in the set	Form	Notes	Yes	No	Comments
	issued by the Department of Environment and Natural Resources (DENR) for the Nominated Plant, or application/s for ECC pending before the DENR, provided that if the Bidder's Bid Price is declared as the Best Bid, a certified true copy of the ECC issued by the DENR must be submitted during Post-Qualification; (m) The Grid Impact Study/ies (GIS) / System Impact Study/ies (SIS) for the Nominated Plant or, if embedded, Distribution Impact Study (DIS) / Distribution Asset Study (DAS) (which should include amendments, if any), whichever is applicable, issued by NGCP or applicable distribution utility; or application/s for GIS/SIS or DIS/DAS, pending before the NGCP or applicable distribution utility, provided that if the Bidder's Bid Price is declared as the Best Bid, a certified true copy of the GIS/SIS or DIS/DAS, must be submitted during Post-Qualification; (n) If applicable, the Certificate/s of Non-Overlap (CNO) and/or Free and Prior Informed Consent (FPIC) Certificate/s issued by the National Commission on Indigenous Peoples (NCIP) for the Nominated Plant, or application/s for the CNO and/or FPIC Certificate pending before the NCIP, provided that if the Bidder's Bid Price is declared as the Best Bid, a certified true copy of the CNO and/or FPIC Certificate/s issued by the NCIP must be submitted during Post-Qualification; (o) If applicable, the Water Rights Permit/s issued by the National Water Resources Board (NWRB) for the Nominated Plant, or application/s for the Water Rights Permit/s before the NWRB, provided that if the Bidder's Bid Price is declared as the Best Bid, a certified true copy of the Water Rights Permit issued by the NWRB must be submitted during Post-Qualification; (p) If available, 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/assistant corporate secretary, in which case it must be under oath and notarized; and (p) If the Nominated Plant is already in commercial operation, items (c) to (p) above will not be required, instead, Bidder must submit a certified statement that						

	Bid Documents	Page no. in the set	Form	Notes	Yes	No	Comments
	the Nominated Plant is capable of operating consistent with the Performance Guarantees in Annex TP-2 and the Nominated Plant's: 1. Certificate of Compliance (COC) or Provisional Authority to Operate (PAO) from the ERC at the start of the Operations Effective Date of the PSA, as submitted by the Bidder as a certified true copy by (i) the ERC; or (ii) the corporate secretary/assistant corporate secretary, in which case it must be under oath and notarized; 2. Registration as a direct member of the WESM and a copy of its Market Participation Agreement for the Nominated Plant, which shall be certified as a true copy by (i) the PEMC and/or IEMOP; or (ii) the corporate secretary/assistant corporate secretary, in which case it must be under oath and notarized, must be submitted; 3. Fuel Supply Agreement, if available, otherwise a Fuel Procurement Plan containing a narrative description of strategies and plans for ensuring long-term availability of fuel and regulatory compliance on fuel inventory and specification, which shall be certified as a true copy by the corporate secretary/assistant corporate secretary, in which case it must be under oath and notarized; and 4. Valid Transmission Service Agreement (TSA) or, if embedded, a Distribution Wheeling Service Agreement (DWSA), which shall be duly certified by the National Grid Corporation of the Philippines (NGCP) or applicable distribution utility, or the corporate secretary/assistant corporate secretary, in which case it must be under oath and notarized.						
4	**PERFORMANCE GUARANTEES (NOMINATED POWER PLANT)** *(Sec. 3.2(g))*		Annex TP-2	Annex TP-2 should be notarized.			

ENVELOPE 3 – BID PRICE AND BID SECURITY

	Bid Documents	Page no. in the set	Forms	Notes	Yes	No	Comments
1	**One (1) Original copy** **Three (3) Electronic copies contained in a USB/thumb flash memory drive, attached/taped to the set of the Original copy**			Each page shall be marked as "Envelope 3-BID-Original".			
2	**TABLE OF CONTENTS** *(Sec. 3.4.1(a))*			All pages must be numbered consecutively.			
3	**BID LETTER** *(Sec. 3.3(a))*		Annex BID-1	Annex BID-1 should be notarized.			
4	**BID SECURITY** *(Sec. 3.3(b))*		Annex BID-2 ANNEX A to Annex BID-2: DEMAND FOR SIGHT PAYMENT	Annex BID-2 should be notarized. The Bid Security equivalent to three (3)-month contract cost of the proposed PSA computed using the bid price offered by the Interested Bidder, in the form of a managers check or an irrevocable standby letter of credit, which must be issued by one or more universal or commercial banks. 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 The Bid Security shall be valid for the duration of the bidding process provided it shall be initially valid for sixty (60) days from the Bid Submission Deadline but in no case beyond one hundred eighty (180) days from the Bid Submission Deadline.			
5	**FINANCIAL EVALUATION WORKBOOK ("FEW")** *(Sec. 3.3(d) and (e))* *See* pages 31-32 of the IPB. (a) A soft copy of the Bidder's duly accomplished Financial Evaluation Workbook submitted as an electronic copy file uploaded to the cloud-based folder and contained in USB/thumb flash memory drive (attached to the Original Copy). (b) Print outs of the relevant worksheets enumerated below, as reflected in the Financial Evaluation Workbook of the Bidder and signed by the Bidder's authorized representative:						

	Bid Documents	Page no. in the set	Forms	Notes	Yes	No	Comments
	i. Input_HistoricalValues worksheet ii. Input_FuelFormula worksheet iii. LCOE Result worksheet iv. Base Rates Table worksheet v. GNPHR Table worksheet vi. LR Cap Table worksheet vii. Bid Security worksheet Hard copy of the supporting or source documents to validate that the provided actual monthly values of the Bidder's chosen Nominated Fuel Index/Indices for the period April 2021 to March 2024 monthly figures are the actual values of the Nominated Fuel Index/Indices as released by their respective publishers, and Hard copy of the supporting or source documents to validate that the provided actual values of the non-fuel commodity costs in the Fuel Formula is for the period of April 2021 to March 2024, if applicable						
6	**ACKNOWLEDGEMENT AND ACCEPTANCE OF THE POWER SUPPLY AGREEMENT TEMPLATE** *(Sec. 3.3(c))*		Annex BID-3				

ANNEX E

REPUBLIC OF THE PHILIPPINES }
CITY OF _____ }

SWORN ACKNOWLEDGMENT ON THE BID BULLETINS

I, *(name), (citizenship),* of legal age, with office address at *(address)*, as the *(position/designation)* and duly authorized representative of *(**insert name of the Bidder**)* (the "**COMPANY**"), a *(corporation/partnership)* organized and existing under and by virtue of the laws of the Republic of the Philippines, after having been duly sworn to in accordance with law, depose and state that:

1. The COMPANY is a prospective Bidder for MERALCO's Competitive Selection Process for its *(capacity)* MW power supply requirement (the "**CSP**");

2. Pursuant to Section 6, Appendix B of the Energy Regulatory Commission's Resolution No. 16, Series of 2023,[1] the undersigned acknowledges that:

    a. The amendments released by the BAC-PSA through the following Bid Bulletins in this Bidding were released to, and duly received by, (name of Bidder) at least fifteen (15) days before the Bid Submission Deadline on **1 October 2024**:

        i. Bid Bulletin No. 1 (dated 3 July 2024);
        ii. Bid Bulletin No. 2 (dated 10 July 2024);
        iii. Bid Bulletin No. 3 (dated 18 July 2024);
        iv. Bid Bulletin No. 4 (dated 1 August 2024);
        v. Bid Bulletin No. 5 (dated 20 August 2024);
        vi. Bid Bulletin No. 6 (dated 29 August 2024); and
        vii. Bid Bulletin No. 7 (dated 16 September 2024).

    b. (Bidder's name) agrees that the Bid Bulletins, including the amendments to the Bidding Documents subject of said Bid Bulletins, have/had been duly considered in the preparation of its bid; and

    c. The foregoing considered, the (Bidder's name) expressly consents to the conduct of the Bid Submission on **1 October 2024**.

3. I am executing this Sworn Undertaking to attest to the truth of the foregoing and for whatever purpose it may serve.

[1] "xxx. All Bidders shall be duly notified by the DU of any amendment, not later than fifteen (15) calendar days before the deadline for submission of bids, to allow the participants to consider the same in preparation of their bids. xxx"

(Date and Place of Execution.)

By:

(Name, Designation, and Signature of the Company's Representative)

ACKNOWLEDGMENT

BEFORE ME, a Notary Public for and in _____ City, Philippines, this _____ day of _____, 20_____, personally appeared:

	Competent Evidence of Identity	Date of Issue/Expiry Date and Place Issued

known to me and to me known to be the same person who executed the foregoing instrument for and on behalf of the *(corporation/partnership)* that *(he/she)* represents, and that *(he/she)* acknowledged before me that the same is *(his/her)* free and voluntary act and deed, as well as that of the *(corporation/partnership)* that *(he/she)* represents, and that *(he/she)* is duly authorized to sign, execute and deliver the same.

This instrument, consisting of _____ pages, including the page on which this acknowledgment is written, has been signed on each and every page thereof by _____ and *(his/her)* witness/es, and sealed with my notarial seal.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the date and the place first above-written.

Doc. No._____;
Page No._____;
Book No._____;
Series of ___.