BIDDING
BASELOAD CONTRACT CAPACITY OF 400 MW (NET), EFFECTIVE 26 FEBRUARY 2024

BID BULLETIN NO. 4

To all Interested Bidders:

1. The Bid Submission Deadline and Opening of Pre-Qualification Document Submissions (Qualification Documents and Technical Proposals) on 27 February 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;

2. 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 A**;

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 B;**

4. 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 and shall be so indicated in the bid*."

   In line with this requirement, we hereby release as **ANNEX C** 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 27 February 2024:

i. Bid Bulletin No. 1 (dated 17 January 2024);
ii. Bid Bulletin No. 2 (dated 25 January 2024); and
iii. Bid Bulletin No. 3 (dated 12 February 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 27 February 2024.

The said "Sworn Acknowledgment on the Bid Bulletins" must be submitted (i) on or before **4:00 P.M. of 23 February 2024** to the BAC-PSA (c/o the BAC-PSA Secretariat's e-mail) **and** (ii) included in Envelope 1 (Qualification Documents) of the Interested Bidder's Document Submissions to be submitted at the Bid Submission Deadline.

5. A matrix containing the query that have been received by the BAC-PSA on 16 February 2024, and the corresponding response of, the Meralco's BAC-PSA is set out in **ANNEX D**. The BAC-PSA notes that the query was submitted past the 30 January 2024 deadline provided in the IPB. **For orderly proceedings, the BAC-PSA will no longer entertain further additional comment/s.**

6. 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 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 **21 February 2024. The deadline for registration is at 4:00 P.M. of 23 February 2024.**; and

7. 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 23 February 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.

Issued on 20 February 2024.

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

(sgd)
Lawrence S. Fernandez
Chairman

ANNEX A

HOUSE RULES
BID SUBMISSION AND OPENING
OF DOCUMENT SUBMISSIONS
BASELOAD CONTRACT CAPACITY OF 400 MW (NET),
EFFECTIVE 26 FEBRUARY 2024
27 February 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 BASELOAD CONTRACT CAPACITY OF 400 MW (NET), EFFECTIVE 26 FEBRUARY 2024, 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 **21 February 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 23 February 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 27 February 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 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 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 27 February 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 (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 **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 23 February 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) 14th Floor 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 27 January 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 20 February 2024.

ANNEX B

CHECKLIST OF DOCUMENT SUBMISSIONS*
BASELOAD CONTRACT CAPACITY OF 400 MW (NET), EFFECTIVE 26 FEBRUARY 2024

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 **BASELOAD CONTRACT CAPACITY OF 400 MW (NET), EFFECTIVE 26 FEBRUARY 2024**, and to be uploaded to a cloud-based folder no later than **9:00 A.M. of 27 February 2024**, and the original copy of which to be submitted between **8:00 A.M. to 9:00 A.M. of 27 February 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) 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) 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;

(c) Each set of the Qualification Documents, Technical Proposal or Bid Price should contain a table of contents (Section 3.4.1(a));

(d) 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));

(e) 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));

(f) 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 2022," etc.). (Section 3.4.1(d));

(g) 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));

(h) 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));

(i) The Proposed Tariff shall be calculated up to the fourth (4th) decimal place (Section 3.4.1(g));

(j) 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));

(k) 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;

(l) 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);

(m) 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 27 FEBRUARY 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) Electronic copy uploaded to the cloud-based folder** **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. 4)*	Should be notarized and is the original copy of the electronic copy submitted to the BAC-PSA at the deadline set on 4:00 P.M. of 23 February 2024 *(see Bid Bulletin No. 4)*			
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. 3*			
6	**COMPANY INFORMATION** *(Sec. 3.1.2)* ***Attachments:*** (a) Executive Summary of Bidder's company history and structure (b) SEC Certificate of Incorporation/Partnership;		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 (a), only the one pager			

	Bid Documents	Page No. in the set	Form	Notes	Yes	No	*Comments*
	(c) Articles of Incorporation and By-Laws or Articles of Partnership; (d) Latest General Information Sheet, stamped "received" by the SEC; (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.			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. 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	The Bidder, whether directly or through any of its direct shareholders representing Controlling interest, Affiliates or Ultimate Parent must						

	Bid Documents	Page No. in the set	Form	Notes	Yes	No	*Comments*
	submit: (i) list of power plant 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.						
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, 2022) 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-7	The Statement of Financial Capability, to be used as the cover page of all attachments in Annex QD-7, should be notarized and should show that the consolidated financial statements show an Unrestricted Net Worth equivalent to Seven Million Pesos (PhP7,000,000.00) multiplied by MegaWatt (MW) of Offered Contract Capacity (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 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 2022, then quarterly FS for 1st to 3rd [or 4th, if available] quarters of 2023 should be submitted.			

ENVELOPE 2 – TECHNICAL PROPOSAL

	Bid Documents	Page no. in the set	Form	Notes	Yes	No	Comments
1	**One (1) Electronic copy uploaded to the cloud-based folder** **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; (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"). If multiple units, minimum of 50 MW (gross) per unit and should have the same fuel type; (b) From 26 February 2024 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 PSA resulting from this Bidding; (c) The Nominated Plant must be covered by a Certificate of Compliance (COC) or Provisional Authority to Operate (PAO) from the ERC at the start of the OED 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; (d) The Nominated Plant must be registered 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;		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) (For attachment b., *see* Bid Bulletin No. 2 - The BAC-PSA may, at its sole discretion on justifiable grounds, allow an application for the renewal of the COC/PAO to be submitted, provided that the Bidder could not use an unsuccessful renewal as a reason for non-performance of its obligations under the PSA. The Bidder is advised to include a write-up explanation when submitting a mere application for COC renewal/PAO extension, which should include a discussion of the status of such application and any recent developments. Including a certification issued by the ERC which states that the COC/PAO is being evaluated for renewal or extension is also recommended to support such write-up explanation.)			

	Bid Documents	Page no. in the set	Form	Notes	Yes	No	Comments
	(e) The Nominated 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 (f) The Nominated Plant must be covered by a 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..						

ENVELOPE 3 – BID PRICE AND BID SECURITY

	Bid Documents	Page no. in the set	Forms	Notes	Yes	No	Comments
1	**One (1) Electronic copy uploaded to the cloud-based folder** **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 28 to 29 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			*Amended by Bid Bulletin No. 3*			

	Bid Documents	Page no. in the set	Forms	Notes	Yes	No	Comments
	Bidder's authorized representative: i. Headline Rate Result worksheet ii. Base Rates Table worksheet iii. Bid Security worksheet, and (c) If the Bidder shall submit the latest three (3)-month average actual landed fuel cost of its Nominated Power Plant/s, then the Bidder shall submit the hard copy of the supporting or source documents of its Nominated Power Plant/s' latest three (3)-month actual landed fuel cost to validate that the provided three (3)-month average actual landed fuel cost in the Financial Evaluation Workbook is correct. For clarity, the three (3)-month average actual landed fuel cost must be computed by simple averaging of the monthly actual landed fuel cost for the period of October to December 2023. (d) If the Bidder's actual landed fuel cost for October to December 2023 is under an expiring fuel supply agreement, and the new fuel supply agreement will commence during the Required Contract Period, then the Bidder must submit the landed fuel cost using the fuel price formula under the new fuel supply agreement but applying the actual indices for the period of October to December 2023. To validate the resulting values of the new fuel price formula using the actual indices, the Bidder must submit the hard copy and soft copy of the (i) the fuel price formula of the new fuel supply agreement and, (ii) the actual indices used for the period Oct-Dec 2023. (e) If the Bidder will not use the actual plant heat rate corresponding to the months of Oct-Dec 2023 as the basis for converting its historical average landed fuel cost components, then it must also submit a hard copy and soft copy of its Guaranteed Net Plant Heat Rate (GNPHR) Table (in Btu/kWh, HHV/GCV) showing its heat rate at different load factors (starting at 40% load factor for coal / 50% load factor for natural gas, up to 100% load factor, and at 1% load factor intervals). During						

	Bid Documents	Page no. in the set	Forms	Notes	Yes	No	Comments
	implementation, the actual fuel cost shall be subject to a heat rate cap wherein the value to be used shall be the lower between (i) the corresponding value under the GNPHR Table, and (ii) the actual heat rate.						
6	**ACKNOWLEDGEMENT AND ACCEPTANCE OF THE POWER SUPPLY AGREEMENT TEMPLATE** *(Sec. 3.3(c))*		Annex BID-3				

ANNEX C

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 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, the COMPANY at least fifteen (15) days before the Bid Submission Deadline on 27 February 2024:

        i. Bid Bulletin No. 1 (dated 17 January 2024);
        ii. Bid Bulletin No. 2 (dated 25 January 2024); and
        iii. Bid Bulletin No. 3 (dated 12 February 2024);

    b. The COMPANY 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 the COMPANY's bid; and

    c. The foregoing considered, the COMPANY expressly consents to the conduct of the Bid Submission on 27 February 2024.

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

(Date and Place of Execution.)

[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"

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 ___.

COMPETITIVE SELECTION PROCESS (CSP) FOR CONTRACT CAPACITY OF 400 MW (NET), EFFECTIVE 26 FEBRUARY 2024

INSTRUCTIONS TO PROSPECTIVE BIDDERS / BIDDING DOCUMENTS-RELATED QUERIES/COMMENTS				
BIDDER NAME (ACRONYM)	**TOPIC / BID DOCUMENT REFERENCE**	**ARTICLE / SECTION / PAGE NO.**	**DISCUSSION OF COMMENTS / QUESTIONS FOR CLARIFICATION RECOMMENDATIONS / PROPOSED WORDING**	**BAC-PSA's RESPONSE**
FNPC	Proof of track record of operation of plants in the last 5 years	IPB, Section 3.1.4, page 25 Bid Bulletin 3, 7	In Bid Bulletin 3, BAC-PSA allowed for the submission of Integrated Reports to comply with IPB Section 3.1.4, which requires the Bidder to submit proof/documentation of track record for the last 5 years of power plants operated by it. If the Integrated Report for 2023 is unavailable, please confirm that the Interested Bidder can submit, in the alternative, the printouts of downloads of the available quarterly PEMC WESM Generators Compliance Ratings in the IEMOP online dashboard for 2023 to comply with the requirement in IPB Section 3.1.4. The printouts shall contain Generator's Offered Capacity Compliance Ratings in relation to the Must Offer Rule, Availability, and Dispatch Conformance Standards Ratings.	Yes, this will be allowed.