



A.B. Fernandez West, Dagupan City  
(075) 522-2782; 522-2940

**BID BULLETIN NO. 21-001**  
**November 17, 2021**

**DECORP's COMPETITIVE SELECTION PROCESS (CSP) FOR THE  
PROCUREMENT OF 20MW (10MW BASELOAD WITH 10MW LOAD  
FOLLOWING) CONTRACTED CAPACITY**

This Bulletin is issued pursuant to the requirements of DC2018-02-0003 to reply to written queries or clarifications of prospective bidders regarding certain provisions in the Bidding Documents issued for this CSP, specifically those raised by prospective bidders during the first and second Pre-Bid Conferences held on October 29, 2021 and November 10, 2021 respectively.

No.	Reference	Amendment/Clarification
1	II. IB. C. Terms of Reference <i>Contract Capacity</i>  20 MW Baseload with Load Following Contracted Capacity, with 50% minimum nomination, for a period of ten (10) years commencing on October 26, 2022, subject to the approval of the Energy Regulatory Commission (ERC) of the Power Supply Agreement (PSA) which shall be jointly filed by DECORP and the Winning Bidder.	The 20 MW Baseload with Load Following Contract Capacity with 50% minimum nomination shall mean 10MW firm baseload and the next 10MW is on load following. The 10MW baseload shall be the minimum nominated capacity up to a maximum nominated capacity of 20MW based on DECORP load profile which will be provided to the prospective bidders. This is to avoid over nomination during off-peak hours especially in the colder months of January and February.  There will be a minimum monthly energy equivalent to 50% of the contracted capacity (10MW) up to the maximum monthly energy equivalent to 100% (20MW) of the contracted capacity. Nominations are on an hourly basis subject to change by the Market Operator.
2	II. IB. C. Terms of Reference <i>Contract Capacity</i> 20 MW Baseload with Load Following Contracted Capacity, with 50% minimum nomination, for a period of ten (10) years	Based on DECORP's PSPP contained in its DPP, its current 10MW bilateral contract will expire on October 25, 2022; hence, the indicated date of October 26, 2022 as the start of the new bilateral contract. In the event that the PA or FA is

	commencing on October 26, 2022, subject to the approval of the Energy Regulatory Commission (ERC) of the Power Supply Agreement (PSA) which shall be jointly filed by DECORP and the Winning Bidder.	issued before October 26, 2022, the start date remains to be October 26, 2022. Otherwise, the Effective Date will be on the next billing cycle following the receipt of the ERC PA or FA. Consequently, the 10 year contract duration will adjust accordingly.
3	<p>II. IB. C. Terms of Reference <i>Replacement Power</i></p> <p>Winning bidder shall provide replacement power to DECORP at a cost lower or equal to the contract price during planned or forced outages/shutdowns including force majeure.</p>	<p>The winning bidder shall provide replacement power to DECORP at a cost lower or equal to the contract price during planned or forced outages/shutdowns including force majeure.</p> <p>In the event of force majeure, however, DECORP shall be allowed to redeclare its nomination to the extent lower than the minimum two days after the affected trading interval/s.</p>
4	<p>II. IB. C. Terms of Reference <i>Replacement Power</i></p> <p>Winning bidder shall provide replacement power to DECORP at a cost lower or equal to the contract price during planned or forced outages/shutdowns including force majeure.</p>	The term contract price shall refer to the ERC approved rate.
5	<p>II. IB. C. Terms of Reference <i>Tariff Structure</i></p> <p>Straight Energy Fee (in PhP/kWh).</p>	DECORP's TOR on tariff structure is a straight energy fee (single rate) for the entire 10 year duration of the contract without escalation.
6	<p>II. IB. C. Terms of Reference <i>Taxes</i></p> <p>Prospective Bidders shall indicate all applicable taxes including future taxes, fees, and imposts.</p>	DECORP shall shoulder only those taxes applicable to it.
7	<p>II. IB. C. Terms of Reference <i>Grounds for Termination</i></p> <p>The following are the grounds for termination of the PSA:</p> <ul style="list-style-type: none"> <li>Event of default</li> <li>Non-fulfillment of conditions to effective date</li> <li><i>force majeure</i> events</li> <li>Expiration of term</li> <li>Upon mutual agreement</li> <li>Change in circumstances</li> </ul>	DECORP will provide a draft PSA template to all bidders on or before November 19, 2021. The PSA terms and conditions are still subject to negotiation between DECORP and the Winning Bidder. The negotiation shall be within the 20-day (calendar) period following the issuance of the Notice of Award to the Winning Bidder.
8	<p>II. IB. C. Terms of Reference <i>Receiving Point</i></p>	The delivery as well as the receiving points shall be the following NGCP Metering Points of DECORP:

	NGCP Metering Points of DECORP.	<ol style="list-style-type: none"> <li>MF3MBAWDECO04 (Calasiao and San Fabian Substation)</li> <li>MF3MSMNDECO02 (San Jacinto Substation)</li> <li>MF3MLABDECO05 (Dagupan Substation)</li> </ol> <p>With this, the line rental charge shall be for the account of the Supplier.</p>																																																						
9	<p>II. IB. C. Terms of Reference <i>Monthly Maximum Energy</i></p> <p>Equivalent energy at 100% of the Contracted Capacity.</p>	DECORP would like to clarify that it is not possible to have a higher monthly maximum energy than the contracted capacity.																																																						
10	<p>II. IB. C. Terms of Reference <i>Payment Currency</i></p> <p>Philippine Peso</p>	The transaction shall only be in Philippine Peso and that the tariff structure is a straight energy fee (single rate) without escalation throughout the 10-year duration of the PSA.																																																						
11	<p>II. IB. C. Terms of Reference <i>Reduction in Contract Capacity</i></p> <p>The Contract Capacity must have a carving out provision due to the Retail Competition and Open Access, RA No. 9513 or the Renewable Energy Act of 2008, or other laws, and legal requirements to which DECORP is required to comply.</p>	DECORP would like to clarify that the reduction in contracted capacity due to RE Act of 2008 and RCOA shall be applied pro rata to all DECORP suppliers. DECORP, however, cannot provide a simulation level of its RPS compliance since the RPS rules are also changing depending on the target set by DOE.																																																						
12	<p>III. ITB. B. Issuance of the Bidding Documents</p> <p>Bidders should note that the TPBAC (Third Party Bids and Awards Committee) will only accept Bids from Bidders that have received the Bidding Documents from the office indicated in the Invitation to Bid (IB).</p>	The DECORP official address of its principal place of business is: A.B. Fernandez West, Dagupan City																																																						
13	<p>II. IB. D. Schedule of Activities</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Publication of the Invitation to Bid</td> <td>1st Publication: September 27, 2021</td> </tr> <tr> <td>2nd Publication: October 4, 2021</td> </tr> <tr> <td>Issuance of the Bid Documents</td> <td>September 27 – October 8, 2021</td> </tr> <tr> <td>Deadline for the Submission of Queries/Comments</td> <td>October 18, 2021</td> </tr> <tr> <td>Pre-bid Conference</td> <td>October 29, 2021</td> </tr> <tr> <td>Deadline for Issuance of Bid Bulletins, if any</td> <td>November 29, 2021</td> </tr> <tr> <td>Deadline for the Submission of Bids</td> <td>December 15, 2021 at 9:00AM</td> </tr> <tr> <td>Opening and Evaluation of Bids</td> <td>December 15, 2021 at 10:00AM</td> </tr> <tr> <td>Post-qualification</td> <td>December 29, 2021</td> </tr> <tr> <td>Declaration of Winning Bidder</td> <td>January 12, 2022</td> </tr> <tr> <td>Signing of the PSA</td> <td>January 31, 2022</td> </tr> <tr> <td>Filing of the PSA</td> <td>February 21, 2022</td> </tr> </tbody> </table>	Activity	Date	Publication of the Invitation to Bid	1st Publication: September 27, 2021	2nd Publication: October 4, 2021	Issuance of the Bid Documents	September 27 – October 8, 2021	Deadline for the Submission of Queries/Comments	October 18, 2021	Pre-bid Conference	October 29, 2021	Deadline for Issuance of Bid Bulletins, if any	November 29, 2021	Deadline for the Submission of Bids	December 15, 2021 at 9:00AM	Opening and Evaluation of Bids	December 15, 2021 at 10:00AM	Post-qualification	December 29, 2021	Declaration of Winning Bidder	January 12, 2022	Signing of the PSA	January 31, 2022	Filing of the PSA	February 21, 2022	<p>New Schedule of CSP Activities</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Publication of the Invitation to Bid</td> <td>1st Publication: September 27, 2021</td> </tr> <tr> <td>2nd Publication: October 4, 2021</td> </tr> <tr> <td>Issuance of the Bid Documents</td> <td>September 27 – October 8, 2021</td> </tr> <tr> <td>Deadline for the Submission of Queries/Comments</td> <td>October 18, 2021</td> </tr> <tr> <td>First Pre-bid Conference</td> <td>October 29, 2021</td> </tr> <tr> <td>Second Pre-bid Conference</td> <td>November 10, 2021</td> </tr> <tr> <td>Third Pre-bid Conference</td> <td>November 24, 2021</td> </tr> <tr> <td>Deadline for Issuance of Bid Bulletins, if any</td> <td>December 6, 2021</td> </tr> <tr> <td>Deadline for the Submission of Bids</td> <td>December 15, 2021 at 9:00AM</td> </tr> <tr> <td>Opening and Evaluation of Bids</td> <td>December 15, 2021 at 10:00AM</td> </tr> <tr> <td>Post-qualification</td> <td>December 29, 2021</td> </tr> <tr> <td>Declaration of Winning Bidder</td> <td>January 12, 2022</td> </tr> <tr> <td>Signing of the PSA</td> <td>January 31, 2022</td> </tr> <tr> <td>Filing of the PSA</td> <td>February 21, 2022</td> </tr> </tbody> </table>	Activity	Date	Publication of the Invitation to Bid	1st Publication: September 27, 2021	2nd Publication: October 4, 2021	Issuance of the Bid Documents	September 27 – October 8, 2021	Deadline for the Submission of Queries/Comments	October 18, 2021	First Pre-bid Conference	October 29, 2021	Second Pre-bid Conference	November 10, 2021	Third Pre-bid Conference	November 24, 2021	Deadline for Issuance of Bid Bulletins, if any	December 6, 2021	Deadline for the Submission of Bids	December 15, 2021 at 9:00AM	Opening and Evaluation of Bids	December 15, 2021 at 10:00AM	Post-qualification	December 29, 2021	Declaration of Winning Bidder	January 12, 2022	Signing of the PSA	January 31, 2022	Filing of the PSA	February 21, 2022
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14	<p>III. ITB. D Supplemental/Bid Bulletins</p> <p>Additional requests for clarification(s) on any part of the Bidding Documents or for an interpretation must be in writing and submitted to the TPBAC on or before the date indicated in the IB.</p> <p>x x x Any Supplemental/Bid Bulletin issued by the TPBAC shall be sent through email and shall also be posted in the website of DECORP, in the DOE E-Portal, and at any conspicuous place within the premises of DECORP. It shall be the responsibility of all those who have properly secured the Bidding Documents to inquire and secure Supplemental/Bid Bulletins that may be issued by the TPBAC. x x x</p>	<p>In view of the change in the schedule of the CSP activities, bidders will have until the deadline for the issuance of bid bulletins on December 6, 2021 to submit further or additional clarifications. After such date, DECORP TPBAC will no longer entertain other comments and queries.</p> <p>Not all queries will result in bid bulletin/s. Only those that have substantial effect/change on the original provision of the Bid Documents will result in a Bid Bulletin/Supplemental Bulletin.</p> <p>All bid bulletins/supplemental bid bulletins including minutes of the meeting shall be electronically sent to all bidders without written request. However, if the bidder requests for a hard copy of the bid bulletins/supplemental bid bulletins as well as the minutes of the meeting, the same shall be made available for pick-up at DECORP's office at A.B. Fernandez West, Dagupan City not later than five (5) calendar days upon written request.</p>
15	<p>General Query on schedule of due diligence</p>	<p>The period for due diligence, which is mainly an evaluation of the authenticity and due execution of the submitted documents, shall be the period after the deadline for the submission of bids up to the deadline of post qualification.</p>
16	<p>III. ITB. E Preparation of Bids</p> <p>x x x The Bidder must type/print his/her name below his signature or that of his/her authorized representative on each and every page of all the documents submitted with the Bid.</p> <p>Bids of a partnership or corporation shall be signed in the name of the entity by an authorized partner or officer, as the case may be, followed by the name, signature and designation of the person authorized to sign the Bid.</p> <p>A Bid by a person who affixes to his signature the word "president", "secretary", "agent" and other designation without disclosing his principal shall be held personally liable for the Bid. The</p>	<p>Due to the volume of pages, DECORP will require only the first page of every document to contain the signature over printed name of the authorized signatory and only his/her signature on the succeeding pages.</p> <p>4<sup>th</sup> paragraph of III. ITB. E. Preparation of Bids is hereby amended, to wit:</p> <p>“Bids of a partnership or corporation shall be signed in the name of the entity by an authorized <b>representative</b>, partner or officer, as the case may be, followed by the name, signature and designation of the person authorized to sign the Bid.”</p> <p>The requirement on signature applies to all submitted legal, technical and financial documents.</p>

	<p>person signing on behalf of a partnership, or corporation shall furnish the Committee satisfactory proof of such authority from the Partnership or Corporation, otherwise, the person whose signature appears on the Bidding forms shall be considered the Bidder. x x x</p>	<p>Annex B is a statement that all submitted documents are originals and certified true and correct copies of the originals; hence, the documents to be submitted must be stamped original or certified true copy of the original and signed by the authorized representative of the bidder.</p>
17	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification:</p> <p>For purposes of determining the eligibility of bidders, only the following documents shall be required by the TPBAC, using the forms prescribed in the Bidding Documents x x x</p> <p>In relation to III. ITB. L Evaluation of Bids:</p> <p>The TPBAC shall check the submitted documents of each Bidder against a checklist of required documents to ascertain if they are all present in the first envelope, using a non-discretionary pass / fail criteria, as stated in the ITB.</p>	<p>The amended checklist is attached as <b>Annex "A"</b> and forms part of this Bid Bulletin</p>
18	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>2. Articles of Incorporation and By-Laws of the Generation Company</p>	<p>The latest version of the Articles of Incorporation or Articles of Partnership and By-laws will satisfy this requirement.</p>
19	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>2. Articles of Incorporation and By-Laws of the Generation Company</p> <p>3. Latest GIS of GenCo - SEC Form;</p>	<p>Amended as follows:</p> <p>"2. Articles of Incorporation and By-Laws of the <b>Bidder</b></p> <p>3. Latest GIS of <b>the Bidder</b> - SEC Form"</p>
20	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p>	<p>For the guidance of the DECORP TPBAC, the bidder must submit a copy of the document/s stating that Limited</p>

	3. Latest GIS of the Bidder - SEC Form	Partnerships are not required to have GIS.
21	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>4. Document showing information related to the Ultimate Parent Company, its Subsidiaries and all its affiliates; if applicable;</p>	The GIS or AFS or any disclosure document submitted to SEC or BIR satisfies this requirement.
22	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>5.) Environmental Compliance Certificate (ECC) issued by the Department of Environment and Natural Resources (DENR)</p>	For the guidance of the DECORP TPBAC, the bidder must submit a copy of the document/s stating that the Bidder is exempted from the ECC requirement.
23	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>8. Omnibus Sworn Statement (Annex A)</p>	Annex "A" of the Bidding Documents is the same as the Omnibus Sworn Statement.
24	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>10. In connection with these requirements, the Prospective Bidder must submit a Statement of Qualification ("SOQ")</p> <p>Executive Summary Organizational Structure</p>	Bidders may use their own template to comply with the "Statement of Qualification" requirement. The same should be notarized.
25	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>10. In connection with these requirements, the Prospective Bidder must submit a Statement of Qualification ("SOQ")</p> <p>Organizational Structure – Basic information of the Bidders legal status and organizational chart</p>	The term legal status means Filipino or Foreign nationality of the company
26	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>Non-existence of Outstanding Dispute</p>	The requirement that the Bidder must not have Outstanding Dispute with DECORP shall be included as one of the allegations in Annex "A" – Omnibus Sworn Statement

27	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>Statement of disclosure of detailed information regarding any existing, potential or future conflict of interest that a bidder may have with the TPBAC and DECORP</p>	<p>The statements found in Annex “A”, Item 5 (Omnibus Sworn Statement) and Annex “D”, Item 5 (Non-Existence of Conflict of Interest) supersedes the requirement for a statement of disclosure under Statement of Qualification. Thus, it should no longer be included in the bidder's SOQ and Annexes A and D already suffice.</p> <p>Non-existence of outstanding or future conflict of interest can be verified through the bidder's records.</p>
28	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>Original or Certified True Copies of all corporate/ legal documents (e.g. Board Resolution, Powers of Attorney) evidencing grant of authority invested in the individual submitting the Bid and making representation on behalf of the bidder.</p>	<p>The Secretary's Certification to the fact that a Board meeting was held and that a resolution was arrived at designating the entity's authorized representative to this CSP will suffice. Likewise, the Board Resolution itself will satisfy this requirement.</p>
29	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification, Annex B</p> <p>A certification issued by Bidder or its authorized representative that each of the documents submitted in satisfaction of the Instructions to Bidders is an original or a true and faithful reproduction or copy of the original</p>	<p>Annex B refers to the bidder's sworn statement that all submitted copies of the original documents are certified true copies of the same respectively. Thus, copies should be stamped CTC consistent with the statement made in Annex B.</p>
30	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification, Annex D</p> <p>Sworn Affidavit of the Bidder’s officers, directors, and controlling stockholders that they are not related to the members of DECORP’s Board of Directors, Managers and Officers, Members of DECORP TPBAC, members of DECORP TPBAC-TWG, members of DECORP TPBAC Secretariat, and DECORP captive customers for this CSP, by consanguinity or affinity up to the third civil degree</p>	<p>The bidder's authorized representative shall execute the Affidavit containing a general statement that the Board of Directors of the bidder are not related to DECORP's BOD/TPBAC Members.</p>
31	<p>III. ITB, F. Eligibility Criteria, i.</p>	<p>Amended as follows:</p>

	<p>Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>Annex A – Omnibus Sworn Statement:</p> <p>2. I am granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the Bid, and to sign and execute the ensuing Power Supply Agreement (PSA) with Dagupan Electric Corporation (DECORP) for the provision of 20 MW Baseload with Load Following Contracted Capacity, accompanied by the duly notarized Special Power of Attorney, Board/Partnership Resolution, or Secretary’s Certificate, whichever is applicable.</p>	<p>“2. I am <b>one of the authorized representatives of the Bidder and as such has been</b> granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the Bid, and to sign and execute the ensuing Power Supply Agreement (PSA) with Dagupan Electric Corporation (DECORP) for the provision of 20 MW Baseload with Load Following Contracted Capacity, accompanied by the duly notarized Special Power of Attorney, Board/Partnership Resolution, or Secretary’s Certificate, whichever is applicable.”</p>
32	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>Annex B – Certification of Submission of Original or Certified True Copies of Documents and Authorization for TPBAC to Verify Said Documents</p> <p>1. I am the authorized representative of (Bidder’s name) as per Board Resolution No. _____,dated _____,submitted in accordance with this Transaction;</p>	<p>Bidders are free to edit the wordings from Board Resolution to Secretary’s Certificate as the proof of authorization; hence, amended as follows:</p> <p>“1. I am <b>one of</b> the authorized representatives of (Bidder’s name) as per <b>Secretary Certificate dated</b> _____ <b>or</b> Board Resolution No. _____,dated _____,submitted in accordance with this Transaction.”</p>
33	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</p> <p>Annex C – Certification Against Blacklisting and Graft and Corrupt Practices</p> <p>7. Finally, (Bidder’s name) understands and accepts that the TPBAC may also declare a Bidder ineligible, either indefinitely or for a stated period of time, and may disqualify the Bidder outright if it determines that the said Bidder has engaged in corrupt or fraudulent practices at any time in the past.</p>	<p>Amended as follows:</p> <p>7. Finally, (Bidder’s name) understands and accepts that the TPBAC may also declare a Bidder ineligible, either indefinitely or for a stated period of time, and may disqualify the Bidder outright if it determines that the said Bidder <b>has been found by competent authority to have</b> engaged in corrupt or fraudulent practices at any time in the past.</p>



34	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), b. Financial Qualification</p> <p>1. Details of financial and operating background for the two (2) recent full financial years demonstrating the bidder's financial viability</p>	<p>The Bidder's 2019 and 2020 Audited Financial Statement (AFS) will satisfy this requirement.</p>
35	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), b. Financial Qualification</p> <p>2. Details of equity and financing plan indicating the capital structure and source of funds with supporting documents.</p>	<p>For items 1, 2, 3, 5, 6 and 7 of Section F.i.b, "Financial Qualification", of the Bid Docs:</p> <p><u>Existing Generation Facilities</u></p> <ul style="list-style-type: none"> <li>- 2019 and 2020 Generation Company Management Report (GCMR) submitted to the ERC</li> <li>- 2019 and 2020 complete set of Audited Financial Statements (AFS) with BIR's proof of receipt <ul style="list-style-type: none"> <li>o Statement of Management's Responsibility</li> <li>o Independent Auditor's Report</li> <li>o Statement of Financial Position (Balance Sheet)</li> <li>o Statement of Comprehensive Income (Income Statement)</li> <li>o Statement of Changes in Equity</li> <li>o Statement of Cash Flows</li> <li>o Notes to Financial Statements</li> </ul> </li> <li>- 2019 and 2020 complete set of General Information Sheet submitted to the SEC with proof of receipt.</li> <li>- Latest Computation of Net Financial Contracting Capacity (NFCC)</li> </ul> <p><u>New Generation Facilities</u></p>

		<ul style="list-style-type: none"> <li>- 2019 and 2020 complete set of AFS submitted to BIR with proof of receipt</li> <li>- 2019 and 2020 complete set of GIS submitted to SEC with proof of receipt</li> <li>- Latest computation of NFCC</li> <li>- Details of Equity and Financing Plan indicating the capital structure and source of funds</li> <li>- Proof of funding availability or support from funders</li> </ul> <p>AFS and GIS will suffice since financial ratios can already be computed based on the same. Thus, the bidders need not do any computation</p>
36	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), b. Financial Qualification</p> <p>3. Must have proof of funding availability or support from funders;</p>	Same reply as in Item 35
37	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), b. Financial Qualification</p> <p>4. Certificate of Good performance/track record with other customers;</p>	<p>The certification must come from the current and/or previous DU customers, if applicable, of the bidder.</p> <p>Minimum of two (2) DU customers regardless of size/classification</p> <p>The certification must not be more than six (6) months from issuance</p>
38	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), b. Financial Qualification</p> <p>The bidder's latest audited financial statements, showing, among others, the bidder's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding calendar year.</p>	Latest AFS means the 2019 and 2020 AFS duly acknowledged and received electronically by BIR

39	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), b. Financial Qualification</p> <p>8. Any other relevant information regarding financial track record and capabilities of the bidder that it believes would be helpful to the TPBAC.</p>	<p>Whatever additional/available relevant information that the Bidder has showing financial track record and capabilities can be submitted.</p>
40	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), b. Financial Qualification</p> <p>Complete set of financial statement which includes the following:  Balance Sheet;  Income Statement;  Statement of Changes in Equity;  Notes to Financial Statement; and</p>	<p>One copy for both requirements will suffice</p>
41	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), b. Financial Qualification</p> <p>1-8 requirements</p>	<p>The Bidder can submit a Certificate of Financing Arrangement to satisfy Items 1-3 and 8.</p> <p>The Bidder can also use their own template for Item 4.</p> <p>A minimum of two certifications, if applicable to satisfy the requirement stated in Item 4.</p>
42	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), c. Technical Qualification</p> <p>1. The bidder shall submit the following to demonstrate compliance with the technical criteria established in the TOR:</p> <p>List of projects undertaken over the last five (5) years.</p>	<p>The term “projects” mean expansion projects and/or construction of new power plants, if any.</p>
43	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), c. Technical Qualification</p> <p>1. The bidder shall submit the following to demonstrate compliance with the technical criteria established in the TOR:</p>	<p>A statement to the effect that the Bidder operated an electricity generation plant/s regardless of number will suffice.</p>

	List of electricity generation plants that the bidder has operated for the last five (5) years.	
44	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), c. Technical Qualification</p> <p>1. The bidder shall submit the following to demonstrate compliance with the technical criteria established in the TOR:</p> <p>Track records for the last five (5) years in operating the power plant</p>	The Bidder's submission of its MOR (monthly operation report) to the DOE and/or the Generation Company Management Report (GCMR) submitted to the ERC are accepted as proof of operation track record
45	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), c. Technical Qualification</p> <p>1. The bidder shall submit the following to demonstrate compliance with the technical criteria established in the TOR:</p> <p>Other relevant information showing proof of the technical capabilities specified in the TOR that would be helpful to the TPBAC.</p>	Any additional/available relevant information that the Bidder has, showing proof of technical capabilities can be submitted.
46	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), c. Technical Qualification</p> <p>2. The bidder shall likewise submit a statement of all its existing contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid</p>	DECORP TPBAC will allow Bidders to submit/provide their own matrix to satisfy this requirement. DECORP TPBAC would also like to clarify that the statement be limited to DUs and due to confidentiality, Bidders may submit a redacted lists
47	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), c. Technical Qualification</p> <p>3. Technology of the nominated Power Plant.</p>	The background/profile of the plant will suffice
48	III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), c. Technical Qualification	While these requirements may not be applicable to existing power plants, the same information may be required during joint filing with the ERC.

	<p>4. In relation to the nominated Power Plant, the bidder must provide evidence of the following:</p> <ul style="list-style-type: none"> <li>Land titles, lease agreements and/or call option contracts to ensure a secure site;</li> <li>Status of Engineering Procurement Contract (EPC) arrangements, if any;</li> <li>Financing Commitment of Investors as evidenced by Board Resolution/Commitment Letters of Developers. Investors and Partners; and</li> <li>The Power Plant must be compliant with existing WESM, ERC, DOE and other applicable rules and regulations;</li> <li>Conceptual Engineering Designs and Drawings;</li> <li>Project Cost Estimates;</li> <li>Any other technical documents, which are deemed necessary to be submitted by the bidder in accordance with this instruction to Bidders.</li> </ul>	
49	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), c. Technical Qualification</p> <p>4. In relation to the nominated Power Plant, the bidder must provide evidence of the following:</p> <ul style="list-style-type: none"> <li>The Power Plant must be compliant with existing WESM, ERC, DOE and other applicable rules and regulations;</li> <li>Any other technical documents, which are deemed necessary to be submitted by the bidder in accordance with this instruction to Bidders.</li> </ul>	<p>Please refer to existing DOE, ERC and WESM rules regarding minimum compliance by a power plant before it is authorized to operate, and participate in the WESM. These minimum requirements (e.g Service contract from DOE, Certificate of Compliance (COC) from ERC) must be submitted to DECORP in satisfaction of this item.</p> <p>For new plants, the project description will suffice.</p>
50	<p>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), c. Technical Qualification</p>	<p>While these requirements may not be applicable to existing power plants, the same information may be required during joint filing with the ERC.</p>

	<p>4. In relation to the nominated Power Plant, the bidder must provide evidence of the following:</p> <p style="padding-left: 40px;">Status of Engineering Procurement Contract (EPC) arrangements, if any;  Financing Commitment of Investors as evidenced by Board Resolution/ Commitment Letters of Developers. Investors and Partners; and  Conceptual Engineering Designs and Drawings;  Project Cost Estimates;</p>	
51	<p>III. ITB, F. Eligibility Criteria, ii. Financial Bid Components and Bid Security (Second Envelope)</p> <p>a. The bidder shall submit two (2) copies of the duly executed Financial Bid, containing the following:</p> <p style="padding-left: 40px;">Currency for the offer in Php/kWh;  and  Financial model containing the derivation of rates</p>	<p>DECORP TPBAC will no longer require the Bidders to provide the price parameters. DECORP TPBAC would like to reiterate that the required tariff structure is a straight energy fee (single rate) without escalation and only taxes applicable to DECORP are the only ones included in the rate.</p> <p>The Financial Bid Form is attached as <b>Annex “B”</b> and forms part of this Bid Bulletin.</p>
52	<p>III. ITB, F. Eligibility Criteria, ii. Financial Bid Components and Bid Security (Second Envelope)</p> <p>c. Together with the financial bid is a Bid Security in the amount of FIFTY MILLION PESOS (Php50,000,000.00) in the form of cash or manager’s/cashier’s check, bank draft/guarantee or irrevocable letter of credit or surety bond. The Bid Security must be in the correct amount as indicated in the TOR and in compliance with Section III (I) (Bid Security) of this Document.</p>	<p>DECORP will allow Standby Letter of Credit (SBLC) instead of the Irrevocable Letter of Credit (ILC) to be secured from a local commercial or universal bank</p>
53	<p>III. ITB, G. Submission and Receipt of Bids</p> <p>Bidders shall also submit two (2) copies of the Qualifications Bid and Financial Bid. Each copy shall be similarly sealed and duly marked as “COPY NO. _____ OF QUALIFICATIONS BID COMPONENT”</p>	<p>Bidders shall submit one (1) original, and two (2) copies of the original</p>

	and “COPY NO. ____ FINANCIAL BID COMPONENT AND BID SECURITY”.	
54	<p>III. ITB, G. Submission and Receipt of Bids</p> <p>Bids shall be received by the TPBAC on or before the date, time and place specified in the IB</p>	<p>For bidders who elect to submit their bids to the TPBAC before December 15, 2021, they may do so electronically or via courier provided TPBAC received the same before the deadline at 9:00AM of December 15, 2021.</p> <p>For those who elect to submit their bids on December 15, 2021, personal submission to the TPBAC is required.</p> <p>The opening of the bids shall be done face-to-face and starts at 10:00AM of December 15, 2021 at Monarch Hotel, Calasiao, Pangasinan.</p>
55	<p>III. ITB, H. Modification and Withdrawal of Bids</p> <p>A bidder may modify its bid, provided that this is done before the deadline for the submission and receipt of bids. A Bidder who modifies its bid shall not be allowed to retrieve its original bid, but shall only be allowed to send another bid equally sealed, properly identified, linked to its original bid, marked as a “modification,” thereof, and stamped “received” by the TPBAC. Bid modifications received after the applicable deadline shall not be considered and shall be returned to the bidder unopened.</p> <p>A bidder may, through a Letter of Withdrawal, withdraw its bid before the deadline for the receipt of bids. A bidder that withdraws its bid shall not be permitted to submit another bid, directly or indirectly, for the same contract.</p> <p>A bidder may also express its intention not to participate in the bidding through a letter which should be stamped received by the TPBAC before the deadline for the receipt of bids.</p>	<p>In the event that the first bidding fails, the Bidder who withdrew its bid during the first bidding will not be permitted to join the second bidding, directly or indirectly. Also, a bidder who withdrew its bid, will be considered as a non-participant from the time the Letter of Withdrawal is received by the TPBAC. Thus, such bidder will not be entitled to any notice issued by the TPBAC, and will not be permitted to participate in any CSP activity as an observer.</p>

56	<p>III. ITB, I. Bid Security</p> <p>i. Each Bidder shall submit as part of the Second Bid Envelope, a Bid Security amounting to Fifty Million Pesos (Php50,000,000.00) which shall:</p> <p>a. be in the form of:</p> <p>2. Bank draft/ guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank</p>	<p>DECORP will allow SBLC instead of the ILC to be secured from a local commercial or universal bank</p>
57	<p>III. ITB, I. Bid Security</p> <p>i. Each Bidder shall submit as part of the Second Bid Envelope, a Bid Security amounting to Fifty Million Pesos (Php50,000,000.00)</p>	<p>DECORP TPBAC cannot disclose the Bid Security computation. As for the signature, it is required only on the bid component.</p>
58	<p>III. ITB, I. Bid Security</p> <p>The required bid security shall be valid for a period of one hundred twenty (120) days following the submission of the bids.</p>	<p>The bid security shall be valid for a period of 120 days following the submission of bids. This means that the bid security shall be valid from December 15, 2021 until April 14, 2022.</p>
59	<p>III. ITB, I. Bid Security</p> <p>i. Each Bidder shall submit as part of the Second Bid Envelope, a Bid Security amounting to Fifty Million Pesos (Php50,000,000.00) which shall:</p> <p>b. be issued in favor of DECORP</p>	<p>DECORP stands for Dagupan Electric Corporation</p>
60	<p>III. ITB, I. Bid Security</p> <p>v. Should the Bidder violate the Bidding Procedures in a material way, the Bid Security may be forfeited in favor of DECORP. The Committee may draw on the instances of a violation of the Bidding Procedures as follows:</p> <p>x x x b. Bidder withdraws its Bid after bid opening during the period. x x x</p>	<p>v. b. is amended as follows:</p> <p>“b. Bidder withdraws its Bid after bid opening during the <b>Bid Validity</b> period.”</p> <p>The performance bond will only be required from the Winning Bidder. But the Undertaking to Post Performance Bond will be required from all bidders to be submitted along with the Bid Security, as stated in the Bidding Documents. For uniformity, DECORP will provide a</p>



	<p>x x x g. Winning Bidder refuses or fails to post the required Performance Security within the prescribed time.</p> <p>x x x</p>	<p>template for the Undertaking to Post Performance Bond.</p>
61	<p>III. ITB, J. Bid Validity</p> <p>Bids and Bid Securities shall be valid for a period of one hundred twenty (120) calendar days following the submission of the bids. Should it become necessary to extend the validity of the bids and bid securities beyond one hundred twenty (120) calendar days, DECORP shall request in writing all those who submitted bids for such extension before the expiration date therefor.</p>	<p>The start of the validity of the bid security is December 15, 2021.</p> <p>The bid security shall be secured from any local Commercial or Universal bank.</p>
62	<p>III. ITB, K. Bid Opening</p> <p>The TPBAC shall open the bids in the presence of all qualified bidders and observers immediately after the deadline for the submission and receipt of bids. The time, date, and place of the opening of bids shall be as specified in this Document.</p> <p>In case the bids cannot be opened as scheduled due to justifiable reasons, the TPBAC shall take custody of the bids submitted and reschedule the opening of bids on the next working day or at the soonest possible time through the issuance of a Notice of Postponement to be posted in the DOE E-Portal and the website of DECORP. x x x</p>	<p>For bidders who elect to submit their bids to the TPBAC before December 15, 2021, they may do so electronically or via courier provided TPBAC received the same before the deadline at 9:00AM of December 15, 2021.</p> <p>For those who elect to submit their bids on December 15, 2021, personal submission to the TPBAC is required.</p> <p>The opening of the bids shall be done face-to-face and starts at 10:00AM of December 15, 2021 at Monarch Hotel, Calasiao, Pangasinan.</p> <p>The bid opening may be canceled/rescheduled due to fortuitous events, which include Acts of Man and/or Acts of God.</p>
63	<p>III. ITB, L. Evaluation of Bids</p> <p>Evaluation parameters</p>	<p>DECORP TPBAC shall evaluate the offer based on LCB and ranked accordingly from lowest to highest taking into consideration the following:</p> <p>Price cap of Php4.3893/kWh which is the 2021 ERC approved average NPC rate for Luzon</p> <p>Applicable tax (to DECORP only)</p>

		<p>Discount/s</p> <p>Therefore, DECORP TPBAC will no longer require the Bidders to provide the price parameters. DECORP TPBAC would like to also reiterate that the required tariff structure is a straight energy fee (single rate) without escalation for the entire 10-year duration of the contract.</p>
64	<p>III. ITB, N. Post-qualification</p> <p>The post-qualification process shall be completed in not more than fifteen (15) days from determination of the Lowest Calculated Responsive Bid. In exceptional cases, the post-qualification period may be extended by the TPBAC, but in no case shall the aggregate period exceed thirty (30) days.</p>	<p>During the post-qualification, DECORP will conduct due diligence, and it is up to Bidder to conduct its due diligence on DECORP. Also, during this period, DECORP will evaluate the authenticity and due execution of the submitted documents.</p>
65	<p>III. ITB, P. Performance Security</p> <p>The Winning Bidder is required to post a Performance Security in the amount Two Hundred Fifty Million (Php250,000,000.00) Pesos directly to DECORP in the form of cash, manager's/cashier's check, Letter of Credit, or Bank Guarantee.</p>	<p>The performance security is computed for the entire duration of the contract.</p> <p>The same shall be submitted within 20 calendar days from notice of award.</p>
66	<p>III. ITB, R. Contract Signing</p> <p>The following documents shall form part of the contract:</p> <p>Power Supply Agreement;  Bidding Documents;  Winning Bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents/statements submitted;  Performance Security;  Notice of Award of Contract; and  Other documents that may be required by DECORP and/or existing laws</p>	<p>Since the documents were already submitted during the CSP, the Winning Bidder need not submit another set of the same documents.</p>

67	<p>III. ITB, T. Failure of Bidding</p> <p>x x x All bidders who have initially responded to the IB and have been declared eligible in the previous bidding shall be allowed to submit new bids. x x x</p>	<p>In the case of failure of bidding, a new CSP will be conducted. Thus, there will be new Bidding Documents to be made available to Prospective Bidders subject to the payment of Bidding Documents fee.</p>
68	<p>III. ITB, U. Reservation Clause</p> <p>The DECORP BOD reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract in the following situations:</p> <p style="padding-left: 40px;">if there is prima facie evidence of collusion between the officers or employees of DECORP, or between the TPBAC and any of the bidders, or if the collusion is between or among the bidders themselves, or between a bidder and a third party, including any act which restricts, suppresses or nullifies or tends to restrict, suppress or nullify competition; and</p> <p style="padding-left: 40px;">if the TPBAC is found to have failed in following the prescribed bidding rules.</p>	<p>In case the DECORP BOD exercise their reserve right to reject any and all bids, declare a failure of bidding, or not award the contract due to reasons provided in III, ITB, U (i), (ii), then the bid securities submitted by the Bidders shall be returned.</p>
69	<p>III. ITB, W. Protest Mechanism and Dispute Resolution</p> <p>Decision of the TPBAC at any stage of the CSP may be questioned by filing a written request for reconsideration within three (3) calendar days upon receipt of written notice. The TPBAC shall decide on the request for reconsideration within seven (7) calendar days from receipt thereof.</p> <p>In the event that the request for reconsideration is denied, decisions of the TPBAC may be protested in writing to the DECORP BOD or its duly authorized officer/s.</p>	<p>The protest fee may be paid through check or SBLC. Bank transfer of the protest fee is also acceptable.</p>

	<p>The protest must be filed within seven (7) calendar days from receipt of the resolution denying its request for reconsideration. A protest shall be made by filing a verified position with the DECORP BOD or its duly authorized officer/s accompanied by the payment of a non-refundable protest fee as determined by the TPBAC. x x x</p>	
70	<p>III. ITB, X. General Conditions</p> <p>vi. The following Bids shall be rejected outright:</p> <p>a. Bids of parties who are disqualified from participating in public bidding or in any kind of contract with the Government;</p> <p>b. Bids submitted without a Bid Security or without complying with the requirements set forth in Section III (I) (Bid Security);</p> <p>c. Bids which do not comply with the requirements of either the First Bid Envelope or Second Bid Envelope;</p> <p>d. Bids from parties who have not been issued the Bidding Documents</p> <p>e. Bids with prices expressed in currencies other than those specified in the Bid Documents;</p> <p>f. Bids that do x x x</p>	<p>DECORP TPBAC would like to reiterate that the required tariff structure is a straight energy fee (single rate) without escalation for the entire 10-year duration of the contract. Hence, the offer shall not contain dollar-based components.</p> <p>Also, the transaction shall be in Philippine Peso.</p>
72	<p>IV. ITB, X. General Provisions, C. Warranty Against Conflict of Interest</p> <p>iii. a Bidder has the same legal representative as any other Bidder for purposes of this Bid;</p>	<p>The legal representative need not necessarily be the Corporate Secretary</p>
73	<p>IV. ITB, X. General Provisions, C. Warranty Against Conflict of Interest</p> <p>A Bidder may be considered to have</p>	<p>For purposes of this CSP, controlling shares or interests refer to either an individual or group holding a majority of the stocks in a company or a group of</p>

	<p>conflicting interests with another Bidder in any of the following circumstances:</p> <p>i. a Bidder has controlling shareholders in common with another Bidder; x x x</p>	<p>shareholders with less than a majority of the stocks but have enough stocks to vote at shareholders' meetings.</p>
74	<p>IV. ITB, X. General Provisions, F. Variance in Documents</p> <p>In case of conflict or discrepancy between the Bidding Procedures and its Supplemental Bid Bulletins on the one hand, and other documents on the other hand, the Bidding Procedures and its Supplemental Bid Bulletins shall prevail.</p>	<p>Bid/Supplemental bid bulletins will prevail as far as amended or clarified provisions in the Bidding Documents are concerned.</p> <p>Other documents include bidding guidelines, TOR, IB</p>

All other portions of the Bidding Documents affected by the above amendments/clarifications shall be made to conform to the same.

Amendments/clarifications made herein shall form an integral part of the Bidding Documents as well as in the terms of reference of the power supply procurement subject of this CSP.

**(Sgd.) RANDY F. CASTILAN**  
*TPBAC Chairperson*