



BIDDING
CONTRACT CAPACITY OF 1,800 MW (NET), COD 2024-2025

BID BULLETIN NO. 7

To all Interested Bidders:

1. In adherence to the Department of Energy's (DOE) mandate that MERALCO should "consider the use of online (internet) platforms" in the conduct of competitive selection process (CSP) activities, the Interested Bidders' authorized representatives are reminded that the Bid Submission Deadline and Opening of Document Submissions on 27 January 2021 will be conducted fully online via Zoom, and the following amendments to the Instructions to Prospective Bidders (dated 1 October 2020) ("IPB") are set out in **ANNEX A**;
2. A matrix containing a set of additional queries that have been received and the response of Meralco's Third Party Bids and Awards Committee ("TPBAC") is set out in **ANNEX B**;
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 C**;
4. The House Rules containing the guidelines and rules to be observed during the Bid Submission Deadline and Opening of Document Submissions are set out in **ANNEX D**;
5. The instructions to upload to a cloud-based folder the Document Submissions of the Interested Bidders, as well as the Zoom registration details, designated meeting IDs, passcodes, links, and such other information necessary to join the virtual/online Bid Submission Deadline and Opening of Document Submissions shall be provided by the TPBAC Secretariat to the emails of the Interested Bidders' authorized representatives on or before 20 January 2021.
6. **COVID-19 health and safety reminders for entering the Meralco Operations Center (MOC) on 27 January 2021.** The Interested Bidder's authorized representative/s (indicated in the latest Expression of Interest) or such authorized representative's duly authorized agent/attorney-in-fact (with a special power of attorney) who will submit the Original Copy box shall:
 - a. Submit a medical certificate **on or before 4:00 P.M. of 26 January 2021** (to be submitted to the Safety and Security Office of MERALCO c/o the TPBAC Secretariat's e-mail, together with the vehicle make, plate number, driver and passenger/s). The medical certificate should contain a certification that the

patient/subject is not experiencing COVID-19 like symptoms, no travel history to COVID-19 areas and no exposure with COVID-19 confirmed positive individual; with full details of the attending physician (i.e. contact number, license number and email address);

- b. The medical certificate should be valid for seven (7) days, inclusive of the Bid Submission Deadline;
- c. For clarity, the driver of the vehicle who will not disembark to submit the original copy is not required to obtain and submit the aforesaid medical certificate;
- d. Should have the Pasig City-required Pasig Pass (<https://pasigpass.pasigcity.gov.ph/>) as this will be scanned at the MOC gate entrance prior to entry; and
- e. Should accomplish correctly MERALCO's online health declaration form (QR code and link below) prior to entry. Incorrect declarations may delay or prevent entrance to the MOC.



https://forms.office.com/Pages/ResponsePage.aspx?id=Km_2OiT64E6iEspbj05hx6gDefT_on5CvzSyZ4HsVkJZUMkwzMUQ3WVA5MUhMMUhBSzJGMDNDWUzVS4u&qrcode=true

For your guidance and information.

Issued on 20 January 2021.

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

(sgd)

Atty. Ferdinand A. Domingo
Chairman

AMENDMENTS TO THE INVITATION TO BID / TERMS OF REFERENCE (TOR) (published 1 and 8 October 2020)

Item	Reference / Subject Matter of Amendment	Amendments
1	<p>Bid Submission Deadline</p> <p>Indicate the location</p>	<p>[...]</p> <p>As part of the Bid Submission Deadline, between 8:00 A.M. to 9:00 A.M. of 25 January 2021, the Interested Bidder shall submit, <u>the Lobby, Lopez Building, Meralco Center, Ortigas Ave., Pasig City</u>, a venue to be announced later thru a bid bulletin, the Original Copy of all the said documents, including the latest original copy of the Expression of Interest and Confidentiality Undertaking, all placed in a sealed box. Immediately after the Bid Submission Deadline, the TPBAC-Secretariat shall begin to switch the Interested Bidder/s' ability to edit/write/upload to the cloud-based online repository/folder to the read-only mode and the original copies of all documents submitted may no longer be replaced.</p> <p>[...]</p>

AMENDMENTS TO THE INSTRUCTIONS TO PROSPECTIVE BIDDERS (dated 1 October 2020)

Item	Reference / Subject Matter of Amendment / Rationale	Amendments
1	<p>Section 3.4</p> <ul style="list-style-type: none"> Adherence to the Department of Energy's (DOE) mandate that MERALCO should "consider the use of online (internet) platforms" in the conduct of competitive selection process (CSP) activities, the Bid Submission Deadline and Opening of the Document Submissions on 27 January 2021 will be conducted fully online via Zoom. Any of the Bidder's authorized representative (as designated in the Expressions of Interest) may, through a duly issued Special Power of Attorney, delegate to another person the physical submission or delivery of the Original Copy box. For ease of reference by the TPBAC, the filename format for electronic copies are required to include the acronym names of the bidder (e.g. MERALCO Articles of Incorporation, etc.) 	<p>3.4 SUBMISSION OF QUALIFICATION DOCUMENTS, TECHNICAL PROPOSAL AND BID PRICE</p> <p>[...]</p> <p>On or before 9:00 A.M. of the Bid Submission Deadline, the Interested Bidders shall submit to the TPBAC their Document Submissions by uploading to the cloud-based online repository/folder assigned to the Interested Bidder, three (3) separate and password-protected zip folders (.zip file) containing the scanned copies (.pdf file) of its (a) Qualification Documents (Envelope 1); (b) Technical Proposal (Envelope 2); and (c) Bid Price (Envelope 3), which includes the Bid Security. As part of the Bid Submission Deadline, between 8:00 A.M. to 9:00 A.M. of the same day, the Interested Bidder shall submit, through its authorized representative/s indicated in the Expression of Interest <u>or such authorized representative's duly authorized agent/attorney-in-fact (with a special power of attorney), at the Lobby, Lopez Building, Meralco Center, Ortigas Ave., Pasig City,</u> a venue to be announced later thru a bid bulletin, the original copy of the Document Submissions, including the latest original copy of the Expression of Interest and Confidentiality Undertaking submitted by the bidder, all placed in a sealed box ("Original Copy"). Immediately after the Bid Submission Deadline, the TPBAC-Secretariat shall begin to switch the Interested Bidder/s' ability to edit/write/upload to the cloud-based online repository/folder to the read-only mode and the Original Copy of all documents submitted may no longer be replaced.</p> <p>The authorized representative/s <u>(or its duly authorized agent/attorney-in-fact)</u> of each Interested Bidder shall be asked to sign the attendance sheet upon arrival and <u>an acknowledgment receipt upon</u> submission of the Original Copy. The physical receipt of the Original Copy shall be evidenced by an acknowledgment receipt stamped and signed by the TPBAC's authorized representative (i.e. member of the TPBAC-Secretariat or the TWG) on the sealed box and on the receiving copy of the Interested Bidder/s, if any.</p> <p>[...]</p> <p>3.4.1 In all cases of format requirements for the Bidder's submission of Qualification Documents, Technical Proposal and Bid Price:</p>

Item	Reference / Subject Matter of Amendment / Rationale	Amendments
	<ul style="list-style-type: none"> To account for internet connection delay or problems during the Opening of the Document Submissions, additional USB/thumb storage drives containing the electronic copies of the Bidder's Document Submissions is being required. 	<p>[...]</p> <p>(d) 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 <u>and preceded by the bidder's shorthand or acronym identification</u> (e.g. "<u>MERALCO</u> Articles of Incorporation XYZ Inc.," "<u>MERALCO</u> Environmental Compliance Certificate dated NNN," "<u>MERALCO</u> AFS 2019," etc.).</p> <p>(e) 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 <u>which is to be submitted in both soft copy and hard copy format</u>, contained in a CD-R/DVD-R optical storage device or a USB/thumb flash memory drive, and the Bidder shall submit such electronic copies on a <u>three (3) USB/thumb flash memory drives, to be attached/taped to the original copy set of each Document Submission.</u></p> <p>[...]</p> <p>3.4.2 FORMAT OF SUBMISSION OF QUALIFICATION DOCUMENTS</p> <p>(a) A Bidder must submit its Qualification Documents in the following form:</p> <p>(i) one (1) complete original set, clearly marked on each page as "ENVELOPE 1-QD-ORIGINAL," and numbered continuously, and taped/attached to the said set is a <u>are the three (3) USB/thumb flash memory drives</u> containing the electronic copies/scanned files (PDF format) of the contents of the said original set; and</p> <p>[...]</p> <p>3.4.3 FORMAT OF SUBMISSION OF THE TECHNICAL PROPOSAL</p>

Item	Reference / Subject Matter of Amendment / Rationale	Amendments
		<p>(a) A Bidder must submit its Technical Proposal in the following form:</p> <p>(i) one (1) complete original set, clearly marked on each page as "ENVELOPE 2-TP-ORIGINAL," and numbered continuously, and taped/attached to the said set is a are the three (3) USB/thumb flash memory drives containing the electronic copies/scanned files (PDF format) of the contents of the said original set; and</p> <p>[...]</p> <p>3.4.4. FORMAT OF SUBMISSION OF THE BID PRICE</p> <p>(a) A Bidder must submit its Bid Price in the following form:</p> <p>(i) one (1) complete original set, clearly marked on each page as "ENVELOPE 3-BID-ORIGINAL," and numbered continuously, and taped/attached to the said set is a are the three (3) USB/thumb flash memory drives containing the electronic copies/scanned files (PDF format) of the contents of the said original set; and</p> <p>[...]</p>
2	<p>Section 2.1 (f)</p> <ul style="list-style-type: none"> To account for the full online Bid Submission Deadline and Opening of the Document Submissions and possibility of transfer of custody of the Bid Price (Envelope 3) to the authorized bank custodian of the TPBAC, bidders are required to sign over the sealed flap of the 	<p>Section 2.1</p> <p>[...]</p> <p>(f.)</p> <p>[...]</p> <p>The TPBAC shall open said envelopes sequentially to determine the compliance and completeness of the Pre-Qualification Documents of the Bidders. Interested Bidder/s' whose Pre-Qualification Documents "passed" the "Pass/Fail" assessment for completeness shall have their Pre-Qualifications Documents subjected to further evaluation, to determine to the TPBAC's satisfaction, whether the said Interested Bidder/s complied with and are responsive to all the requirements and conditions specified in this IPB (the "Pre-Qualification Evaluation"). If so warranted under the circumstances and/or upon recommendation of the Technical Working Group ("TWG") and/or Independent Engineer, the TPBAC may declare the number of days (after the Opening of Pre-</p>

Item	Reference / Subject Matter of Amendment / Rationale	Amendments
	<p>outer envelope before inserting it inside the sealed container box.</p>	<p>Qualification Documents) that it will need to conduct the Pre-Qualification Evaluation. In such case, <u>In preparation for this purpose</u>, the TPBAC, together with <u>witnessed by</u> the authorized representative/s of the Interested Bidder/s who submitted the Original Copy, shall place or transfer custody of the sealed Envelope 3 (containing the original hard copy of the Interested Bidder/s' Bid Price) of the <u>all</u> Interested Bidder/s <u>that timely submitted its Document Submissions</u> whose Pre-Qualification Documents "passed" the "Pass/Fail" assessment for completeness to a bank representative of an Allowed Bank listed in Schedule 1, through a custodianship or escrow arrangement for its security and custody. <u>For this purpose</u>, the authorized representative/s of the Interested Bidder/s who submitted the Original Copy shall <u>are required to sign over</u> the sealed <u>seal flap of its</u> Envelope 3 before placing <u>it inside the sealed container box of its Document Submissions</u>, or transferring its custody to the bank representative to ensure its integrity, which <u>The</u> sealed Envelope 3 shall be returned to the TPBAC by the bank representative at the time and place of the Opening of the Bid Prices (described below). In the course of the Pre-Qualification Evaluation and as may be deemed necessary, the TPBAC and/or its TWG, as authorized by the TPBAC, may schedule a video conference with an Interested Bidder, to seek clarification with respect to such Interested Bidder's Pre-Qualification Documents. However, an Interested Bidder may not change, alter, amend, or add to its Document Submissions. This notwithstanding, the TPBAC reserves the right to request additional information, and if necessary, to conduct additional verification to establish the veracity of the information/documents submitted. The DOE and/or ERC observers shall be invited to attend the Pre-Qualification Evaluation of the TPBAC, through virtual video conferencing, the schedule and videoconference link of which will be communicated by the TPBAC-Secretariat to the said observers.</p> <p>[...]</p>
3	<p>Section 4.4.2</p> <ul style="list-style-type: none"> To account for the full online Bid Submission Deadline and Opening of the Document Submissions and possibility of transfer of custody of the Bid Price (Envelope 3) to the authorized bank custodian of the TPBAC, bidders are required to 	<p>[...]</p> <p>4.4.2 <u>In preparation for the possibility that</u> If the TPBAC declares that it will conduct a Pre-Qualification Evaluation, <u>at the start of the opening of the Document Submissions</u>, Interested Bidder/s' whose Pre-Qualification Documents (i.e. Envelopes 1 and 2) "passed" the "Pass/Fail" assessment for completeness shall have their sealed box containing the Original Copy opened, and their Bid Prices (sealed Envelope 3) removed from the sealed box in the presence of <u>witnessed by</u> their authorized representative/s who submitted the Original Copy, in order for the TPBAC to place or transfer custody of the said sealed Envelope 3 to a bank representative of an Allowed Bank listed in Schedule 1, through a custodianship or escrow arrangement for its security and custody.</p>

Item	Reference / Subject Matter of Amendment / Rationale	Amendments
	sign over the sealed flap of the outer envelope before inserting it inside the sealed container box.	The authorized representative/s of the Interested Bidder/s who submitted the Original Copy shall are required to sign over the sealed flap of its Envelope 3 before placing it inside the sealed container box of its Document Submissions. or transferring its custody to the bank representative to ensure its integrity, which The said Envelope 3 shall be returned to the TPBAC by the bank representative at the time and place of the Opening of Bid Prices.

ADDITIONAL QUERIES/COMMENTS SUBMITTED BY THE BIDDERS

	TOPIC / BID DOCUMENT REFERENCE	ARTICLE / SECTION / PAGE NO.	DISCUSSION OF COMMENTS / QUESTIONS FOR CLARIFICATION RECOMMENDATIONS / PROPOSED WORDING	RESPONSE
			<p>In relation to the Bid Submission Deadline and Opening of Document Submissions on 27 January 2021, we would like to clarify if the Bidder's authorized representative, who will submit the Original Copy, can be accompanied during the bid opening proper by other Bidder's representatives who are not named in the EOI?</p> <p>In addition, we would like to kindly request the TPBAC to share the House Rules for the Bid Submission Deadline and Opening of Document Submission.</p>	<p>No, only the authorized representatives can be admitted to the virtual Zoom meeting of the Bid Submission and/or Opening of Document Submissions. However, as clarified in this Bid Bulletin No. 7, any of the Bidder's authorized representative (as designated in the Expressions of Interest) may, through a duly issued Special Power of Attorney, delegate to another person the physical submission or delivery of the Original Copy box.</p> <p>The House Rules are being released as another annex/attachment in this Bid Bulletin No. 7</p>
	COMMITMENT LETTER	Annex QD-7A, Page 74	<p>The draft assumes that the Bidder is a corporation. Some changes are proposed to more accurately reflect partnership ownership structure. We write on behalf of (insert name of Bidder) (the "Company") in relation to the Company's application for prequalification to make available the Contract Capacity and supply the associated energy to Meralco for the Required Contract Period beginning on the Scheduled Commercial Operations Date (COD), under the terms and conditions set out in the Power Supply Agreement template ("Project").</p> <p>We write on behalf of (insert name of Bidder) (the "Company") in relation to the Company's application for prequalification to make available the Contract Capacity and supply the associated energy to Meralco for the Required Contract Period beginning on the Scheduled Commercial Operations Date (COD), under the terms and conditions set out in the Power Supply Agreement template ("Project").</p> <p>We own (insert dollar value of interests) of Class (insert Class and whether LP/GP) interests, representing approximately (insert percentage) of the capital contributions of the Company. We have undertaken to provide to the Company the amount of up to (insert amount including Contingent</p>	

		<p>Equity commitment), in the form of equity or shareholder loans, for the implementation of the Project.</p> <p>TPBAC RESPONSE BID BULLETIN NO. 3: We would like to seek clarification from the bidder to expound on what it means about Contingency Equity. Kindly submit an additional comment on this matter.</p> <p>BIDDER ADDITIONAL QUERY/REPLY: The draft assumes that the Bidder is a corporation. Some changes are proposed to more accurately reflect partnership ownership structure.</p> <p>We write on behalf of (insert name of Bidder) (the “Company”) in relation to the Company’s application for prequalification to make available the Contract Capacity and supply the associated energy to Meralco for the Required Contract Period beginning on the Scheduled Commercial Operations Date (COD), under the terms and conditions set out in the Power Supply Agreement template (“Project”).</p> <p>Contingent Equity is equity intended to be funded for costs unforeseen at the time of financial closing. It is to be emphasized that the Contingent Equity is part of the total amount that has already been committed.</p> <p>TPBAC RESPONSE BID BULLETIN NO.5 :</p> <p>Not amenable with the suggested revision.</p> <p>There is an Unrestricted Net Worth Requirement of 30% of the Project Cost, so using the proposed/defined Contingent Equity will be difficult in evaluating the Unrestricted Net Worth Requirement.</p> <p>BIDDER ADDITIONAL QUERY/REPLY:</p> <p>To clarify, our proposed revision only has to do with changes in wording to more accurately reflect the actual structure of the Bidder, which is a partnership rather than a corporation. For reference, kindly see the sample format for one of GNPDP’s partners in Annex A below for consideration. It is to be noted that total commitment is indicated. Lastly, compliance with the Unrestricted Net Worth Requirement will be done using the financial statements of one of GNPDP’s Affiliates</p>	<p>Amenable with the suggested revisions except for “amount of up to”. Replace it with “amount of at least”.</p>
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<p>AUTHORITY TO PARTICIPATE IN THE BIDDING AND DESIGNATION OF AUTHORIZED REPRESENTATIVE</p>	<p>Annex QD-1A</p>	<p>The draft assumes that the Bidder is a corporation. Some changes are proposed to more accurately reflect partnership ownership structure.</p> <p>1. The draft provides:</p> <p>4. At a (<i>regular/special</i>) meeting of the board of directors of the Company, held on (<i>date</i>) at (<i>place</i>), in which meeting a quorum was present and acting throughout, the following resolutions were passed and approved:</p> <p>We note that in Bid Bulletin No. 5 Q&As, p. 51, the TPBAC allowed the term “board of directors” to be changed to “partners”.</p> <p>For GNPD, in particular, the partners delegated its rights and powers, including the implementation, management, and control of the company to the “Management Committee” as provided in its Articles of Partnership (snippet provided below).</p> <p><u>Article 8. Power and Authority of General Partners; Management.</u></p> <p>The rights and powers of the General Partners, including the implementation, management and control of the GNPD Project Business, shall be made and/or exercised only through the management committee (the “Management Committee”) to be formed by the General Partners. The Management Committee shall delegate to the Executive Management Team certain decision making authority within the limitations set by the Officers’ Regulations. Except as expressly authorized by the Management Committee by Required Approval, a General Partner shall not execute any document on behalf of the GNPD Project Company, nor take any other action individually that would bind the GNPD Project Company. (<i>As amended on December 6, 2017</i>)</p> <p>In line with this, please confirm if the following change can be made to QD-1A:</p> <p>“At a special meeting of the board of directors Management Committee of the Company...”</p> <p>2. Please confirm if the bidder can indicate “limited partnership” in all fields where relevant to be accurate in its description.</p> <p>For example:</p>	<p>For items 1. And 2. of the query, the TPBAC is amenable to the said proposed changes to the Bidder’s Annex QD-1A.</p>
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			<p>"I, (insert name), (insert citizenship), of legal age, with office address at (insert address), as the (insert position/designation) of (insert name of Bidder), a limited partnership (partnership/corporation) organized and existing under and by virtue of the laws of the Philippines,..."</p>	
	<p>PSA Appendix, Monthly Fuel Payment</p>	<p>PSA Appendices, Page 87</p>	<p>Under Bid Bulletin No. 3 Annex B Item No. 6, TPBAC responded that "any assumptions on excise tax should be included in the fuel cost".</p> <p>Please confirm our understanding that Fuel Cost (Fo or Pn) should only reflect Free on Board (FOB) Commodity cost and that excise tax should be included under FOM/VOM instead.</p> <p>We note that further including excise tax in the fuel forecast formula may complicate the calculation of Fo and Po, considering the intention is to have the price information easily verifiable from published sources of commodity prices and these publications do not concern themselves with taxes and duties which have only domestic applications.</p> <p>In Bid Bulletin No. 5, the response of the TPBAC is:</p> <p>"As relayed to the TPBAC by Meralco, incidentals (e.g. excise tax) shall be included in Fuel Cost (Fo), together with Free on Board (FOB) commodity cost. Only freight and fuel handling costs shall be included in FOM or VOM."</p> <p>We seek reconsideration of this Meralco position. If we include fuel excise tax in the fuel cost (FO), it means that it will not be a full pass-through cost for the generator since it will be capped by the DOE fuel cost adjustment formula. We believe that the fuel excise tax amount should be allowed to be fully passed through since the generator does not earn on it and just remits it to the government. We reiterate our request that any fuel excise tax should be included under FOM/VOM.</p>	<p>After reviewing the concern and points raised, as relayed to the TPBAC by Meralco, it is amenable that the excise tax on fuel should form part of the VOM and should not be included in the fuel cost (FO). For clarity, <u>the Bidder must include any fuel excise tax in the Non-escalating Peso Component of VOM only.</u> Meralco believes that including the fuel excise tax in the Non-escalating Peso Component of VOM will protect the consumers by keeping the excise tax fixed throughout the Term, unless the Change in Circumstances provision of the PSA-template is applicable.</p>
	<p>Bid Security Form</p>		<p>Bidder has provided Annex Bid – 2 to its preferred bank for the issuance of its bid security. The bank has asked to make certain formal changes to the form of the bid security as in the attached mark-up.</p> <p>Most significant changes are the following:</p> <ol style="list-style-type: none"> 1. The removal of the reference to the Instructions to Prospective Bidders. Further to the legal principle that LC issuers deal only with documents, the bank has eschewed references to any documents which they need not and prefer not review to make payment under the security. 	<p>The TPBAC is not amenable to the proposed modifications. Specifically:</p> <ol style="list-style-type: none"> a. <i>Inclusion of partial and multiple drawings</i> – Not amenable. As previously responded in page 30, Annex B, Bid Bulletin No. 3, in case of partial or proportionate draw of the Bid Security, we will draw the full amount and return the balance to the bidder or hold the proceeds until the submission of an extended or replacement bid security, whichever is applicable.

		<p>2. The inclusion of the ability to make partial drawings. We trust you agree this change is appropriate given the proportionate forfeiture of a bid security in the case of a marginal bid as clarified in Bid Bulletin No. 3.</p> <p>3. The inclusion of a form for demand for payment which the bank says would be required under their usual operating procedure.</p> <p>4. The removal of the notarial acknowledgment. The bank has stated that they do not notarize letters of credit per standard operating procedure.</p> <p>Further to the note in Bid Bulletin No. 5 prohibiting the change of forms without prior clearance from Meralco TPBAC, please may we request that BCE’s bank be allowed to make these changes for the issuance of the bid security.</p>	<p>b. <i>Revision of transfer of funds to 5 business days, from receipt of our demand</i> – Not amenable. We would like to retain the “second business day” as presently worded.</p> <p>c. <i>The removal of the notarial acknowledgment.</i> – Not amenable. Submission of unnotarized SBLC may not be binding or result to an unenforceable document, affecting the TPABC or DU’s ability to draw on the Bid Security.</p>
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CHECKLIST OF DOCUMENT SUBMISSIONS*
CONTRACT CAPACITY OF 1,800 MW (NET), COD 2024-2025

Bidder	
Nominated Power Plant (name/description/location)	
Offered Contract Capacity	

Summarized below are the Document Submissions prescribed under Section 3 of the Instructions to Prospective Bidders and its Annexes, as amended or clarified by the Bid Bulletins (collectively, the "IPB") issued by the Third Party Bids and Awards Committee, relating to Meralco's Competitive Selection Process for the Contract Capacity of 1,800 MW (net), COD 2024-2025, and to be uploaded to a cloud-based folder no later than **9:00 A.M. of 27 January 2021**, and the original copy of which be submitted on between **8:00 A.M. to 9:00 A.M. of 27 January 2021**.

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

- (a) For documents which must be certified as a true and correct copy, all the pages must be certified. In the alternative, a certification page may be attached to the document (1) clearly identifying the document to which it is attached (including the name of the document, the issuer and the date of issue), and (2) attesting under oath that such document, including the number of pages of such document, is a true and correct copy of the original, which certification must be under oath and notarized (Section 2.1(h));
- (b) Assistant Corporate Secretary will be allowed to certify documents in lieu of the Corporate Secretary (Bid Bulletin No. 3);
- (c) Qualification Documents shall be prepared and written in the English language. All documents issued or executed in a foreign country, kindly refer to Section 2.7 of the IPB, as amended by Bid Bulletin No. 4;
- (d) Each set of the Qualification Documents, Technical Proposal or Bid Price should contain a table of contents (Section 3.4.1(a));
- (e) Whenever possible, the Document Submissions must be printed in standard letter size (8 1/2"x11") and bound together in ring binders or folders of appropriate size. Documents must be paginated and text must be of 11- or 12-font size. In one set of Document Submissions (e.g. Envelope 1), all pages are to be paginated from 1 to xxx, for the ease of monitoring by the TPBAC. As such, all pages are again to be paginated from 1 to yyy for the other set of Document Submissions (e.g. Envelope 2) (Section 3.4.1(b));
- (f) If the same document is a required attachment in more than one Annex, the original set must contain at least one original of the document. A simple photocopy of the same document may be attached to the subsequent Annex(es) and will be considered as an original for this purpose (Section 3.4.1(c));
- (g) All documents shall be properly organized and sequenced in the same order these appear in Sections 3.1, 3.2, and 3.3. The first page of the individual documents shall be properly labelled with a document tab or separator for easy distinction of individual documents. For electronic copies, the filename format to use, as much as possible, should be the document title and preceded by the bidder's shorthand or acronym identification (e.g. "MERALCO Articles of Incorporation," "MERALCO Environmental Compliance Certificate dated NNN," "MERALCO AFS 2019," etc.). (Section 3.4.1(d), amended by Bid Bulletin No. 7);
- (h) Electronic copies of all documents submitted in the Bid 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 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), amended by Bid Bulletin No. 7);

- (i) All prices shall be expressed in Philippine Pesos (PHP). The Bidder may write down the prices in words (handwritten will be allowed) to re-confirm the total amounts/figures reflected in the Financial Evaluation Workbook (Section 3.4.1(f));
- (j) The Headline Rate and LCOE shall be calculated up to the fourth (4th) decimal place (Section 3.4.1(g));
- (k) Bidders shall submit offers that comply with the requirements of this IPB. Alternative Bids or conditional Bids with modified terms other than the IPB terms shall not be accepted (Section 3.4.1(h));
- (l) If a requirement is deemed not applicable by the Bidder, a write-up should be submitted to explain the non-applicability. However, for any write-up/explanation, the Bidder must know that it is a calculated and known risk on its part that it is submitting to the TPBAC's exercise of discretion in allowing/disallowing the explanation provided in the said write-up as to why a particular bid requirement was deemed inapplicable by the said Bidder (Bid Bulletin No. 3);
- (m) The authorized representative/s of the Interested Bidder/s who submitted the Original Copy shall be required to sign over the sealed flap of its Bid Price and Bid Security (Envelope 3) before placing it inside the sealed container box of its Document Submissions (Bid Bulletin No. 7);
- (n) Subject to some allowed revisions issued in various Bid Bulletins to address specific circumstances of a bidder (e.g. consortium), 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 envelope marked as follows:

<p>MANILA ELECTRIC COMPANY</p> <p>1,800 MW CSP</p> <p><i>[QUALIFICATION DOCUMENTS (ENVELOPE 1) – ORIGINAL]</i></p> <p><i>[TECHNICAL PROPOSAL (ENVELOPE 2) – ORIGINAL]</i></p> <p><i>BID (ENVELOPE 3) – ORIGINAL]</i></p> <p><i>[STATE NAME, ADDRESS, AND E-MAIL ADDRESS OF BIDDER]</i></p>
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Pursuant to the Disclaimer of the IPB, the TPBAC reserves the right to waive any minor defects in the Document Submissions of any party.

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

ENVELOPE 1 – QUALIFICATION DOCUMENTS

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

	Bid Documents	Page No. in the set	Form	Notes	Yes	No	Comments
	<p>Agreement shall be solidary for the parties thereto; and</p> <p>(f) BOI Registration, if applicable</p>			<p>COVID-19 pandemic, e-mail acknowledgement of the SEC would suffice as a substitute of the SEC stamp "received."</p> <p>Diagram of the corporate structure - only up to Affiliates engaged in the power industry.</p>			
6	<p>CERTIFICATION THAT NOMINATED POWER PLANT IS UNCONTRACTED (Sec. 3.1.2(g))</p>		Annex QD-3 (Amended by Bid Bulletin No.3)	Annex QD-3 should be notarized.			
7	<p>BIDDER'S CERTIFICATION OF ABSENCE OF UNSATISFACTORY PERFORMANCE RECORD, OUTSTANDING DISPUTE, OR DUE AND DEMANDABLE FINANCIAL OBLIGATION/S (Sec. 3.1.3)</p> <p>Attachments:</p> <p>(a) List of the Bidder's Counterpart(ies)/Financial Lenders</p> <p>(b) Counterparty's Certification of Absence of Unsatisfactory Performance Record, Outstanding Dispute or Due and Demandable Financial Obligation/s</p>		<p>Annex QD-4 (Amended by Bid Bulletin No.3)</p> <p>Annex A of Annex QD-4 (Amended by Bid Bulletin Nos.3 and 5)</p> <p>Annex QD-4-A (Amended by Bid Bulletin Nos.3 and 5)</p>	<p>Annexes QD-4 should be notarized.</p> <p>Per Bid Bulletin No. 4, in these certifications, all reference to "any projects or contracts" relates only to "power supply or off take agreements."</p> <p>Annexes QD-4-A should be notarized.</p>			
8	<p>CERTIFICATION REGARDING TECHNICAL QUALIFICATION (REFERENCE PLANT) (Sec. 3.1.4)</p> <p>Attachments:</p> <p>(a) Proof that the Bidder or any of its direct shareholders with Controlling interest, Affiliate or Ultimate Parent has satisfactorily undertaken the development, construction, and/or operation or maintenance of a Reference Plant, whether in the Philippines or elsewhere;</p> <p>(b) Proof that the Reference Plant is capable of generation of electricity of at least 150 MW, which (i) in case of a Reference Plant located in the Philippines, 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 85% PCF over a 3-month consecutive period of operations within the most recent twenty-four (24) month</p>		<p>Annex QD-5 (Amended by Bid Bulletin No. 3)</p> <p>Certification regarding Technical Qualification</p>	The Certification regarding Technical Qualification (Reference Plant), to be used as the cover page of all attachments in Annex QD-5, should be notarized.			

Bid Documents	Page No. in the set	Form	Notes	Yes	No	Comments
<p>period of operations, certified as a true copy by the corporate secretary, in which case it must be under oath and notarized, or (ii) in case of a Reference Plant located outside the Philippines, any equivalent or similar document;</p> <p>(c) Proof that the Reference Plant, if located in the Philippines, is covered by a Certificate of Compliance (COC) 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 is not available as of Bid Submission Deadline, the Bidder must submit an application for a COC 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. If the Reference Plant is located outside of the Philippines, it must have the license or permit equivalent to the ERC's COC, or the alternative documents;</p> <p>(d) In respect of a Reference Plant located in Luzon or Visayas, a copy of the Market Participation Agreement with the WESM for the Reference 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/assistant corporate secretary (or its equivalent thereof if in a foreign country), in which case, it must be under oath and notarized. If the Reference Plant is located outside of the Philippines, it must have the equivalent market participation agreement with the WESM, or the alternative documents;</p> <p>(e) Proof that the Reference Plant, if located in the Philippines, must be covered by a valid Transmission Service Agreement and Fuel Supply Plan or Agreement, or the equivalent of these documents if in a foreign country, which shall be certified as a true copy by (i) the National Grid Corporation of the Philippines (NGCP); or (ii) the corporate secretary/assistant corporate secretary.</p>						

Bid Documents	Page No. in the set	Form	Notes	Yes	No	Comments
<p>(e) Proof that the Reference Plant, if located in the Philippines, must be covered by a valid Transmission Service Agreement duly certified by the National Grid Corporation of the Philippines (NGCP) and Fuel Supply Plan or Agreement, or the equivalent thereof if in a foreign country; and</p> <p>(f) Tabular presentation of the details of the Reference Plant</p>						
<p>9 STATEMENT OF FINANCIAL CAPABILITY (Sec. 3.1.5)</p> <p>Attachments:</p> <p>(a) Audited (parent and consolidated, if applicable) financial statements of the Bidder or any of its direct shareholders representing Controlling interest, Affiliates or Ultimate Parent for the last three (3) years (the latest of which must not be earlier than for the year ending December 31, 2019) duly stamped "received" by the Bureau of Internal Revenue ("BIR") or SEC, or the equivalent thereof in a foreign country; and</p> <p>(b) copy of the most recent quarterly financial statements</p>		<p>Annex QD-6 (Amended by Bid Bulletin No. 3)</p>	<p>The Statement of Financial Capability, to be used as the cover page of all attachments in Annex QD-6, should be notarized.</p> <p>For AFS 2017 and 2018, FS to be submitted should be stamped received by the BIR and SEC.</p> <p>For the 2019 AFS, FS without any stamp by the BIR and SEC will be acceptable. Provided that the bidder should also submit the email acknowledgment by the BIR and SEC along with FS signed by the auditors (<i>Bid Bulletin No. 3</i>).</p> <p>Attachment (a) must be certified as a true copy by (i) the BIR or SEC, or the equivalent thereof in a foreign country; or (ii) the chief financial officer or treasurer, in which case, it must be under oath and notarized.</p> <p>Attachment (b) must be certified as a true copy by the chief financial officer or treasurer, and must be under oath and notarized.</p> <p>For Attachment (b), all available quarterly financial statements must be submitted.</p> <p>The most recent unaudited quarterly FS that will be submitted is as of and for the period ended 30 September 2020. (<i>Bid Bulletin No. 3</i>)</p> <p>Certification should be done by CFO or Treasurer or in the absence of CFO,</p>			

	Bid Documents	Page No. in the set	Form	Notes	Yes	No	Comments
				<p>equivalent officer (<i>Bid Bulletin No. 3</i>)</p> <p>The CFO or Treasurer of the entity whose financial capability will be used to fulfill the financial capability requirements should certify the documents. (<i>Bid Bulletin No. 3</i>).</p>			
10	<p>STATEMENT ON PROJECT COST AND FINANCING PLAN (<i>Sec. 3.1.6</i>)</p> <p>Attachments:</p> <p>(a) Commitment Letter; and</p> <p>(b) Testimonial.</p>		<p>Annex QD-7 (<i>as amended by Bid Bulletin No. 5</i>)</p> <p>Annex QD-7A</p> <p>Annex QD-7B (<i>as amended by Bid Bulletin No. 5</i>)</p>	<p>The Statement on Project Cost and Financing Plan, to be used as the cover page of all attachments in Annex QD-7, should be notarized.</p> <p><i>Annexes QD-7; QD-7A; and QD-7B are subject to the revisions allowed to specific bidders as requested and responded in Bid Bulletins Nos. 3 and 5.</i></p>			

ENVELOPE 2 – TECHNICAL PROPOSAL

	Bid Documents	Page no. in the set	Form	Notes	Yes	No	Comments
1	<p>One (1) Electronic copy uploaded to the cloud-based folder</p> <p>One (1) Original copy</p> <p>Three (3) Electronic copies contained in a USB/thumb flash memory drive, attached/taped to the set of the Original copy</p>			Each page shall be marked as "Envelope 2-TP-Original".			
2	<p>TABLE OF CONTENTS (Sec. 3.4.1(a))</p>			All pages must be numbered consecutively.			
3	<p>TECHNICAL PROPOSAL (NOMINATED POWER PLANT) (Sec. 3.2)</p> <p>Attachments:</p> <p>(a) Proof that the Bidder or its direct shareholder representing Controlling interest is the developer of, owner of, and Controls, the Nominated Power Plant and has sufficient authority to enter into the offtake agreement with Meralco;</p> <p>(b) Evidence of land acquisition or legal possession of the proposed site/s over the Required Contract Period, showing that Bidder has acquired, or will be able to acquire ownership or legal possession of the right, title or interest therein;</p> <p>(c) Technical characteristics of the Plant showing evidence of compliance to the technical requirements stated in the Invitation to Bid's Terms of Reference Table ("TOR Table").</p> <p>(d) The Bidder shall provide a description, for the Nominated Power Plant, 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. 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 if TPBAC's Independent Engineer determines that the Comparable Plant has an average forced outage factor that has not been above five percent (5%) and its</p>		Annex TP-1 (Amended by Bid Bulletin Nos. 5 and 6)	<p>The Certification regarding Technical Proposal (Nominated Power Plant), to be used as the cover page of all attachments in Annex TP-1, should be notarized.</p> <p>Attachment (a) can be a resubmission of the Secretary's Certificate used as proof of Bidder's authority to enter into a PSA in the form of Annex QD-1A (Bid Bulletin No. 3).</p> <p>For attachments (c) to (e), follow the suggested format provided in Annex TP-1.</p>			

Bid Documents	Page no. in the set	Form	Notes	Yes	No	Comments
<p>average unit equivalent availability factor has not been below 87.67% for the duration of the commercial operation period except in a year of a major planned overhaul;</p> <p>(e) 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 Power Plant, including but not limited to general information on the Nominated Power Plant and its key components (e.g., boiler, turbine and generator), such as the design data (e.g., type, including specific fuel, heat rate at 100% Load Factor, 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 Power Plant;</p> <p>(f) The Bidder shall state its fuel source and a nominated fuel price index. The nominated fuel price index should be among the relevant indices published by the World Bank's Commodity Markets Outlook (i.e. [i] Coal, Australia; [ii] Natural Gas, US; [iii] Natural Gas LNG, Japan), CoalSpot.com for other coal ranks, or any other index that is easily accessible by Meralco and the electric power industry participants.</p> <p>(g) If the Bidder's Nominated Power Plant will use a fuel source other than coal or natural gas, the Bidder shall submit its own technical parameters (which shall nevertheless comply with requirements in the TOR Table and information prescribed in Annex TP-1 of the IPB), fuel forecast and nominated fuel price index for evaluation of the TPBAC.</p> <p>(h) Bidder shall also provide 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;</p> <p>(i) The Fuel Supply Plan or Agreement, containing a narrative description of strategies and plans for ensuring long-term availability of fuel and regulatory compliance on fuel inventory and specification. Bidders shall ensure</p>			<p>If the nominated fuel price index is not easily accessible to the DU and would require a subscription fee, such subscription fee shall be shouldered by the Bidder during the implementation of the PSA if it is declared a Winning Power Supplier (<i>Bid Bulletin No. 3</i>).</p> <p>If the specifications of Performance Fuel by way of Proximate Analysis and Ultimate Analysis is not applicable to the Bidder's Nominated Power Plant, the Bidder should provide a write-up/explanation and submit the Performance Fuel Specification information it deems appropriate for evaluation of the TPBAC and its Independent Engineer. (<i>Bid Bulletin No. 3</i>).</p>			

Bid Documents	Page no. in the set	Form	Notes	Yes	No	Comments
<p>that it shall procure its fuel supply and freight following a competitive selection process to be promulgated pursuant to the PSA;</p> <p>(j) The Environmental Compliance Certificate (ECC) issued by the Department of Environment and Natural Resources (DENR); or an application for ECC pending before the DENR, provided that if the Bidder's Bid is declared as the Best Bid (and issued a Notice of Award), a certified true copy of the ECC issued by the DENR must be submitted as required by the ERC;</p> <p>(k) The Grid Impact Study (GIS) / System Impact Study (SIS), whichever is applicable, issued by NGCP; or an application for GIS/SIS pending before the NGCP, provided a certified true copy of the GIS/SIS must be submitted during Post-Qualification if the Bidder's Bid is declared as the Best Bid;</p> <p>(l) If applicable, the Certificate of Registration issued by the Board of Investments (BOI), which shall be certified as a true copy by (i) the BOI; or (ii) the corporate secretary, in which case it must be under oath and notarized; and</p> <p>(m) A Project Feasibility Study.</p>			<p>if the GIS/SIS is available before the Bid Submission Deadline a certified true copy of such must be submitted by the Bidder.</p> <p>If the document to be submitted is a mere application for GIS/SIS pending before the NGCP, the corporate secretary/assistant corporate secretary of the bidder may certify the duly stamped NGCP-received copy of the said application. However, if the bidder is a recipient of a Notification of Best Bid and it only submitted a mere application for GIS/SIS during the Bid Submission Deadline, the said bidder must submit a certified true copy of the GIS/SIS during the Post-Qualification of its Bid Price (Envelope 3). (<i>Bid Bulletin No. 3</i>).</p> <p>There is no prescribed format for the Project Feasibility Study, but it should be the standard acceptable industry practice of preparing a Project Feasibility Study prior to developing or constructing a power plant. (<i>Bid Bulletin No. 3</i>).</p>			
<p>4 PERFORMANCE GUARANTEES (NOMINATED POWER PLANT) (Sec. 3.2(e))</p>		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	<p>One (1) Electronic copy uploaded to the cloud-based folder</p> <p>One (1) Original copy</p> <p>Three (3) Electronic copies contained in a USB/thumb flash memory drive, attached/taped to the set of the Original copy</p>			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 (Amended by Bid Bulletin No.3)	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	<p>Annex BID-2 should be notarized.</p> <p>The Bid Security shall be equivalent to Three Million Pesos (PhP3,000,000.00) multiplied by MegaWatt (MW) of Offered Contract Capacity, in the form of an irrevocable standby letter of credit issued by an Allowed Bank.</p> <p>The Bid Security shall initially be valid for sixty (60) days from the original Bid Submission Deadline (to account for bidders who earlier obtained the Bid Security prior to the release of Bid Bulletin No. 5) or amended Bid Submission Deadline (i.e. until March 26, 2021 (Friday) or March 28, 2021 (Sunday)). Bid Security may be issued for a validity period longer than 60 days but cannot be shorter than 60 days (Bid Bulletin No. 3).</p>			
5	<p>FINANCIAL EVALUATION WORKBOOK (Sec. 3.3(d) and (e))</p> <p>See pages 26 to 28 of the IPB.</p> <p>(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).</p> <p>(b) Print outs of the relevant worksheets, as reflected in the Financial Evaluation Workbook of the Bidder and signed by the Bidder's authorized representative:</p>						

Bid Documents		Page no. in the set	Forms	Notes	Yes	No	Comments
	i. LCOE Result Worksheet; ii. GNPHR Table Worksheet; iii. LR Cap and AS Cost Recovery Cap Worksheet; iv. Quarterly Fuel Price Forecast Worksheet; v. Base Rates Table Worksheet; vi. Bid Security Worksheet; and vii. Performance Security Worksheet.						
6	ACKNOWLEDGEMENT AND ACCEPTANCE OF THE POWER SUPPLY AGREEMENT TEMPLATE		Annex BID-3				

HOUSE RULES BID SUBMISSION AND OPENING OF DOCUMENT SUBMISSIONS CONTRACT CAPACITY OF 1,800MW (net), COD 2024-2025

27 January 2021

Zoom Virtual Meeting and
Lopez Lobby, Lopez Building, Meralco Center
Meralco Ave., Pasig City

To supplement the procedure provided under the Instructions to Prospective Bidders, as amended by the Bid Bulletins, (collectively, the "IPB") for the Competitive Selection Process for Contract Capacity of 1,800MW (net), COD 2024-2025, the Third Party Bids and Awards Committee ("TPBAC") adopts the following House Rules for the Submission, Opening and Evaluation of Document Submissions (the "Proceedings"):

A. GENERAL GUIDELINES

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

The guidelines before and during the Proceedings are as follows:

- A. Before the Proceedings through virtual video/audio conferencing -
 - 1) Registration is required for all participants, including the Bidders' authorized representatives, to receive the videoconferencing details for the Proceedings that will be conducted through Zoom.
 - 2) Only the registered email addresses of the Bidder's authorized representatives, as stated in their latest EOI, will be allowed to join the Zoom meeting for the Proceedings. Thus, such email address must be the one used to register, and it should have a Zoom account to be able to join the conference. Only one device per email address will be allowed to connect.
 - 3) On 26 January 2021, the registration link will be sent to the email addresses of the authorized representatives of Bidders and DOE/ERC observers ("Participants") who have registered for the Proceedings.

- 4) The **deadline for registration is on 26 January 2021 at 5:00 P.M.** 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 Participants must be in the waiting room of the Zoom Meeting by 7:45 A.M. on 27 January 2021 in order for their attendance to be registered and considered.
- 2) At 8:00 A.M., the TPBAC Secretariat will start admitting into the Zoom Meeting the DOE/ERC observers; the TPBAC and TWG members; and the Bidder's authorized representatives that successfully registered, subject to the applicable removal of access after the 9:00 A.M. deadline (as described below).
- 3) Only Bidders that meet the Bid Submission Deadline will be allowed to attend the Zoom meeting for the Opening of Bids.
- 4) At 9:00 A.M., a roll call of the registered and authorized representatives of the Bidders and Observers will be conducted by the TPBAC Secretariat of the Bidders who were able to meet the Bid Submission Deadline.

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

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

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

B. SUBMISSION OF BIDS

1. The TPBAC shall only receive the Original Copy box of the Document Submissions of the Bidders between 8:00 A.M. until 9:00 A.M. of 27 January 2021 ("Bid Submission Deadline"). In accordance with Section 2.2 of the IPB, Interested Bidders shall submit to the TPBAC their Document Submissions by submitting original hard copies, which includes three (3) USB/thumb flash memory drives containing the electronic copies/scanned files (PDF format) of the contents of the said original set, inside a properly labeled sealed box. The soft copies of the Document Submissions stored in the USBs shall be in the form of a .zip folder protected by a password (similar to the uploaded copy in the cloud-based folder).
2. The Bidder shall ensure that it will deliver the Document Submissions at the designated venue for submission at the Lopez Lobby, Lopez Building, Meralco Center, Meralco Ave, Pasig City. For the submission, the Bidder shall ensure that the authorized representative (or a designated person authorized through, and possessing, a Special Power of Attorney executed by any of the Bidder's authorized representatives) on board the Bidder's authorized vehicle with the Document Submissions, enters the designated queue on or before the Bid Submission Deadline. The designated queue shall begin at the Lopez Lobby vehicle drop-off area.

For this purpose, the Bidder shall submit to the TPBAC by 26 January 2021 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.

Interested Bidders are reminded to mind the possible closure during traffic peak/rush hours of the Meralco Gate 2 - Rockwell Business Center/Medical City access intersection (fronting Autocamp).

3. Before or at 9:00 A.M., Bidders whose authorized representatives (or designated persons authorized through, and possessing, Special Powers of Attorney) are present inside their authorized vehicle which contains the Document Submissions and is inside the designated queue area, will be given queuing numbers. Fixed and roving cameras shall be set at designated areas to ensure full view of the queuing and during submission.
4. Only Bidders who were issued queuing numbers on or before 9:00 A.M. shall be allowed to register; submit their Document Submissions at the registration table; **and** be allowed inside the Zoom virtual meeting for the Opening of the Bids. Late submissions shall be rejected and returned unopened to the concerned Bidder. As long as the Bidder is in queue by 9:00 A.M. and whose representative possesses a queue number, the submission will be considered as having been made within the deadline. Only the Bidder at the start of the queue will disembark from the vehicle to place the sealed box at the non-contract receiving table beside its vehicle. After submission, the Bidders' authorized representatives (or designated persons authorized through, and possessing, Special Powers of Attorney) will be directed to leave the Meralco Operations Center.
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 TPBAC by indicating therein "Received" and the time of receipt. After the submission has been recorded, sealed boxes will remain in the disinfection area in clear view of the camera in the vehicle drop-off area. The envelopes and boxes will be disinfected by using the most convenient mode and at the most convenient location provided the boxes are followed and within clear view of the Zoom meeting video camera or video recording.
7. The TPBAC Secretariat shall prepare a list of Bidders which have submitted their respective Document Submissions on or before the Bids Submission Deadline and late submissions, if any, and submit such list to the TPBAC for evaluation and/or approval.

8. For clarity, the Bidder's authorized representatives will be allowed to enter the Zoom meeting venue for the Opening of Bids only after their Document Submissions are timely received by the TPBAC (and have duly registered themselves).

C. TRANSFER OF CUSTODY OF ENVELOPE 3 TO BANK CUSTODIAN

1. The Transfer of Custody of Envelope 3 to Bank Custodian is scheduled at 9:30 A.M. to 10:00 A.M. of 27 January 2021.
2. As provided by Bid Bulletin No. 7 and the Checklist, Bidders shall sign over the sealed tape of its Envelope 3 in case the said envelope is turned over to the bank custodian during Pre-Qualification Evaluation.
3. At 9:30 A.M., after the Opening Remarks, the TPBAC Chairman will immediately announce the opening of all boxes for the disinfection of the box content and pull out of Envelope 3, to be turned over to the bank custodian. The Envelope 3s will be placed on the non-contact receiving table beside the vehicle of the bank custodian. The bank custodian will stand beside the vehicle during the transfer of custody.
4. After the turnover, the bank custodian will leave Meralco Operations Center. Opened boxes will be resealed and placed in the Lopez Lobby in clear view of the Zoom meeting video camera or video recording.

D. OPENING AND EVALUATION OF BIDS

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

6. At the end of each stage of evaluation, the TWG shall prepare a report for the TPBAC's evaluation and/or approval. The TPBAC shall announce the Bidders who have qualified after each stage and who are allowed to participate in the next stage, and any other information which it deems necessary. Bidders whose Document Submissions were found to have "FAILED" at a relevant stage, shall be required to leave the Zoom meeting.
7. The TPBAC shall take custody of the original and soft copies of the Document Submissions that have been considered as "PASSED" at the relevant stage. The unopened original and soft copies of the Documents Submissions that have been considered as "FAILED" shall be returned to the concerned Bidder.
8. No amendments by Bidders to Annexes and forms shall be allowed. Any amendment by the Bidder on the Annexes and forms, which have not been approved by the TPBAC through the Bid Bulletins, shall be a ground for disqualification.

E. COVID-19 HEALTH AND SAFETY REMINDERS FOR ENTERING THE MERALCO OPERATIONS CENTER (MOC) ON 27 JANUARY 2021.

The Interested Bidder's authorized representative/s (indicated in the latest Expression of Interest) or designated persons authorized through, and possessing, Special Powers of Attorney, who will submit the Original Copy box shall:

1. Submit a medical certificate on or before 4:00 P.M. of 26 January 2021 (to be submitted to the Safety and Security Office of MERALCO c/o the TPBAC Secretariat's e-mail, together with the vehicle make, plate number, driver and passenger/s). The medical certificate should contain a certification that the patient/subject is not experiencing COVID-19 like symptoms, no travel history to COVID-19 areas and no exposure with COVID-19 confirmed positive individual; with full details of the attending physician (i.e. contact number, license number and email address);
2. The medical certificate should be valid for seven (7) days, inclusive of the Bid Submission Deadline;
3. For clarity, the driver of the vehicle who will **not** disembark to submit the original copy is **not** required to obtain and submit the aforesaid medical certificate;
4. Should have the Pasig City-required Pasig Pass (<https://pasigpass.pasigcity.gov.ph/>) as this will be scanned at the MOC gate entrance prior to entry; and
5. Should accomplish correctly MERALCO's online health declaration form (QR code and link below) prior to entry. Incorrect declarations may delay or prevent entrance to the MOC.



https://forms.office.com/Pages/ResponsePage.aspx?id=Km_2OiT64E6iEspbj05hx6gDefT_on5CvzSyZ4H_sVkJZUMkwzMUQ3WVA5MUhMMUhBSzJGMDNDWDUzVS4u&qrcode=true

Approved on 19 January 2021.