

ANNEX C: Instruction to Bidders

This Instruction to Bidders provides specific guidelines for participants in Green Energy Auction-1 (GEA-1).

1. Registration for Intention to Bid

- 1.1. The Qualified Suppliers intending to participate in GEA-1 shall register with the DOE following the requirements and procedures set forth in the TOR.
- 1.2. The Letter of Intent for GEA-1 registration shall be submitted electronically through gea1.2022l@doe.gov.ph and addressed to:

<p>Undersecretary Felix William B. Fuentebella Chairperson Green Energy Auction – Bids Evaluation & Awards Committee Department of Energy Address: Telephone:</p>

- 1.3. The LOI, duly filled-out registration form and all documentary requirements shall be saved in pdf file.

2. Cost of Bidding and Bidders' Responsibilities

The Qualified Bidder shall bear all costs associated with the preparation and submission of its bid, and the GEA-BEAC will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the bidding process.

3. The Qualified Bidder is responsible for the following:

- 3.1. Having taken steps to carefully examine all of the auction documents;
- 3.2. Having complied with its responsibility to inquire or secure supplemental information and bid bulletin/s if any;
- 3.3. Ensuring that each of the documents submitted in satisfaction of the bidding requirements is authentic or certified as a true copy of the original by the issuing authority, complete, and all statements and information provided therein are true and correct.

- 3.4. Having noted that the GEA-BEAC will accept bids only from those that have posted the Bid Bond and submitted the Affidavit of Undertaking on the schedule specified in this TOR.
- 3.5. Ensuring stable internet connection during the conduct of electronic bidding. For smooth connection, it is recommended that:
 - 3.5.1. You connect via a PC/laptop
 - 3.5.2. You are connected through the internet (no hotspot connection to be used)
 - 3.5.3. Your device can be readily connected to the power outlet when needed
 - 3.5.4. You use the preferred OS and browser.
- 3.6. Having noted that the Winning Bidders in this auction comprising the ranked lists up to their respective marginal offer/s will thus be awarded their corresponding Green Energy Tariff" or "GET" in PHP/kWh, on a pay-as-bid basis.
- 3.7. Having noted that an embedded facility will be required to pay the host Distribution Utility the Distribution Wheeling Service charges under the terms and conditions set forth in the Distribution Services and Open Access Rules ("DSOAR") and Tariff approved by the Energy Regulatory Commission.
- 3.8. Having noted that failure to deliver is a prohibited act under Section 19 of the GEAP Guidelines and is subject to the penalties provided under Section 46 of the EPIRA. In addition, said persons or juridical entities shall be prohibited from participating in any other auction under the GEAP or Competitive Selection Process (CSP).
 - 3.8.1. There is failure to deliver when the Winning Bidder, for reasons solely attributable to the Winning Bidder, fails to deliver the committed capacity to the WESM:
 - 3.8.1.1. On the date of commencement of supply as provided for under the GEA Affidavit of Undertaking; or
 - 3.8.1.2. For more than one (1) year from the Delivery Commencement Date of the RE Facility under the GEA.
- 3.9. Having noted that delays in delivery are also subject to ERC regulatory and administrative procedures, and penalties. To enforce the adherence of the Winning Bidders to their contracted capacities and energy output during operation and dispatch, the FIT-All settlement rules will be adopted; for the projected output with respect to the Winning Bidders' must dispatch or priority dispatch status, the FIT Rules and penalties on the Forecast Accuracy Against Standards will be adopted.

3.10. By participating in this auction in accordance with its TOR, the Qualified Bidder warrants that:

3.10.1. It is not prohibited by any law, or government rules or regulations to participate and perform its obligations under GEA;

3.10.2. It has the legal right and authority to perform its obligations under GEA;

3.10.3. REPAs under the GEA shall take effect once the DOE/TransCo has received all the post-auction requirements from the Winning Bidder; and

3.10.4. All Winning Bidders under the GEA must be registered in the Wholesale Electricity Spot Market (WESM) during the entire period that it is obligated to deliver the capacities as indicated in its Certificate of Award.

4. All timelines stated in the TOR shall be in Philippine Standard Time.

5. Opt-In Mechanism shall not be applied in GEA-1.