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## SUPPLEMENTAL BID BULLETIN NO. 21-002 December 3, 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 the contents and certain provisions of the Bidding Documents, Bid Bulletin No. 21-001, Revised Checklist, Financial Bid Form and the Draft Power Supply Agreement all issued for this CSP, including those raised by the prospective bidders during the third Pre-Bid Conference held on November 24, 2021.

No.	Reference	Amendment/Clarification
1	Qualifications Bid Component (First Envelope), c. Technical Qualification:	The Provisional Authority to Operate (PAO) serves the same purpose as Certificate of Compliance (COC), albeit temporary. For this, DECORP TPBAC finds no reason not to accept the PAO. In the event, however, that the COC is not yet issued and the PAO had already lapsed or is about to expire, the Bidder must, at the very least, submit a document showing that the Bidder is in the process of applying with the ERC for a renewal of the PAO in order for its bid to be considered for evaluation.
2	<ul> <li>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), c. Technical Qualification:</li> <li>x x x 4. In relation to the nominated Power Plant, the bidder must provide evidence of the following: x x x</li> <li>The Power Plant must be compliant with existing WESM, ERC, DOE and other applicable rules and regulations; x x x</li> </ul>	The IEMOP Certification of Direct Membership will satisfy the requirement concerning compliance with existing WESM rules and regulations.
3	III. ITB, F. Eligibility Criteria, i.	DECORP TPBAC would like to clarify that the

No.	Reference	Amendment/Clarification
	<ul> <li>Qualifications Bid Component (First Envelope), c. Technical Qualification:</li> <li>1. The bidder shall submit the following to demonstrate compliance with the technical criteria established in the TOR: x x x</li> <li>• Track records for the last five (5) years in operating the power plant</li> </ul>	last five (5) years mean from 2016 – 2020.
4		This requirement under SOQ was not actually removed from the submissions but that Annex D already satisfies this requirement; hence, no need to include it under this item under Legal Qualification.
5	,	DECORP TPBAC would like to clarify that term "projects" mean construction of new power plants or an expansion of the existing power plant.
6	III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), b. Financial Qualification  2. Details of equity and financing plan indicating the capital structure and source of funds with supporting documents.	Using NFCC as an evaluation tool is not limited to a particular industry. It can measure the liquidity of a company in a more comprehensive manner. However, it is given that there are other means of determining the liquidity of a company without an NFCC computation. DECORP TPBAC, therefore, agrees not to require the submission of NFCC calculation anymore.
7	Annex A – Omnibus Sworn Statement	Amended as follows:

No.	Reference	Amendment/Clarification
		I, (Name of Affiant), of legal age, (Civil Status), (Nationality), and residing at <b>or with office address at</b> , after having been duly sworn in accordance with law, do hereby depose and state that:
8	Performance Security  3. Should (Name of Bidder) be awarded as a Winning Bidder in this Transaction, undertakes to post a Performance Security amounting to TWO HUNDRED FIFTY MILLION PESOS (Php250,000,000.00) in favor of Dagupan Electric Corporation (DECORP) in the form of cash, manager's/cashier's check, Letter of Credit, or Bank Guarantee to guarantee prompt faithful and complete performance of our obligations under the Power Supply Agreement;	Bidders may edit the statement and indicate their preferred form of Performance Security.
9	Performance Security  4. The posting of the Performance Security shall be made by (Name of	In order to reconcile with the Bidding Documents, this statement shall be amended as follows:  "The posting of the Performance Security shall be made by (Name of Bidder) within twenty (20) calendar days from receipt by (Name of Bidder) of the Notice of Award;"
10	IV. General Provisions, K. Notices  Bidders shall include with their bids the designation of the person or organization to whom notices, or other communications shall be sent.	Bidder's statement of the person to whom notices or other communications shall be sent to need not be signed.
11	Annex C – Certification Against Blacklisting And Graft And Corrupt Practices 3. (Bidder's name) is:	Amended as follows: 3. (Bidder's name) is: b) Free and clear of all liabilities
	a) Free and clear of all liabilities (including taxes, customs duties, among others) with the government. xxx	(including taxes, customs duties, among others) with the government,
12	III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification:	For internal documents, the SPA/Notarized Certification of Authority for company custodian will suffice.
	11. Other Documents:	For government documents, DECORP TPBAC

No.	Reference	Amendment/Clarification
	<ul> <li>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</li> </ul>	
13	<ul> <li>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), b. Financial Qualification</li> <li>4. Certificate of Good performance/track record with other customers;</li> </ul>	
14	III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), b. Financial Qualification  8. Any other relevant information regarding financial track record and capabilities of the bidder that it believes would be helpful to the TPBAC.	
15	<ul> <li>III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualification</li> <li>Annex B – Certification of Submission of Original or Certified True Copies of Documents and Authorization for TPBAC to Verify Said Documents</li> <li>1. I am one of the authorized representative of (Bidder's name) as per Secretary Certificate dated or Board Resolution No,dated,submitted in accordance with this Transaction</li> </ul>	Bidder in this bidding process shall satisfy all requirements stated separately in the Annexes.
16	Draft Power Supply Agreement	DECORP TPBAC would like to clarify that the terms and conditions of the draft PSA provided to the Bidders is still subject to negotiation (provisions outside of the final TOR and Bidding Documents) with the Winning Bidder.

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		Nevertheless, DECORP TPBAC acknowledges and will take note of all suggested edits, amendments or additions.
17	Capacity  The 20 MW Baseload with Load	To simplify, as if the 10MW is included in the everyday load profile. Consider it as 20MW, as long as everyday for the 10 year period.
18	Bid Bulletin No. 16, Preparation of Bids  "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."	DECORP TPBAC would like to clarify that the "signature" on the succeeding pages could be an e-signature or a shortened signature or an initial.
19	Financial Qualification	Bidders may submit only one copy of the AFS to comply with the requirement under III. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), b. Financial Qualification, Items 1,2,3,5,6,and 7
20	Bid Bulletin No. 44, Technical Qualification  Track records for the last five (5) years in operating the power plant.  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.	DECORP TPBAC would like to retain the requirement of "track records for the last five (5) years in operating the power plant."  As far as the submission of the MOR and/or GMCR, if the two documents are available, both could be submitted. But if only one (1) is available, either document can be submitted.
21	Draft PSA - Section 2.1.2.4.  In the event that the ERC's approval of this Agreement requires an	DECORP TPBAC would like to clarify that in the event that the ERC's approval of the PSA requires an amendment of any provision, only those affected provisions would be subject to

No.	Reference	Amendment/Clarification
	amendment of any provision, the Chief Executive Officer or the authorized representatives of both Parties shall meet and decide not later than () days from the date of such ERC approval whether or not the Agreement will become effective as amended by such ERC order, or be terminated.	negotiation between the Parties.
22		Considering the comments/suggestions from the Bidders, DECORP TPBAC hereby amends its TOR on replacement power to read as follows:  "Winning bidder shall provide replacement power to DECORP at a cost lower or equal to the contract price during planned and unplanned outages/shutdowns and at contract price during force majeure"
		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.
23	Bid Bulletin No. 36, Eligibility Criteria 2019 and 2020 complete set of General Information Sheet submitted to the SEC with proof of receipt.	For Bidders who already have the 2021 GIS, they can submit the 2020 and 2021 GIS instead of 2019 and 2020 GIS.
24	Draft PSA provision on Reduction of Contracted Capacity due to RCOA and Renewable Act.	DECORP TPBAC notes the suggestion that the reduction be proportional to the current suppliers of Decorp if RES is other than the existing suppliers. On the other hand, if RES is one of the existing suppliers, then the reduction would be applied to that supplier only.
		TPBAC would like to reiterate that the PSA is still subject to negotiation with the Winning Bidder.
25	preventive maintenance schedule notice that they provide the NGCP or	DECORP TPBAC would like to retain this requirement in order to allow DECORP to have a clear picture of the supply scenario.  For reasons of confidentiality, however, Bidders are allowed to submit a redacted list.
26	Financial Bid Component	In the financial evaluation, DECORP TPBAC would not only be looking at the impact on
	Discounts in the evaluation of bids (50%	customers, but the discount's impact in its

No.	Reference	Amendment/Clarification
	will be included as only 50% is returned to the customers)	totality. Basically the 100% effect of the discount would be put into consideration.
27	Financial Bid Components  Bid price in relation to the offered discounts	The financial bid shall be net of discount which TPBAC will compare with the price cap.
28	Financial Bid Components  Discounts other than or in addition to prompt payment discount (PPD)	Aside from Prompt Payment Discount (PPD), other types of discount are acceptable
29	Bid Bulletin No. 21-001 November 17, item 21  II. ITB, F. Eligibility Criteria, i. Qualifications Bid Component (First Envelope), a. Legal Qualifications  4. Document showing information related to the Ultimate Parent Company, its Subsidiaries and all its affiliates, if applicable	▲
30	General Query  Certification of Documents: Secretary  Certificate and SPA	The Secretary's Certificate will suffice. No need to submit a separate SPA.  With regard to government documents, DECORP TPBAC will allow CTC by a Notary Public.
31	Checklist for Eligibility Criteria Financial Bid Component and Bid Security (Second Envelope)  Item 1: Financial Bid Form (Notarized)	For confidentiality reason, TPBAC will allow a notarized Certification of the Financial Bid Information instead of the Financial Bid Form itself being notarized
32	Financial Bid Component  Discount  Reconsideration in the evaluation of the discounts from 100% to only 50% since only 50% of the discount is returned to the customers of DECORP. Evaluating the discount at 100% is not consistent with the DU's mandate to source the electricity for its customers in the least-cost	DECORP would like to maintain its position that 100% of the discount will be used in evaluating the bid price. Please take note that only prompt payment discount can be shared between a DU and its customers. Other types of discount are given in full to the customers.

No.	Reference	Amendment/Clarification
	manner.	
33	workbook showing the computation of	The requirement is a single rate throughout the duration of the contract; thus, LCOE is not applicable. The single rate, taking into consideration discounts and VAT, will be evaluated based on the Lowest Cost and Responsive Bid (LCRB).
34	General Comment:  Template Financial Bid Form and Template Power Supply Agreement	DECORP TPBAC can only provide pdf copies of these templates.
35	Revised Checklist:  Designation of the person or organization to whom notices shall be sent (in accordance with Section IV (K) of the Bidding Documents)	TPBAC will allow any Bidder template for this. It need not be notarized.
36	Financial Bid:  Determination of LCB. Pre – VAT or Post – VAT, Before or After Discount	Pre – VAT and net of discount – for determining if within the price cap  Post – VAT and net of discount – for determining the Lowest Cost and Responsive Bid
37	Legal Qualifications – Statement of Qualification  Executive Summary Brief description of the Bidders company history and structure, including relevant capabilities in the construction, operation and maintenance of a power plant.	"Relevant Capabilities" pertains to the following: number of power plants engineered and constructed, written policy to ensure continuous and stable operation for the entire life cycle of the power plant, written procedure on how fast and responsive the generating plant during unscheduled outages and operational emergencies, regular maintenance procedure to prevent and/or shorten both scheduled and unscheduled outages.
38	proof of the technical capabilities	Any available relevant information showing the technical abilities of the Bidder can be submitted. If none, DECORP TPBAC will allow the submission of Certificate of Non-Applicability if no other document/s regarding technical capabilities is/are submitted.
39	Preparation of Bids	The "signature" of the authorized signatory on

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	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.  Bids of a partnership or corporation shall be signed in the name of the entity by an authorized partner or	For internal documents to be CTC, the SPA/Notarized Certification of Authority for company custodian will suffice.
	officer, as the case may be, followed by the name, signature and designation of the person authorized to sign the Bid.	DECORP TPBAC will allow CTC by a Notary Public. This is in consideration of the
	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 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.	
40	Legal Qualification  Latest GIS of GenCo - SEC Form;	The Bidder claiming that Limited Partnerships are not required to have GIS must provide the TPBAC such relevant rule or regulation or document stating they are not covered.
41	Legal Qualifications  11. Other documents:  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	For internal documents to be CTC, the SPA/Notarized Certification of Authority for company custodian will suffice.  For government documents to be CTC, DECORP TPBAC will allow CTC by a Notary Public. This is in consideration of the difficulties in securing CTC from the concerned government agency.
42	Technical Qualifications	

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	<ul> <li>4. In relation to the nominated Power Plant, the bidder must provide evidence of the following:</li> <li>x x x The Power Plant must be compliant with existing WESM, ERC, DOE and other applicable rules and regulations; x x x</li> </ul>	
		The application for COC with stamped "Received" by ERC is acceptable provided the provision on replacement power (lower of cost or contract price) takes effect once the PAO or COC is not available at the time of the Effective Date.
		Failure of the Winning Bidder to provide replacement power on Effective Date will be considered an event to call on the Performance Security.
43	Warranty Against Conflict of Interest  All Bidders found to have a conflict of	Please refer to Bid Bulletin 21-001, Item No. 73 on what is a controlling shareholders.
	interest shall be disqualified to participate in the procurement at hand, without prejudice to the imposition of appropriate administrative, civil and criminal sanctions.	or interests refer to either an individual or group holding a majority of the stocks in a
	A Bidder may be considered to have conflicting interests with another Bidder in any of the following circumstances:  • A Bidder has controlling shareholders in common with another Bidder; x x x	
44	Draft PSA	This is a typo error. This is supposed to be 6.1 and not 6.2.
	Section 6. Replacement Power x x x 6.1.2. Delivery by Seller of energy pursuant to 6.2 shall be subject to payment by Buyer to Seller of fees equivalent to the lower between the actual cost and contract price as provided under this Agreement.	
45	Draft PSA  Section 4. Buyer's Obligation x x x 4. 2. Post and maintain the Payment Security as required under Section 9. x x x	9

No.	Reference	Amendment/Clarification
46	Draft PSA  Section 1 — Definition of Terms (Billing Period, Contracted Capacity)  Section 2 — Term and Effectivity of the Agreement  Section 6 — Replacement Power  Section 7 — Contract Price (meaning)	These suggested revisions on the PSA are noted. Please note that the draft PSA is still subject to negotiation with the Winning Bidder.
47	Section 7	DECORP is a direct WESM member.
	Contract Price (Line Rental)	The delivery as well as the receiving points shall be the following NGCP Metering Points of DECORP:
		<ol> <li>MF3MBAWDECO04 (Calasiao and San Fabian Substation)</li> <li>MF3MSMNDECO02 (San Jacinto Substation)</li> <li>MF3MLABDECO05 (Dagupan Substation)</li> <li>With this, the line rental charge shall be for the account of the Supplier.</li> </ol>
48	Bidding Documents c. Technical Qualification  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.	"Similar in nature and complexity" means in the same essence or complexion with the contract to be bid
49	Post Qualification  The determination shall take into account the Bidder's legal, financial, technical, and production capabilities. It shall be based upon an examination of the documentary requirements of the Bidder's qualifications submitted by the Bidder as well as such other information as the TPBAC deems necessary and appropriate.	Production capabilities mean the capability of the plant to provide the Buyer's contracted demand based on its power requirement.  Allocated Plant Capacity Rationale: DECORP wants to be assured that there is enough allocation in terms of the Bidder's plant capacity to provide our contracted demand per interval.
50	Bid Opening	DECORP TPBAC would like to reiterate Bid

No.	Reference	Amendment/Clarification
		Bulletin 21-001, Item 54:
	Manner of Submission and Opening of Bids	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.
		For those who elect to submit their bids on December 15, 2021, personal submission to the TPBAC is required.
		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.
51	Preparation of Bids	Preparation of Bids
	Bid price in words and figures  x x x In each part of the Financial Bid, prices shall be expressed in written words and figures. In case of discrepancies between prices in words and figures, the prices in words shall be considered as the Financial Bid. Erasures or other changes in the Bid shall not be allowed.	be expressed in figures up to four (4) decimal places. Erasures or other changes in the Bid

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