

**AEC-CSP-2025-Lot 1: BID BULLETIN No. 01**

<b>DATE:</b>	<b>20 February 2025</b>
<b>FROM:</b>	<b>AEC Bids &amp; Awards Committee</b>
<b>TO:</b>	<b>Prospective Bidders of AEC-CSP-2025-Lot 1</b>
<b>SUBJECT:</b>	<b>Bid Bulletin No. 01</b>

1. On the CSP Document (Lot 1):

Particular Provision	Existing Provision	Updated Version
2. BIDDING REQUIREMENTS  (Page 1)	The Bidding for AEC-CSP-2024 Lot1 shall be governed by all the provisions of ERC Resolution No. 16 Series of 2023.	The Bidding for AEC-CSP-2025 Lot1 shall be governed by all the provisions of ERC Resolution No. 16 Series of 2023.
II. TERMS OF REFERENCE  TERMS OF REFERENCE TABLE  Delivery Point/s  (Page 4)	AEC Metering Point at Mexico S/S or other Metering Point/s as may be identified during the contract term.	The Trading Node or NGCP/Metering Service providers' metering point/s of the Seller as indicated in Schedule 3 of Annex 2 (PSA Template).
II. TERMS OF REFERENCE  TERMS OF REFERENCE TABLE  Bid Security  (Page 6)	Bidder shall submit a Bid Security in accordance with the following: 1. The Bid Security shall be a Manager's/Cashier's check from a reputable bank payable to Angeles Electric Corporation. 2. The Bid Security amount shall be the cost of a 3-month energy supply at 65% Capacity Factor computed as follows: 17,082,000 kWh x Bidder's Price Proposal per kWh.  The Bid Security should be valid for One Hundred Eighty (180) days from date of deadline for the submission of bids.	Bidder shall submit a Bid Security in accordance with the following: 1. The Bid Security shall be a Manager's/Cashier's check, or a Stand-By Letter of Credit (SBLC) from a reputable bank payable to Angeles Electric Corporation. 2. The Bid Security amount shall be the cost of a 3-month energy supply at 65% Capacity Factor computed as follows: 17,082,000 kWh x Bidder's Price Proposal per kWh.  The Bid Security should be valid for One Hundred Eighty (180) days from date of deadline for the submission of bids.

<p>5. PRE-BID CONFERENCE  (Page 8)</p>	<p>If needed, a second Pre-Bid Conference shall be held on 26 February 2025 to commence at 1:30 pm and end by 5 pm, following the same schedule and meeting mode mentioned above.</p>	<p>If needed, a second Pre-Bid Conference shall be held on 25 February 2025 to commence at 1:30 pm and end by 5 pm, following the same schedule and meeting mode mentioned above.</p>
<p>6.3 Legal Qualification Requirements  (Page 9)</p>	<p>Certified True Copies of the following:  a. SEC Registration;  b. SEC-registered Articles of Incorporation or Partnership;  c. Board of Investments (BOI) Certificate of Registration, if applicable;  d. Latest General Information Sheet (GIS) filed with SEC;  e. Latest B.I.R. Certificate of Registration (COR);  f. Board Resolution or Secretary's Certificate evidencing the grant of authority to the individual submitting the Bid and making representation on behalf of the Bidder;  g. Certification by the Bidder to the effect that it is not prohibited or restricted in any manner under applicable law or any agreement or license from participating in the Bidding Process;  h. Sworn Undertaking that the Bidder, if applicable, as well as their affiliates, assigns and successors- in-interest, shall abide by the decisions of the AEC-BAC, shall hold the AEC, its Board Members, Officers and Management, and BAC free and harmless from any claim or cause of action arising from the conduct and award of the bidding, and shall undertake not to institute or file any case or</p>	<p>Certified True Copies of the following:  a. SEC Registration;  b. SEC-registered Articles of Incorporation or Partnership;  c. Board of Investments (BOI) Certificate of Registration, if applicable;  d. Latest General Information Sheet (GIS) filed with SEC, if applicable;  e. Latest B.I.R. Certificate of Registration (COR);  f. Board/Partnership Resolution or Secretary's Certificate evidencing the grant of authority to the individual submitting the Bid and making representation on behalf of the Bidder;  g. Certification by the Bidder to the effect that it is not prohibited or restricted in any manner under applicable law or any agreement or license from participating in the Bidding Process;  h. Sworn Undertaking that the Bidder, if applicable, as well as their affiliates, assigns and successors- in-interest, shall abide by the decisions of the AEC-BAC, shall hold the AEC, its Board Members, Officers and Management, and BAC free and harmless from any claim or cause of action arising from the conduct and award of the bidding, and shall undertake not to</p>

	<p>claim before any court of competent jurisdiction and administrative agency in relation to the conduct and award of the Project, except as provided for under Article VI (Protest Mechanism) and Article X (Enforcement) of ERC Resolution No.16 Series 2023;</p> <p>i. Sworn Attestation against Corruption; and</p> <p>j. Sworn Attestation of No Conflict of Interest – The Bidder must disclose detailed information regarding any existing, potential, or future conflict of interest that a Bidder may have with the BAC.</p>	<p>institute or file any case or claim before any court of competent jurisdiction and administrative agency in relation to the conduct and award of the Project, except as provided for under Article VI (Protest Mechanism) and Article X (Enforcement) of ERC Resolution No.16 Series 2023;</p> <p>i. Sworn Attestation against Corruption; and</p> <p>j. Sworn Attestation of No Conflict of Interest – The Bidder must disclose detailed information regarding any existing, potential, or future conflict of interest that a Bidder may have with the BAC.</p> <p>The bidder's representative may provisionally submit the foregoing required government-issued certifications with photocopies of these certifications from the records of the bidder accompanied by a verified declaration of the bidder's authorized representative (template of verified declaration attached as Annex 6).</p> <p>The bidder may likewise submit an Omnibus Sworn Statement required in subparagraphs g, h, i and j of the above-mentioned Legal Qualification Requirements.</p>
<p>6.4 Technical Qualification Requirements  (Page 10)</p>	<p>g. The Nominated Power Plant's Certificate of Compliance ("COC") from the Energy Regulatory Commission ("ERC"), <b>valid for at least six (6) months</b> from Bid Opening;</p>	<p>g. The Nominated Power Plant's Certificate of Compliance ("COC") or Provisional Authority to Operate ("PAO") from the Energy Regulatory Commission ("ERC"), <b>valid</b></p>

		<b>for at least six (6) months</b> from Bid Opening;
6.5 Financial Qualification Requirements  (Pages 10-11)	e. Letter of Credit, Bank Guaranty or Committed Line of Credit, or any proof of firm commitments from a reputable financial institution to provide sufficient credit lines to cover the total estimated cost of the projects for prospective generation facilities; f. In the case of a consortium, the agreement indicating that the members are jointly and severally liable for the obligations of the Project Proponent under the contract; and	e. Letter of Credit, Bank Guaranty or Committed Line of Credit, or any proof of firm commitments from a reputable financial institution to provide sufficient credit lines to cover the total estimated cost of the projects for prospective generation facilities, <b>if applicable</b> ; f. In the case of a consortium, the agreement indicating that the members are jointly and severally liable for the obligations of the Project Proponent under the contract, <b>if applicable</b> ; and
7 PREPARATION OF THE BID  (Pages 11-12)	7.1 The First Main Envelope shall comprise of four brown (4) envelopes and one (1) letter envelope, containing the documents mentioned in sections 6.1, 6.2,6.3, 6.4, 6.5 and 6.6.  a. The Executive Summary, Organizational Structure and <del>Technical Qualification Requirements</del> in a sealed envelope marked: i. Name of the Bidder in capital letters, and ii. "Executive Summary & Organizational Structure"	7.1 The First Main Envelope shall comprise of four brown (4) envelopes and one (1) letter envelope, containing the documents mentioned in sections 6.1, 6.2,6.3, 6.4, 6.5 and 6.6.  a. The Executive Summary, <b>and</b> Organizational Structure in a sealed envelope marked: i. Name of the Bidder in capital letters, and ii. "Executive Summary & Organizational Structure"
	f. After inserting the above-mentioned envelopes into the first main envelope, it shall be sealed and marked: i. Name of the Bidder in capital letters ii. "AEC-CSP-2024-Lot1"	f. After inserting the above-mentioned envelopes into the first main envelope, it shall be sealed and marked: i. Name of the Bidder in capital letters ii. "AEC-CSP- <b>2025</b> -Lot1"

	<p>iii. "Eligibility/Qualification Requirements"</p> <p>iv. "Do Not Open Before (date and time of opening of bids)"</p>	<p>iii. "Eligibility/Qualification Requirements"</p> <p>iv. "Do Not Open Before (date and time of opening of bids)"</p>
	<p>7.2 The Second Main Envelope (Price Proposal) shall contain the following:</p> <p>a. Price/Rate in PhP/kWh inclusive of WESM charges except Line Rental, for each contract year throughout the Required Contract Period beginning on the Target Delivery Start Date, using Annex 4 – Form, Bid Proposal. The Bid must be valid for a period of not less than one hundred eighty (180) calendar days from the deadline for submission and Opening of Bids (Bid Validity Period).</p> <p>b. A Notarized statement attesting to the information submitted for the Bid.</p> <p>c. After inserting the items mentioned in a &amp; b, the Second Main Envelope shall be sealed and marked:</p> <p>i. Name of the Bidder in capital letters</p> <p>ii. "AEC-CSP-2024-Lot1"</p> <p>iii. "Price Proposal"</p> <p>iv. "Do Not Open Before (date and time of opening of bids)"</p>	<p>7.2 The Second Main Envelope (Price Proposal) shall contain the following:</p> <p>a. Price/Rate in PhP/kWh inclusive of WESM charges except Line Rental, for each contract year throughout the Required Contract Period beginning on the Target Delivery Start Date, using Annex 4 – Form, Bid Proposal. The Bid must be valid for a period of not less than one hundred eighty (180) calendar days from the deadline for submission and Opening of Bids (Bid Validity Period).</p> <p>b. A Notarized statement attesting to the information submitted for the Bid.</p> <p>c. After inserting the items mentioned in a &amp; b, the Second Main Envelope shall be sealed and marked:</p> <p>i. Name of the Bidder in capital letters</p> <p>ii. "AEC-CSP-2025-Lot1"</p> <p>iii. "Price Proposal"</p> <p>iv. "Do Not Open Before (date and time of opening of bids)"</p>
<p>10 SUBMISSION OF BIDS</p> <p>(Page 13)</p>	<p>10.3 The Bid Security / Manager's Check shall be delivered to the BAC Secretariat. The BAC-Secretariat shall record the date and time when each Bidder</p>	<p>10.3 The Bid Security / Manager's Check / SBLC shall be delivered to the BAC Secretariat. The BAC-Secretariat shall record the date and time when each Bidder</p>

	delivers its 2-Envelope Bid and Bid Security.	delivers its 2-Envelope Bid and Bid Security.
11 OPENING OF BIDS  (Pages 13-14)	11.2 Open the First Main Envelope a. Open the envelope marked Executive Summary & Organizational Structure and Legal Eligibility/Qualification Requirements. b. List in Form 1, Bidder Qualification Checklist, the documents found inside the envelope. c. If any deficiency is found: i. Record the deficiency and mark "FAIL" in the Bidder Qualification Checklist for the Bidder. ii. Return the documents to the folder and insert the folder to the First Main Folder. iii. Segregate the Bidder's First and Second Main Folders and Bid Security Check.	11.2 Open the First Main Envelope a. Open the envelope marked Executive Summary & Organizational Structure and Legal Eligibility/Qualification Requirements. b. List in Form 1, Bidder Qualification Checklist, the documents found inside the envelope. c. If any deficiency is found: i. Record the deficiency and mark "FAIL" in the Bidder Qualification Checklist for the Bidder. ii. Return the documents to the folder and insert the folder to the First Main Folder. iii. Segregate the Bidder's First and Second Main Folders and Bid Security Check / SBLC.
	k. If any deficiency is found: i. Record the deficiency and mark "FAIL" in the Bidder Qualification Checklist for the Bidder. ii. Return the documents to the folder and insert the folders to the First Main Folder. iii. Segregate the Bidder's First and Second Main	k. If any deficiency is found: i. Record the deficiency and mark "FAIL" in the Bidder Qualification Checklist for the Bidder. ii. Return the documents to the folder and insert the folders to the First Main Folder. iii. Segregate the Bidder's First and Second Main

	Folders and Bid Security Check.	Folders and Bid Security Check / <b>SBLC</b> .
	<p>11.3 When the opening of all Bidders' First Main Envelope is completed:</p> <p>a. Return The Bid Security Check and Bid Envelopes of failed or non-complying bids to their respective Bidder Representatives.</p>	<p>11.3 When the opening of all Bidders' First Main Envelope is completed:</p> <p>a. Return The Bid Security Check <b>or SBLC</b> and Bid Envelopes of failed or non-complying bids to their respective Bidder Representatives.</p>
	<p>11.4 For all the bids which passed the Eligibility/Qualification Requirements, Open the Second Main Envelope (Price Proposal)</p> <p>a. Record in Form 2 Summary Price Proposal &amp; Lowest Calculated Responsive Bid, Bidder's Price Offer</p> <p>b. Check availability of a notarized statement attesting to the information submitted for the Bid.</p> <p>c. If there is no notarized statement attesting to the information submitted or if Bidder's Price Offer is over the Reserve Price,</p> <p>i. Mark "Non-Complying" in Form 2 Summary Price Proposal &amp; Lowest Calculated Responsive Bid,</p> <p>ii. Segregate the Bid Documents Bid Security of non-complying Bidder.</p> <p>iii. Repeat step 11.4 for remaining Bidders who passed the</p>	<p>11.4 For all the bids which passed the Eligibility/Qualification Requirements, Open the Second Main Envelope (Price Proposal)</p> <p>a. Record in Form 2 Summary Price Proposal &amp; Lowest Calculated Responsive Bid, Bidder's Price Offer</p> <p>b. Check availability of a notarized statement attesting to the information submitted for the Bid.</p> <p>c. If there is no notarized statement attesting to the information submitted or if Bidder's Price Offer is over the Reserve Price,</p> <p>i. Mark "Non-Complying" in Form 2 Summary Price Proposal &amp; Lowest Calculated Responsive Bid,</p> <p>ii. Segregate the Bid Documents Bid Security of non-complying Bidder.</p> <p>iii. Repeat step 11.4 for remaining Bidders who passed the</p>

	<p style="text-align: center;">Eligibility/Qualification Requirements.</p> <p>d. Return The Bid Security Check and Bid Envelopes of failed or non-complying bids to their respective Bidder Representatives</p>	<p style="text-align: center;">Eligibility/Qualification Requirements.</p> <p>d. Return The Bid Security Check / SBLC and Bid Envelopes of failed or non-complying bids to their respective Bidder Representatives</p>
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2. Annex 6 Verified Declaration

REPUBLIC OF THE PHILIPPINES )  
 ) S.S.

**VERIFIED DECLARATION**

I, \_\_\_\_\_, of legal age, with office address at \_\_\_\_\_  
\_\_\_\_\_, depose and state **UNDER OATH** that I am the authorized  
representative of \_\_\_\_\_ bidding for the AEC-CSP-2025-  
LOT 1.

I declare that the following documents submitted in support of the bid are true and  
accurate copies of the original documents based on my own knowledge and authentic  
records of the Company:

- a. ---
- b. ---
- c. ---

\_\_\_\_\_  
Affiant

**JURAT**

**SUBSCRIBED AND SWORN** to before me this \_\_\_\_\_, affiant exhibited to  
me his/her \_\_\_\_\_.


Doc. No. \_\_\_\_\_;

Page No. \_\_\_\_\_;

Book No. \_\_\_\_\_;

Series of 2025.

Please refer to the uploaded CSP Document (Lot 1) as approved by BAC on February 20, 2025.

 02-20-2025

**ENGR. MICHAEL ANGELO D. COLLE**

Chairman, Bids and Awards Committee (BAC)

**THE COMPETITIVE SELECTION PROCESS (CSP)  
FOR THE PROCUREMENT OF BASELOAD POWER SUPPLY (OPEN TECHNOLOGY) TO  
THE CAPTIVE MARKET OF ANGELES ELECTRIC CORPORATION  
AEC-CSP-2025-Lot 1  
(as approved by BAC on 20 Feb. 2025)**

**I. BACKGROUND**

**1. LEGAL BASES/REQUIREMENTS**

**ANGELES ELECTRIC CORPORATION.** (“AEC”) is going out on a competitive procurement for the supply of energy to its Captive Market from eligible generators in accordance with DOE’s *Policy for the Mandatory Conduct of Competitive Selection Process (CSP) by the Distribution Utilities for the Procurement of Power Supply for their Captive Market*<sup>1</sup> and ERC’s *Implementing Guidelines for the Procurement, Execution and Evaluation of Power Supply Agreements entered into by Distribution Utilities for the Supply of Electricity to their Captive Market*<sup>2</sup>.

**2. SCOPE OF COMPETITIVE SELECTION PROCESS**

AEC is conducting a *competitive selection process* to solicit proposals from (Open/Conventional Technology) power generators/suppliers in supplying **12 MW from 26 October 2026 to 25 February 2029** and **27 MW from 26 February 2029 to 25 October 2036**, deliveries to commence on **26 October 2026**, or upon ERC approval, whichever comes later. The CSP and PSA is for a **Physical Contract**.

**3. BIDDING REQUIREMENTS**

The Bidding for AEC-CSP-2025 Lot1 shall be governed by all the provisions of ERC Resolution No. 16 Series of 2023.

Bidding will be conducted through open **TWO-ENVELOPE COMPETITIVE BIDDING** procedures using a non-discretionary “pass/fail” criterion.

**4. PROHIBITED ACTS AND AGREEMENTS**

AEC and the Bidders shall observe the highest standard of ethics during the CSP process and execution of the contract. All bidders and those acting on their behalf are strictly prohibited from committing acts and agreements stated in Article VIII of ERC Resolution No. 16 Series of 2023.

**5. ELIGIBLE BIDDERS**

A generation company wishing to join the bidding must comply with the following:

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<sup>1</sup> DOE Department Circular No. DC2023-06-002

<sup>2</sup> ERC Resolution No. 16 Series of 2023

- a. A Bidder must be a duly incorporated and validly existing domestic partnership or corporation registered with the Securities and Exchange Commission ("SEC") and Bureau of Internal Revenue ("BIR").
- b. Bidder must have existing and operating generating plant/s capable of supplying AEC's Baseload power requirements.
- c. Bidder's Nominated Plant must not have a supply contract with AEC from the same Nominated Plant whose term or validity is beyond the Delivery Start Date ("DSD").
- d. The Bidder must not have an existing PSA with AEC where Bidder was not able to fulfill its deliverables.
- e. Bidder and any of its Affiliates must have no record of Unsatisfactory Performance, unless this qualification is otherwise waived by AEC.
- f. Bidder and any of its Affiliates must not be included in a blacklist issued by any governmental agency of the Philippines or in the Debarred and Cross-Debarred Firms & Individuals list posted in the World Bank website ([www.worldbank.org/debarr](http://www.worldbank.org/debarr)), whether as an individual contractor, partnership or corporation or as a member of a joint venture or consortium.
- g. Bidder and any of its Affiliates must not have any Outstanding Dispute or pending/outstanding financial obligation/s with AEC, unless this disqualification is waived by AEC. For this purpose, "Outstanding Dispute" refers to any pending judicial, administrative or alternative dispute resolution proceeding between the Bidder or any of its Affiliates, on one hand, and AEC, on the other.

## 6. TIMETABLE

AEC shall conduct a hybrid CSP, where most activities (e.g. pre-bid conferences) will be done virtually. Hardcopy and soft copy (in Flash Drive) of Bid Offers will be required to be submitted. Bidders/representatives shall be invited to participate/observe the physical opening of bids.

ACTIVITY	DATE
Publication and Dissemination of Invitation to Bid (ITB)	Feb. 2, 2025 and Feb. 9, 2025
Issuance of Bid Documents to Interested Bidders, after: 1. Submission of <i>Expression of Interest (EOI)</i> to Bid; and 2. Purchase of Bid Documents	Feb. 3, 2025 to Feb. 19, 2025
1 <sup>st</sup> Pre-Bid Virtual Conference ( <i>Invitation limited to Interested Bidders who submitted EOI and purchased bid documents</i> )	Feb. 18, 2025 1:30 pm
2 <sup>nd</sup> Pre-Bid Virtual Conference ( <i>Invitation limited to Interested Bidders who submitted EOI and purchased bid documents</i> )	Feb. 25, 2025 1:30 pm
Deadline of Submission of Bids at AEC Main Office (Angeles City)	Mar. 26, 2025 4:45 pm
Opening and Qualification of Bids (Physical/Face to Face) at AEC Main Office	Mar. 28, 2025 10:00 am
Evaluation of Bids by BAC	Apr. 1, 2025 to on or before May 30, 2025
BAC Recommendation to AEC-BOD	5 days after BAC Evaluation

AEC-BOD Approval	Within 10 days after BAC Recommendation
Notice of Award	Within 5 days after AEC-BOD Approval
Posting of Performance Bond	Within 5 days from receipt of Notice of Award
Notice to Proceed	After 1 day from receipt of Performance Bond
Execution of PSA	Within 20 days After AEC-BOD Approval
Pursuant to the timeline in ERC Resolution No. 16 Series 2023: 1. Pre-Filing of PSA application before ERC shall be within 15 days from signing of PSA 2. Joint Filing of application for Approval of PSA shall be within 30 days from signing of PSA	

The CSP schedule may be revised by AEC without prior notice. Bidders will be notified promptly of such revision in a Supplemental Bid Bulletin.

## 7. CONTENTS OF THE CSP DOCUMENTS PACKAGE

The Bid Package are the documents stated below:

- a. (This) CSP Document (Lot 1)
- b. Annex 1. Copy of Publication – Invitation to Bid, EOI Form and NDU Form
- c. Annex 2. *Pro Forma* Power Supply Agreement (PSA)
- d. Annex 3. Contract Specifications
- e. Annex 4. Form, Bid Proposal – Rate per kW and kWh for each Contract Year
- f. Annex 5. Form, Undertaking to jointly file with AEC the PSA application before ERC

## II. TERMS OF REFERENCE

Below are the minimum contract requirements of AEC for the supply of its Baseload power requirement. The terms of reference indicated below are non-negotiable and bidder must meet all requirements of AEC.

**TERMS OF REFERENCE TABLE**

Contract Type	Physical
Supply Type	Baseload
Source of Power	Open/Conventional Technology
Contract Term	10 Years
Delivery Start Date ("DSD")	26 October 2026, or Upon ERC Approval, whichever comes later.
Contract Period and Contract Capacity	26 October 2026 to 25 February 2029 : 12 MW 26 February 2029 to 25 October 2036 : 27 MW
Firm Minimum Contract Energy	12MW: 68,328.000 MWH @ 65% Capacity Factor 27MW: 153,738.000 MWH @ 65% Capacity Factor <i>Notes:</i> 1. Minimum Dispatch per Interval at 50% of Contracted Capacity. 2. Minimum 65% Capacity Factor per Billing Period 3. See Annex 3, Contract Specifications, for Minimum Contract Energy per year
Contract Price Structure	Bidder shall provide the Contract Price/Tariff structure: 1. Two-part Tariff consisting of Fixed and Variable Costs 2. Capital Recovery Fee component of the Tariff should be fixed for the whole Contract Period and in Philippine currency 3. No Take-or-Pay on Variable Costs, which includes Fuel and VOM  1. Bidder's Proposed Price (for the first Contract Year) and its Levelized Cost of Electricity (LCOE) are both subject to a pre-determined Reserve Price, which will only be revealed to Qualified Bidders during the opening of the Bids
Discounts	Any Prompt Payment Discount ("PPD") and Power Factor Discount ("PFD") offered by Bidder/Supplier will be considered in the determination of the Bid Price.
Delivery Point/s	The Trading Node or NGCP/Metering Service providers' metering point/s of the Seller.
Nominated Power Plant	Bidder must identify the proposed power plant ("Nominated Power Plant"), and its location. 1. The Nominated Power Plant must be already in operation. 2. The Nominated Plant must be capable of supplying the Contract Capacity and Contract Energy to AEC for the duration of the Contract Period beginning on target Delivery Start Date, net of energy and capacity already contracted to other off takers. 3. In relation to the Nominated Power Plant, Bidder must provide evidence that the Bidder or its direct shareholders, is the owner of, or Controls, the Nominated Power Plant and has sufficient authority to enter into a power supply agreement with AEC. 4. The Nominated Power Plant must be registered as a direct member of the Wholesale Electricity Spot Market ("WESM"). 5. The Nominated Power Plant must have a Certificate of Compliance valid for at least six (6) months from date of Bid Opening.

	6. Bidder shall provide the latest available one (1) year WESM Nodal Prices where the Nominated Plant is located or connected, and which shall be used to determine the Line Rental value.
Outage Allowance ("OA")	Outage Allowance are as follows: 1. Scheduled OA not exceeding Seven Hundred Twenty (720) hours 2. Unscheduled OA not exceeding Three Hundred Sixty (360) hours 1. No carry-over of OA
Replacement Power	1. If deliveries have not commenced as scheduled, Power Supplier shall, for each day of delay, procure Replacement Power up to contracted capacity to be paid by AEC at the lower between load-weighted average WESM price and the Contract Price. 2. After start of deliveries and beyond Outage Allowance, Replacement Power will be provided by Power Supplier and paid for by AEC the lower between load-weighted average WESM price and the Contract Price.
Assignment or Transfer of Contract Capacity	The Contract Capacity and Associated Energy that is no longer required by AEC may be assigned or transferred to another entity.
Reduction in Contract Capacity	The Contract Capacity and associated Energy may be reduced equivalent to the reduction in the demand of captive customers by reason of the implementation of Retail Competition and Open Access (RCOA) <sup>3</sup> , Green Energy Option Program (GEOP) <sup>4</sup> , net-metering, Sections 17 and 18 of ERC Rules Governing Distributed Energy Resources <sup>5</sup> and other similar Laws, Rules and Regulations.
Penalties for Delay in Start of Deliveries	If the Delivery Start Date, as approved by ERC, is not met by Supplier: 1. For every day of delay from Delivery Start Date, Supplier shall provide Replacement Power at the lower between load-weighted average WESM price and the Contract Price; 2. If Supplier cannot provide replacement power on Day 1 of contract term, the Performance Security shall be forfeited, and Supplier must replenish the Performance Security within ten days from Day 2 of contract term. 3. If no delivery commenced by Day 60 of delay, the replenished Performance Security shall also be forfeited, and the PSA will be terminated.
Grounds for Termination	The following are grounds for termination: 1. Event of Default 2. Non-Fulfilment of Conditions to Effective Date 3. Non-Occurrence of DSD 4. Certain events of Force Majeure 5. Failure to post the Performance Bond or failure to replenish the performance bond.
Period of Validity of Bids	Bids shall remain valid for One Hundred Eighty (180) days from date of deadline for the submission of bids.

<sup>3</sup> Sec. 31, R.A. No. 9136 (EPIRA)

<sup>4</sup> Sec. 9, R.A. No. 9513 (RE Act)

<sup>5</sup> ERC Resolution No. 11, Series of 2022

Bid Security	<p>Bidder shall submit a Bid Security in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. The Bid Security shall be a Manager's/Cashier's check, or a Stand-By Letter of Credit (SBLC) from a reputable bank payable to Angeles Electric Corporation.</li> <li>2. The Bid Security amount shall be the cost of a 3-month energy supply at 65% Capacity Factor computed as follows: 17,082,000 kWh x Bidder's Price Proposal per kWh.</li> <li>3. The Bid Security should be valid for One Hundred Eighty (180) days from date of deadline for the submission of bids.</li> </ol>
Billing & Settlement	<ol style="list-style-type: none"> <li>1. Supplier to follow WESM Billing Cycle.</li> <li>2. Stipulated currency shall be in Philippine Peso.</li> <li>3. AEC shall settle all power bills in Philippine Peso.</li> </ol>
Performance Bond	<p>Winning Bidder shall post a Performance Bond, as a <i>condition precedent</i> to the signing of the PSA, in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. The Performance Bond shall be the cost of a 3-month energy supply at 65% Capacity Factor computed as follows: 17,082,000 kWh x Bidder's Price Proposal per kWh.</li> <li>2. The Performance Bond shall be in the form of Cash, Manager's/Cashier's check from a reputable bank, or a Stand-By Letter of Credit (SBLC) from a reputable bank, payable to Angeles Electric Corporation.</li> <li>3. The Performance Bond should be valid until deliveries have commenced. The Performance Bond must be renewed one month before expiry.</li> <li>4. If an SBLC will be used, it must be callable upon demand without need for clearance or approval from winning bidder.</li> <li>5. The Performance Bond must provide for a contact person and address, telephone number and email address of the issuing bank for notification and demand.</li> <li>6. If the Performance Bond is forfeited, but the PSA is not terminated, Winning Bidder shall post another Performance Bond.</li> <li>7. The Performance Bond will be returned to the Supplier upon start of actual delivery.</li> </ol>
Lock-up Provision	<p>The Winning Bidder shall not be allowed to sell or assign the executed PSA resulting from a successful CSP to any other entity.</p>
Power Supply Agreement (PSA)	<p>The pro-forma PSA template supplied with the Bid Package shall be used as primary reference.</p> <p>The winning Bidder is expected to sign the PSA without or with minimal revisions to the provisions.</p>
Joint Filing to ERC	<p>Winning Bidder, at the pain of forfeiting its performance bond, undertakes to make a Joint Filing with AEC to ERC for the approval of the PSA within the period prescribed in the ERC CSP Guidelines.</p>
Debarred & Cross-Debarred Firms	<p>Bidder and any of its Affiliates must not be included in a blacklist issued by any governmental agency of the Philippines or in the Debarred and Cross-Debarred Firms &amp; Individuals list posted in the World Bank website (<a href="http://www.worldbank.org/debarr">www.worldbank.org/debarr</a>), whether as an individual contractor, partnership or corporation or as a member of a joint venture or consortium.</p>
No Outstanding Dispute	<p>Bidder and any of its Affiliates must not have any Outstanding Dispute or pending/outstanding financial obligation/s with</p>



	AEC, unless this disqualification is waived by AEC. For this purpose, " <b><i>Outstanding Dispute</i></b> " refers to any pending judicial, administrative or alternative dispute resolution proceeding between the Bidder or any of its Affiliates, on one hand, and AEC, on the other.
Prohibited Acts and Agreements	AEC and the Bidders shall observe the highest standard of ethics during the CSP process and execution of the contract. Bidders and all those acting on their behalf are strictly prohibited from committing acts and agreements stated in Article VIII of ERC Resolution No. 16 Series of 2023.
AEC Supply Portfolio Management	To diversify AEC's supply portfolio and minimize supply disruptions, AEC will not consider offers from any Power Supplier when the Nominated Power Plant has an existing PSA with AEC. However, if the PSA of the Nominated Plant will expire on or before the Delivery Start Date, the Power Supplier can join the bidding.
Other Relevant Information	Should the AEC BAC receive less than <b>TWO (2) Expressions of Interest</b> by <b>4:00 pm of February 19, 2025</b> (Expression of Interest Deadline), the BAC shall declare a failure of Bidding.

### III. INSTRUCTIONS TO BIDDERS

#### 1. RESPONSIBILITIES OF BIDDER

Bidder must carefully examine the Bid Package, including the Procedures and Terms of Reference, and any Supplemental Bid Bulletins that may be issued, and fully inform themselves of all conditions and matters that could affect their Bid in any way.

All bidders must acknowledge receipt of the Supplemental Bid Bulletin via email.

#### 2. AEC RIGHTS

AEC reserves the right to accept or reject any Bid and to annul the bidding process and reject all Bids at any time prior to Contract Award, without incurring any liability to the affected bidder or bidders as per Section 41 of the IRR-A (Reservation Clause) of R.A. 9184.

To amend, revise, modify or clarify the CSP through the issuance of a Supplemental Bid Bulletin at any time not later than one (1) week prior to date of Deadline for Submission of Bids.

To modify the timetable or any schedule if necessary.

AEC shall not be liable nor shall assume any responsibility regarding erroneous interpretations or conclusions of prospective bidders out of the data furnished by the AEC.

### 3. CLARIFICATION AND AMENDMENT OF BIDDING DOCUMENTS

Prospective Bidders may request AEC for further information or clarification of the CSP Documents via email indicated in the Invitation for Bid. AEC will respond in kind to any request for information or clarification of the CSP Documents received by AEC not later than the scheduled 2<sup>nd</sup> Pre-Bid Conference. AEC's response will be sent via email to all qualified bidders who have received the bidding documents.

Communications must be addressed to the BAC Secretariat whose contact details are more particularly described as follows:

**ENGR. ALLAN M. SANTILLAN**

BAC Secretariat

Angeles Electric Corporation. (AEC)

Don Juan Nepomuceno Ave., cor. Teresa Ave.,

Nepo Center, Angeles City 2009

Email: [csp.bac.secretariat@angeleselectric.com.ph](mailto:csp.bac.secretariat@angeleselectric.com.ph)

### 4. SUPPLEMENTAL BID BULLETIN

Any amendment, revision, modification, or clarification shall be made through a supplemental bid bulletin, copies of which will be made available to all qualified bidders.

A Supplemental Bid Bulletin shall be sent to the bidders' registered email address. All bidders must acknowledge receipt of the Supplemental Bid Bulletin via email.

Issuance of Supplemental Bid Bulletin/s in response to issues submitted before and during the Pre-Bid Conference will be within seven (7) working days after the conduct of the Pre-Bid Conference.

It shall be the responsibility of all bidders to inquire and secure any such Supplemental Bid Bulletin. Failure of the bidders to secure any of the supplemental bid bulletin shall constitute a waiver of its/their rights to be informed of the contents thereof.

### 5. PRE-BID CONFERENCE

The Pre-Bid Conference shall be held on 18 February 2025 to commence at 1:30 pm and end by 5 pm, and to be conducted online thru ZOOM or Microsoft Teams application (MS Teams). ZOOM or MS Teams Meeting Invites shall be forwarded to the e-mail addresses registered through the Expression of Interest Form.

If needed, a second Pre-Bid Conference shall be held on 25 February 2025 to commence at 1:30 pm and end by 5 pm, following the same schedule and meeting mode mentioned above.

A summary of the Pre-Bid Conference proceedings shall also be issued to all prospective Bidders by the DU concerned.

## 6. ELIGIBILITY REQUIREMENTS

The following eligibility/qualification requirements shall be submitted by Bidders:

- 6.1 **Executive Summary** - Brief description of the Bidder's company history and structure, including relevant capabilities in the construction, operation, and maintenance of a power plant or in the supply of electricity to the DUs, ECs, or contestable customers.
- 6.2 **Organizational Structure** - Basic information of the Bidder's legal status and organizational chart.
- 6.3 **Legal Qualification Requirements**

Certified True Copies of the following:

- a. SEC Registration;
- b. SEC-registered Articles of Incorporation or Partnership;
- c. Board of Investments (BOI) Certificate of Registration, if applicable;
- d. Latest General Information Sheet (GIS) filed with SEC, if applicable;
- e. Latest B.I.R. Certificate of Registration (COR);
- f. Board/Partnership Resolution or Secretary's Certificate evidencing the grant of authority to the individual submitting the Bid and making representation on behalf of the Bidder;
- g. Certification by the Bidder to the effect that it is not prohibited or restricted in any manner under applicable law or any agreement or license from participating in the Bidding Process;
- h. Sworn Undertaking that the Bidder, if applicable, as well as their affiliates, assigns and successors- in-interest, shall abide by the decisions of the AEC-BAC, shall hold the AEC, its Board Members, Officers and Management, and BAC free and harmless from any claim or cause of action arising from the conduct and award of the bidding, and shall undertake not to institute or file any case or claim before any court of competent jurisdiction and administrative agency in relation to the conduct and award of the Project, except as provided for under Article VI (Protest Mechanism) and Article X (Enforcement) of ERC Resolution No.16 Series 2023;
- i. Sworn Attestation against Corruption; and
- j. Sworn Attestation of No Conflict of Interest – The Bidder must disclose detailed information regarding any existing, potential, or future conflict of interest that a Bidder may have with the BAC.

The bidder's representative may provisionally submit the foregoing required government-issued certifications with photocopies of these certifications from the records of the bidder accompanied by a verified declaration of the bidder's representative (template of verified declaration attached as Annex 6).

The bidder may likewise submit an Omnibus Sworn Statement required in subparagraphs g, h, i and j of the above-mentioned Legal Qualification Requirements.

### 6.4 Technical Qualification Requirements

Certified True Copies of the following:

- a. List of projects undertaken over the last ten (10) years;
- b. List of electricity generation plants that the Bidder has operated for the last five (5) years;
- c. Proof of/Documentation on track record for the last five (5) years of power plants operated by it;
- d. Description of the proposed power plant ("**Nominated Power Plant**"), which must be existing and already in operation. The Nominated Power Plant must be capable of supplying the Contract Capacity and Energy to AEC for the required Contract Period beginning on the Target Delivery Start Date, after considering energy and capacity already committed to other off takers;
- e. Evidence that the Bidder or its direct shareholders is the owner of, or Controls, the Nominated Power Plant and has sufficient authority to enter into the power supply agreement with AEC;
- f. WESM Certificate of Registration of the Nominated Power Plant showing it is registered as a direct member of the Wholesale Electricity Spot Market ("**WESM**");
- g. The Nominated Power Plant's Certificate of Compliance ("**COC**") or Provisional Authority to Operate ("**PAO**") from the Energy Regulatory Commission ("**ERC**"), **valid for at least six (6) months** from Bid Opening;
- h. The latest available one (1) year WESM Nodal Prices from IEMOP, where Nominated Plant is located or connected.

#### 6.5 Financial Qualification Requirements

Bidder must show satisfactory evidence that it has the financial capacity to fulfill its obligations towards AEC. This requirement may be complied by the Bidder directly or through any of its direct shareholders representing Controlling interest, Affiliates or Ultimate Parent. As evidence thereof, Bidder or any of its direct shareholders representing Controlling interest, Affiliates or Ultimate Parent must submit Certified True Copies of the following:

- a. Latest Audited Financial Statement available, showing, among others, the prospective Bidder's total and current assets and liabilities, stamped "received" by the Bureau of Internal Revenue (BIR) for the preceding calendar year from the date of bid submission;
- b. Its Audited Financial Statements for the last **two (2) years** (the latest of which must not be earlier than for the year ending 31 December 2023), recent quarterly financial statements;
- c. Details of equity and financing plan indicating the capital structure and source of funds with supporting documents;
- d. Proof of commitment to the required equity contribution, as specified by the DU:
  - i. In the case where the Winning Bidder is a corporation – e.g., treasurer's affidavit attesting to actual paid-up capital, subscription agreement(s) between a shareholder(s) of the Winning Bidder and the Winning Bidder itself covering said equity contribution, or shareholders agreement between and among two (2) or more shareholders of the Winning Bidder undertaking to contribute/subscribe the required equity contribution; or
  - ii. In the case of a consortium – an undertaking of the members thereof to infuse the required equity contribution to the consortium.
- e. Letter of Credit, Bank Guaranty or Committed Line of Credit, or any proof of firm commitments from a reputable financial institution to provide sufficient credit lines to cover the total estimated cost of the projects for prospective generation facilities, if applicable;

- f. In the case of a consortium, the agreement indicating that the members are jointly and severally liable for the obligations of the Project Proponent under the contract, if applicable; and
- g. Any other relevant information regarding the financial track record and capabilities of the Bidder that it believes would be helpful to the BAC or Joint BAC.

#### 6.6 Soft Copies of Documents in the Bid Offer

Documents listed in sections 6.1 through 6.5 must be copied in pdf format into a Flash Drive. To ease in identification, the file name of each document and the sequential storage to the flash drive should correspond to the sequence mentioned in sections 6.1 through 6.5 above.

### 7 PREPARATION OF THE BID

Bidder shall prepare two (2) Main Envelopes and a Flash Drive containing all the documents mentioned in sections 7.1 and 7.2.

- 7.1 The **First Main Envelope** shall comprise of four brown (4) envelopes and one (1) letter envelope, containing the documents mentioned in sections 6.1, 6.2, 6.3, 6.4, 6.5 and 6.6.
  - a. The Executive Summary and Organizational Structure in a sealed envelope marked:
    - i. Name of the Bidder in capital letters, and
    - ii. "Executive Summary & Organizational Structure"
  - b. The Legal Qualification Requirements in another sealed envelope marked "Legal Qualification Requirements"
  - c. The Technical Qualification Requirements in another sealed envelope marked "Technical Qualification Requirements"
  - d. The Financial Qualification Requirements in the last envelope marked "Financial Qualification Requirements", and
  - e. The Flash Drive inside a letter envelope marked "Soft Copies of Bid Offer".
  - f. After inserting the above-mentioned envelopes into the first main envelope, it shall be sealed and marked:
    - i. Name of the Bidder in capital letters
    - ii. "AEC-CSP-2025- Lot1"
    - iii. "Eligibility/Qualification Requirements"
    - iv. "Do Not Open Before (date and time of opening of bids)"
- 7.2 The **Second Main Envelope** (Price Proposal) shall contain the following:
  - a. Price/Rate in PHP/kWh inclusive of WESM charges except Line Rental, for each contract year throughout the Required Contract Period beginning on the Target Delivery Start Date, using Annex 4 – Form, Bid Proposal. The Bid must be valid for a period of not less than one hundred eighty (180) calendar days from the deadline for submission and Opening of Bids (Bid Validity Period).
  - b. A Notarized statement attesting to the information submitted for the Bid.
  - c. After inserting the items mentioned in a & b, the Second Main Envelope shall be sealed and marked:
    - i. Name of the Bidder in capital letters

- ii. "AEC-CSP-2025- Lot1"
- iii. "Price Proposal"
- iv. "Do Not Open Before (date and time of opening of bids)"

## 8 BID SECURITY

- 8.1 Bidder shall submit, as part of its Qualification Documents, a **Bid Security**, complying with the requirements stated in the Terms of Reference Table.
- 8.2 The **Bid Security** shall be placed inside a letter envelope then sealed and marked:
- i. Name of the Bidder in capital letters
  - ii. "AEC-CSP-2024- Lot1"
  - iii. "BID SECURITY"
  - iv. "Do Not Open Before (date and time of opening of bids)"
- 8.3 The **Bid Security** shall be delivered to AEC on or before the deadline for the submission of bids addressed to the **BAC Secretariat** at AEC's Main Office located at **Don Juan Nepomuceno Ave., cor. Teresa Ave., Nepo Center, Angeles City 2009**.
- 8.4 Any bid not accompanied by a bid security shall be rejected by the BAC for being non-responsive.

## 9 DEADLINE FOR SUBMISSION OF BIDS

Bids must be submitted on or before 4:45pm of the date of Deadline for Submission of Bids.

Bids submitted after the Bid Submission Deadline shall be rejected and returned unopened to the Bidder. The AEC-BAC shall ensure that this circumstance is recorded in the minutes of the bid opening.

## 10 SUBMISSION OF BIDS

- 10.1 Bidders shall submit their bids at the AEC Main Office located at **Don Juan Nepomuceno Ave., cor. Teresa Ave., Nepo Center, Angeles City 2009**.
- 10.2 AEC shall provide padlocked Bid Boxes located near the BAC-Secretariat where:
- a. The First Main Envelope shall be dropped into the compartment marked "Eligibility Requirements".
  - b. The Second Main Envelope shall be dropped into the compartment marked "Price Proposal".
- 10.3 The Bid Security / Manager's Check / SBLC shall be delivered to the BAC Secretariat.  
The BAC-Secretariat shall record the date and time when each Bidder delivers its 2-Envelope Bid and Bid Security.

## 11 OPENING OF BIDS

A Reserve Price will be imposed by AEC and it will be disclosed before the Opening of Bids. Bids submitted in excess of the Reserve Price will be disqualified.

The BAC through the Secretariat shall open the Bids with Observer Groups' representatives. The Bid Box compartments shall be opened, and the Envelopes segregated and lined up, based on first to come, first to be opened basis.

The following shall be performed for all submitted Bids:

- 11.1 Check the Bid Security.
  - a. If no Bid Security or if Bid Security does not conform to the requirement, return the unopened First and Second Envelopes to the Bidder Representative.
  - b. If Bid Security is in conformity, proceed to next step.
  
- 11.2 Open the First Main Envelope
  - a. Open the envelope marked Executive Summary & Organizational Structure and Legal Eligibility/Qualification Requirements.
  - b. List in Form 1, Bidder Qualification Checklist, the documents found inside the envelope.
  - c. If any deficiency is found:
    - i. Record the deficiency and mark "FAIL" in the Bidder Qualification Checklist for the Bidder.
    - ii. Return the documents to the folder and insert the folder to the First Main Folder.
    - iii. Segregate the Bidder's First and Second Main Folders and Bid Security Check / SBLC.
  - d. If all required documents are present and conform to the requirements, proceed to opening of Legal Eligibility/Qualification Requirements.
  - e. Open the envelope marked Technical Qualification Requirements.
  - f. List in Form 1, Bidder Qualification Checklist, the documents found inside the envelope.
  - g. If any deficiency is found:
    - i. Record the deficiency and mark "FAIL" in the Bidder Qualification Checklist for the Bidder.
    - ii. Return the documents to the folder and insert the folders to the First Main Folder.
    - iii. Segregate the Bidder's First and Second Main Folders and Bid Security Check.
  - h. If all required documents are present and conform to the requirements, proceed to opening of Financial Qualification Requirements.
  - i. Open the envelope marked Financial Qualification Requirements.
  - j. List in Form 1, Bidder Qualification Checklist, the documents found inside the envelope.
  - k. If any deficiency is found:
    - i. Record the deficiency and mark "FAIL" in the Bidder Qualification Checklist for the Bidder.
    - ii. Return the documents to the folder and insert the folders to the First Main Folder.
    - iii. Segregate the Bidder's First and Second Main Folders and Bid Security Check / SBLC.

- l. If all required documents are present and conform to the requirements, mark "PASS" in the Bidder Qualification Checklist.
  - m. Repeat steps 11.1 through 11.2(l) for all Bidders.
- 11.3 When the opening of all Bidders' First Main Envelope is completed:
  - a. Return The Bid Security Check or SBLC and Bid Envelopes of failed or non-complying bids to their respective Bidder Representatives.
  - b. Request the representatives of non-complying bids to leave the room where the Bid Opening is being conducted.
  - c. Open the AEC-set Reserve Price.
- 11.4 For all the bids which passed the Eligibility/Qualification Requirements, Open the Second Main Envelope (Price Proposal)
  - a. Record in Form 2 Summary Price Proposal & Lowest Calculated Responsive Bid, Bidder's Price Offer
  - b. Check availability of a notarized statement attesting to the information submitted for the Bid.
  - c. If there is no notarized statement attesting to the information submitted or if Bidder's Price Offer is over the Reserve Price,
    - i. Mark "Non-Complying" in Form 2 Summary Price Proposal & Lowest Calculated Responsive Bid,
    - ii. Segregate the Bid Documents Bid Security of non-complying Bidder.
    - iii. Repeat step 11.4 for remaining Bidders who passed the Eligibility/Qualification Requirements.
  - d. Return The Bid Security Check / SBLC and Bid Envelopes of failed or non-complying bids to their respective Bidder Representatives
- 11.5 Only bids determined to contain all the bid requirements for the Eligibility/Qualification Requirements, Price Proposal and the notarized statement attesting to the information submitted for the Bid shall be rated "**passed**" and shall proceed to be considered for evaluation.
- 11.6 While the hardcopies are being checked, the contents of the flash drive shall also be scanned and checked.

## 12 CLARIFICATIONS OF BIDS

To assist in the examination, evaluation, and comparison of Bids, AEC may opt to ask a bidder for clarification of its Bid. All responses to request for clarification shall be in writing, and no change in the price or substance of the Bid shall be sought, offered or permitted.

## 13 EVALUATION OF BIDS

- 13.1 Qualified Bids will be ranked based on their Lowest Calculated Responsive Bid. The **Lowest Calculated Responsive Bid** includes:
  - a. The Average Offered Price per kWh for the term of the PSA;
  - b. Systems Loss, if any;
  - c. Transmission Charge, if any; and
  - d. Discounts, if any.



- 13.2 The Contract will be awarded to the Lowest Calculated Responsive Bid. If there is no meeting of the minds, AEC will move on to the next Lowest Calculated Responsive Bid until a meeting of the minds is reached between the parties.
- 13.3 The BAC shall recommend to the AEC-BOD the award of contract to the Winning Bidder with the Lowest Calculated Responsive Bid.

#### **14 NOTICE OF AWARD AND POST QUALIFICATION**

- 14.1 Within five (5) days from approval by the AEC-BOD, AEC will issue the written Notice of Award to the winning Bidder. The Notice of Award must be made within the Bid Validity Period.
- 14.2 Winning bidder shall acknowledge receipt of the notice and sign its conformity to the Notice of Award to signify its acceptance of the notice within seven (7) days from notice.
- 14.3 Post Qualification - Upon receipt of the Notice of Award, the winning Bidder shall submit the following as condition precedent the signing of the PSA:
  - a. Posting of the Performance Bond
  - b. Submission of PSA Schedule 3, Minimum Functional Specifications (Technical Limits of Facility)
  - c. Submission of copies of pre-filing documents under Appendix D-2 of ERC Resolution No. 16 Series 2023

#### **15 PSA SIGNING**

The pro-forma PSA attached as Annex 2 of this CSP Document is a modified Annex C2 of ERC Resolution No.16 Series 2023. The Bidder is expected to sign the PSA within the prescribed period with minimal or no revisions.

- 15.1 Within twenty (20) calendar days from receipt by the Winning Bidder of the Notice of Award from the DU, the Winning Bidder and the AEC shall execute and sign the PSA, as approved by the AEC-BOD.
- 15.2 In case of refusal, inability, or failure to enter into a PSA by the Winning Bidder, the Bid Security shall be forfeited by the DU.

#### **16 PRE- FILING OF PSA WITH ERC**

Within Fifteen (15) days from the signing of the PSA, the Parties shall file the documentary requirements for the pre-filing of the PSA Application with the ERC as mandated by ERC Resolution No. 16, Series of 2023.

#### **17 JOINT FILING TO ERC**

Within Thirty (30) days from the signing of the PSA, the Parties shall jointly file an application with the ERC for the approval of the PSA.

The successful bidder unconditionally binds itself to jointly file with the AEC the application for approval of the PSA before the ERC.

## 18 PROCESS TO BE CONFIDENTIAL

Information relating to the examination, clarification, evaluation and comparison of Bids and recommendations for award of a contract shall not be disclosed to other bidders or any other persons not officially concerned with such process during the bidding. Any efforts by a bidder to influence the AEC's processing of Bids or award decisions may result in the rejection of the bidder's Bid.

## 19 PERIOD OF ACTION ON PROCUREMENT ACTIVITIES


The procurement process from the publication of the *Invitation to Bid* up to the award of contract shall not exceed **One Hundred Eighty (180) days**. All members of the BAC shall be on a "jury duty" type of assignment until the Notice of Award is issued by the head of the procuring entity in order to complete the entire procurement process at the earliest possible time.

## 20. PROTEST MECHANISM

- 20.1 To question a decision of the BAC, a Bidder may file a written request for reconsideration within ten (10) calendar days from receipt of written notice or verbal notification. The BAC shall decide on the request for reconsideration within ten (10) days from receipt thereof.
- 20.2 If the request for reconsideration is denied, decisions of the BAC may be protested in writing to the AEC's Board of Directors within ten (10) days upon receipt of the resolution denying its request for reconsideration, following the steps below:
  - a. Bidder shall file a **Verified Position Paper** containing the following information/documents:
    - i. Name of Bidder and Address;
    - ii. Name of Project or Bidding;
    - iii. Brief Statement of Facts;
    - iv. Issue to be resolved and other matters/information relevant to the resolution of the protest.
  - b. Deposit of a non-refundable Protest Fee of One Hundred Thousand Pesos (PhP 100,000.00) to a designated bank account of AEC.
- 20.3 An unverified Position Paper shall be considered unsigned and produces no legal effect, and non-payment of the Protest Fee will result to the outright dismissal of the protest.
- 20.4 Within thirty (30) calendar days from receipt thereof, the AEC Board, constituting a quorum, shall resolve the protest. The Board's resolution resolving the protest **shall be final and unappealable**.

#### IV. FAILURE OF BIDDING

1. The BAC shall declare the bidding a failure when:
  - a. Only one (1) bidder submits a bid on the Bid Submission Deadline
  - b. All except one (1) bidder withdraws its bid prior to Bid Submission Deadline.
  - c. All the First Envelopes of the bids submitted were rated "**failed**"
  - d. All the Second Envelopes of the bids submitted were rated "**failed**"
  - e. Winning bidder refuses to accept the award or enter into a PSA with AEC or refuses to jointly file with AEC the PSA before ERC.
  
2. In case a failure of bidding is declared, AEC shall rebid the power supply procurement *under the same or modified terms and conditions*, as the case may be. If a failure of bidding is again declared, AEC may enter into a negotiated Power Supply Agreement with any of the qualified bidders.

 02-20-2025

**ENGR. MICHAEL ANGELO D. COLLE**  
Chairman, Bids and Awards Committee (BAC)