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Section	Provision	Comments/Questions	TPBAC Response
Section 2 Definition of Terms	Nominated Plant - an existing physical plant or a plant to be built or under construction which is the source of the capacity offered by the Bidder;	If the Nominated Plant is a Greenfield Plant, we suggest that its commercial operations be subject to a grace period of six (6) months from Target Delivery Date (26 November 2025) considering that the supply period is only five (5) years and urgency in the availability of power supply should be given priority.	Denied. This will be covered by the Replacement Power provision.
Section 2 Definition of Terms	Unscheduled Outage - unforeseen or unplanned interruption of a power plant unit's generating capability outside the scheduled outages;	We suggest as minor revision of this definition to be incorprated in the final PSA as follows: Unscheduled Outage - unforeseen or unplanned interruption of a power plant unit's generating capability outside the Scheduled Outages **and events of Force Majeure**.	Denied.
Section 2 Definition of Terms	Bid Security - the deposit of cash, manager's check, certified check, cashier's check, bank draft, money order, or bid bond submitted with a bid and serving to guarantee that the bidder, if awarded the contract, will execute such contract in accordance with the bidding requirements and the contract documents. The bid security shall be denominated in Philippine Pesos and posted in favor of Negros Power. For the purpose of this CSP, Negros Power shall accept the use of a Bid Securing Declaration in the form prescribed in Section 16 as alternative to the aforementioned forms of Bid Security;	We suggest the following revisions for consistency with Section 16.2: "Bid Security - the deposit of cash, manager's check, certified check, cashier's check, bank draft, money order, or ~~bid bond~~ **~~bank draft/guarantee, or standby/ irrevocable letter of credit issued by a Universal or Commercial Bank~~** ~~submitted with a bid and serving to guarantee ***"~~	Please clarify.
Section 2 Definition of Terms	Certificate of Compliance (COC) - the certificate of license issued by the ERC in the generation of electricity to operate Generation Facilities and ensures that the Generation Company comply with all the applicable legal, regulatory requirements or any proof of authority as provided by the appropriate government agency;	We suggest including Provisional Authority to Operate as an equivalent of the Certificate of Compliance, in the absence of the latter: Certificate of Compliance (COC) **or Provisional Authority to Operate (PAO)** - the certificate of license issued by the ERC in the generation of electricity to operate Generation Facilities and ensures that the Generation Company comply with all the applicable legal, regulatory requirements or any proof of authority as provided by the appropriate government agency;	Yes.
Section 2 Definition of Terms	Generation Company - a person or an entity authorized by the ERC to operate a facility used in the generation of the electricity or a company that owns and operates a power generating plant that produces electricity;	We suggest aligning the definition of a Generation Company with the definition under the ERC's 2023 Revised COC Rules: Generation Company - **any person or entity authorized by the ERC to operate facilities used in the Generation of Electricity**;	Yes.
Section 2 Composite Score	Composite Score - the aggregation of the scores received for each criterion multiplied by their relative weights;	May we know what are the criteria and the weights to be used in determining the Composite Score?	This is a typographical error.
Section 2 Levelized Rate (and whole of Annex C)	Levelized Rate - the discounted price over the duration of a five-year period from the date of delivery of electricity using the prevailing discount rate. This only pertains to TOR 1 (Fuel Cost Pass-through);	Based on Section 2, the Levelized Rate is based on fuel pass through. However, but in the Annex C (Financial Proposal), it is based on all costs (Cap Fee, VOM, FOM, and Fuel).	The Section 2 definition of the Levelized Rate is is a typographical error. The Levelized Rate is really based on all costs.

Section 3 Bidding Design	3.7 Three (3) days after sending out of the Supplemental/Bid Bulletin and posting in the Negros Power website, Bidders are presumed to have received the Bid Bulletins;	Please clarify when exactly is the target date for the issuance of Supplemental Bid Bulletins ("SBB") and the posting of said SBBs in the website considering the limitation of number of days from the Pre-bid Conference to the target Issuance of Final ITB (i.e., August 11 to August 15, 2025).	The last day of the issuance of the SBBs is August 31, 2025.
Section 3 Bidding Design	3.10 If determined that the concerned bidder complies with and is responsive to all the requirements and conditions specified in either **TOR1 and TOR2** and other pertinent bidding documents, the TPBAC shall declare Acceptance of the Bid(s) and the Notice(s) of Award shall be issued to the Winning Bidder;	Please confirm that this transaction pertains to only one (1) TOR for the 20MW Baseload Power Supply Requirement.	Yes.
Section 3 Bidding Design	3.11 Negros Power and the Winning Bidder shall finalize the template Power Supply Agreement based on the outcome of the CSP and the Terms of Reference including any amendments thereto during the pre-bid conference, if any; Section 5 Bidding Schedule: Deadline for Submission of Comments and Questions — August 9, 2025 Pre-bid Conference — August 11, 2025 Issuance of Final Instruction to Bidders — August 15, 2025	Will a negotiations for any further amendment(s) of the PSA be conducted between the period 05 September (Issuance of Notice of Award) to 25 September (Signing of PSA) be conducted?	We are moving the bid opening date tentatively set at September 16, 2025. We will issue a bid bulletin to this effect. All the other activities subsequent to the change in the bid opening date will correspondingly be adjusted.
Section 3.11	Negros Power and the Winning Bidder shall finalize the template Power Supply Agreement based on the outcome of the CSP and the Terms of Reference including any amendments thereto during the pre-bid conference, if any;	Please confirm whether the winning bidder is allowed to negotiate the terms of the power supply agreement.	Yes, as long as it will conform to the TOR.
Section 4 Scope of Bidding	4.3 The quantity to be contracted is 20 MW baseload capacity. The initial delivery date shall be on November 26, 2025, 00:00H or upon ERC Approval date, whichever comes later. The contract shall remain effective for a fixed period of five (5) years in accordance with the decision of the ERC.	Please confirm that the 5-year period is anchored from the Delivery Date and not from the Effective Date.	Yes.
Section 5 Bidding Schedule	Pre-Bid Conference - August 11, 2025	Please confirm that Bidders may submit additional clarifications after the Pre-Bid Conference.	Yes, Bidders will have until August 31 to submit clarifications.
Section 5 Bidding Schedule	Issuance of Final Instruction to Bidders - August 15, 2025	Will the deadline of bid submission move if the issuance of the Final ITB is delayed?	We are moving the bid opening date tentatively set at September 16, 2025. We will issue a bid bulletin to this effect.
Section 6 Eligible Bidders	6.1 To be eligible to participate in this Bidding, an interested bidder must own or exhibit control over the capacity or energy resource of the Nominated Plant for the entire duration of the contract provided that it has to present convincing evidence of right over the capacity or energy resource from the Nominated Plant. This ownership or control of the Nominated Plant shall be proven by the Certificate of Compliance (COC) or the IPPA Certification.	Please confirm that the Bidders are allowed to submit Provisional Authority to Operate (PAO) issued by the ERC in lieu of a Certificate of Compliance (COC).	Yes.

Section 6 Eligible Bidders	6.5 A Bidder shall not have a conflict of interest. All Bidders found to have a conflict of interest shall be disqualified. A Bidder will be considered to have conflicting interests if a Bidder's Officer or any authorized representative is related by consanguinity or affinity up to the fourth civil degree to any member of the Negros Power TWG, TPBAC and Secretariat. This Section Shall apply to the following persons: 1. If the Bidder is an individual or a sole proprietorship, to the Bidder himself; 2. If the Bidder is a partnership, to all its partners, officers and members; 3. If the Bidder is a corporation, to all its corporate officers, directors, and controlling stockholders. Relationship of the nature described above or failure to comply with the provisions of this Section will result in the rejection of the Proposal.	Please confirm that the limitations enumerated are exclusive and to be strictly complied with, and failure to do so, will result in the disqualification of the Bidder.	Yes.
Section 6.1	To be eligible to participate in this Bidding, an interested bidder must own or exhibit control over the capacity or energy resource of the Nominated Plant for the entire duration of the contract provided that it has to present convincing evidence of right over the capacity or energy resource from the Nominated Plant. This ownership or control of the Nominated Plant shall be proven by the Certificate of Compliance (COC) or the IPPA Certification	To expand the bidding to more qualified suppliers, may we suggest that private administrators be allowed to participate, for as long as it exercises control over the output or capacity of another nominated power plant or portfolio of plants, or is the offtaker of the capacity of another supplier. **Proposed Revision:** To be eligible to participate in this Bidding, an interested bidder must own or exhibit control over the capacity or energy resource of the Nominated Plant for the entire duration of the contract provided that it has to present convincing evidence of right over the capacity or energy resource from the Nominated Plant. This ownership or control of the Nominated Plant shall be proven by the Certificate of Compliance (COC)**,** ~~**or** the IPPA Certification,~~ **~~or any document that shows sufficient autho rity of the Bidder to use the Nominated Plant to supply the requireme~~**	Yes, as long as the Bidder can provide any documentary proof to show control over the capacity for the entire duration of the contract.
Section 6.4 Eligibility Requirements	A Bidder is allowed to nominate a portfolio of plants to supply the Contracted Capacity provided that all the documents for all the plants under the portfolio shall be submitted to Negros Power. However, this does not prevent the Bidder from nominating a single plant and sourcing the supply requirements from other plants under the same portfolio.	If a Bidder nominates a single plant but intends to source some or all of the contract capacity from other plants in the future,is disclosure of these sources required during Bid Submission? If the Bidder sourced power from other plants, will it be considered as a normal supply or replacement power?	No.
Section 6.4 Eligibility Requirements	..However, this does not prevent the Bidder from nominating a single plant and sourcing the supply requirements from other plants under the same portfolio.	For the NEPC BAC's clarification: does this mean the bidder can submit only one plant in its offer, but can still supply from other plants during PSA implementation?	Yes.

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Section 6.4 Eligibility Requirements	Bidder is allowed to nominate a portfolio of plants to supply the Contracted Capacity provided that all the documents for all the plants under the portfolio shall be submitted to Negros Power. However, this does not prevent the Bidder from nominating a single plant and sourcing the supply requirements from other plants under the same portfolio.	(1) Please confirm that if a Bidder nominates a renewable (**"RE"**) plant, the Renewable Energy Certificates (**"RECs"**) received by Negros Power from the RE supply shall be returned to the Bidder. If not, please confirm that this will be treated as a REC sale to Negros Power and shall be settled by the parties, details of which shall be incorporated in the PSA and through a bid bulletin. (2) Please confirm that the Winning Bidder will have a right, from time to time, to add nominated power plants within its portfolio to provide the supply to Negros Power	Yes.
Section 6.5 Conflict of Interest	A Bidder shall not have a conflict of interest. All Bidders found to have a conflict of interest shall be disqualified. A Bidder will be considered to have conflicting interests if a Bidder's Officer or any authorized representative is related by consanguinity or affinity up to the fourth civil degree to any member of the Negros Power TWG, TPBAC and Secretariat. This Section Shall apply to the following persons: 1. If the Bidder is an individual or a sole proprietorship, to the Bidder himself; 2. If the Bidder is a partnership, to all its partners, officers and members; 3. If the Bidder is a corporation, to all its corporate officers, directors, and controlling stockholders. Relationship of the nature described above or failure to comply with the provisions of this Section will result in the rejection of the Proposal.	We would like to confirm that the provision only applies if a Bidder's Officer or any authorized representative is related by consanguinity or affinity up to the fourth civil degree to any member of the Negros Power TWG, TPBAC and Secretariat.	We will remove inclusion of the TWG and the Secretariat.
Section 7.3 Expression of Interest Documents	Hard copies of the Expression of Interest documents shall be submitted together with the Eligibility Requirements as specified in Section 13.	In the event that two (2) copies of the Expression of Interest Documents have already been mailed to and received by Negros Power,does the Bidder still need to submit these documents along with the Eligibility requirements? Will the TPBAC allow the bidder to attach copies of the way bill to comply with Section 13.7 of the FITB?	Yes, the EOI must be submitted as part of the Eligibility Requirements. No, the Bidder will not be allowed.
Section 8 Bid Processing Fee	8.3 The Bidding Documents are available to all interested bidders from July 15 until August 8, 2025.	Please confirm that section 3.4 is subject to the period provided in Section 8.3, therefore, after August 8, 2025, a potential bidder who has submitted the EOI documents will not be entitled to receive the Bidding Documents and participate in the bidding.	The receipt of the EOI and sending of the bid documents are still open until September 16, 2025 (tentative schedule of bid opening).
Section 8.3	The Bidding Documents are available to all interested bidders from July 15 until August 8, 2025.	May we confirm to the BAC if a bidder can still pay the bid processing fee and join the NEPC CSP beyond August 8, 2025. Please confirm if there is a deadline of the payment of the bid processing fee.	Yes. We will issue Bid Bulletin to this effect. The receipt of the EOI and sending of the bid documents are still open until September 16, 2025 (tentative schedule of bid opening).

Section 9 Penalties	The Buyer shall have the right to impose penalties whenever Seller fails to comply with its obligations within the cure period stated in the PSA under the following circumstances: 1. Payment of damages upon contract termination based on valid grounds; 2. Payment of penalties when Seller has prolonged outages of more than six (6) months; 3. Failure to provide replacement power; 4. Delay in Commercial Operation Date (COD); 5. Failure of power delivery; and 6. Other grounds detailed in this Power Supply Agreement	May we suggest to have the penalties be mutualized by the Buyer and the Seller	This is subject to negotiation with the winning bidder.
Section 9 Conference and Amendment of Bidding Documents	9.9 Failure of the bidder's authorized representatives to physically attend the conductof any CSP Processes, including the Opening of Bids, shall not result in rejection of the proposal and/or the disqualification of the Bidder.	Are these procedures still applicable? If not, please issue an updated procedure for the submissoin of Bid Proposals.	This is still applicable.
Section 9.1	The TPBAC shall conduct at least one (1) Pre-bid Conference with the interested bidders to discuss and clarify provisions of the Instruction to Bidders (ITB). The Pre- bid Conference shall be open to interested bidders, CSP Observers, and to the public.	This provision provides that the pre-bid conference shall be open to the public. Kindly confirm what platform will be used for this purpose. If online, how/where will the public be able to access the link to the pre-bid conference?	The live coverage is broadcast via NEPC official facebook page and through MS Teams.
Section 10 Submission of Bid Proposals	10.3 TPBAC allows airport to airport submission of Bids provided that proper notice is given to the Secretariat so that document collection from the airport can be arranged. From the airport, the Secretariat shall immediately proceed to Negros Power Corporate Office, The Row, Lacson St. Brgy. Bata, Bacolod City and drop the Bids to the designated Bid Box. The reckoning of the official receipt of Bids by the TPBAC shall be the date and time that the Secretariat drops the Bids to the Submission Drop Box. Airport to airport submission of Bids shall be accommodated by the Secretariat except during the last day for submission of Bids.	Are these procedures still applicable? If not, please issue an updated procedure for the submissoin of Bid Proposals.	Yes. It is still applicable
Section 11 Due Diligence		What are the documents readily available for due diligence? (i.e. 2 Years AFS)	Negros Power AFS and Company Profile
Section 12 Bid Proposal Documents	12.1 The interested bidders must submit their Bid Proposal **for each TOR** which shall consist of: xxx	Please confirm that this transaction pertains to only one (1) TOR for the 20MW Baseload Power Supply Requirement.	Yes.
Section 12.1	The Bidder shall indicate "N/A" for requirements that are not applicable to them. There is no need for an accompanying explanation as to why requirements are not applicable.	Could you please confirm if a letter of non-applicability will be sufficient?	

Section 12.7	The Bidder shall indicate "N/A" for requirements that are not applicable to them. There is no need for an accompanying explanation as to why requirements are not applicable.	Please confirm if our understanding is correct: When a particular requirement does not apply to the Bidder, they may still include a placeholder page in their bid submission at the appropriate section, clearly marked with "N/A" to indicate non- applicability. This ensures the bid remains properly sequenced and complete.	There is no need.
Section 13 Legal Requirements	1. Certified true copy of the Securities and Exchange Commission (SEC) Certificate of Registration of the Bidder or any certification issued by competent authority, if applicable. In the case of Corporations with amended corporate names, they shall still submit the Certificate of Registration under the original corporate name; 2. Bidder must submit certified true copy of latest Articles of Incorporation and By-Laws or Articles of Partnership, whichever is applicable. Said documents must indicate therein that the primary purpose of the entity is power generation; 3. Certified true copy of the latest General Information Sheet (GIS) of the Bidder stamped received by the SEC not more than twelve (12) months	Kindly confirm that the Bidders can redact the personal information due to data privacy. Also, if the SEC-certified AOI and By-laws are not yet available on the bid submission date, will copies of the same certified as true copies by the corporate secretary be acceptable?	Yes.
Section 13 Legal Requirements	3. Certified true copy of the latest General Information Sheet (GIS) of the Bidder stamped received by the SEC not more than twelve (12) months old at the time of submission, if applicable;	Kindly confirm that the Bidders can redact the personal information in the GIS due to data privacy.	Yes.
Section 13 Legal Requirements	5. Certified true copy of the updated Mayor's Permit, BIR registration, latest Tax Clearance, **latest Audited Financial Statement (AFS) which shall be stamped received by the BIR and for the year 2022 or later**;	1. Please confirm that Bidders may submit the latest available AFS which is for the year 2024. 2. Will copies certified as by the Finance Manager be acceptable?	1. Yes. 2. Yes, As long as the Finance Manager is duly authorized to certify the AFS
Section 13 Legal Requirements	7. Expression of Interest (EOI) Documents: a. Duly notarized Expression of Interest form b. Duly notarized Non-Disclosure Undertaking; and, c. Duly notarized Written Acceptance of the TOR.	Please confirm that for this requirement, the Bidders should only resubmit the EOI Documents previously submitted to acquire the Bidding Documents.	Yes
Section 13 Legal Requirements	8. Certification and other documents: a. A Secretary's Certificate showing authority to participate in this bidding, the name, address, and contact details, including telephone number(s), fax number(s), email address(es) of the authorized representative(s) of the bidder who has/have authority to sign the documents required in this proposal.	Please confirm that submission of the document under item 1.2.1 of the Checklist for Eligibility of Requirements is already sufficient compliance with the requirement under this provision.	Yes

Section 13 Legal Requirements	14.2 For the original submission, original or Certified True Copy (CTC) are acceptable. **The duplicate or second copy of the proposal may contain photocopies of the original.** For Certified True Copy (CTC), EACH page must be certified as true copy by either of the following: 1. Internal department owning the document; 2. Representatives authorized by the management to certify the documents in accordance with the Secretary's Certificate submitted by the bidder; or 3. Issuing government agency.	Please confirm that Bidder may submit the initially submitted Secretary's Certificate that was part of the Expression of Interest Documents and include a separate document as an annex indicating the name(s), address(es), and contact detail(s), including telephone number(s), fax number(s), email address(es) of the authorized representative(s).	Yes.
Section 13 Legal Requirements	5.Certified true copy of the updated Mayor's Permit, BIR registration, latest Tax Clearance, latest Audited Financial Statement (AFS) which shall be stamped received by the BIR and for the year 2022 or later;	If the Bidder's latest Audited Financial Statement (AFS) is for 2024 and includes financial results for both 2024 and 2023, please confirm if this submission will satisfy the requirement.	Yes.
Section 13 Legal Requirements		We respectfully suggest reviewing and correcting the labels of the sub-sections under Section 13: Legal Requirements to ensure clarity and avoid confusion when referencing specific provisions throughout the document.	This is noted.
Section 13.1 (labelled as 14.1 in the document)	In lieu of a Tax Clearance Certification, the submission of a document specifying that the Bidder has no outstanding tax obligation ("Certificate of No Outstanding Tax Liability" from a BIR Regional Office) or is not in the Master List of Delinquent Taxpayers issued by the Local District Revenue Office of Bureau of Internal Revenue shall be sufficient provided that the Bidder submits the new Tax Clearance during Post- Qualification.	Please confirm that the "document specifying that the Bidder has no outstanding tax obligation ... or is not in the Master List of Delinquent Taxpayers..." refers to a document that can be executed by the corresponding authorized representative, officer, or signatory of the Bidder itself.	No, this should be certified by the BIR.
Section 13.1 (labelled as 14.1 in the document)	Bidders may provide only one (1) Board Resolution or Secretary's Certificate for all the annexes, provided the authority given to the representative/s covers the required authorities set forth in the annexes.	Please confirm our understanding that this provision refers to the Board Resolution or Secretary's Certificate designating the authorized representative to sign any and all documents required for the bidding, including the annexes (excluding the authority of the internal department owning the document or document custodian certifying the documents).	Yes.