

COMPETITIVE SELECTION PROCESS (CSP)
Series of 2025

**For the Supply of the 20 MW Baseload Power Requirement
to
NEGROS ELECTRIC AND POWER CORP.**

FINAL INSTRUCTIONS TO BIDDERS

Table of Contents

SECTION 1	BIDDING DOCUMENTS.....	4
SECTION 2	DEFINITION OF TERMS.....	4
SECTION 3	BIDDING DESIGN.....	7
SECTION 4	SCOPE OF BIDDING.....	8
SECTION 5	BIDDING SCHEDULE.....	8
SECTION 6	ELIGIBLE BIDDERS.....	9
SECTION 7	EXPRESSION OF INTEREST DOCUMENTS.....	10
SECTION 8	BID PROCESSING FEE.....	11
SECTION 9	CONFERENCES AND AMENDMENT OF BIDDING DOCUMENTS.....	11
SECTION 10	SUBMISSION OF BID PROPOSALS.....	12
SECTION 11	DUE DILIGENCE.....	13
SECTION 12	BID PROPOSAL DOCUMENTS.....	13
SECTION 13	LEGAL REQUIREMENTS.....	14
SECTION 14	TECHNICAL PROPOSAL REQUIREMENTS.....	16
SECTION 15	FINANCIAL PROPOSAL REQUIREMENT.....	19
SECTION 16	BID SECURITY.....	20
SECTION 17	CURRENCIES OF PROPOSAL AND PAYMENTS.....	22
SECTION 18	PROPOSAL VALIDITY.....	22
SECTION 19	FORMAT AND SIGNING OF PROPOSALS.....	22
SECTION 20	SEALING AND MARKING OF BID DOCUMENTS.....	23
SECTION 21	SCHEDULE OF SUBMISSION AND OPENING OF BID DOCUMENTS.....	26
SECTION 22	LATE PROPOSALS.....	26
SECTION 23	MODIFICATION AND WITHDRAWAL OF BID PROPOSAL.....	26
SECTION 24	OPENING OF BIDS.....	27
SECTION 25	POST-QUALIFICATION EVALUATION.....	30
SECTION 26	TECHNICAL EVALUATION OF PROPOSAL.....	30
SECTION 27	DECLARATION OF WINNING BIDDER.....	30
SECTION 28	NOTICE OF AWARD.....	30
SECTION 29	FINALIZATION AND SIGNING OF THE CONTRACT.....	31
SECTION 30	ERC FILING.....	31
SECTION 31	GROUND FOR DISQUALIFICATION.....	31
SECTION 32	FAILURE OF BIDDING.....	32
SECTION 33	PROCEDURE FOR PROTEST.....	33
SECTION 34	COST OF BID.....	33
SECTION 35	PROCESS TO BE CONFIDENTIAL.....	33
SECTION 36	FRAUDULENT AND CORRUPT PRACTICES.....	34
SECTION 37	EXTENSION OF VALIDITY OF PROPOSALS.....	34
SECTION 38	ACCEPTANCE OF CRITERIA AND WAIVER OF RIGHTS TO ENJOIN.....	35
SECTION 39	CONFIDENTIALITY/PROPRIETARY INFORMATION.....	35

Annexes

ANNEX A	CHECKLIST FOR BID PROPOSAL REQUIREMENTS
ANNEX B	TECHNICAL PROPOSAL FORM
ANNEX C	FINANCIAL PROPOSAL FORM
ANNEX D-1	ACCEPTANCE OF BIDDING DOCUMENTS
ANNEX D-2	CERTIFICATION OF SUBMISSION OF ORIGINAL OR CTC OF DOCUMENTS AND AUTHORIZATION FOR TPBAC TO VERIFY
ANNEX D-3	CERTIFICATION REGARDING RELATIONSHIP AND AGAINST CONFLICT OF INTEREST
ANNEX D-4	CERTIFICATION AGAINST BLACKLISTING AND GRAFT AND CORRUPT PRACTICES

SECTION 1 BIDDING DOCUMENTS

The following shall comprise the Bidding Documents in this Competitive Selection Process through a Public Bidding for the Supply of Power to Negros Electric and Power Corp. (Negros Power):

- a. The Invitation to Bid (ITB) published in a newspaper of general circulation; which includes the Terms of Reference (TOR);
- b. Draft Power Supply Agreement (PSA);
- c. Corporate Profile of Negros Power;
- d. Power Supply Procurement Plan (PSPP);
- e. Instructions to Bidders (ITB) and annexes; and
- f. The Final Instruction to Bidders (FITB), as well as all annexes, schedules, attachments, and Supplemental Bulletins that may subsequently be released by the Negros Power TPBAC.

SECTION 2 DEFINITION OF TERMS

Affiliate - a company directly, or indirectly through one or more intermediaries, controls, is controlled by, or under common control with another company;

Bid Processing Fee - the nonrefundable fee specified in Section 7.1 to be paid by interested Bidders to participate in the subject Competitive Selection Process (CSP);

Bid Bulletin - the document containing amendments or revisions to any provision of the Bidding Documents. All bid bulletins shall be published to the website of Negros Power, sent via email to all bidders, and uploaded to the DOE CSP Portal;

Bid Proposal - the complete set of documents submitted by the Bidder in response to, and in accordance with the Bidding Documents, including the Eligibility Requirements (Legal Requirements and Technical Requirements) and Financial Requirements;

Bid Security - the deposit of cash or cashier's/manager's check issued by a Universal or Commercial Bank, bank draft/guarantee or standby/irrevocable letter of credit issued by a Universal Bank; provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank. The Bidder is allowed to submit its own format. The bid security shall be denominated in Philippine Pesos and posted in favor of Negros Power;

Bidding Document - the official documents listed in Section 1 that are issued by Negros Power TPBAC which contains the rules, procedures, requirements, criteria, information and data, evaluation methodology for the conduct of this Bidding;

Bidding - the Negros Power Competitive Selection Process through a Public Bidding for the supply of the baseload power requirement of Negros Power;

Bidding Schedule - the list of activities scheduled for this Bidding as stipulated in Section 5;

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;

Checklist for Bid Proposal Requirements - the checklist provided in Annex A: *Checklist of Bid Proposal Requirements* that will be used by Negros Power TPBAC to ascertain the compliance of the Proposal to the prescribed requirements under this Bidding;

Competitive Selection Process (CSP) - the procurement process adopted by Negros Power in securing Power Supply Agreements as prescribed in the DOE Department Circular Nos. DC 2023-06-0021, Series of 2023 and ERC Resolution No. 16, Series of 2023 in the procurement of their Power Supply to the Captive Market;

Consolidated Blacklisting Report or Blacklist Order - a report prepared by the Government Procurement Policy Board containing the list of suppliers blacklisted by government procuring entities;

Contract Capacity - the 20 MW Baseload capacity requirement to be delivered by the Bidder and shall remain fixed for the entire duration of the contract period;

Control - the power to direct or cause the direction of the management policies of a person by contract, by agency, or otherwise;

Distribution Utility (DU) - an electric cooperative, private corporation, government-owned utility, or existing local government unit that has an exclusive franchise to operate a distribution system in accordance with its franchise and EPIRA;

Energy Regulatory Commission (ERC) - the government agency tasked with regulating the power and energy industries under R.A 9136 or EPIRA;

EPIRA - Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001;

Expression of Interest (EOI) - the notarized document submitted by bidders expressing interest to participate in this bidding in accordance with Section 11;

Final Instruction to Bidders (FITB) - the document which contains the provisions of the Instruction to Bidders incorporating all amendments contained in the Bid Bulletins;

Financial Documents - the documents to be submitted by Bidder in accordance with Section 13 and Section 14 for eligibility evaluation (i.e., audited financial statements);

Financial Requirements - the part of the Proposal containing the financial offer (i.e., price) of the Bidder and so described as such in Section 15;

Financial Proposal Forms - the official MS Excel templates shown in Annex C - *Financial Proposal Form*;

Force Majeure - any event not within the reasonable control, directly or indirectly, of the Party affected, but only if and to the extent that (i) such event, despite the exercise of reasonable diligence, cannot be or be caused to be prevented, avoided or removed by the Party affected, (ii) the Party affected has taken all reasonable precautions, due care and reasonable alternative measures in order to avoid the effect of such event on the Party's ability to perform its obligation, and to mitigate the consequences thereof, and (iii) such event is not the direct or indirect result of a Party's negligence or the failure of such Party to perform any of its obligations;

Generation Company (GenCo) - 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, or any person or entity authorized by the ERC to operate facilities used in the generation of electricity;

Instructions to Bidders (ITB) - the document which contains the rules, procedures, requirements, criteria, information and data, methodology for the conduct of Competitive Selection Process (this Bidding);

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.;

Negros Power - Negros Electric and Power Corp., the procuring entity in this CSP;

Negros Power Office - the principal office of Negros Power located at The Row, Lacson Street, Brgy. Bata, Bacolod City;

Negros Power Third-Party Bids and Awards Committee or TPBAC -the independent body established by the Board of Directors of Negros Power to spearhead and manage the Competitive Selection Process.

Multiple Bid Proposal - submission of more than one (1) bid offer;

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;

Notice of Award - the official written communication issued by Negros Power awarding of the contract to the Bidder with the Lowest Proposed Total Price.

Notification Date - the issuance date of the Notice of Award in Section 28;

Power Supply Agreement or PSA - the contract that shall be finalized and separately signed by the Winning Bidder and Negros Power under this Bidding for the Supply of Power to Negros Power;

Pre-Bid Conference - the meeting organized by the Negros Power TPBAC which shall be participated by the interested bidders prior to the date of opening of Bid Proposals for the purpose of clarifying provisions in the Instruction to Bidders and other matters related to the CSP;

Reserve Price - the predetermined price equivalent to the ceiling of the Total Price which will only be revealed by the TPBAC during the Opening of Bids;

Scheduled Outage - foreseen or planned interruption of a power plant unit's generating capability for inspection, testing, preventive maintenance, or corrective maintenance or repairs;

Subsidiary - a company controlled by a holding or a parent company;

Supplemental Bulletins - official communications from the TPBAC bearing additional information that clarify, modify and/or amend provisions of and/or related to the Final Instruction to Bidders (FITB) and the procurement process;

Technical Requirements - the part of the Proposal containing the technical details of the Bidder's offer and so described as such in Section 14;

Technical Proposal Form - the official MS Excel templates shown in Annex B: *Technical Proposal Form*;

Technical Working Group (TWG) - the selected technical and financial personnel of Negros Power tasked to formulate the least cost power supply plan and provide technical support to the TPBAC;

Terms of Reference - the terms and conditions of this transaction reviewed and endorsed by the DOE as provided for in the Bidding Documents;

Unscheduled Outage - unforeseen or unplanned interruption of a power plant unit's generating capability outside the scheduled outages;

Winning Bidder - the Bidder awarded with the PSA as determined by TPBAC in accordance with the provisions of Section 27;

SECTION 3 BIDDING DESIGN

- 3.1 Negros Power, thru its Board of Directors, established an independent TPBAC to spearhead and manage the conduct of Competitive Selection Process in the procurement of Power Supply Agreement (PSA) for its captive market;
- 3.2 Negros Power, thru its Board of Directors, designated five (5) members of the TPBAC with three (3) members coming from Negros Power and two (2) members coming from the captive customers who are not directly nor indirectly related or affiliated to Negros Power. The selection process of the representatives of the captive customers to the TPBAC was approved by the DOE;
- 3.3 The TPBAC, with the assistance of its Technical Working Group (TWG), shall prepare the Bid Documents and shall cause the posting of the Invitation to Bid in Negros Power's website (www.negrospower.com.ph), in the DOE E-based portal, and shall cause the publication of the same in a newspaper of general circulation once weekly for two (2) consecutive weeks;
- 3.4 Interested Bidders must submit their Expression of Interest Documents on or before the deadline of Submission of Bids. Upon submission and verification of the documents and payment of the bid processing fee, Bidders shall be qualified to participate in the Bidding and issued with the Bidding Documents as listed in Section 1 of the Instruction to Bidders;
- 3.5 The TPBAC shall conduct a pre-bid conference to address the queries from qualified Bidders. Only those who already submitted their Expression of Interest and paid the bid-processing fee will be allowed to participate in the pre-bid conference. The pre-bid conference shall discuss the eligibility requirements, the Terms of Reference (TOR), and the technical, legal, and financial component of the PSA to be bid out;
- 3.6 Decisions of the TPBAC amending any provision of the Bidding Documents shall be issued in writing through a Supplemental/Bid Bulletin at least fourteen (14) calendar days before the deadline for the submission and receipt of bids;
- 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;
- 3.8 The TPBAC shall issue guidelines for the virtual conduct of the following CSP activities: pre-bid conference, bid opening, and post-qualification, which shall supplement the original CSP, in the event that the physical presence of the qualified Bidders' representatives becomes unfeasible due to the implementation of government community quarantines;

- 3.9 The TPBAC, with the assistance of its TWG, shall conduct qualification evaluation of the legal, technical, and financial requirements submitted by qualified Bidders using the criteria indicated in the Bidding Documents.
- The bidder with the lowest bid, determined based on the Levelized Rate, shall be subjected to post-qualification and detailed evaluation. The Levelized Rate shall be computed using the uniform Financial Proposal Template (Annex C) provided as part of the bidding documents.
- 3.10 If determined that the concerned bidder complies with and is responsive to all the requirements and conditions specified in the TOR 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;
- 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;
- 3.12 Negros Power and the Winning Bidder shall file with the Energy Regulatory Commission, copy-furnished the Department of Energy, a joint application for the approval of the Power Supply Agreement(s) in accordance with the ERC rules.

SECTION 4 SCOPE OF BIDDING

- 4.1 Negros Power, through its Third-Party Bids and Awards Committee (TPBAC), is conducting a Competitive Selection Process through a Public Bidding wherein Power Suppliers (“interested bidders”) are enjoined to submit a Bid Proposal.
- 4.2 The bid shall cover the power supply obligation for the franchise area of Negros Power in accordance with the TOR of this Bid Documents. The winning Bidder will enter into a PSA with Negros Power.
- 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 from the delivery date in accordance with the decision of the ERC.

SECTION 5 BIDDING SCHEDULE

- 5.1 This Bidding shall follow the schedule listed in Table 1 (Bidding Schedule). The TPBAC reserves the right to modify this schedule as it sees fit. Any amendment to the Schedule shall be announced through Bid Bulletins.
- 5.2 Unless otherwise expressly specified in writing, all the references to times and dates shall refer to Philippine standard time. Unless otherwise expressly specified in writing, the venue of all the below shall be at Negros Power Corporate Office, The Row, Lacson Street, Brgy. Bata, Bacolod City.

Table 1. Bidding Schedule

Negros Power Bidding Schedule	
Activity	Date
1 st Publication of Invitation to Bid	July 15, 2025
2 nd Publication of Invitation to Bid	July 22, 2025
Availability of Bid Documents	July 15 – August 8, 2025
Deadline of Submission of Comments and Questions	August 9, 2025
Pre-Bid Conference	August 11, 2025
Issuance of Final Instruction to Bidders	August 31, 2025
Deadline for Submission of Bid	September 16, 2025 (11:00 AM)
Opening of Bids	September 16, 2025 (1:30 PM)
Post Qualification	September 17-19, 2025
Recommendation to the Board for Awarding of Contract	September 24, 2025
Issuance of Notice of Award	September 26, 2025
Signing of PSA	October 16, 2025
ERC Pre-filing of PSA	October 31, 2025
ERC Filing for Approval of PSA	November 17, 2025

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.
- 6.2 A bidder may choose to partner with another entity through a valid Joint Venture Agreement (JVA) provided a notarized joint venture agreement is submitted as part of the bid. There is no need to submit an Expression of Interest for the additional entities included in the consortium.
- 6.3 In determining the eligibility of the Joint Venture, the principle of “Collective

Compliance” will be applied to its members/principals in the sense that each of the entities of the joint venture must submit all of the documents that are required to establish eligibility, although the non-compliance of one member/principal may be compensated by the compliance of another member/principal.

- 6.4 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.
- 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 TPBAC.

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.

- 6.6 The Bidder must submit a sworn statement that it is not in a conflict-of-interest situation as described in Section 6.5. The sample form together with list of members of Negros Power TPBAC, TWG, and Secretariat can be found in Annex D-3: *Certification Regarding Relationship and Against Conflict of Interest*.
- 6.7 Bidders shall not be under a declaration of ineligibility for corrupt and fraudulent practices issued by any government or other entity in accordance with Section 36.

SECTION 7 EXPRESSION OF INTEREST DOCUMENTS

- 7.1 Parties interested to participate in the Bidding must submit its Expression of Interest comprising of the following documents:

Two (2) copies of the following:

- a. Original or certified true copy of Secretary Certificate showing the excerpt of the Board Resolution authorizing the Prospective Bidder and authorized representative/s to participate in the bidding;
- b. Duly notarized Expression of Interest to participate in the bidding in accordance with the terms set out in the Invitation to Bid;
- c. Duly notarized non-disclosure undertaking; and
- d. Duly notarized written acceptance of the TOR.

Collectively, (a) to (d) shall be referred to as the “Expression of Interest Documents.”

- 7.2 Scanned copies of the Expression of Interest shall be submitted to the TPBAC Secretariat email at cspsecretariat@negrospower.ph on or before the deadline of the Submission of Bids.
- 7.3 Hard copies of the Expression of Interest documents shall be submitted together with the Eligibility Requirements as specified in Section 13.
- 7.4 Only interested bidders who submitted the Expression of Interest Documents and paid the Bid Processing Fee shall be allowed to participate in the Pre-Bid Conference.
- 7.5 Templates for Expression of Interest, Non-Disclosure Undertaking, and Written Acceptance of the TOR are available in Negros Power’s website.

SECTION 8 BID PROCESSING FEE

- 8.1 Bidders shall pay a non-refundable fee of PhP 300,000.00, inclusive of Value Added Tax (VAT) and subject to Expanded Withholding Tax. The bid processing fee shall be non-refundable and must be paid on or before the deadline for the submission of Bids.
- 8.2 The above fee shall be paid through fund transfer to the following account:

Bank Name:	Banco de Oro Unibank Inc.
Bank Address:	BDO SM North, Reclamation Area, Bacolod City
Account Name:	Negros Electric and Power Corp.
Account Number:	010498007263
Swift Code:	BNORPHMMXXX
- 8.3 The Bidding Documents are available to all interested bidders from July 15 until August 8, 2025.

SECTION 9 CONFERENCES AND AMENDMENT OF BIDDING DOCUMENTS

- 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.
- 9.2 The conduct of any CSP Processes, including the Pre-bid Conference, may be virtual or in person. The Pre-bid Conference shall be open to interested bidders, CSP Observers, and to the public. Interested bidders shall send authorized representative/s to raise their respective concerns.
- 9.3 The TPBAC reserves the right to motu proprio amend, revise, modify, or clarify

the Instruction to Bidders. Any such amendment, revisions, modification, or clarification shall be reflected in the Final Instruction to Bidders (FITB) and through Supplemental Bulletins, copies of which will be made available by the Secretariat to the interested bidders.

- 9.4 Should the bidders find inconsistencies or omissions in the Final Instruction to Bidders, or should they be in doubt as to the meaning of any provision contained therein, they should immediately call the attention of the TPBAC for clarification or interpretation. The TPBAC shall issue a Supplemental Bulletin with respect to any such clarification or interpretation.
- 9.5 The Supplemental Bulletins shall be sent to the Bidder's authorized representatives' duly registered e-mail address contained in the Expression of Interest to Participate Form. Bidders shall be required to reply and confirm receipt of Supplemental Bulletins via e-mail.
- 9.6 Three (3) days after the sending out of the Supplemental Bulletins and posting in the Negros Power website, bidders are presumed to have received the Bid Bulletins.
- 9.7 Failure of the interested bidders to secure any Supplemental Bulletin shall constitute a waiver of its/their right to be informed of the contents thereof if the TPBAC can prove that prior notice via email was duly sent.
- 9.8 In the preparation of their Proposals, the interested bidders are conclusively presumed to have considered all the information, procedures, and rules set forth in the Bidding Documents.
- 9.9 Failure of the bidder's authorized representatives to physically attend the conduct of any CSP Processes, including the Opening of Bids, shall not result in rejection of the proposal and/or the disqualification of the Bidder.

SECTION 10 SUBMISSION OF BID PROPOSALS

- 10.1 Interested bidders shall submit a Bid Proposal on or before 11:00 AM of September 16, 2025 (Tuesday) at The Row, Lacson St., Brgy. Bata, Bacolod City.
- 10.2 Qualified bidders are responsible for ensuring that physical copies of their Bids are submitted to and received by the TPBAC Secretariat on or before the date, time, and place specified in Section 10.1.
- 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.
- 10.4 Upon receipt of manually filed bids, the Secretariat shall record the date and time each bid was manually received and notify bidders of receipt thereof by sending photo as proof.

SECTION 11 DUE DILIGENCE

- 11.1 Bidders, by the act of submitting their proposals, shall be deemed to have done due diligence on the subject of this Bidding. The Bidders may conduct due diligence on Negros Power until the date of Opening of Bids.
- 11.2 If Bidders desire to conduct on-site due diligence on Negros Power, they may coordinate with the TPBAC for the schedule. The Bidder must request the TPBAC in writing the specific agenda and proposed schedule of visit.
- 11.3 Alternatively, Bidders may set an appointment for an online conduct of due diligence wherein Bidders may ask the TPBAC regarding financial and technical capability of Negros Power.
- 11.4 Negros Power will only accommodate a maximum of two (2) requests for the conduct of Due Diligence for each qualified bidder.
- 11.5 Bidders may request documents that will aid in the due diligence. The company reserves its right to refuse release of sensitive information.
- 11.6 Any cost associated with the conduct of due diligence shall be for the sole account of the requesting Bidder.

SECTION 12 BID PROPOSAL DOCUMENTS

- 12.1 The interested bidders must submit their Bid Proposal for each TOR which shall consist of:
 - a. Legal Requirements
 - b. Technical Proposal Requirements
 - c. Financial Proposal Requirements
- 12.2 Bidders shall submit two (2) copies of their Bid Proposal—one (1) original and one (1) photocopy. Each Bid Proposal shall contain two (2) separate sealed bid envelopes identified as the First Bid Envelope and the Second Bid Envelope;
- 12.3 The First Bid Envelope shall contain Eligibility Requirements which include the Legal and Technical Requirements. The Second Bid Envelope shall contain the Financial Requirements of the bid. The Legal and Technical Requirements shall be submitted in hard copies while the Financial Requirements shall be submitted in both hard and soft copies in flash drive;
- 12.4 The Legal Requirements shall consist of the details outlined in Section 13, Technical Requirements shall consist of the details outlined in Section 14, and the Financial Requirements shall consist of the details outlined in Section 15;
- 12.5 An electronic copy, in Microsoft Excel, of the Financial Proposal Forms shall be stored in a flash drive and shall be included in the submission of bid;
- 12.6 Bidders are responsible for ensuring that the physical copy of their Bids are manually submitted to and received by the TPBAC Secretariat on the date, time, and place specified herein.
- 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, but does not prevent the Bidder from providing an accompanying explanation why it is not applicable.

- 12.8 To be considered eligible and qualified for a contract award, a Bidder must comply with the requirements enumerated in Section 12.
- 12.9 Bids submitted after the deadline shall not be accepted by the TPBAC. The TPBAC shall record in the minutes of bid submission and opening the bidder's name, its representative and the time the late bid was submitted. Submission of bids after the deadline shall be returned unopened to the Bidder.
- 12.10 Failure to submit the requirements in Section 12 may be a ground for rejection of the Proposal and/or the disqualification of the Bidder.
- 12.11 However, the TPBAC reserves the right to waive consideration of minor deviations in the Proposals which do not affect the substance and validity thereof.
- 12.12 The Bid Security requirements are specified in Section 16.

SECTION 13 LEGAL REQUIREMENTS

- 13.1 The Legal Requirements shall consist of the following:
 - 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. If the SEC-certified Articles of Incorporation and By-Laws are unavailable, the Bidder can alternatively submit a copy certified by the Corporate Secretary;
 - 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.

For partnerships, the Bidder is allowed to submit its latest Information Sheet in lieu of the GIS;
 - 4. Certified true copy of the Certificate of Compliance issued by the ERC to the Bidder or the owner of the Nominated Power Plant of the Bidder. Alternatively, the Bidder may submit a certified true copy of the Certificate of Compliance Application stamped "received" by the ERC or a Provisional Authority to Operate (PAO). A bidder may submit certified true copy of the PAO Application provided that Bidder must submit the PAO during post-qualification;
 - 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 2024 or later;

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.

6. Company profile highlighting experience and expertise of the company and/or technical capability/qualifications of key officers, technical staff, and management team/consultants. The bidder may provide its own template which must include, at the minimum, the organizational chart, technical expertise, and qualifications of personnel.
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.

In case where original copies of these documents were already submitted as part of the submission of the expression of interest to purchase the bid documents, then only one original or certified true copy will be submitted as part of the 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.
 - b. Acceptance of Bidding Documents (Annex D-1);
 - c. Certification of Submission of Original or CTC of Documents and Authorization for TPBAC to Verify (Annex D-2);
 - d. Certification Regarding Relationship and Against Conflict of Interest (Annex D-3);
 - e. Certification Against Blacklisting and Graft and Corrupt Practices (Annex D-4); and
 - f. Proof of Payment of Bid Processing Fee

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.

For submissions done online, screenshot of the electronic system generated email response of the issuing agencies is acceptable in lieu of the stamped “received” requirement (e.g., BIR system generated email with the Transaction Code).

- 13.2 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.

Authority of the internal department owning the document or the document custodian certifying the documents need not be specified in a Secretary's Certificate.

- 13.3 All pages of the documents submitted must be signed. For Certified True Copy (CTC) of original documents, electronic signature is acceptable except for the Financial Proposal Forms which must bear wet signatures.

SECTION 14 TECHNICAL PROPOSAL REQUIREMENTS

- 14.1 If the power plant offered is an existing power plant, the Technical Proposal shall include the following documents:

1. Certified true copies of submissions of the following:

- a. Latest Monthly Operations Report (MOR) received by the DOE (December 2024 MOR or later); and

For submissions done online, electronic system generated email response of the issuing agencies or acknowledgment email response are acceptable in lieu of the stamped "received" requirement.

In lieu of the MOR, the Bidder can also submit the Generation Company Management Report (GCMR), provided the document has been stamped "received" by the ERC.

- b. Certificate of Compliance issued to the Bidder or the owner of the Nominated Power Plant by the ERC. Alternatively, the Bidder may submit a certified true copy of the Certificate of Compliance Application stamped "received" by the ERC or a Provisional Authority to Operate (PAO). A bidder may submit certified true copy of its PAO Application provided that the Bidder must submit the PAO during post-qualification.

For IPPAs, the Bidder must submit a Certification containing the following information issued by the appropriate authorities: (1) Award as IPP Administrator, (2) Capacity Awarded, and (3) Duration and period of the contract.

The submission of Certificate of Compliance (COC) or Provisional Authority to Operate (PAO) shall constitute sufficient compliance for the DENR environmental requirements in the TOR.

2. The Bid Offer capacity shall be 20 MW dependable capacity.

- 14.2 If the power plant offered is a new power plant, the Technical Proposal shall detail the plan on how the Bidder will carry out the development, financing, construction, connection to grid, operation, and maintenance of the power plant(s) to supply the baseload power requirement of Negros Power and the committed project milestones.

The plan shall include the following:

- a. General information on the power plant(s), specifically the design data (type, including specific fuel, number of units, and capacity), and proposed plant site(s), and proposed grid connection site(s);
- b. Committed key project milestone schedule, in months/weeks after Notification Date, of proposed power plant(s) including, but not limited to, the following:
 1. Project financial closing lenders;
 2. Commencement of construction;
 3. Completion of site preparation, foundation, and civil works;
 4. Installation of turbine-generating units and other key components of the plant(s);
 5. Testing and commissioning; and
 6. Commercial operation;
- c. Maximum allowable Scheduled Outage hours and Unscheduled Outage hours for each year;
- d. Project Development Plan;
- e. Engineering, Procurement, and Construction (EPC) Plan describing the methodology, process, and schedule that shows the feasibility and credibility that proposed power plant(s) will be available on the scheduled commercial operation date;
- f. Fuel supply plan indicating:
 1. Long-Term Availability;
 2. Contingency Supply; and
 3. Key terms of the Fuel Supply Agreement or Letter of Commitment from possible fuel suppliers indicating long-term availability within the duration of the PSA;
- g. Financing Plan including, but not limited to detailed description of where the funds will originate (debt financing and equity financing);
- h. Proof Technical Capacity
 1. List of Similar projects owned, developed, constructed, and/or operated by the Bidder, its wholly owned subsidiary/subsidiaries, or joint venture partner as may be applicable indicating and describing the project type, key project features and location;
 2. Convincing evidence that Bidder, its wholly-owned

subsidiary/subsidiaries, or joint venture partner will be able to acquire ownership of right, title, or interest in the proposed site(s) and the right to use the energy resource where applicable, or alternatively, a letter from the land owner or appropriate government agency indicating that Bidder will be able to acquire such right if the Bidder is awarded the PSA under this Bidding. In case of land lease, letter from the landowner of their commitment to lease the land for plant site should the Bidder be awarded the PSA will suffice;

3. Convincing evidence that Bidder, its wholly owned subsidiary/subsidiaries, or joint venture partner can successfully develop and construct the power plant(s) such as letter from prospective EPC contractor with reputable track record with whom the Bidder has been arranging for the project in response to this proposal. Include a list of Power Plant EPC projects of the contractor(s) in the last five (5) years and the contact details (persons, address, telephone numbers, fax numbers, and email address) of the clients of the EPC Contractor;
 4. Convincing evidence that Bidder has been arranging with Prospective fuel Supplier or long-term fuel supply for the project. Bidder shall have received sufficient assurances that a reliable supply of fuel will be available under competitive price and supply terms as evidence by letters from prospective fuel suppliers;
- i. Proof of Financial Capacity
- Bidders may submit any one (1) of the following documents:
1. Audited financial statements (balance sheet, income statement, and statement of cash flows) of the Bidder and/or its parent company together with a brief narrative highlighting the key financial performance and history, for the last five (5) years or as many as exist if less than five (5), together with supporting documents, business license number, and tax identification number;
 2. Convincing evidence that the Bidder can finance the equity component of the investment such as but not limited to the commitment letters from investors and partners and other equivalent documents that will ensure the Bidder's compliance in Section 14.2 of the FITB; and
 3. Convincing evidence that the Bidder has strong credit backing and can successfully arrange financing for the project such as but not limited to the letter from prospective project financiers and other equivalent documents that will ensure the Bidder's compliance in Section 14.2 of the FITB.
 4. Evidence of land acquisition, or legal possession of the proposed site of the power plant; and

5. Certificate of Commerciality issued by DOE for new RE plants.
- 14.3 If the Bidder is under testing and commissioning stage, they can submit documents as an existing plant.
- 14.4 Bidder shall accomplish the information required for the offered generating power plant as prescribed in Annex B: *Technical Proposal Form*.

SECTION 15 FINANCIAL PROPOSAL REQUIREMENT

- 15.1 The Bidder must submit Second Bid Envelope and shall contain the Financial Proposal to supply the demand requirements of Negros Power. The bidder shall submit a separate envelope for each TOR that it intends to participate.
- 15.2 The Bidder shall accomplish hard copy of the Financial Proposal Form as prescribed in *Annex C: Financial Proposal Form for the Supply of 20 MW Baseload Fuel*. Bidder shall submit hard copies of the form duly signed by the Bidder's Authorized Representative and a soft copy in the USB Flash drive.
- 15.3 The Financial Proposal for (Annex C) shall contain the following:

- a. Fixed Price Components. Bidders shall fill in the corresponding cells for the base price of the following price components:

- Capital Recovery Fee (CRF),
- Fixed O&M (FOM),

Input values shall be in four (4) decimal places and shall be fixed for the entire contract period.

- b. Variable Price Components. Bidders shall fill in the corresponding cells for the base price of the following price components:

- V O&M PHP (W/O ESCALATION)
- V O&M PHP (W/ ESCALATION)
- V O&M USD (W/O ESCALATION)
- V O&M USD (W/ ESCALATION)

Input values shall be in four (4) decimal places. Prices are escalated on the subsequent years for the period of five years. Escalation rates in this Financial Form are fixed by the TPBAC for the purpose of bid evaluation. Escalation will be based on actual indices upon the implementation of the PSA.

- c. Fuel Fee. Bidders shall input a committed Fuel Fee in the Financial Proposal Form. Input value shall be in four (4) decimal places. This will be escalated to a fixed escalation rate set by the TPBAC and will be used for the bid evaluation only.

The bidder shall also submit a fuel indexation formula with an explanation on how to derive the actual fuel fee during the implementation of the PSA.

The fuel indexation formula shall have the applicable index used, the base fuel, base fuel index (referenced at the date of the Bid Opening). The Fuel Fee can be referenced to an independently verifiable indices such as but not limited to NewCastle, HBA, ICI, Forex, etc. The bidder shall include in the explanation how the indices were reckoned (e.g. date of reckoning, month average, 25th of the month, moving average, etc.)

c.1. For Index Based Fuel Fee:

- i. Using the same index as the existing customers: submission of the actual fuel billing for the period June 26 to July 25 will be required.
- ii. For a different index other than those used for existing customers: the committed index will be used for evaluation purposes to determine the lowest levelized cost, but such different index should be consistently applied throughout the entire duration of the contract upon implementation.

c.2. For fixed fuel fee: (non-escalating) submission of the actual billing invoice of the existing customers will no longer be needed; however, the fuel fee offered should be the committed fuel fee all throughout the duration of the contract upon implementation.

The bidder must make good of the fuel index formula during the actual implementation of the PSA.

- d. VAT Rate. Bidders shall fill in the applicable VAT Rate depending on their power plant technology (Renewable, Non-Renewable, or Mixed). The VAT Rate declared by the Bidder is binding for the entire Contract Period. Any change in VAT Rate due to change in law will only apply to the corresponding generation mix portion as declared.

15.4 The bid form will be evaluated based on the Levelized Rate which refers to the present value cost over the total electricity delivered for the five-year contract period with the prevailing discount rate (3%). The assumed discount rate is only for evaluation purposes and will not be used during the implementation of the contract.

15.5 The Financial Proposal shall be unconditional, binding, and open for acceptance by the TPBAC.

SECTION 16 BID SECURITY

16.1 The Bid Proposals shall be accompanied by a Bid Security as guarantee that the successful bidder shall, within fifteen (15) calendar days from receipt of Notice of Award (NOA), enter into contract with Negros Power.

16.2 The following forms of Bid Security shall be acceptable to Negros Power:

Table 2. Forms of Bid Security

FORM OF BID SECURITY	AMOUNT OF BID SECURITY
1. Cash or cashier's/manager's check issued by a Universal or Commercial Bank	Equivalent to at least three (3)-months contract cost of the proposed power supply agreement computed using the bid price offered by the Bidder
2. Bank draft / guarantee or standby / irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank. The Bidder is allowed to provide its own format.	Equivalent to at least three (3)-months contract cost of the proposed power supply agreement computed using the bid price offered by the Bidder

- 16.3 Any Proposal not accompanied by an acceptable Bid Security shall be rejected by the TPBAC.
- 16.4 The Bid Security is deemed to have been breached:
- i. If the Bidder withdraws its bid during the period of bid validity required in the Bidding Documents; or
 - ii. Bidder fails or refuses to accept the award and enter into contract or perform any and all acts necessary to the execution of the Contract, in accordance with the Bidding Documents after having notified of its acceptance of its bid during the period of the bid validity.
- 16.5 The Bid Security ceases to be valid:
- i. Upon expiration of the bid validity period of one hundred twenty (120) calendar days from the date of Bid Opening or any extension thereof, which validity shall not exceed a total of one hundred twenty (120) calendar days.
 - ii. Upon receipt by Bidder of notice of ineligibility or post-disqualification; or
 - iii. Bidder is declared as winning bidder and has signed the PSA.
- 16.6 The minimum Bid Security is equivalent to:
- Base Rate (VAT inc.) at year zero * dependable capacity * 24 hours * 30 days * 3 months

SECTION 17 CURRENCIES OF PROPOSAL AND PAYMENTS

- 17.1 The offered Levelized Rate in the Proposal shall be quoted in Philippine Pesos per kilowatt-hour (PHP/kWh).
- 17.2 If the offered Levelized Rate is denominated in foreign currency, Negros Power shall reject the bid/s outright.

SECTION 18 PROPOSAL VALIDITY

- 18.1 Proposals shall remain valid for a period of one hundred twenty (120) calendar days from the date of Bid Opening.
- 18.2 The TPBAC may request the Bidders to extend the period of Proposal validity. The request and the Bidders' responses shall be made in writing. A Bidder may refuse the request without breaching its Bid Security. A Bidder agreeing to the request will not be permitted to modify its Proposal but will be required to extend the validity of Bid Security for the period of the extension, and in compliance with Section 16 in all respects.

SECTION 19 FORMAT AND SIGNING OF PROPOSALS

- 19.1 The Bidder shall provide two (2) copies of the Proposal, one (1) original and one (1) photocopy. All pages of the Financial Proposal Forms submitted shall be signed by the Bidder's authorized representative. In the pages where corrections and/or amendments have been made, the alterations shall be countersigned by the Bidder's authorized representative.
- 19.2 Any interlineations, erasures, alterations, or overwriting shall be valid only if they are signed by the Bidder's authorized representative.
- 19.3 The Financial Requirement shall be encoded in the Financial Proposal Form prescribed in Annex C: *Financial Proposal Form* and in a template Excel file named "[Name of Bidder] Financial Proposal to Negros Power.xls" saved in USB flash drive. The entire Excel file containing the data entries shall be password-protected by the Bidder to avoid inadvertent modification of the Proposal. The USB flash drive shall be placed in a sealed envelope as provided for in Section 20. Only one (1) USB flash drive is required to be submitted as part of the Financial Requirements. However, the Bidders may opt to provide additional flash drives as back-up.
- 19.4 The duly filled in Financial Proposal Form shall be printed out and signed by the Bidder's authorized representative and submitted together with the USB flash drive mentioned in Section 20. Any discrepancy between the figures found in the flash drive and the hard copy of the Financial Proposal shall be resolved in favor of the latter.

SECTION 20 SEALING AND MARKING OF BID DOCUMENTS

- 20.1 Bid Proposal Documents shall be submitted in one (1) main envelope sealed or in one (1) document box and signed by the Bidder's authorized representative and labeled as illustrated in the figure below:

Name of the Bidder Address of the Bidder THE THIRD-PARTY BIDS AND AWARDS COMMITTEE Negros Electric and Power Corp. The Row, Lacson Street, Brgy. Bata, 6100 Bacolod City “BID PROPOSAL DOCUMENTS FOR THE SUPPLY OF 20 MW BASELOAD REQUIREMENT” WARNING: DO NOT OPEN BEFORE 1:30 PM OF SEPTEMBER 16, 2025.

- 20.2 Within the main envelope or box, there shall be two (2) separate sealed envelopes bearing the name and address of the Bidder and marked as follows:
- ENVELOPE A: ORIGINAL
- ENVELOPE B: PHOTOCOPY

ENVELOPE A Name of the Bidder Address of the Bidder
ORIGINAL
“BID PROPOSAL DOCUMENTS FOR THE SUPPLY OF 20 MW BASELOAD REQUIREMENT”
WARNING: DO NOT OPEN BEFORE 1:30 PM OF SEPTEMBER 16, 2025.

ENVELOPE B Name of the Bidder Address of the Bidder
PHOTOCOPY
“BID PROPOSAL DOCUMENTS FOR THE SUPPLY OF 20 MW BASELOAD REQUIREMENT”
WARNING: DO NOT OPEN BEFORE 1:30 PM OF SEPTEMBER 16, 2025.

Envelope A (Original) and Envelope B (Photocopy) shall each contain two (2) separate sealed envelopes bearing the name and address of the Bidder and labeled as follows:

FIRST BID ENVELOPE: Legal and Technical Component of the Bid

SECOND BID ENVELOPE: Financial Component of the Bid and USB Flash drive

FIRST BID ENVELOPE Name of the Bidder Address of the Bidder
LEGAL AND TECHNICAL COMPONENT OF
“BID PROPOSAL DOCUMENTS FOR THE SUPPLY OF 20 MW BASELOAD REQUIREMENT”
WARNING: DO NOT OPEN BEFORE 1:30 PM OF SEPTEMBER 16, 2025.

SECOND BID
ENVELOPE
Name of the Bidder
Address of the Bidder

FINANCIAL COMPONENT OF THE BID AND USB

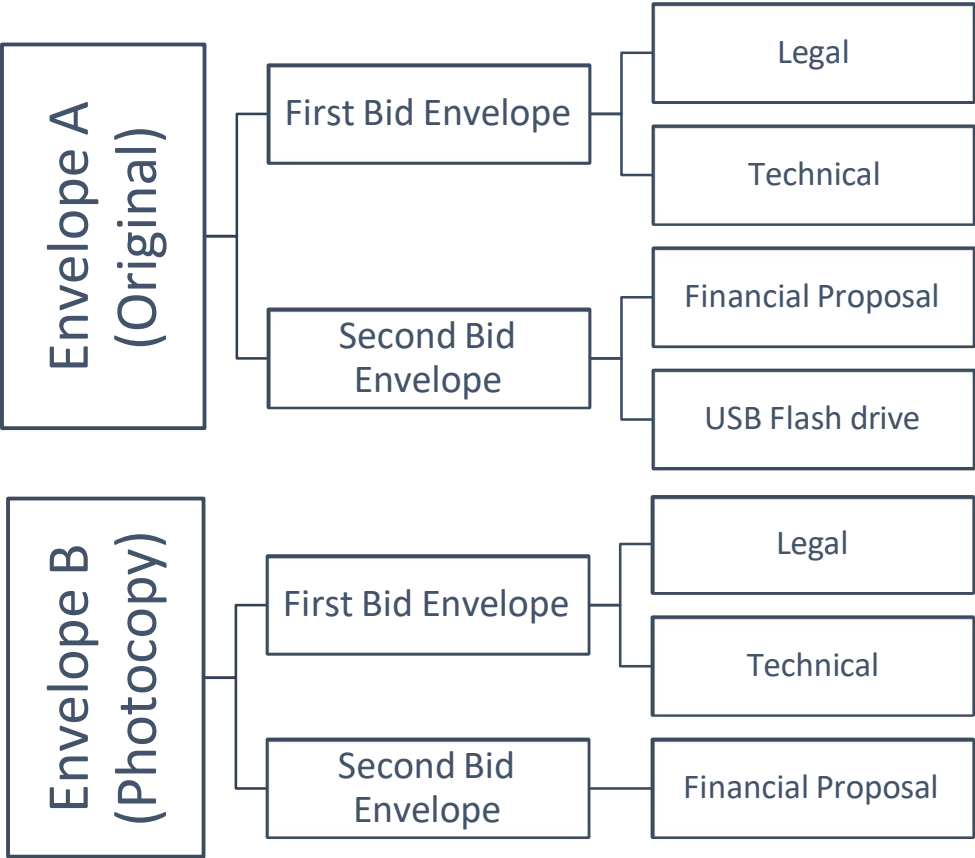
FLASHDRIVE “BID PROPOSAL DOCUMENTS

FOR THE
SUPPLY OF 20 MW BASELOAD REQUIREMENT

WARNING: DO NOT OPEN BEFORE 1:30 PM OF SEPTEMBER 16, 2025.

20.3 All documents shall be properly organized and sequenced in the same order they appear in Annex A: *Checklist of Bid Proposal Requirements*. The first page of individual documents shall be properly labeled with a document tab or separator for easy distinction of individual documents.

Image 1: Sequencing of Bid Proposals



SECTION 21 SCHEDULE OF SUBMISSION AND OPENING OF BID DOCUMENTS

- 21.1 The Bid Proposal must be received by the TPBAC on or before 11:00 AM (Philippine Standard Time) of September 16, 2025, in The Row, Lacson St., Brgy. Bata, Bacolod City. The Proposal is considered received by the TPBAC the moment it is dropped in the submission drop box.
- 21.2 Qualified bidders are responsible for ensuring that the physical copies of their Bids are submitted to and received by the TPBAC Secretariat on the date, time, and place specified herein.
- 21.3 The TPBAC and the Bidders shall synchronize their time pieces with the Philippine Standard Time. When setting times and dates, the entire bidding procedure shall adhere to the Philippine Standard Time disseminated by the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA), the government agency tasked to keep and disseminate the same. This could be found at <http://bagong.pagasa.dost.gov.ph/astronomy#philippine-standardtime>. The Philippine Standard Time shall be displayed prominently on the venue hall on the Bid Submission date.

SECTION 22 LATE PROPOSALS

- 22.1 Any Bid Proposal submitted after the deadline for submission and receipt of Proposals prescribed in Section 21 shall be declared “LATE” and shall not be accepted.
- 22.2 The TPBAC shall record in the minutes of bid submission and opening the bidder’s name, its representative and the time the late bid was submitted. Submission of bids after the deadline shall be returned unopened to the Bidder.

SECTION 23 MODIFICATION AND WITHDRAWAL OF BID PROPOSAL

- 23.1 The Bidder may modify its Bid after it has been submitted; provided that the modification is received by the TPBAC prior to the deadline prescribed for submission and receipt of Bids, i.e. before 11:00 AM of September 16, 2025. The Bidder shall not be allowed to retrieve its Original Bid but shall be allowed to submit another Bid equally sealed, properly identified, linked to its original Proposal and marked accordingly as “TECHNICAL PROPOSAL MODIFICATION” and/or “FINANCIAL PROPOSAL MODIFICATION” and to be stamped “RECEIVED” by the TPBAC. Proposal modifications received after the applicable deadline shall not be considered and shall be returned to the Bidder unopened.
- 23.2 A Bidder may, through a Letter of Withdrawal, withdraw its Bid after it has been submitted, for valid and justifiable reasons; provided that the Letter of Withdrawal is received by the TPBAC prior to the deadline prescribed for submission and receipt of Bids.

- 23.3 Bids requested to be withdrawn in accordance with Section 23.2 shall be returned unopened to the Bidders. A Bidder that withdraws its Bid shall not be permitted to submit another Bid, directly or indirectly, for the same Bidding.
- 23.4 A Bidder that withdraws its Bid is still qualified to join the re-bid in the event of failure of bidding.
- 23.5 No Bid may be modified after the deadline for submission of Bids. No Bids may be withdrawn in the interval between the deadline for submission of Bids and the expiration of the period of Bid validity. Withdrawal of a Bid during this interval may result in the breach of the Bidder's Bid Security.

SECTION 24 OPENING OF BIDS

- 24.1 The TPBAC shall open Bid Proposals in the presence of the Bidders' Authorized Representatives and observers on September 16, 2025 at 1:30 PM in a designated venue in Bacolod City. The exact venue of the Opening of Proposals shall be announced through a Supplemental/Bid Bulletin.
- 24.2 Bidders' duly authorized representative/s may be present at the time, date, and place when the Bids will be opened. Otherwise, the Bidder shall be considered to have waived its right to witness said opening unless it opted to witness the activity online. Representatives of the Bidders who are present shall sign a register evidencing their attendance.
- 24.3 Letters of withdrawal shall be read out and recorded, and the envelope containing the corresponding withdrawn Bids shall be returned to the Bidder unopened. If the withdrawing Bidder's representative is in attendance, the original Bids and all copies thereof shall be returned to the representative during the Bid opening. If the representative is not in attendance, the Bid shall be returned unopened by registered mail. The Bidder may withdraw its Bid prior to the deadline for submission and receipt of Bids, provided that the corresponding letter of withdrawal contains a valid authorization requesting such withdrawal.
- 24.4 Unsealed or unmarked bid envelopes shall be rejected. However, bid envelopes that are not properly sealed and marked, as set forth herein, shall be accepted, provided that the bidder or its duly authorized representative shall acknowledge such conditions of the bid as submitted. The TPBAC shall assume no responsibility for the misplacement of the contents of the improperly sealed or marked bid, or for its premature opening.
- 24.5 The TBAC shall open the bids on September 16, 2025, 1:30 PM after the deadline for the submission and receipt of bids. Changes to the final time, date, and place of the opening of bids, if any, shall be duly communicated by the TPBAC to Qualified Bidders through the appropriate Supplemental/Bid Bulletins.
- 24.6 The TPBAC through the Secretariat shall record in the minutes of bid submission and opening, the bidder's name, its representative, and the date and the time the bid was received. In opening each Bid, the TPBAC through the TWG shall inspect its contents for the completeness. The submission shall contain the complete set of envelopes for the (1) FIRST BID ENVELOPE: Eligibility Requirements (Legal and Technical Components) and (2) SECOND BID ENVELOPE: Financial Component of the Bid, USB Flash drive as provided for in Section 20. Bidders shall submit two (2) copies of their bids, one (1) original and one (1) photocopy.

- 24.7 The Reserve Price which shall be made public during the bid opening. To ensure confidentiality of the Reserve Price, the same shall be kept in a sealed envelope labeled “Reserve Price” and displayed in full view of the Participants and Observers, together with the unopened Bid Proposals from the bidders. The TPBAC shall open ALL bid envelopes of the Participating Bidders containing the Eligibility Requirements (First Bid Envelope) which shall then be rated as “passed” or “failed.”
- 24.8 The TPBAC shall open the first bid envelopes in public to determine each bidder’s compliance with the documents required to be submitted for legal and for the technical requirements, as prescribed in Sections 13 and 14 of this Final Instruction to Bidders. For this purpose, the TPBAC shall check the submitted documents of each bidder against a checklist of required documents to ascertain if they are all present, using a non-discretionary “pass/fail” criterion, as set forth in Annex A: *Checklist of Bid Proposal Requirements*. If a bidder submits the required document, it shall be rated “passed” for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as “failed.” Otherwise, the TPBAC through the TWG shall rate the said first bid envelope as “passed.”
- 24.9 After determining compliance with the requirements in the first bid envelope, the TPBAC shall separate the second bid envelope of the participating bidder and place the same in view of the Participants and Observers to be opened after all the first envelopes of the eligible bidders are opened. Bidders who are disqualified or declared ineligible may remain to witness the opening of the second bid envelope of the eligible bidder whose first bid envelope was rated “passed.”
- 24.10 Once all the first bid envelopes of the eligible bidders are opened and duly rated, the Reserve Price shall be revealed by the TPBAC Chairperson who shall open the sealed envelope labeled “Reserve Price” in the presence of the Participants and Observers.
- 24.11 Thereafter, the TPBAC shall continue with the opening of the Second Bid Envelopes containing the financial proposals of the Participating Bidders whose First Bid Envelopes were rated as “passed.”
- 24.12 Only bids that are determined to contain all the bid requirements for both components shall be evaluated and ranked for post-qualification. Reserve Price shall be evaluated based on the Levelized Rate. Bids that are above the Reserve Price shall be declared ineligible for award.
- 24.13 The second envelope of each complying bidder shall be opened within the same day, unless the same cannot be opened as scheduled due to justifiable reasons. In which case the TPBAC shall reschedule the opening of the second envelope on the next working day through the issuance of a Notice of Postponement.
- 24.14 Bidders are required to submit the complete documents in satisfaction of the bidding requirements set forth in the Bidding Documents. If for any reason a Qualified Bidder is unable to submit any one of the required documents, the same must be raised during the Pre-bid conference for the TPBAC to determine whether the non- submission is justifiable. Otherwise, failure to submit any one of the required documents is ground for the TPBAC to rate the bid concerned as “failed” and the Qualified Bidder is estopped to challenge such rating.

- 24.15 The TPBAC shall evaluate each bid based on the Levelized Rate.
- 24.16 All Bids that are determined below the Reserve Price shall be ranked from lowest to highest based on the calculated Levelized Rate. The ranking will be shown during the bidding for purposes of transparency. During the bidding, the ranking is only preliminary and subject to further validation during the post-qualification.
- 24.17 The capacity offered should be twenty (20) MW dependable capacity.
- 24.18 The Bidder/s offering the lowest Levelized Rate shall be subjected to post-qualification on September 17-19, 2025 as provided for in Section 25. Should the former fail the post-qualification, the TPBAC shall initiate and complete the same post-qualification process on the Bidder offering the next lowest Levelized Rate.
- 24.19 Should the lowest Levelized Rate result in a tie, the TPBAC shall use nondiscretionary and non-discriminatory measure based on sheer luck or chance by DRAWING OF LOTS to determine the Winning Bidder. The procedure shall be as follows:
- a. The TPBAC Secretariat shall prepare rolled papers based on the number of tied bidders. One paper will contain the printed word, "CONGRATULATIONS" and the rest will contain the words, "THANK YOU FOR PARTICIPATING."
 - b. In alphabetical order, the bidders shall pick one rolled paper. The bidders shall be represented by any person authorized in the Secretary's Certificate originally submitted during the pre-qualification stage.
 - c. The bidder who picks the paper with the "CONGRATULATIONS" mark shall be declared as Winning Bidder and recommended for award of the contract.
 - d. In the event the bidders can only attend the draw lots online and a representative cannot be physically present, they may choose to appoint any member of the public then present at the venue to draw the lots on their behalf.
- 24.20 The TPBAC Secretariat shall prepare the minutes or notes of the proceedings of the Bid Opening that shall include, as a minimum: (a) attendance sheet, and (a) Abstract of Bids as Read including names of Bidders, completeness of Bid documents, presence of valid Bid Security, calculated prices and ranking of Bidders. The TPBAC members shall sign the Abstract of Bids as Read and shall be made available to all interested Bidders.
- 24.21 The Secretariat shall prepare the minutes of the proceedings of the Bid Opening within three (3) calendar days after the Bid Opening date so that copies thereof could immediately be sent to the TPBAC members, Observers, Bidders, and other interested parties. Copies of the minutes of the proceedings, including the Abstract of Bids as Read, shall also be made available to the public upon written request and payment of a specified fee to recover cost of materials.
- 24.22 In case the Bids cannot be opened as scheduled due to justifiable reasons, the TPBAC shall take custody of the Bids submitted and reschedule the opening of bids on the next working day or at the soonest possible time through the issuance of a Notice of Postponement. The Bidders or their duly authorized representatives may attend the opening of bids. The TPBAC shall ensure the integrity, security, and confidentiality of all submitted Bids.

SECTION 25 POST-QUALIFICATION EVALUATION

- 25.1 The TPBAC shall conduct post-qualification to determine whether the proposal, more particularly the data and information submitted as required under Section 13, Section 14, and Section 15, and submitted by the Bidder with lowest Levelized Rate complies and is responsive to the requirements and conditions for eligibility and of this bidding.
- 25.2 If the proposal of bidder with lowest Levelized Rate passed all the requirements prescribed under this bidding, the bidder with lowest Levelized Rate shall be declared compliant and its proposal will go to the next stage of evaluation (i.e., detailed technical evaluation under Section 26).

SECTION 26 TECHNICAL EVALUATION OF PROPOSAL

- 26.1 The technical proposal shall be evaluated based on the completeness, accuracy, and veracity of all documents and certifications required for technical proposal for an existing plant as stipulated in Section 14. The technical proposal should show that the bidder will be able to supply the power required from the existing power plant offered.
- 26.2 An affirmative determination (i.e. compliance to legal, technical, and financial requirements, conditions for technical proposal) shall mean that the bidder has the lowest Levelized Rate.
- 26.3 A negative determination shall serve as the basis for the TPBAC to proceed to post qualify the bidder evaluated to have the next lowest Levelized. This shall apply until an affirmative determination for the post qualification of a bidder has been obtained, in which case the Last Post qualified bidder is non-compliant.

SECTION 27 DECLARATION OF WINNING BIDDER

- 27.1 An affirmative determination (i.e., compliance to all legal, technical, and financial requirements, conditions for technical proposal) after the evaluation under Section 26 by the TPBAC shall mean that Bidder with the lowest Levelized Rate shall be declared as the Winning Bidder.
- 27.2 In instances that the Winning Bidder is subsequently disqualified, ineligible, then the contract will be awarded to the bidder with the next lowest Levelized Rate without prejudice to the penalties imposed to the defaulting bidder.

SECTION 28 NOTICE OF AWARD

- 28.1 The TPBAC shall issue a written Notice of Award to the Winning Bidder by email and/or by courier.
- 28.2 The Winning Bidder shall acknowledge and sign the Notice of Award signify acceptance of the Notice of Award within four (4) calendar days from receipt.

SECTION 29 FINALIZATION AND SIGNING OF THE CONTRACT

- 29.1 Within four (4) calendar days upon receipt of the Notice of Award, the Winning Bidder shall submit to the TPBAC:
- a. Its written confirmation to the award; and
 - b. All other documentary requirements for the PSA (i.e., legal documents such as Secretary's Certificate for authority to file the PSA, Affidavit of Non-Forum Shopping, and the like).
- 29.2 In the event the Winning Bidder needs more time to prepare the documentary requirements for the PSA, the period may be extended upon mutual agreement of the Winning Bidder and Negros Power, which consent shall not be unreasonably withheld.
- 29.3 Within Twenty (20) calendar days from issuance of Notice of Award to the Winning Bidder, the Winning Bidder and Negros Power shall finalize and sign the PSA, which period shall be subject to extension upon mutual agreement of the Winning Bidder and Negros Power.
- 29.4 The extension period should be within one hundred eighty (180) calendar days from Invitation to Bid to the Filing of PSA with the ERC, provided it should not exceed the Initial Delivery Date.

SECTION 30 ERC FILING

Within Thirty (30) calendar days from the signing of the PSA, Negros Power and the Winning Bidder shall jointly file with the ERC, copy furnished DOE, for the approval of the PSA in accordance with ERC rules.

SECTION 31 GROUNDS FOR DISQUALIFICATION

- 31.1 In addition to the grounds specified in Section 16 which result in the breach of Bid Security, the following are also grounds for the rejection of the proposals and/or the disqualification of the Bidder;
- a. Failure to submit all the requirements in accordance with and as provided for in Section 13, Section 14, and Section 15;
 - b. Failure to submit a Bid Security as provided for in Section 16;
 - c. In the event the Bidder submits multiple Bid Proposals;
 - d. Bidders found to have a conflict of interest;
 - e. Total Price indicated in the proposal is denominated in a foreign currency as provided in Section 17;
 - f. In the event of collusion as provided for in Section 36; and
 - g. Commission of any of the corrupt practices listed in Section 36.
- 31.2 A Bidder shall only submit one (1) Bid Price for the bidding. Any excess shall

be considered as multiple bids which is a ground for disqualification.

- 31.3 A bidder may be disqualified during Eligibility Screening and Post-Qualification.
- 31.4 During Eligibility Screening, the submission of the eligibility documents enumerated in Section 13 and Section 14 of this ITB is a mandatory requirement that must be complied with by the bidders, such that failure to submit any of the documents or the submission of an otherwise incomplete or patently insufficient document, will render the bidder ineligible based on the non-discretionary “pass/fail” criterion.
- 31.5 Disqualification during the Post-Qualification stage is covered by Section 25, where the TPBAC verifies, validates and ascertains all statements made and the documents submitted by the bidder. The verification under the post-qualification stage is not limited to the examination of documents submitted by the bidder, but also includes inspection of the subject equipment vis-à-vis the technical specifications specified in the bidding documents.
- 31.6 In the event that the verification, validation, and ascertainment conducted by the TPBAC yield a negative result, the TPBAC has the prerogative to declare the bidder post-disqualified for failure to comply with the requirements.
- 31.7 Bidder shall likewise be disqualified in the event the TPBAC finds the bidder to have committed fraudulent and corrupt practices as specified in Section 36 of the FITB.
- 31.8 Moreover, in accordance with Annex D-2: *Certification of Submission of Original or Certified True Copies of Documents*, if the TPBAC uncovers any misrepresentation made in the eligibility requirements, statements or documents, it shall consider the prospective bidder as ineligible and shall disqualify it from obtaining an award of contract. In connection with this, the submission by bidders of eligibility documents containing false information or false documents during the competitive bidding stage shall render the suspension/blacklisting of such bidder from participating in Negros Power procurement activities.

SECTION 32 FAILURE OF BIDDING

- 32.1 There shall be a failure bidding upon the occurrence of any of the following:
 - a. No bid offers were received by Negros Power;
 - b. Only one (1) bidder submitted a proposal/s; and
 - c. All bid offers of Prospective Bidders failed to meet or comply with the requirements prescribed by the TPBAC.
 - d. All bid offers exceeded the Reserve Price.
- 32.2 If in the second bidding process, the TPBAC still fails to receive one (1) proposal that conform to the Minimum Requirements of this TOR, Negros Power may then conduct direct negotiations with a party for the execution of a power supply agreement.
- 32.3 Direct negotiations for the execution of a power supply agreement will be conducted with the remaining generation companies who complied with the Minimum Requirements of the TOR and not with any other generation companies who were disqualified or those who never showed interest in

supplying power to Negros Power. In the worst case that all interested Bidders are disqualified, then the direct negotiations should be conducted with any of the interested Bidders only.

SECTION 33 PROCEDURE FOR PROTEST

- 33.1 Any decision of the TPBAC at any stage of the Bidding may be questioned by the filing of a written request for reconsideration within three (3) calendar days upon receipt of written notice or verbal notification. The TPBAC shall decide on the request for reconsideration within seven (7) calendar days from receipt thereof.
- 33.2 In the event that the request for reconsideration is denied, the decision of the TPBAC may be protested in writing to the Board of Directors (BOD) of Negros Power. The protest shall be filed within seven (7) calendar days from receipt of the resolution of the TPBAC denying the request for reconsideration. It shall be made by filing a verified position paper, accompanied by the payment of a non-refundable protest fee of Five Hundred Thousand Pesos (Php 500,000.00). The verified position paper shall contain the following information: (a) name of the Bidder, (b) address, (c) name of nominated plant/s, (d) brief statement of facts, (e) issue to be resolved, and (f) such other matters and information pertinent to the proper resolution of the protest.
- 33.3 The protest shall be resolved within seven (7) calendar days from receipt thereof. The decision of the BOD shall be final and unappealable.

SECTION 34 COST OF BID

The Bidder shall bear all costs associated with the preparation of submission of its bid and Negros Power shall in no case be responsible or liable for those costs.

SECTION 35 PROCESS TO BE CONFIDENTIAL

- 35.1 All DUs information for due diligence studies and this Final Instruction to Bidders provided to the bidders are confidential. Bidders are prohibited from distributing this information to persons or entities other than the bidder or its official representatives.
- 35.2 The legal, financial, and technical proposals of the bidders are confidential. The price components in the financial proposal are confidential. Only the contents found in the Financial Proposal Form shall be disclosed during the opening of bids.
- 35.3 The members of the TPBAC, TWG, Secretariat and bidding advisors including their staff and personnel are prohibited from making or accepting any kind of communication with any bidder regarding the evaluation of their proposals until the issuance of the Notice of Award.

SECTION 36 FRAUDULENT AND CORRUPT PRACTICES

- 36.1 The TPBAC, TWG, Secretariat, and the bidders shall observe the highest standard of ethics for the duration of the bidding and during the execution of all agreements. In pursuance of this policy, the following definitions shall apply:
- a. "Corrupt practice" means behavior on the part of officials by which they improperly and unlawfully enriched themselves and/or others, or induce others to do so, by misusing the position in which they are placed, and it includes the offering, giving ,receiving , or soliciting anything of value to influence the action of any such official involved in this Bidding or in contract execution; entering into any agreement or bidding manifestly and grossly disadvantageous to the DU's customers, whether or not any person profited or will profit thereby;
 - b. "Fraudulent practice" means a misrepresentation of facts in order to influence the process or outcome of this bidding or the execution of an agreement to the detriment of the DU's customers and includes collusive practices among bidders (prior to or after proposal submission) designed to establish proposal prices at artificial, non-competitive levels and to deprive the DUs of the benefits of free and open competition.
 - c. "Collusive Practices" means a scheme or arrangement between two or more bidders, weather without the knowledge of the DUs, designed to establish proposal prices at artificial, non-competitive levels; and
 - d. "Coercive practices" means harming or threatening to harm, directly or indirectly, persons, or their property to influence their participation in this bidding or affect the execution of an agreement.
- 36.2 The TPBAC will reject a proposal for award if it determines that the bidder recommended for award has engaged in corrupt, fraudulent, coercive, and collusive practices in competing for the power supply agreement (PSA).
- 36.3 The TPBAC will declare a firm ineligible, either indefinitely or for a stated period of time, to be awarded the PSA if it, at any time, it determines that the firm has engaged in corrupt or fraudulent practices in competing or in executing the PSA.

SECTION 37 EXTENSION OF VALIDITY OF PROPOSALS

- 37.1 When an extension of validity of proposals is considered necessary, those who submitted proposals shall be requested in writing, to extend the validity of their proposals before the expiration date of the same. However, bidders shall not be allowed to modify or revise the offered rate or other substantial aspects of their proposals.
- 37.2 Bidders shall have the right to refuse such an extension without forfeiting their Bid Security. As a condition of the extension of the validity of their Proposals,

participating Bidders must correspondingly extend the validity of their Bid Security.

SECTION 38 ACCEPTANCE OF CRITERIA AND WAIVER OF RIGHTS TO ENJOIN

In addition to the above, the bidder shall be required to submit, as part of its qualification documents, a statement stipulating that the bidder; (i) has accepted the qualification criteria stipulated herein; and (ii) waives any right it may have to seek and obtain a writ of injunction or prohibition or restraining order against Negros Power to prevent or restrain the qualification proceedings related thereto, the award of the contract a successful bidder, and the carrying out of the awarded contract. Such a waiver shall, however be, without prejudice to the right of a disqualified or losing Bidder to question the lawfulness disqualification or the rejection of its proposal by appropriate administrative or judicial processes not involving the issuance of a writ of injunction or prohibition or restraining order. Sample template for this requirement is attached as Annex D-1: *Acceptance of the Bidding Documents*.

SECTION 39 CONFIDENTIALITY/PROPRIETARY INFORMATION

- 39.1 Each Bidder agrees that it shall, at all times, keep in strict confidence and shall not disclose to any party any and all Confidential Information (as hereinafter defined) which the Bidder may acquire by reason of Bidding, the Bid Documents, the Bidding Procedures and the PSA, except information (i) to the extent that at the time of disclosure is already in the public domain, or (ii) to the extent that such information subsequently comes into the public domain other than by the reason of breach of this provision, or (iii) is required to be disclosed by law, regulation, legal process or other statutory or regulatory requirements in any relevant jurisdiction.
- 39.2 The Bidder shall indemnify Negros Power or its customers, subsidiaries, affiliates, directors, officers, employees or any third person for any damage resulting from the disclosure or consequent unauthorized use of any Confidential Information.
- 39.3 “Confidential Information” means any and all information relating to the bid, businesses, operations, financial transactions, procedures or other practices of Negros Power and those of its customers, subsidiaries, affiliates, directors, officers or employees, which includes, but is not limited to, discoveries, ideas, concepts, software in various stages of development, designs, drawings, specifications, techniques, models, data, source code, object code, documentation, diagrams, flow charts, research, development, processes, procedures, “know-how”, strategic, tactical and negotiating information, proposed projects, any proprietary information, proposed contracts, their respective terms and conditions and any negotiations, arrangements or matters relating thereto, information supporting litigation or administrative proceedings, computational methodologies and decisional analysis, client lists and databases, any and all business, technical, marketing, operational,

organizational, financial or other information, including information which Negros Power obtains from another party and which it treats as proprietary or confidential, whether in electronic, oral or written form, and all notes, analyses, compilations, studies or other documents which contain or reflect such information.

- 39.4 Proprietary information shall, however, be respected and protected, and treated with confidentiality. As such, it shall not form part of the tender and related documents.

-END-