



**BIDDING**  
**CONTRACT CAPACITY OF 1,200 MW (NET), COD 2024**

**BID BULLETIN NO. 1**

To all Interested Bidders:

1. Amendments to the Invitation to Bid (published 15 and 22 July 2019) are set out in **ANNEX A**;
2. Amendments to the Instructions to Prospective Bidders (dated 15 July 2019) (“IPB”) are set out in **ANNEX B**;
3. Due to a technical error, the TPBAC Secretariat’s e-mail was fixed and you may continue to send to the [tpbacsecretariat@meralco.com.ph](mailto:tpbacsecretariat@meralco.com.ph) e-mail; and
4. The Financial Evaluation Workbook soft copy file, contained in DVD-R optical storage device and obtained from the TPBAC, needs to be replaced due to a recently discovered software error. Kindly return and exchange, at the soonest possible time, the DVD-R in your possession (containing the Financial Evaluation Workbook) at the TPBAC–Secretariat receiving office located at 2/F Technical Services Building–Procurement Office, MERALCO Compound, Ortigas Ave., Brgy. Ugong, Pasig City, from 8:00 AM to 4:00 PM on Mondays to Fridays (excluding holidays). The necessary acknowledgement receipt shall be issued in your favor by the TPBAC’s duly authorized representative.

For your guidance and information.

Issued on 29 July 2019.

**Third Party Bids and Awards Committee (“TPBAC”)**  
**Manila Electric Company**

*(sgd)*

**Atty. Ferdinand A. Domingo**  
*Chairman*

## ANNEX A

### AMENDMENTS TO THE INVITATION TO BID (published 15 and 22 JULY 2019)

Item	Reference / Subject Matter of Amendment	Amendments
1	<ul style="list-style-type: none"> <li>• Change of Venue, Pre-Bid Conference</li>   <li>• Advance Queries, Pre-Bid Conference</li> </ul>	<p>[...]</p> <p>The TPBAC shall conduct a Pre-Bid Conference at <b>1:30 to 4:30 in the afternoon on 9 August 2019</b> at the <b><u>Drake function room, 42<sup>nd</sup> floor, Discovery Suites Ortigas, 25 ADB Avenue, Ortigas Center, Pasig City.</u></b> Prior to the Pre-Bid Conference, Interested Bidders are requested to submit any queries or requests for clarifications to the Bidding Documents <b>on or before 5 August 2019</b> to the TPBAC Secretariat through the following email address: <u><a href="mailto:tpbacsecretariat@meralco.com.ph">tpbacsecretariat@meralco.com.ph</a></u>. The TPBAC shall consolidate the said advance queries and prioritize the discussion thereof during the Pre-Bid Conference. If time permits, the TPBAC may entertain and discuss additional queries raised by the Interested Bidders during the Pre-Bid Conference. Only the Interested Bidders' authorized representative/s indicated in the Expressions of Interest are allowed to attend and participate in the Pre-Bid Conference (and the Bidding), together with the DOE and ERC observers invited by the TPBAC.</p> <p>[...]</p>
2	<ul style="list-style-type: none"> <li>• Clarification of Deadline and Change of Venue, Bid Submission Deadline</li>   <li>• Change of Venue,</li> </ul>	<p>[...]</p> <p>In order to qualify to bid, an Interested Bidder shall submit to the <b>TPBAC-Secretariat</b> three (3) separate envelopes containing its (a) Qualification Documents (Envelope 1) to demonstrate its compliance with all the Legal Qualification Requirements, Technical Qualification Requirements and Financial Qualification Requirements ("<b>Qualification Requirements</b>"); (b) Technical Proposal (Envelope 2); and (c) Bid, including the Bid Security equivalent to Three Billion and Six</p>

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	Opening of Bid Document Submissions	<p>Hundred Fifty Million Pesos (Php3,650,000,000.00), and in the form and substance required by Meralco (Envelope 3). <b><u>The bid submission shall only be between 8:00 to 9:00 in the morning (8:00 AM to 9:00 AM) of 10 September 2019 (the "Bid Submission Deadline"), at the Clermont function room, 22<sup>nd</sup> floor, Discovery Suites Ortigas, 25 ADB Avenue, Ortigas Center, Pasig City.</u></b> [...]</p> <p>After which, the opening of the said submissions and Bid will proceed at <b><u>9:30 in the morning (9:30 AM) of the same day</u></b> at the <b><u>Clermont function room, 22<sup>nd</sup> floor, Discovery Suites Ortigas, 25 ADB Avenue, Ortigas Center, Pasig City.</u></b></p> <p>[...]</p>

## ANNEX B

### AMENDMENTS TO THE INSTRUCTIONS TO PROSPECTIVE BIDDERS (dated 15 JULY 2019)

Item	Reference / Subject Matter of Amendment	Amendments
1	Section 2.2 (c)	<p>(c) <u>Prior to the Pre-Bid Conference, Interested Bidders are requested to submit any queries or requests for clarifications to the Bidding Documents <b>on or before 5 August 2019</b> to the TPBAC Secretariat through the following email address: <a href="mailto:tpbacsecretariat@meralco.com.ph">tpbacsecretariat@meralco.com.ph</a>. The TPBAC shall consolidate the said advance queries and prioritize the discussion thereof during the Pre-Bid Conference. If time permits, the TPBAC may entertain and discuss additional queries raised by the Interested Bidders during the Pre-Bid Conference. Only the Interested Bidders' authorized representative/s indicated in the Expression of Interest are allowed to attend and participate in the Pre-Bid Conference and the Bidding, including the submission of written queries or comments to the Bidding Documents. For the avoidance of doubt, each Bidder must execute the Expression of Interest and the Confidentiality Undertaking, and must pay the Participation Fee.</u></p> <p>[...]</p>
2	Section 2.2 (e)	<p>(f) <u><b>Between 8:00 to 9:00 in the morning (8:00 AM to 9:00 AM) of 10 September 2019</b> (the "<b>Bid Submission Deadline</b>"), the Bidders shall submit to the TPBAC their Qualification Documents, Technical Proposals, and Bids in separate and properly labelled sealed envelopes (e.g. Envelope 1: Qualification Documents; Envelope 2: Technical Proposal; and Envelope 3: Bid). Late submissions and requests for additional time shall not be accepted/allowed. Submissions after the Bid Submission Deadline shall be rejected and returned unopened to the concerned Bidder. <u>For the purpose of monitoring time of the Bid Submission Deadline, the Philippine standard time as provided in &lt; <a href="https://oras.pagasa.dost.gov.ph/widget.shtml">https://oras.pagasa.dost.gov.ph/widget.shtml</a> &gt; shall be followed.</u></u></p> <p>[...]</p>

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3	Section 2.6	<p>2.6. CONFIDENTIALITY</p> <p>Information relating to the examination, clarification, evaluation and comparison of Document Submissions, and recommendations concerning the award of the Project shall not be disclosed to any of the Bidders or other persons not involved with the Bidding; provided that the TPBAC or Meralco shall not have the obligation to keep any information submitted by a Bidder confidential after the signing of the Power Supply Agreement or the lapse of sixty (60) days after the Bid Submission Deadline, whichever comes earlier.</p> <p><u>No individual shall be allowed to take photos or video/audio recording of the proceedings in this Bidding. Upon a valid and reasonable written request made by a Bidder, the TPBAC may grant access/viewing of the official recording but only inside a data room to be provided to the requesting Bidder.</u></p> <p>[...]</p>
4	Section 2.8	<p>2.8. PRE-BID CONFERENCE</p> <p>[...]</p> <p>The DOE and ERC observers, duly invited by the TPBAC pursuant to DOE Circular No. DC2018-02-0003, are allowed to attend the Pre-Bid Conference and the Bidding; however, only the Interested Bidders' authorized representative/s indicated in the Expressions of Interest are allowed to attend and participate in the Pre-Bid Conference and the Bidding.</p> <p><u>During the Pre-Bid Conference, the TPBAC shall present to the Interested Bidders the sealed envelope containing the Reserve Price, signed and prepared by Meralco. The</u></p>

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		<p data-bbox="703 300 1965 365"><u>TPBAC shall then place the sealed envelope inside an outer envelope marked as follows:</u></p> <div data-bbox="953 418 1717 776" style="border: 1px solid black; padding: 10px; text-align: center;"> <p data-bbox="1121 459 1549 524"><u>MANILA ELECTRIC COMPANY</u> <u>1,200MW 2024 BIDDING</u></p> <p data-bbox="1218 565 1453 597"><u>RESERVE PRICE</u></p> <p data-bbox="1045 638 1625 703"><u>DO NOT OPEN UNTIL BID SUBMISSION</u> <u>DEADLINE</u></p> </div> <p data-bbox="703 816 1965 1027"><u>The members of the TPBAC shall then sign over the sealed flap of the outer envelope. Thereafter, the TPBAC Chairperson shall place or transfer custody of the sealed outer envelope to a bank representative of an Allowed Bank listed in Schedule 1, through a custodianship or escrow arrangement for the security and custody of the Reserve Price envelope, which envelope shall be instructed to be returned at the time and place of the Bid Submission Deadline.</u></p>
5	Section 2.9	<p data-bbox="703 1060 1192 1092">2.9. QUERIES AND COMMENTS</p> <p data-bbox="703 1149 1965 1214">Likewise, only Interested Bidders are allowed to submit queries, requests for clarifications or revisions to the Bidding Documents.</p> <p data-bbox="703 1255 1965 1421"><u>Prior to the Pre-Bid Conference, Interested Bidders are requested to submit their advance queries or requests for clarifications to the Bidding Documents <b>on or before 5 August 2019</b> to the TPBAC Secretariat through the following email address: <a href="mailto:tpbacsecretariat@meralco.com.ph">tpbacsecretariat@meralco.com.ph</a> using the format indicated below. The TPBAC shall consolidate the said advance queries and prioritize the discussion thereof during the</u></p>

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		<p><u>Pre-Bid Conference. If time permits, the TPBAC may entertain and discuss additional queries raised by the Interested Bidders during the Pre-Bid Conference.</u></p> <p>[...]</p>
6	Section 4.1	<p><b>SECTION 4. OPENING AND EVALUATION OF DOCUMENT SUBMISSIONS</b></p> <p>4.1. The TPBAC shall have the sole responsibility and authority, subject to assistance from the TPBAC-TWG, to open the Document Submissions.</p> <p>Only Bidders who completely submit their Document Submissions are allowed to attend the opening and evaluation thereof. Failure of a Bidder to be present during the opening and evaluation of the Document Submissions shall be considered a waiver of the right to witness the opening and evaluation thereof.</p> <p><u>Before the start of the opening of the Document Submissions, the TPBAC Chairperson shall receive back in custody the sealed envelope containing the Reserve Price from the bank representative of an Allowed Bank in charge of the custodianship or escrow arrangement for the Reserve Price envelope. Thereafter, the bank representative will be excused from attending and further participating in the opening of the Document Submissions.</u></p> <p><u>The Reserve Price envelope shall be placed on a book stand in front of the TPBAC Chairperson’s table and should be in full view of all Bidders until the same is opened and disclosed pursuant to Section 4.4.1.</u></p> <p><u>Bidders who fail to qualify in Stage 1 and/or 2 (as detailed below) shall have their remaining unopened Document Submissions returned and shall be required to leave the venue before the next stage begins.</u></p>
7	Section 4.4.1	<p><u>4.4.1 Before proceeding to open the Qualified Bidders’ Envelope 3, the TPBAC Chairperson shall proceed to open the sealed Reserved Price envelope and disclose the</u></p>

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		<p><u>Reserve Price, which shall again be placed on a book stand in front of the TPBAC Chairperson’s table and in full view of all Bidders until all Qualified Bidders’ Proposed Price (for the first Contract Year) and the LCOE thereof are compared to the Reserve Price. Thereafter, provided there is no failure of the Bidding under Section 4.3, the TPBAC shall proceed to evaluate and open Envelope 3 of the Qualified Bidders. The TPBAC shall open Envelope 3 to determine the compliance and completeness of the Bid submission of the Bidder. Each of the documents in Envelope 3 submitted by each Bidder shall be examined and checked using a non-discretionary “Pass/Fail” assessment for completeness. If a required document is present, it shall be rated “PASSED” for that particular requirement; if all required documents are rated “PASSED”, the Bid shall be rated “PASSED”; otherwise, the Bid shall be rated “FAILED”.</u></p>
8	Section 7 (e) and (f)	<p><b>SECTION 7. FAILED BIDDING</b></p> <p>The TPBAC expressly reserves the right to declare a failed bidding for any of the following instances:</p> <p>[...]</p> <p>(e) the Bidder with the Best Bid “failed” the Post-Qualification, and <u>the TPBAC</u> opts not to proceed with the Bidding or determines that <u>there are no other qualified Bidders</u>; and</p> <p>(f) the Winning Power Supplier refuses or fails, without justifiable cause, to timely sign the Power Supply Agreement template within the period prescribed in this IPB and <u>the TPBAC</u> opts not to proceed with the Bidding and/or <u>determines that there are no other qualified Bidders</u>.</p>
9	Section 9.39	<p>9.39 <b>“Outstanding Dispute”</b> refers to any pending judicial, administrative, contractual or alternative dispute resolution proceeding between the Bidder or any of its Affiliates engaged in power generation, on one hand, and Meralco, on the other, <u>provided that the following pending judicial or administrative cases involving the</u></p>



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		<p>Bidder or any of its Affiliates and Meralco are excluded from the definition of Outstanding Dispute:</p> <table border="1" data-bbox="705 412 1934 1052"> <thead> <tr> <th data-bbox="705 412 1325 496"><u>Case Title and Docket Nos.</u></th> <th data-bbox="1331 412 1934 496"><u>Subject Matter</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="705 501 1325 647"><u>Bayan Muna, et. al. v. ERC, et. al.</u> (G.R. Nos. 210245, 210255 &amp; 210502)</td> <td data-bbox="1331 501 1934 647">Supreme Court T.R.O. on MERALCO's December 2013 billing rate increase in relation to the generation cost price spike in November 2013 and December 2013</td> </tr> <tr> <td data-bbox="705 652 1325 799"><u>SN Aboitiz-Magat, et. al. v. ERC, et. al.</u> (G.R. No. 246641-50, 246729, 246739-48, 246685-94, 246873-82, 246661-70, 246631-40)</td> <td data-bbox="1331 652 1934 799">Supreme Court – Legality of ERC Order voiding the Luzon WESM prices during the November and December 2013 supply months</td> </tr> <tr> <td data-bbox="705 803 1325 917"><u>ERC I.U. v. Meralco and TMO</u> (ERC Case No. 2015-025 MC)</td> <td data-bbox="1331 803 1934 917">ERC Investigating Unit complaint in relation to the generation cost price spike in November 2013 and December 2013</td> </tr> <tr> <td data-bbox="705 922 1325 1052"><u>Meralco v. SPPC, et. al.</u> (ERC Case No. 2013-077 MC)</td> <td data-bbox="1331 922 1934 1052">Petition for Dispute Resolution with the ERC in relation to the refund of the 2.98% transmission line losses</td> </tr> </tbody> </table>	<u>Case Title and Docket Nos.</u>	<u>Subject Matter</u>	<u>Bayan Muna, et. al. v. ERC, et. al.</u> (G.R. Nos. 210245, 210255 & 210502)	Supreme Court T.R.O. on MERALCO's December 2013 billing rate increase in relation to the generation cost price spike in November 2013 and December 2013	<u>SN Aboitiz-Magat, et. al. v. ERC, et. al.</u> (G.R. No. 246641-50, 246729, 246739-48, 246685-94, 246873-82, 246661-70, 246631-40)	Supreme Court – Legality of ERC Order voiding the Luzon WESM prices during the November and December 2013 supply months	<u>ERC I.U. v. Meralco and TMO</u> (ERC Case No. 2015-025 MC)	ERC Investigating Unit complaint in relation to the generation cost price spike in November 2013 and December 2013	<u>Meralco v. SPPC, et. al.</u> (ERC Case No. 2013-077 MC)	Petition for Dispute Resolution with the ERC in relation to the refund of the 2.98% transmission line losses
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10	Section 9.54 (revised, for clarity)	<p><b>“Reserve Price”</b> means the pre-determined maximum prices for each of the Bidder’s <u>Headline Rate (Proposed Price using 2019 indices and prices) and LCOE. The Bidder’s Headline Rate (Proposed Price using 2019 indices and prices) must not be higher than the Reserve Price for the Headline Rate and the Bidder’s resulting LCOE must also not be higher than the Reserve Price for the LCOE. For avoidance of doubt, the Reserve Price for the Headline Rate shall be compared to the total price of the Bidder’s Headline Rate (Proposed Price using 2019 indices and prices) while the Reserve Price for the LCOE shall be compared to the total price of the Bidder’s resulting LCOE. The total</u></p>										

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		<p><u>prices of the Bidder's Headline Rate and its resulting LCOE shall be the values as reflected in the "LCOE Result Worksheet" of the Financial Evaluation Workbook and all prices shall be compared up to four (4) decimal places only.</u> In addition, the said pre-determined maximum prices will only be revealed by the TPBAC to the Qualified Bidders during the opening of the Bids.</p>