



#### 30 AUGUST 2017

MEMORANDUM No. 2017-028

FOR

.

**ALL ELECTRIC COOPERATIVES** 

ATTENTION:

ALL GENERAL MANAGERS

SUBJECT

PROPOSED IMPLEMENTING RULES AND REGULATIONS (IRR)

OF THE POLICY IN THE CONDUCT OF COMPETITIVE SELECTION

PROCESS (CSP)

This is in relation to the latest NEA Policy per Memorandum No. 2017-003 entitled Policy in the Conduct of Competitive Selection Process of the Electric Cooperatives' Power Supply Agreement.

Attached herewith is the proposed Implementing Rules and Regulations (IRR) of the Policy in the Conduct of Competitive Selection Process (CSP) of The Electric Cooperatives' (ECs) Power Supply Contracting.

In this regard, may we refer the said draft IRR to the Electric Cooperatives for review and recommendations. And with the objective of developing a consolidated procedure on Competitive Selection Process for the procurement of Power Supply for both offgrid and on-grid electric cooperatives, said draft was likewise submitted to NREB and the DOE for considerations. NEA is currently coordinating with DOE, ERC and NPC with a goal to harmonize all issuances on the conduct of CSP.

Thank you and we look forward to your recommendation on or before September 15, 2017. Kindly email a copy to <a href="mailto:raonea.gov.ph@gmail.com">raonea.gov.ph@gmail.com</a>.

Your usual cooperation and compliance is highly appreciated.

EDGARDO R. MASONGSONG

Administrator

NATIONAL ELECTRIFICATION
ADMINISTRATION
Office of the Administrator
NEA-DA243431

# IMPLEMENTING RULES AND REGULATIONS OF THE POLICY IN THE CONDUCT OF COMPETITIVE SELECTION PROCESS (CSP) OF THE ELECTRIC COOPERATIVES' (ECs) POWER SUPPLY CONTRACTING

37. ----

Pursuant to the approved National Electrification Administration (NEA) Memorandum No. 2017-003 entitled "Policy in the Conduct of Competitive Selection Process (CSP) of the ECs' Power Supply Agreement (PSA)", which took effect last 21 February 2017, the following IMPLEMENTING RULES AND REGULATIONS (IRR) are hereby adopted in order to carry out the provisions of the Policy.

#### RULE I RATIONALE

The NEA, by virtue of Republic Act No. 10531 is authorized and empowered to develop policy directives to guarantee efficient operations of the Electric Cooperatives (ECs). Thus, the policy on CSP of the ECs PSA was issued to ensure transparency in the competitive procurement process in order to draw the least cost of power supply offer beneficial to the ECs and its member-consumer-owners (MCOs).

The policy directive is in support to the Department of Energy (DOE) Circular No. 2015-06-000, Joint DOE and ERC Resolution No. 1, series of 2015 and Energy Regulatory Commission (ERC) Resolution No. 13, series of 2015.

#### RULE II COVERAGE/SCOPE

The National Electrification Administration (NEA) Memorandum No. 2017-003 entitled "Policy in the Conduct of Competitive Selection Process (CSP) of the ECs' Power Supply Agreement (PSA)" shall apply to all the Power Supply procurement of the Electric Cooperatives.

This, however, does not cover emergency procurement in case force majeure or fortuitous events.

# RULE III IMPLEMENTING RULES AND REGULATIONS/ GUIDELINES

Section 1. Competitive Selection Process

For uniformity and transparency, ECs are enjoined to abide by the prescribed process flow for the conduct of Competitive Selection Process as indicated in *Annex A* of this IRR.

#### Section 2. Bidding Documents

The Bidding Documents shall compose of, among other, the Information Memorandum which shall include the Terms of Reference (TOR), and Instruction to Bidders for the conduct of the CSP, including the draft Power Supply Agreement. The Bidding documents shall contain the provisions as indicated in *Annex B* of this IRR.

#### Section 3. Bidding/ Procurement Process

The NEA Memorandum No. 2013-028 on Procurement Guidelines and Simplified Bidding Procedures for Electric Cooperatives shall apply and R.A 9184 or the Government Procurement Act will serve as a reference in a suppletory application.

# RULE IV TRANSPARENCY OF THE CSP PROCESS AND ACCESS TO INFORMATION

- Section 1. The NEA and ECs shall adopt and implement a policy of full public disclosure and accountability of all the proceedings in the conduct of the CSP for the interest of ECs' MCOs and the public in general.
- Section 2. The Board of Directors and Management of the ECs have the responsibility to establish measures and standards that will ensure transparency in the conduct of the CSP, bidding procedure and all other matters involving MCOs' interest.
- Section 3. Information systems shall be established to inform the public of the conduct of CSP for the ECs' PSAs.
- Section 4. All proceedings in the conduct of the CSP must be duly recorded and documented.

### RULE V CSP THROUGH PUBLIC BIDDING

Section 1. A CSP through public bidding is considered as successful if there are at least two (2) bids received from prospective power supplier and one of the offers is evaluated as the lowest and most responsive bid. The bid is evaluated based on the least cost of electricity on a peso per kilowatt hour basis.

#### Section 2. There is First Failed Bidding if:

- a) No bid offers were received by the EC.
- b) Only one bid offer was submitted.

c) No bid offer of prospective suppliers meets the requirements prescribed under the Terms of Reference, as determined by the EC Bids and Awards Committee.

In such case, the Bids and Awards Committee should review and evaluate the Terms of Reference and incorporate the necessary amendments in the TOR before proceeding to the second bidding process.

Section 3. There is Second Failed Bidding if:

- a) No bid offers were received by the EC
- b) No bid offer of prospective suppliers meets the requirements prescribed under the amended Terms of Reference, as determined by the EC Bids and Awards Committee.

A responsive and complying single Bid offer will be considered for evaluation.

#### RULE VI CSP THROUGH NEGOTIATED PROCUREMENT

Section 1. After a second failed bidding, a negotiated procurement can be done with bidders who earlier submitted their offers during the first and second biddings that failed.

Section 2. If there were no bidders on the first and second bidding, the procurement process may be repeated after an assessment and evaluation of the cause the failure or the BAC may accept any unsolicited proposal.

#### RULE VII UNSOLICITED PROPOSAL

Section 1. Unsolicited Proposal shall be allowed provided the following are present:

- a) Involves new technology or new concept;
- b) No government guarantee, subsidy or equity is required;
- c) Upon two (2) failed CSPs with no proposal.,

Section 2. Procedure for Unsolicited Proposal. The ECs may receive unsolicited proposal/s from a generation company and shall then invite competitive counter-proposals through a public bidding. Thereafter, the original bidder shall be given the opportunity to match the best bid offer which comes out of the counter-proposals.

- a) Receipt of Unsolicited Proposal
- b) Review by EC and NEA
- c) If offer is acceptable, proceed with the publication/ITB for counter proposal.

- d) The counter proposals should be submitted through a competitive bidding similar to the process of the regular bidding as provided herein.
- e) The selection of the lowest responsive counter proposal and the opportunity to match the lowest bid.

### RULE VIII AWARD OF CONTRACT

Section 1. The PSA shall be awarded to the bidder who has submitted the lowest responsive bid.

# RULE IX DUTIES OF EC BOARD OF DIRECTORS AND EC OFFICERS

Section 1. As a general rule, the Board of Directors, General Managers and Officers of the Electric Cooperative should ensure compliance to the rules and procedure in the conduct of CSP, without discrimination, and in no case beyond the required timeline of the process.

### RULE X DUTIES OF NEA

- Section 1. NEA, through the Regulatory Affairs Office, should ensure performance of its duty and responsibilities in the ECs' conduct of CSP to include ,among others, review of the TOR, Power Supply Plan and Agreement/Contract, including, the conduct Swiss Challenge Procurement, as contained in Rule V hereof.
- Section 2. NEA should likewise act as an observer in all stages of the CSP, including the conduct of Swiss Challenge Procurement.
- Section 3. NEA may review, modify or nullify any procurement that contravenes the principles of transparency and accountability or any provisions of this rules pursuant to its oversight and supervisory functions over ECs.

# RULE XI GROUNDS FOR ADMINISTRATIVE DISCIPLINARY ACTION

Section 1. In addition to the grounds for administrative disciplinary action prescribed under *The Revised NEA Administrative Rules of Procedure of 2013*, the acts and/or omissions of any or all Members of the Board of Directors, General Manager and EC Officers, relative to the conduct of CSP for the ECs' PSA shall constitute the grounds for administrative disciplinary action, and

without prejudice to criminal and/or civil liabilities the may arise herein, such as but not limited to:

(a) Failure to comply with the required procedure in the conduct of CSP;

(b) Failure to submit reportorial requirements relative to CSP and/or PSA;

(c) Directly or indirectly having financial and material interest in the proceedings for the conduct of CSP. Financial and material interest is defined as a pecuniary or proprietary interest by which a person will gain or lose something;

(d) Disclosing or misusing confidential or classified information officially known to him by reason of his office and not made available to the public, to further his private interests or give undue advantage to

anyone, or to prejudice the EC and its MCOs;

(e) Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from interested bidders or participants in the CSP.

### RULE XII PENALTIES

Section 1. Any Member of the Board of Directors, General Manager and EC Officers and employees, who shall commit any violation of the Policy and these IRR shall be punished and imposed a penalty depending on the gravity of the offense, after notice and hearing by the NEA Administrative Committee, with;

- (a) A fine not exceeding the equivalent of six (6) months per diem or salary or
- (b) suspension not exceeding one (1) year; or
- (c) Removal/dismissal from service.

If the violation is punishable under another law, the proceedings and findings of the Administrative Committee she shall not bar any prosecution under any statute.

Section 2. Any violation hereof as proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of an official and/or employee of the EC, even if no criminal prosecution is instituted.

Section 3. Bidders, interested parties, individuals and entities who participate in conspiracy as co-principals, accomplices or accessories, with the ECs' Board of Directors, General Managers or EC officials, in violation of the Policy and this IRR, shall be jointly charged with them. The penalty of disqualification from joining any CSP of the ECs shall be imposed on any bidders, interested parties, individuals and entities after observance of due process.

Section 4. Administrative proceedings for violation of these Rules shall be in accordance with the NEA Memorandum No. 2013-028 on *The Revised NEA Administrative Rules of Procedure of 2013*.

### RULE XIII AMENDMENT

Section 1. The NEA may amend or modify these Rules as may be necessary.

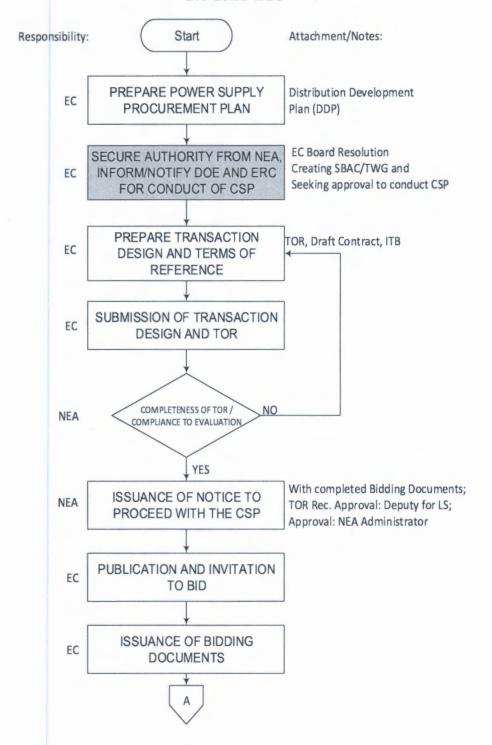
#### RULE XIV EFFECTIVITY

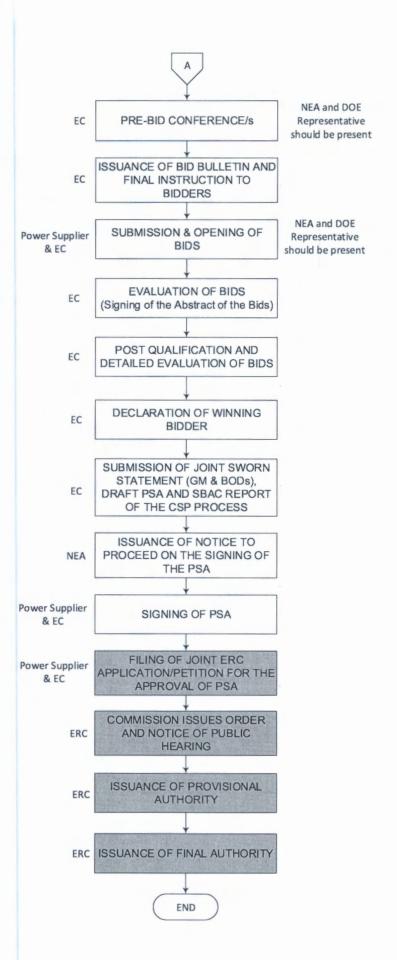
Section 1. These Rules shall take effect after fifteen (15) days following the completion of publication filing in the Official Gazette or in a newspaper of general circulation, and upon filing with the University of the Philippines Law Center pursuant to Presidential Memorandum Circular No. 11, dated 09 October 1992.

Quezon City, \_\_\_\_ August 2017.

4) - 2.,

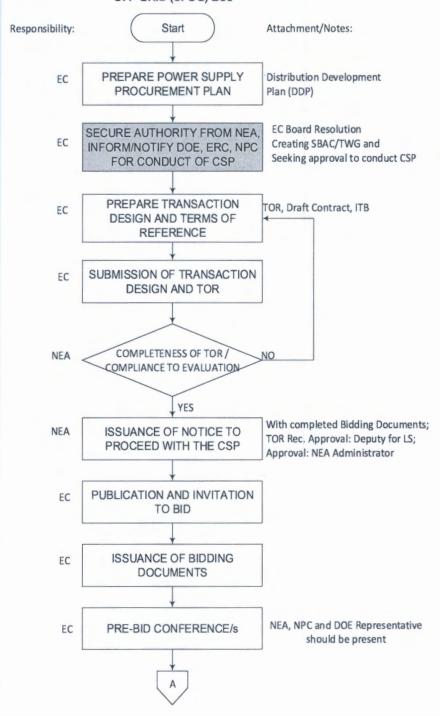
# PROPOSED COMPETITIVE SELECTION PROCESS FLOW CHART ON-GRID ECs

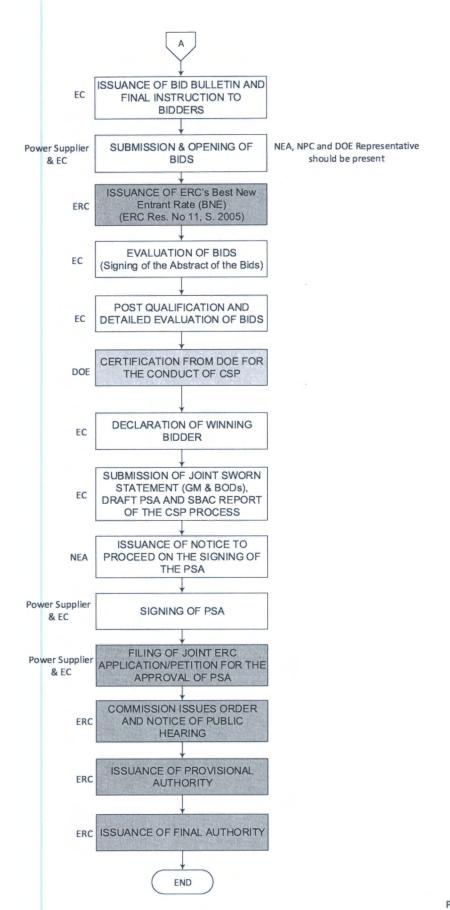




# PROPOSED COMPETITIVE SELECTION PROCESS FLOW CHART OFF-GRID (SPUG) ECs

## PROPOSED COMPETITIVE SELECTION PROCESS FLOW CHART OFF-GRID (SPUG) ECs





# PROPOSED COMPETITIVE SELECTION PROCESS PROCEDURE OUTLINE

#### 1. PREPARE POWER SUPPLY PROCUREMENT PLAN

- FOR ON-GRID Distribution Development Plan
- FOR OFF-GRID (SPUG AREAS) Distribution Development Plan

#### Major Component:

- 1. Monthly data for energy purchase, energy sales, peak demand for the last five (5) years.
- 2. Data forecast for energy purchase, energy sales and peak demand for the next 5 years, 10 years and beyond. Base demand forecast should also be considered as an option to have separate contract for base and peak demand requirement.
- 3. Power supply procurement should be done with enough lead time taking into consideration the present supply and demand status of the electric cooperative, the expiration of the existing contract with power supplier, and the duration of construction of new power plant.

For On-Grid ECs based on DOE Department Circular 2015-06-008, all DUs are enjoined to secure their respective PSAs in advance of their requirements (i.e. three (3) to five (5) years ahead under long term contracts (e.g., at least fifteen (15) years)). However, the DUs may continue to contract, also through the annual CSP, for the short-term or interim requirements with existing power generation plants to address their respective load growth variations.

### 2. SECURE AUTHORITY FROM NEA, INFORM/NOTIFY DE AND ERC FOR THE CONDUCT OF CSP

The Electric Cooperatives (ECs) shall submit Board Resolutions relative to the following:

- a. Creating the SBAC with the composition of the members of the SBAC, TWG and Secretariat for the conduct of a CSP for the EC's Power Supply requirements.
- b. Notify NEA, DOE, ERC (including NPC for off-grid ECs) on the launching of the CSP. Presence of NEA (and NPC for off-grid ECs) is required during the launching of CSP.

#### 3. PREPARE TRANSACTION DESIGN AND TOR

The Electric Cooperatives are enjoined to submit their Terms of Reference to the NEA for review and approval prior to publication of the invitation to bid. The TOR shall be completed in form and substance.

Note: Standard TOR, contract and forms templates must be drafted but should allow some flexibility to accommodate unique features of each contracts based on the needs and requirements of the ECs.

In the preparation of the Terms of Reference, consider ERC form No.: LS-CL-001 (ANNEX C) and the following factors as applicable:

#### a. Long Term Power Supply Contracts.

To ensure security of supply, the following must be required for long-term PSA to be valid.

- > Secured Site as evidenced by land titles, lease agreements and/or call option contracts.
- > EPC Arrangement as evidenced by letter from the contractor
- > Fuel Supply Agreement as evidenced by letter from the lenders.
- Financing Commitment of Investors as evidenced by Board Resolutions/Commitment Letters of Developers, Investors and Partners.

#### b. Contracted Capacity

- > Specify contracted capacity for base and peak demand requirement.
- > Type of contract (Firm or Non-firm)

#### c. Contracted Term

Contracted duration for long-term may have cascading contracted demand in accordance with the forecasted demand.

#### d. Contracted Energy

> Specify if there is minimum energy off-take or not.

#### e. Tariff Structure

- Price offer shall be divided into Fixed Charges (Php/kw/month) and Variable Charges (Php/kwh).
- Fixed charges consist of Capital Recovery Costs and Fixed Operation and Maintenance Costs.
- Variable charges components shall capture variable operation and maintenance costs and fuel recovery costs.
- > Fuel Fee
- Reference month/year shall be specified in the computation of the price offer with consideration of the allowed price indexation.

#### f. Force Majeure

Provide provision for no payment of fixed charges during force majeure condition.

#### g. Currency for the offer

Offer should be in Php/kWh only.

#### h. Price Indexation (Reckoning date of currency conversion)

- Fuel (Oil and Gas, no geothermal steam)
- Operations and Maintenance
- No indexation in Capital Recovery

#### i. Outages

- Provide provision for specified outage allowances if necessary either scheduled or forced outage.
- > The price during the valid/excused outage hours must be substituted by the price of the power supply that will most likely replace the same (e.g. WESM). (Option: Price may be the same or lower than the approved contract rate)
- > For power plants with N-1 capability and contingency reserve, there should be no outage allowance in the contract.

#### j. Changes on the Contracted Capacity

➤ EC shall be allowed to reduce the contracted capacity if affected by the reduction demand of its captive consumer due to the implementation of open access. Provision for "Automatic reduction clause" should be incorporated in the contract".

#### k. Service Contracts

For Renewable Energy projects, Service Contract shall not be a mandatory requirement.

#### 1. Taxes

- Renewable Energy is zero-VAT rated
- > 12% VAT for non-renewable energy

#### m. Security Deposit

> The bidders may impose or require security deposit from the EC. The equivalent amount agreed by both parties shall be equivalent to the estimated average monthly power bill.

The cost of these guarantees must be translated to (Php/kWh) and be included on the price offer. The number of billing period to recover the amount of security deposit shall be as agreed.

#### n. Prompt Payment Discount and other offer such as CSR

> Should not be part of the TOR and should not be included in the evaluation process but may be considered only during post qualification in instances where offers are equal.

#### o. Liquidated damages / Penalties

> Specify penalties or liquidated damages for non-compliance with the provision of the contract.

#### p. Other Technical Requirement

Technical Requirement that may be required by the EC:

- > Type of Source of Power
  - Gen Sets (Diesel or bunker, medium speed, low speed, rating/capacity, number of units, brand new).
  - Renewable Energy (hydro or other new tested technology).
  - Combination of Gen sets and Renewable.

#### Plant Capacity

- Total Installed Capacity
- Number of generating units and installed capacity of each unit.
- Dependable capacity
- > The EC may require technical specifications of generator set, which may be useful on the EC during the actual plant operation.
- > Design of take-off structure from power plant to distribution line with specified protection equipment may be required especially for embedded generation.
- Years of experience of the supplier employing the same technology shall be specified in the terms of reference. Certificate of Project completion with other customers shall be required.
- > Technical capability/qualification of technical staff and organizational structure may be required.
- Number of calendar days for construction period starting from issuance of Notice of Proceed. For hybrid system, construction period shall be specified per technology.
- Not listed as blacklist contractor.

- q. Financial Requirement in accordance with consider ERC form No.: LS-CL-001 (ANNEX C)
  - Capitalization
  - Company Profile
  - Department of Trade and Industry Registration
  - Certification of Partnership/Incorporations from the Securities and Exchange Commission (SEC).
  - > Articles of Partnership/Incorporation and By-Laws.
  - > Recent Business Permit, Mayor's Permit and BIR Registration.
  - > Recent General Information Sheet filed with SEC.
  - A duly notarized Certificate of Bank Deposit from Universal or Commercial Bank accredited by Central Bank that the deposited amount will be exclusively used to finance the project if the ESA (Electric Supply Agreement) will be awarded in its favor.
  - > Bidder must submit their lowest bid in peso per/kWh of energy based on whatever source of power production to be used.

#### 4. ISSUANCE OF NOTICE TO PROCEED WITH THE CSP

A notice to proceed with the CSP shall be issued by the NEA after approval of the TOR and full compliance of the EC of the required bidding documents.

#### 5. PUBLICATION AND INVITATION TO BID

The EC shall publish in a newspaper of general circulation once a week for two consecutive weeks the Invitation to Bid and posting in the website of the DOE, NEA, ERC, NPC and conspicuous places within the DU franchise area.

#### 6. ISSUANCE OF BIDDING DOCUMENTS

- 7. PRE-BID CONFERENCE
- 8. ISSUANCE OF BID BULLETIN AND FINAL INSTRUCTION TO BIDDERS
- 9. SUBMISSION & OPENING OF BIDS

#### 10. EVALUATION OF BIDS

- Detailed evaluation methodology
- Complete instructions including equations on how the evaluated price will be calculated
- · Bidder must be able to prepare a financial offer

#### 11. POST QUALIFICATION AND DETAILED EVALUATION OF BIDS

- 12. DECLARATION OF WINNING BIDDER
- 13. SUBMISSION OF JOINT SWORN STATEMENT (GM & BODs), DRAFT PSA AND SBAC REPORT ON THE CSP PROCESS

- Before contract signing, the EC should submit a copy of the Power Supply Agreement to NEA for review.
- Refer to attached Joint Sworn Statement Form

#### 14. ISSUANCE OF NOTICE TO PROCEED ON THE SIGNING OF THE PSA

#### 15. PSA CONTRACT SIGNING

- Conduct of post evaluation and render evaluation report/recommendation
- The NEA through its Regulatory Affairs Office (RAO) monitor, conduct post evaluation and render its report and recommendation.

### 16. FILING OF JOINT ERC APPLICATION/PETITION FOR THE APPROVAL OF PSA

#### 17. COMMISSION ISSUES ORDER AND NOTICE OF PUBLIC HEARING

#### 18. ISSUANCE OF PROVISIONAL APPROVAL

#### 19. ISSUANCE OF FINAL AUTHORITY

#### SCHEDULE OF BIDDING ACTIVITIES:

	Activity	Minimum calendar days recommended for the Activity	Operational Timeline (recommended Earliest Possible Time)
1-5	Submission and Evaluation of TOR	5 calendar days upon referral of TOR to RAO	Day 1 to Day 5
6	Publication of Invitation to bid in newspaper of general circulation		Day 6 to Day 15
7	Issuance of Bidding Documents	(23calendar days) From 1st day of publication to the day of the submission and opening of bids	Day 6 to Day 21
8	Pre-Bid Conference	1 calendar day	Day 16
9-a	Issuance of Bid Bulletin and Final Instruction to Bidders	(1 calendar day) 7 calendar days before submission and opening of bids	Day 21

9-b	Due Diligence of Proponent	7 calendar days	Day 21 to Day 27
10	Submission and Opening of Technical and Financial Bids (Bidding Date)	1 calendar day	Day 28
	For SPUG EC – Issuance of ERCs Best New Entrant Rate		
11	EC evaluation on submitted bids	1 calendar day	Day 29
12	Post Qualification and detailed evaluation of bids	5 calendar days	Day 30 to Day 34
	For SPUG EC – Certification From DOE for the conduct of CSP	3	3
13	Declaration of Winning Bidder (Selection of Lowest Calculated Responsive Bid)	1 calendar day	Day 35
14	Confirmation of BOD (Submission of Joint Sworn Statement (GM & BODs), Draft PSA, SBAC Report)	4 calendar days	Day 36 to Day 39
	Final Evaluation/Assessment of PSA by NEA with respect to submitter TOR	3 calendar days	Day 40 to Day 42
15	Issuance of Notice to Proceed on the Signing of PSA	1 calendar day	Day 43
	Issuance of Notice of Award to Winning Bidder	2 calendar days	Day 44 to Day 45
16	Signing of PSA	5 calendar days (within 5 calendar days from issuance of Notice of award)	Day 46 to Day 50
17	Filling of joint ERC Petition for Approval of PSA	5 calendar days (within five calendar days from signing of the PSA)	Day 50 to Day 55
18	Commission issues Order and Notice of Public Hearing	10 calendar days (within 10 calendar days from receipt of the application for approval of PSA)	Day 56 to Day 65
19	Earliest Day of the issuance of Provisional Authority (PA)	30 calendar day (within 30 calendar days from Notice of Hearing)	Day 65 to Day 95
19	Last Day for the Issuance of Provisional Authority	75 calendar day (within 75	Day 65 to Day 140

		calendar days from Notice of Hearing)	
20	Issuance of Final Authority	60 calendar day (within 60 calendar days from issuance of Provisional Authority)	

### PROPOSED CONTENT OF BID DOCUMENTS

#### INFORMATION MEMORANDUM

- 1. The TOR
  - a) Scope of Transaction

Quantity (MW)

Type of Demand (base load/ peaking load)

Contract duration (specify start month year to end month year)

- b) Who may participate
- c) Evaluation Framework
- 2. Legal and Regulatory Framework
- 3. Least Cost Power Supply Plan (summary)
- 4. Utility Statistics and Operational Performance of the EC (summary)

#### INSTRUCTION TO BIDDERS

- ITB-1 Transaction Documents
- ITB-2 Definition of Terms
- ITB-3 Transaction Design
- ITB-4 Scope of Bid
- ITB-5 Transaction Schedule
- ITB-6 Eligible Bidders
- ITB-7 Bidder's Fee
- ITB-8 Clarification and Amendment of Bidding Documents
- ITB-9 Pre-Bid Conference
- ITB-10 Due Diligence
- ITB-11 Documents Comprising Bids
- ITB-12 Legal, Technical and Financial Documents
- ITB-13 Technical and Financial Proposal
- ITB-14 Bid Security
- ITB-15 Currencies of Bids and Payments
- ITB-16 Bid Validity
- ITB-17 Format and Signing of Bid
- ITB-18 Sealing and Marking of Bids
- ITB-19 Alternative Proposals by Bidder(s)
- ITB-20 One Bid per Bidder
- ITB-21 Deadline of Submission of Bids
- ITB-22 Late Bids
- ITB-23 Modification and Withdrawal of Bids
- ITB-24 Opening and Preliminary Examination of Bids
- ITB-25 Detailed Evaluation and Comparison of Bids
- ITB-26 Selection of Bidder(s) with Lowest Calculated Responsive Bid(s)
- ITB-27 Post Qualification of the Lowest Calculated Responsive Bid
- ITB-28 Award Criteria
- ITB-29 Notice of Award
- ITB-30 PSA Negotiation and Signing of the Contract
- ITB-31 Notice to Proceed and ERC Filing
- ITB-32 Right of the Procurement Board/ SBAC to Reject any or all Bids in Certain Circumstances
- ITB-33 Grounds for Disqualification

ITB-34 Failure	Failure of Bidding			
ITB-35 Cost of	Bidding			
ITB-36 Process	s to be Confidential			
ITB-37 Corrup	t and Fraudulent Practices			
ITB-38 Validity	y and Return of Proposal and Transaction			
ITB-39 Extens	ion of Validity of Bids			
ITB-40 Accept	ance of Criteria and Waiver of Right to Enjoin			
ITB-41 Deviati	on and Exceptions			
ITB-42 Confide	entiality/Propriety Information			
	Key Contract Terms			
ITB ANNEX -B Checklist of Eligibility and Bid Requirements				
ITB ANNEX -C	A			
ITB ANNEX -C-1				
	Instruction for filling up of Bid Forms			
ITB ANNEX -D (				
	Acceptance of the Bidding Documents			
	Confidentiality Agreement			
ITB ANNEX -D-3	Certification submission of original documents and			
	authorizing the SBAC to verify said documents			
ITH ANNEY _D_A	Certification regarding relationship and against conflict of			

ITB ANNEX -D-5 Certification against blacklisting and graft and corrupt

interest

practices.