



**One Bohol Power Distribution Utilities  
Joint Competitive Selection Process (1BP DU JCSP)**

Headquarters: BOHECO I Main Office Bldg., Cabulijan, Tubigon, Bohol 6329  
Telefax: (038) 508-8095, Email Address: 1boholpowerdu@gmail.com

**JOINT COMPETITIVE SELECTION PROCESS THROUGH AN OPEN BIDDING  
FOR LONG-TERM (2024-2033) POWER SUPPLY**

**BID BULLETIN NO. 04-2020**

DATE : October 29, 2020  
TO : All Prospective Bidders  
SUBJECT: 1BP DU JCSP's Bid Bulletin No. 04-2020

This Bid Bulletin No.04-2020 is being issued to answer all queries, clarifications, request or suggestions of Prospective Bidders.

REFERENCE ITEM	CLARIFICATIONS / INQUIRIES OF BIDDERS	ANSWERS - 1BP DU JCSP
<b>FIRST GEN CORPORATION</b>		
ITB 14.2.VIII	Can we submit GIS for this requirement?	For list of customers supplied by the power plant? No.
	Where can the bidders place the required documents from the TOR, but not in the bid requirements checklist?	1BP will incorporate all required documents in the TOR to FITB-Annex B, Checklist of Bid Proposal Requirements. To wit, Certificate of Good Performance, etc.
	How many USBs are needed to be submitted? Do we need to provide USBs in the envelopes containing photocopies of the original documents? Do we place the Technical Proposal, and Financial Proposals in separate USBs (as indicated in ITB Annex B) or both proposals in one USB (as instructed in ITB 20.6)?	Two flash drives/USB. One for the Pre-Qualification Documents, another one for the Bid Proposal Documents. Final instructions are reflected in the FITB.
ITB Annex D-1 to Annex D-5	Can the Bidders make adjustments to the templates in ITB Annex D1 - 5?	No, the templates provided in FITB-Annex D shall be used by the bidders in order to avoid unnecessary disqualification. Final certification templates are provided in the FITB.
ITB 6.1	Can the Certificate of Compliance issued by ERC serve as proof of ownership of the plant?	Yes.
ITB 27.1	Are the LR and transmission costs strictly based on what is in the ITB only?	Yes. Final figures are reflected in the FITB.
ITB 27.1	How will Transmission Cost be evaluated if Bidder's plant is embedded to only one of the 1BP DUs? How will Bidder compute for the add-on cost?	If the winning bidder's offer upon bid evaluation is embedded to the distribution network of the three (3) DUs, the annual capacity to be embedded per DU shall not be less than the respective annual committed capacity per DU, notwithstanding the limitations of the DUs'



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		substations and distribution networks. Otherwise (i.e., embedded only to one of the 1BP DUs), any transmission cost that would arise from the other DUs during actual operations shall be borne by the winning bidder/supplier. This shall be clearly specified in the FITB and reference PSA.
ITB 27.1	For LR, do we simply add the average 1BP LR cost stated in Table 11 to the Bidder's LCOE if Bidder has an outside baseload plant?	Yes.
ITB 27.1	How will LR be evaluated if a Bidder offers a lower LR than what is stated in Table 11?	The lower LR will be used upon bid evaluation.
	Which checklist should be the basis for all documents to be submitted? Is it just Annex B, or should we also consider all documents mentioned in ITB-13, ITB-14 and ITB-15? The reason for clarifying is because there are some documents mentioned within the ITB and TOR that are not mentioned in Annex B and vice versa.	1BP will incorporate all required documents in the TOR and ITB to FITB-Annex B, Checklist of Bid Proposal Requirements.
SBB No. 02A-2020, p.6	On page 6 SBB No. 2a, 1BP required the submission of the AFS of the parent company in the case of an SPV. It is also asking for the AFS of the individual members of the SPV. What does 1BP mean by "individual members of the SPV?" May we request that this be limited to individual members of the SPV that are corporations or juridical persons since individuals (natural persons) may not have AFS?	<p>Consistent with the rule that all eligibility requirements shall be that of the participating bidder, the Class "A" Technical Documents to be submitted must also be that of the Participating Bidder. Any inconsistency and deficiency in the required documents shall be ground for disqualification.</p> <p>1BP suggests that it be the holding or parent company which shall participate in the bid. And later on, may assign its rights or obligations in the PSA to its subsidiaries or affiliates.</p>
SB No. 02A-2020	In 1BP's response to the question of APRI, it was mentioned that the Board Resolution of BLCI will be included as part of the SBB, however, no new Board Resolution was attached. May we reiterate the request for this Board Resolution of BLCI?	Please refer to the attached Secretary's Certificate authorizing BLCI to enter into the 1BP transaction.
ITB Section 13.4	There are conflicting responses as to the allowance or disallowance of parent companies' documents as part of submission of a Bidder's eligibility requirements. May we confirm if the following understanding is correct: 1. Bidder is not allowed to submit technical information of an affiliate. If requirement is not applicable, Bidder may just indicate "N/A" 2. For financial statements, Bidder must submit financial ratios. If not included in the AFS, a separate sheet containing financial ratios that is	<p>1BP shall stick to the rule that all eligibility requirements shall be that of the participating bidder. Any inconsistency and deficiency in the required documents shall be ground for disqualification.</p> <p>1. 1BP confirms this.</p>



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	certified true and correct must be submitted. 3. For any documents that are not applicable to Bidder, Bidder can just indicate "N/A"	2. 1BP confirms this. 3. 1BP confirms this.
ITB Annex C-2 7.6	Under this Section, it states that Bidder may indicate if fuel cost is based on CIF or a known reference market. Is this still applicable or is Bidder limited to reference fuel prices given in ITB 15 Table 4?	Bidder is only limited to reference fuel prices specified in ITB 15-Table 4. FITB shall be updated to address this inconsistency.
ITB-5 and ITB-11	May we know if it is still possible to request for another pre-bid conference in case additional due diligence is needed? We note from ITB-11 that Due Diligence may be conducted until November 27, 2020. Will this date also be adjusted given the adjustments in the original Bidding Schedule?	1. 1BP will entertain queries, concerns and suggestions (via email) that would address clarifications on and clerical errors in the FITB. But nothing shall affect the substantial terms/contents of the FITB or this transaction. So far, 1BP TPBAC does not see any reason to conduct another pre-bidding conference. 2. Any changes in the schedule will be notified to all the bidders through a Bid Bulletin.
ITB 13.3.2	If Bidder is a holding company (which is allowed as clarified in SBB No. 02A-2020 page 12), can Bidder indicate "NA" for this item, which is Statement of matrix of power plants owned/operated with included COC?	No.  Assignment from subsidiary to parent/holding company during the CSP process is allowed as long as the newly-assigned parent/holding company can comply with the eligibility requirements - legal, technical and financial documents. A holding or parent company, being the owner of its subsidiaries, may submit the details of power plants owned/operated by its subsidiaries to comply with the Class "A" Technical Documents requirements.
ITB 14	If Bidder is a holding company (which is allowed as clarified in SBB No. 02A-2020 page 12), can Bidder submit a technical proposal for power plants owned or operated by its affiliates?	No. It shall be those owned/operated by its "subsidiary/ies", not "affiliate/s", since a holding or parent company has element of control over its subsidiaries, than that of its affiliates.  Assignment from subsidiary to parent/holding company during the CSP process is allowed as long as the newly-assigned parent/holding company can comply with the eligibility requirements - legal, technical and financial documents. A holding or parent company, being the owner of its subsidiaries, may submit the details of power plants owned/operated by its subsidiaries to comply with the Class "A" Technical Documents requirements.



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REFERENCE ITEM	CLARIFICATIONS / INQUIRIES OF BIDDERS	ANSWERS - 1BP DU JCSP
SBB No. 02A-2020, p.13	Regarding the franchise expiration of 3 DUs, which falls within the contract period, what will happen if in case an EC/DU encountered issues with their franchise? Will the other DUs increase their Contracted Capacity to keep the Supplier whole?	No. Such will be subjected to/covered by the assignability clause as provided for in the reference PSA.
SBB No. 02A-2020, p.13	When will the respective franchises be renewed?	Application for renewal is normally five (5) years from the date of expiration of existing franchise.
<b>GLOBAL BUSINESS POWER CORPORATION</b>		
TOR - Force Majeure	It has been clarified that "Force Majeure" shall refer to events that occur inside Bohol only, while "Islanding" was defined as total or partial isolation from the grid wherein full delivery of contractual requirements of 1BP DUs are constrained. If an FM event occurred in Bohol which resulted to an Islanding, how shall 1BU DU classify this, FM or Islanding? This is important since this will define the Supplier's/Bidder's obligations to the PSA.	If a Force Majeure Event occurred in Bohol, and this is indeed evaluated as FM as far as this transaction is concerned, then it will be declared as a FM event.
Evaluation of Financial Proposal - Transmission Charges	Sub-transmission (69kV) and Distribution (13.8/13.2kV) facilities are not a common asset of 1BU DU, and are not inter-connected. If an In-island plant is built and connected to the sub-transmission/distribution facility of one of the 1BP DUs, then it will definitely pass through the NGCP transmission network to be able to deliver to the other DUs. Hence transmission charges will apply. Considering that Bidders will only provide a single price for this CSP, it is suggested to apply the transmission charge indicated under Table 12 of the ITB to all offers of Bidders to determine the Effective Levelized Price.	If the winning bidder's offer upon bid evaluation is embedded to the distribution network of the three (3) DUs, the annual capacity to be embedded per DU shall not be less than the respective annual committed capacity per DU, notwithstanding the limitations of the DUs' substations and distribution networks. Otherwise (i.e., embedded only to one of the 1BP DUs), any transmission cost that would arise from the other DUs during actual operations shall be borne by the winning bidder/supplier. This shall be clearly specified in the FITB and reference PSA.
Supplemental Bid Bulletin 02a-2020 p.23 ITB Annex D-3, D-4, and D-5	In response to a question from MPPCL, the TPBAC stated that "All certifications required under ITB-Annex D shall be certified by the company's corporate secretary." Other than the corporate secretary, can the certifications be certified by the officer/s that have been appointed to sign documents for the JCSP pursuant to the Secretary's Certification of the Bidder's Authorized Representative to be submitted as required under ITB-13.5.1 and ITB Annex-B 1.5.1?	To correct the statement, all certifications required under ITB-Annex D shall be notarized by notary public. It is correct that all required documents to be submitted, including the certifications, shall be certified by the authorized company representative.
Supplemental Bid Bulletin 02a-2020 p.24 ITB 13.2 7 (i)	In response to a question from MPPCL, the TPBAC stated that "Proof of VAT remittances (for the latest six months) made prior to the revised deadline of payment of participation fee." Considering that deadline is on January 5, the proof of VAT remittances for December might not yet be available. Can we instead submit from June to November 2020?	Yes.



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ITB Annex D-3, D-4, and D-5	<p>Board Resolutions that have been passed by our BOD are released to third parties by way of Secretary's Certificates which state the particular Board Resolutions that have been issued as well as the date of the meeting when said Board Resolutions were issued. Our Board Resolutions are not numbered and are only identifiable through the date of meetings. In light of this, can we revise the template certifications to state:</p> <p>" I am the authorized representative of (Bidder's name) as per the Board Resolution issued by the Board of Directors during the meeting dated _____, submitted in accordance with this Bidding;"</p>	Yes.
Supplemental Bid Bulletin 02a-2020 p.13	<p>In response to our previous suggestion that the life of the power plant should be no more than 10 years by January 2023, the TPBAC responded "noted". If the requirement is indeed 10 years based on the advice of ERC and in accordance with the draft CSP rules, we would like to reiterate our suggestion that 1BP should then consider that the existing power plant should be not older than 10 years by 2023 so that the said power plant remains technically-reliable and cost-efficient during the entire 10 years of the cooperation period. We also suggest that this requirement form part of the requirements in the Technical Proposal as enumerated in the FITB.</p>	1BP does not discriminate power plants with life exceeding 10 years or more by January 2024.
Supplemental Bid Bulletin 02a-2020 p.27 ITB 14.3 f ITB 14.3 h (4)	<p>In response to a question from MPPCL in connection with the fuel supply plan, the TPBAC responded that "Bidder may provide any of the following:</p> <ol style="list-style-type: none"> <li>Existing contract with fuel supplier/s</li> <li>Letter of commitment from fuel supplier to provide fuel supply to 1BP, with long-term availability and contingency supply, in case the bidder is awarded with the PSA."</li> </ol> <p>Considering the very short time given, Bidders might not be able to secure a contract or letter of commitment from fuel suppliers for the new in-island plant in time for the Bid Submission deadline. We suggest that the Bidder also be given the option to submit, in lieu of the 2 options above, its fuel procurement process similar to what is being required by the ERC as one of the pre-filing requirements for PSA applications.</p>	<p>These are valuable and essential requirement for 1BP to guarantee fuel supply.</p> <p>Either of these is required by 1BP for the conduct of post qualification and technical evaluation in response to this tender.</p>
Supplemental Bid Bulletin 02a-2020 p.4	<p>In response to a question from First Gen in relation to failure to synchronize to the grid by COD because of the needed upgrades to the NGCP substations, the TPBAC stated that "If upon investigation and evaluation, the GenCo is not at fault of the delay, there will be no penalties to be</p>	No.



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	imposed." How about when the plant is not able to meet COD because of failure to secure relevant permits on time due to inaction by government agencies? Will this also excuse the Genco from paying applicable penalties contemplated under this transaction?	
EO 27-2017	Under EO 27, the Bohol Power Ecozone Policy adopts, among others, a policy to enjoin the city and municipal LGUs to provide relevant and necessary support. How will the developer be assured that other government agencies and regulatory bodies, including industry agencies involved in the grid connections, will provide cooperation in supporting the development of the in-island power plant?	1BP is not in the position to address this concern. It is the Provincial Government of Bohol (PGB) thru its assigned office, Bohol Investment Promotions Center (BIPC) which will provide assistance on this matter. Bidder may consider coordinating with BIPC.
EO 27-2017	Under EO 27, Long-term Power Supply is defined to covers years 2023 to 2043. What if the winning in-island power plant fails to secure another supply contract with the three Bohol DUs after the 10th year and in such situation, the in-island power plant chooses to supply off-takers outside Bohol? Consequently, Bohol island will again be in a situation with unsecured supply. 1BP may reconsider its position on the duration of the cooperation period.	This is noted. However, the 10-year contract term is already final and irrevocable.
<b>GNPOWER LTD. CO.</b>		
Generic (Reference PSA)	We note from 1BP's response from our previous query that PSA Template will be provided and it will be an integral part of the FITB. Should 1BP issue the PSA template as an attachment to the FITB, we suggest to have another pre-bidding conference to discuss the comments from the bidders. Will 1BP consider a negotiation with regards to the PPSA provision for the benefit of both Parties?	Based on DOE's response, 1BP can no longer extend the CSP process further. Nonetheless, the PSA will be reviewed by both parties (respective 1BP DU and the Winning Bidder) prior to approval/signing. However, the contents of the PSA shall, as much as possible, stick to the terms of the final bid documents of this transaction.
Generic (Executive Order No.27)	Will 1BP provide a copy of the geographical locations/sites under the approved Comprehensive Land Use Plan (CLUP) for the Province of Bohol? We presume that these are the only available locations where Bidders can put up the in-island plant. Can the 1BP/Bohol DU provide further details on the definition of Ownership based on the Executive Order? While we recognize that PGB is open to assist the development of a new power project, we cannot discount the fact that certain delays may be encountered by the developer in obtaining permits and other pertinent documents/compliances to be issued by the government agencies. Hence, we would like to request that these permitting-related events and delays that are unforeseeable, beyond the control of	1BP is not in the position to address this concern. It is the Provincial Government of Bohol (PGB) thru its assigned office, Bohol Investment Promotions Center (BIPC) which will provide assistance on this matter. Bidder may consider coordinating with BIPC.  Further, refer to reference PSA for Events of Force Majeure.



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	<p>the Bidder and without the fault or negligence be considered as an excusable event of delay and the same would be a basis for the WB not get penalized in the event that COD is not met.</p>	
<p>Generic (Franchise Expiration of 1BP DUs)</p>	<p>1. We refer to the Bid Bulletin No. 2 indicating expiration of the franchise of individual DUs. We noticed that in the two of the DUs have franchise expiration within the 10-year contract. We respectfully suggest for 1BP to address the issue by providing a provision/s in the draft PSA that secures the continuity of the agreement between the Buyer and Supplier in case the franchise will not be renewed.</p> <p>2. We would like to confirm that BLCI has filed its application for franchise renewal.</p>	<p>1. Yes, such will be subjected to/covered by the assignability clause as provided for in the reference PSA.</p> <p>2. Application is still on process.</p>
<p>Excusable Delays</p>	<p>To reiterate our previous concern that in as much as our team wants to construct and supply by 26 December 2023, we cannot dismiss the fact that constructing a power plant will include unforeseeable and inevitable delays, especially in light of the difficulties on travel and business- and permit-processing brought about by the current pandemic. Several of these delays are beyond the generating company's control and may come from but not only limited to land acquisition, LGU endorsements from the barangay to the provincial levels, land conversion processes with HLURB, DENR, DA, and DAR, and public consultations and other studies for the ECC.</p> <p>With this, our team respectfully proposes for the 1BP DU JCSP to establish and cite excusable delays, taking in consideration the inevitable delays outside of the bidder's control, that will not be subject to corresponding penalties should there be delays in the Commercial Operation Date.</p>	<p>1BP acknowledges this concern. However, the provision on Penalties remains the same.</p>
<p>ITB-3 BIDDING DESIGN 3.1 (page 8)</p>	<p><i>The two (2) ECs and one (1) private DU in the province of Bohol, namely BOHECO I, BOHECO II and BLCI (collectively, the One Bohol Power or 1BP), executed a Memorandum of Agreement (MOA), backed by Board Resolutions, for the joint procurement of their aggregated Long-Term (2024-2033) baseload power supply through a Competitive Selection Process.</i></p> <p>The original MOA provides 5 to 6 years preparation period for bidders (MOA issuance 31 December 2018 for CY 2024 delivery). Kindly note that based on experience, developing a greenfield power</p>	<p>If the proposal is an in-island, COD shall be on or before 26 December 2023. If the proposal is a combination of in-island and outside-Bohol Baseload plant, COD of both plants shall be on or before 26 December 2023. This is final and irrevocable.</p>



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	<p>project may encounter changes in achieving target milestones due to a number of unforeseen events that may occur during pre-development, construction, and testing/operation stages. In order to mitigate this, we would like to confirm if the Winning Bidder will be allowed to supply from its outside plant for at least up to the 2nd Contract Year and require that the in-land plant be available by CY 2025-2026 instead.</p>	
<p>ITB-4 SCOPE OF BIDDING 4.3 (page 10)</p>	<p>Using the Outside of Bohol Plant as the Reference Plant</p> <p>Please advise if the TPBAC has received advise from the relevant government agency regarding the feasibility of the requirement that the contract capacity from this JCSP shall be awarded to and supplied by two (2) different power plants under a single Power Supply Agreement (PSA).</p>	<p>No. 1BP will not be contracting two power plants for the same capacity, but is requiring only a replacement power including during power supply islanding.</p>
<p>ITB-6 ELIGIBLE BIDDERS 6.1 (page 12)</p>	<p>To be eligible to participate in this Bidding, a prospective Bidder must exhibit control over generating capacity of power plant(s).</p> <p>Based on Bid Bulletin No. 01-2020, we understand that the term "control" as it is used in ITB 6.1 may be exhibited through either of the following: (1) ownership; (2) being a subsidiary; (3) being an affiliate; (4) being parties to a joint venture agreement; and (5) being parties to a consortium.</p> <p>As the term "affiliate" remain undefined, we propose the following definition: "Affiliate" is a company which remain directly or indirectly under the common ownership by the Bidder's parent corporation.</p> <p>We also suggest that special purpose companies (to develop and construct) be allowed to bid and sign the PSA, subject to the submission of a technical and financial proposal for new power plant/s.</p> <p>Thus, we likewise propose that the ITB 6.1 be revised to read as follows: "6.1 To be eligible to participate in this Bidding, a prospective Bidder must exhibit control or <u>should have control</u> over the generating capacity of power plant(s)"</p> <p>We view that through this proposed change, 1BP will allow more opportunities for investors to join the CSP as it would not limit the participation for current power plant owners, but also to special purpose companies that would like to endeavor to new power plant developments in the province of Bohol. We believe that this is also aligned with the mandate and goal of EO 27 Series of 2017.</p>	<p>1BP is amenable to the definition of "Affiliate". This is reflected in FITB-1.</p>





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<p>ITB-10 SUBMISSION OF PRE-QUALIFICATION AND BID PROPOSALS BY BIDDERS 10.1 &amp; 10.2 (page 15)</p>	<p>Prospective Bidders shall submit the Pre-Qualification "Class A" and "Class B Document" Bid on or before December 18, 2020 (Friday, 10:00 AM) at a designated venue in Bohol Province to be announced via Supplemental Bulletin.</p> <p>Prospective Bidders shall submit a Bid Proposal on or before December 18, 2020 (Friday, 10:00 AM) at a designated venue in Bohol Province to be announced via Supplemental Bulletin.</p> <p>We note from 1BP's response from our previous query that pre-qualification documents must be submitted to and received by TPBAC in hard copies on or before the deadline (as revised) set in Table 2 Bidding Schedule. The technical and financial proposal (password-protected) maybe submitted electronically which shall be received by the TPBAC four (4) hours before the scheduled bid opening, as revised.</p> <p>We note 1BP's statement in the Bid Bulletin No. 2 that it will release a guideline relative to virtual attendance of the Bid Opening. Please clarify that documents may be transmitted via courier service. We respectfully suggest for bidders to be allowed to submit soft copies of the documents via email and hard copies via courier service by the prescribed deadline (transmittal date may be validated thru receipts).</p>	<p>Yes, 1BP allows submission of original documents via courier and shall be received on or before the opening of bids. Otherwise, 1BP JCSP TPBAC shall open the electronic copies sent via email.</p> <p>Original documents sent via courier shall be sent to the address of BOHECO 1. A SBB shall be released informing all bidders of the final venue of the bid opening.</p>
<p>ITB-10 DUE DILIGENCE 11.3 (page 16)</p>	<p>11.3 If Bidders desire to conduct on-site due diligence on the 1BP, they may coordinate with the 1BP DU JCSP TPBAC, which shall coordinate with the 1BP for the schedule. The Bidder must request the TPBAC in writing the specific agenda and proposed schedule of visit. The 1BP DU JCSP TPBAC has the right to reject request for visits if the data needed have been provided already to Bidders and/or the agenda is deemed not relevant to this Bidding.</p> <p>We note from 1BP's response from our previous query that bidder shall communicate with the TPBAC for the schedule of Due Diligence. 1BP DUs shall only be communicating/responding to the bidder's authorized representatives.</p> <p>What is the valid form of communication in order for 1BP to accommodate the request for on-site due diligence?</p>	<p>It shall be in the form of a formal letter (scanned copy).</p>
<p>ITB-13 PRE-QUALIFICATION</p>	<p>We note from 1BP's response from our previous query that the TPBAC will assess the veracity of the declared non-applicability, should it be found valid, it will be marked "PASSED", otherwise it will be marked as "FAILED".</p>	<p>If an item required is not applicable to the participating bidder, bidder shall indicate N/A, provision of reason why "N/A" is optional.</p>



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DOCUMENTS 13.6-13.8 (page 19)	<p>Can the 1BP TPBAC state clearly the how will it "assess the veracity of the declared non- applicability"?</p> <p>Again, we would like to emphasize that given the short amount of time, the bidders might not be able to comply with all the requirements stated. We respectfully suggest if Bidder can put a short explanation why such requirement is not applicable to the Bidder.</p>	
ITB Section 13.3 CLASS A DOCUMENTS (TECHNICAL DOCUMENTS)	Please see comment on ITB 6	-
ITB-14 TECHNICAL PROPOSAL 14.3 (page 20)	<p>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 the 1BP DUs and the committed project milestones. The plan shall include, but not necessarily be limited to, the following:</p> <p>On our previous query, we suggested for 1BP to move the submission schedule to give the bidders ample time to prepare all the necessary requirements for the plans and feasibility study. We note from 1BP's response that 1BP TPBAC will seek advise or approval from the regulating agencies first, justifying the nature of the transaction and the pandemic that is prevalent at this juncture. If approved, the new deadline of submission of bid will be announced later thru supplemental bid bulletin.</p> <p>We would like to ask for an update on this, specifically the regulator's advice.</p>	Based on DOE's response, 1BP can no longer extend the CSP process. The revised transaction schedule per Bid Bulletin No. 01-2020 is status quo.
ITB-15.2 c Reference Fuel Price (page 23)	We would like to request for an updated Reference Fuel Prices taking to consider Bunker- C.	The revised table considering Bunker-C is reflected in FITB.
ITB-19 FORMAT AND SIGNING OF PROPOSALS 19.3 (page 26)	19.3 The Financial Proposal shall be encoded in the Financial Proposal Form prescribed in ITB- Annex C: Proposal Forms and in a template Excel file named "[Name of Bidder] Financial Proposal to 1BP DU JCSP.xls" saved in a USB flash drive. The data entries in the Excel file 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 (ENVELOPE 5) as provided for in ITB 20.2.	Yes



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Headquarters: BOHECO I Main Office Bldg., Cabulijan, Tubigon, Bohol 6329  
Telefax: (038) 508-8095, Email Address: 1boholpowerdu@gmail.com

REFERENCE ITEM	CLARIFICATIONS / INQUIRIES OF BIDDERS	ANSWERS - 1BP DU JCSP
TB-25 MODIFICATION AND WITHDRAWAL OF BID PROPOSAL 25.3	<p>Will the Excel file template will be provided by 1BP?</p> <p>Bids requested to be withdrawn in accordance with ITB-25.2 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.</p> <p>Please clarify, in the event that the first bidding fails, will the Bidder who withdrew from the first bidding still join the 2nd bidding?</p>	<p>Yes, provided that the bidder shall pay the Participation Fee.</p>
ITB-26 OPENING OF BIDS 26.1 (page 31)	<p>The 1BP DU JCSP TPBAC shall open Bids in the presence of the Bidders' representatives, independent observers, and auditors, on December 18, 2020 at 10:00 AM in Bohol Province.</p> <p>Please confirm that the TPBAC will issue a Supplemental Bulletin to informing the bidders of the specific venue of the bid opening.</p>	<p>Yes, a SBB shall be released informing all bidders of the final venue of the bid opening. Original documents sent via courier shall be sent to the address of BOHECO 1.</p>
ITB-27 EVALUATION OF FINANCIAL PROPOSAL 27.1 (page 33)	<p>The Financial Proposal (i.e., Price Offer) of the Bidders shall be evaluated by calculating the Effective Levelized Price (ELP) for the long-term (2024-2033) power supply requirement of 1BP as provided for in ITB-4.2, ITB-4.4, and ITB-4.4, considering the applicable inflation and variables affecting prices such as taxes, security deposits (if required), line rental charges (if applicable) and transmission charges (if applicable).</p> <p>While we take note of 1BP's bid evaluation as it takes into account the Line Rental charges should the supply primarily come from the outside plant, we would also like to propose that instead, consider for the bidders to submit their IEMOP-certified hourly nodal prices (with a prescribed sample data period) and have 1BP compute for the simulated LR charge during the bid opening/evaluation. This has been in the past and was also considered to be a fair methodology since bidders will truly be evaluated based on their nodal characteristic in relation to the DUs in the Bohol province.</p> <p>While we recognize that the intent of 1BP is to contract 1 PSA, we respectfully suggest that for the consumers to enjoy the true cost of power, 1BP would allow the Winning Bidder (WB) to charge actual fuel costs based on the applicable fuel technology used to provide its supply to 1BP. Compelling the WB to consider more than 2 fuel sources in one variable cost component would entail the possibility of having generators</p>	<p>These are noted. However, 1BP will stick to its existing evaluation methodology.</p>



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ITB-28.1 BID PRICE CAP (page 41)	<p>gain from buying cheaper power than the Contract Price. This may be a welcoming opportunity to the generators, but would deprive the people of Bohol of having power supply at least cost.</p> <p>Initially the price cap will be lower than the landed power cost which equal to the sum of the average generation rate, transmission (power delivery) charges and average line rental price. The Bid price cap will be revealed in the FITB.</p> <p>Thank you for your response in our previous query. May we further clarify that the statement: "lower than the landed power cost" meant the current landed power cost of Bohol DUs? Moreover, does the Price Cap also considers the Security Deposit equivalent price in its computation, as well as replacement power costs?</p>	<p>The Bid price cap comprises the total landed power cost comprising the generation charge, average transmission prices, average line rental charges and security deposit. Generation charge is based on the lowest generation mix among the 3 DUs (excluding WESM prices) in 2019.</p>
No adjustments due to FOREX	<p>We respectfully propose the TPBAC to consider allowing FOREX adjustments in its evaluation and implementation of the PSA. Having a supplier that is revenue neutral on FOREX will ensure the 1BP DUs to pay a generation rate that is transparent and most importantly, allow them to take advantage of possible downward FOREX adjustments that will translate to a lower generation rate.</p> <p>Kindly note that this proposal is in line to ERC's rulings (resolutions and decisions) that recognize the need to allow generation rate adjustments due to fuel and FOREX as these components are considered as pass through charges.<sup>1</sup> This is also in line with the commission's rule to allow generators (NPC) for a timely recovery of such costs in support of the goal "to ensure transparent and reasonable price of electric power service in a regime of free and fair competition and to achieve greater operational and economic efficiency."</p>	<p>These are noted. However, 1BP will stick to its existing evaluation methodology and actual implementation of the PSA.</p>
FUEL COST One Tariff Structure	<p>While we recognize that the intent of 1BP is to contract 1 PSA, we respectfully suggest that for the consumers to enjoy the true cost of power, 1BP would allow the Winning Bidder (WB) to charge actual fuel costs based on the applicable fuel technology used to provide its supply to 1BP. Compelling the WB to consider more than 2 fuel sources in one variable cost component would entail the possibility of having generators gain from buying cheaper power than the Contract Price. This may be a welcoming opportunity to the generators, but would deprive the people of Bohol of having power supply at least cost.</p> <p>Furthermore, the proposed one-tariff structure for different plants</p>	<p>These are noted. However, 1BP will stick to its existing evaluation methodology.</p>



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	<p>and/or technologies will be inconsistent with the Energy Regulatory Commission's ("ERC") policy that fuel is passed-through. As mentioned in the previous section, this is in line to ERC's rulings (resolutions and decisions) that recognize the need to allow generation rate adjustments due to fuel and FOREX as these components are considered as pass through charges. This is also in line with the commission's rule to allow generators (NPC) for a timely recovery of such costs in support of the goal "to ensure transparent and reasonable price of electric power service in a regime of free and fair competition and to achieve greater operational and economic efficiency."</p>	
<p>ITB-31 TECHNICAL EVALUATION OF PROPOSAL 31.2 (page 43)</p>	<p>31.2 If the offered power plant is a new power plant, the Technical Proposal of the Bidder shall be evaluated to ascertain the feasibility of the proposed power plant(s) to supply the committed annual baseload demand of 1BP. The Proposal will be evaluated by computing first the Effective Total Annual Capacity in MW, as follows: For purposes of evaluation, thermal power plants such as coal, geothermal and combined- cycle gas turbine plants shall have 100% capacity credit factor. Baseload power plants with seasonal variations, particularly hydro power plants, shall have 70% capacity credit. A Proposal in which the Annual Effective Total Capacity is computed to be at least equal to the committed annual baseload demand shall be deemed as "COMPLIANT", while those with less than shall be deemed as "NON-COMPLIANT".</p> <p>We note that 1BP will provide final Capacity Credit Factor for Solar, Wind and other technologies in the FITB. How will 1BP reconcile such source of energy to its mandate of requiring a baseload plant?</p>	<p>It is clearly stated in this transaction that the requirement is a baseload plant.</p> <p>Sample: Solar has a Credit Factor of 15%, to be able to reach a 100% credit factor, bidder with solar as technology has to construct 6.67 times of the 1BP committed capacity to be able to supply 24/7.</p>
<p>ITB-36 RIGHT OF THE 1BP DU JCSP TO REJECT ANY OR ALL PROPOSALS 36.3 (page 47)</p>	<p>In any of the foregoing circumstances, the Bidder shall be notified in writing of the rejection of its Proposal and/or its disqualification and shall be given an opportunity to be heard and/or respond in writing. Thereafter, the 1BP DU JCSP COMMITTEE shall notify the Bidder in writing of its determination whether or not to reject the Proposal and/or disqualify the Bidder with finality.</p> <p>Please confirm the period to respond to the rejection/disqualification.</p>	<p>Bidder shall be given five (5) days from receipt of notice of rejection to respond to 1BP. Otherwise, such rejection shall be considered final and irrevocable.</p>



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ITB-45 DEVIATIONS AND EXCEPTIONS 45.1 (page 50)	<p>The 1BP DU JCSP TPBAC shall eliminate or minimize discussions of any deviations or exceptions in the Proposals after submission thereof. If Original Bidder and/or Bidders desire to propose any deviation or exception to provisions in the Instructions to Bidders, it/they shall, within seven (7) days from receipt thereof, communicate in writing to the 1BP DU JCSP TPBAC such proposed deviation or exception, giving the reasons therefor.</p> <p>Please confirm that this does not pertain to modification of submitted bids.</p>	ITB-45 Deviations and Exceptions has been removed from the FITB.
ITB-ANNEX A: TERMS OF REFERENCE Replacement Power (page 54)	<p>Replacement power shall be the obligation of the supplier. In the event of failure of the supplier to provide the replacement power, the 1BP DUs shall be allowed to source the replacement power at the expense of the supplier.</p> <p>The supplier is responsible to provide replacement power, to include but not limited to the following cases;</p> <ul style="list-style-type: none"> <li>• During any delay of the Start of the Delivery of Supply; and</li> <li>• When its power plant is on scheduled or unscheduled outage to ensure continuity of supply in compliance with the cooperation period.</li> </ul> <p>We note 1BP's response that supplier be allowed to source supply from other facilities, including the WESM, in order to mitigate this risk of outages, provided that Bohol is connected to the grid. However, the bidder must not discount the possibility that a power supply islanding may occur and in the same scenario is required to still provide replacement power at full capacity.</p> <p>Will 1BP provide the data of the existing submarine cable or include the same in the due diligence data?</p>	1BP is not in the position to address this concern. Bidder may consider coordinating with NGCP.
ITB-ANNEX C: PROPOSAL FORMS ITB-ANNEX C-1: FINANCIAL PROPOSAL FORM FOR LONG-TERM POWER SUPPLY (page 62)	<p>We note 1BP's statement in the Supplemental Bid Bulletin No. 2 that if offer is purely in-island plant regardless of whether you provide power supply using the in-island plant or a replacement power using an outside plant, contract price will be paid.</p> <p>We would like to confirm that bidders that will proceed with the in-island supply option (regardless of whether you provide power supply using the in-island plant or a replacement power using an outside plant) will not be required to declare its potential supply sources for replacement power in the financial proposal form.</p>	Yes.
Others Open Forum from the	We note 1BP's response that it is firm to require the greenfield in-land plant to be operational by 26 December 2023 and that an extension is	Refer to reference PSA for Events of Force Majeure.



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1st Pre-bid Conference	<p>not possible at this point due to NEA's approval of the commencement date.</p> <p>In view of the tight schedule and the uncertainty of the Pandemic that is currently affecting movement of goods, transactions, mobilization of manpower and construction activities. We also note that the PSA as a result of the CSP must be filed at ERC and obtain approval to ensure the huge capital investments needed for this requirement. We urge 1BP to expedite the necessary changes in milestones and others to make this CSP process a success. As mentioned in the previous item, kindly note that based on experience, developing a greenfield power project may encounter changes in achieving target milestones due to a number of unforeseen events that may occur during pre-development, construction, and testing/operation stages. In order to mitigate this, we would like to confirm if the Winning Bidder will be allowed to supply from its outside plant for at least up to the 2nd Contract Year and require that the in-land plant be available by CY 2025-2026 instead. Will 1BP also consider to list events of excused delays?</p>	<p>1BP will stick to its requirement. Penalties apply in case of delay in COD, or failure of delivery of power or failure of provision of replacement power. Part of the intention of this transaction is to put up a plant with commercial operation date on or before December 26, 2023. 1BP cannot forgo this requirement.</p>
ITB TOR Commercial Operation Date p53	<p>1. We would like to request for 1BP to define "total opportunity cost". Is this related to 1BP DUs' DSM or to whom? We would like to emphasize that if the WB will not be able to commence on the target commencement of delivery due to excusable delay reasons, the WB should not be subject to this cost as the Bidder substantially fulfill its obligation to supply power to 1BP ECs (at contract cost approved by the ERC), whether through replacement power except otherwise the Bohol experienced an islanding.</p> <p>2. We respectfully suggest that instead, 1BP implement penalties only on instances that Bohol has been cut off from the grid and WB is not able to provide power supply due to the project's delay. We would like appeal for 1BP's consideration not to penalize the WB if it manages to provide replacement power at Contract Price should the new in-island plant has been delayed.</p> <p>Kindly note that the project's delay itself penalizes the developer for losing the opportunity to recover its costs due to its non-operations.</p>	<p>1. Total opportunity loss pertains to the three (3) DUs' distribution, supply and metering (DSM) revenues forgone/lost due to absence of power supply in Bohol, brought about by supplier's failure to deliver during power supply islanding, and without occurrence of Force Majeure event in Bohol.</p> <p>2. 1BP will stick to its requirement. Penalties apply in case of delay in COD, or failure of delivery of power or failure of provision of replacement power. Part of the intention of this transaction is to put up a plant with commercial operation date on or before December 26, 2023. 1BP cannot forgo this requirement.</p>
SBB No. 2a Page 8	<p>In ITB 27.11, Directly embedded to the distribution network. 1BP response: "If the winning bidder's offer upon bid evaluation is embedded to the</p>	<p>Yes</p>



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	<p>distribution network of the three (3) DUs, the annual capacity to be embedded per DU shall not be less than the respective annual committed capacity per DU, notwithstanding the limitations of its substations and distribution networks. Otherwise, any transmission cost that would arise shall be borne by the winning bidder/supplier."</p> <p>We would like to confirm that the AS costs that will arise from the new embedded facility to be installed will be for the borne by the WB.</p>	
SBB No. 2a Page 9	<p>The September 2019 prices will be provided in the FITB. These will be used during bid evaluation to determine the base year price, and for future price escalation, if any.</p> <p>We would like to clarify if this is what 1BP meant in the statement: "The September 2019 prices will be provided in the FITB. These will be used during bid evaluation to determine the base year price and reference point of future price escalation, if any. Further, as indicated in the ITB 15.2.c, in the application of the PSA, fuel cost of the WB is the actual fuel prices each month and be passed-through or indexed based on nominal or reference market price.</p> <p>In recent Matuwid.org column on a Power Plant in Quezon, it shows a 51% to 82% higher rate than the other coal plants. This is allegedly attributable to the impact of annual escalations (inflations) in the variable cost (fuel) that will not be reflective to the true cost of power.</p>	Fuel prices shall be indexed. Bidder is only limited to reference fuel prices specified in ITB 15-Table 4. FITB shall be updated to address this inconsistency.
SBB No. 2a Page 9	<p>Since 1BP requires an in-island plant, only Force Majeure events that occur inside Bohol will be considered as FM as far as this transaction is concerned. Force Majeure shall be clearly defined in FITB.</p> <p>The FM provision only covers the Buyer side. How about the Seller's side? We would like to suggest an equitable position extended to the WB in terms of FM that allows the WB to recover its cost of operating its power plant/s at times that the DU is not able to take supply from its end while the WB is able to deliver the electricity in the in- island plant. Or better, for Parties to suggest risk-mitigation for uncontrollable scenarios that prevent supply delivery and off-take.</p>	<p>FM is applicable to both parties.</p> <p>Further, any action mandated by the government or governmental instrumentality are included in the reference PSA, with regard to Force Majeure provision.</p>





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SBB No. 2a Page 12	<p>Bid Bulletin 01-2020 p. 18 ITB-2 Definition of Terms Definition of Bidder and Prospective Bidder (p. 3 &amp; 7) 1BP response: "If this refers to the assignability clause of the PSA during execution and operation, it will be incorporated in the PSA provided that terms."  We confirm the 1BP's position that eventually the PSA can be later on assigned to the WB's SPV or PC.</p>	<p>Yes, provided that terms and conditions are no less than that of the existing PSA.</p>
SBB No. 2a Page 23	<p>1BP response: "As far as 1BP is concerned, Interim Relief is the same as Provisional Authority. In such case, this may be considered. " Given that the PSA was approved earlier than the target commencement of delivery, can the in-island project be compensated as soon as the plant is online even before Dec 2023?</p>	<p>No, although the COD maybe earlier, however the effectivity of the contract shall not be earlier than 26 December 2023 since each DU would still be bounded by their respective PSAs until the specified delivery date.</p>
SBB No. 2a Page 24 13.3	<p>Class "A" Documents (Technical Documents) vii Financing scheme including debt/equity ratio and sources of financing (name and contact details of investors and lenders) is a mandatory requirement.  Kindly note that financial arrangements are finalized after the signing of PSAs as the same serve as loan collateral for project finance. We would like to inquire if we are allowed to submit instead, a commitment letter from potential lenders that will finance the new power project in Bohol. We would like to inquire if we are allowed to submit a Commitment Letter from potential lenders that will finance the new power project in Bohol in lieu of this requirement.</p>	<p>Yes.</p>
<b>MASINLOC POWER PARTNERS CO. LTD. (MPPCL)</b>		
	<p><i>If the winning bidder's offer upon bid evaluation is embedded to the distribution network of the three (3) DUs, the annual capacity to be embedded per DU shall not be less than the respective annual committed capacity per DU, notwithstanding the limitations of its substations and distribution networks. Otherwise, any transmission cost that would arise shall be borne by the winning bidder/supplier. This shall be clearly specified in the FITB and reference PSA.</i></p> <p><i>In case of embedded generation that are above the regional threshold (5 MW), who will pay the AS cost that NGCP will levy? Will it be paid by the 1BP DUs or by the embedded generator?</i></p>	<p>To clarify, if the winning bidder's offer upon bid evaluation is embedded to the distribution network of the three (3) DUs, the annual capacity to be embedded per DU shall not be less than the respective annual committed capacity per DU, notwithstanding the limitations of the DUs' substations and distribution networks. Otherwise (i.e., embedded only to one of the 1BP DUs), any transmission cost that would arise from the other DUs during actual operations shall be borne by the winning bidder/supplier. This shall be clearly specified in the FITB and reference</p>



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	<p><i>Answer - 1BP DU JCSP:</i> <i>It shall be paid by the Supplier (embedded generator)</i></p> <p><i>If the plant is embedded into 1 DU, will the other 2 DUs pay all applicable transmission charges to the plant?</i></p> <p><i>Answer - 1BP DU JCSP:</i> <i>To emphasize, the capacity to be embedded per year per DU shall not be less than the committed capacity per DU, notwithstanding the limitations of its substations and distribution networks</i></p> <p>An In-Island Plant proposal can either be: (a) Non-embedded – power plant is connected to NGCP Transmission Lines, or (b) Embedded – power plant is connected to any of the 3 1BP DU Distribution Lines</p> <p>QUERIES: (1) Does 1BP DUs have individual Transmission Service Agreement (TSA) with NGCP? Can this be provided to Bidders? (2) Are the 1BP DUs currently sourcing their power supply from outside and inside Bohol &amp; possibly even outside Visayas grid generation plant(s)? (3) In the current configuration and generation supply sourcing of the 1BP DUs, what specific charges does NGCP impose on each of the 1BP DU? (4) In both cases of In-Island Plant Proposal stated above, to whom shall NGCP bill Transmission Charges particularly Power Delivery Services and Ancillary Services Charges, if any?</p>	<p>PSA.</p> <p>1.&amp; 3. These requirements shall be covered by the conduct of Due Diligence, and therefore requested from each DU through a formal letter of request via email.</p> <p>2. Yes.</p> <p>4. If the bidder's offer is: a. Not-embedded - transmission charge shall be billed to the 1BP DUs, otherwise, b. Embedded - no transmission charge shall be billed to the 1BP DUs.</p>
	<p>The multiple proposals submitted shall come only from the same legal entity that is subject to separate bidding fees (total of P350k, as revised), as specified in ITB-22.1. Illustrating further, Bid proposal 1 from Company A, Bid Proposal 2 still from Company A (and cannot be Company B) and Bid Proposal 3 still from Company A (and cannot be Company C).</p> <p>(1) Can 1BP TPBAC clarify further this concept of "same Bidder submitting</p>	<p>1BP does not discount the possibility that a bidder may have different solutions to satisfy the requirement of this transaction. Hence, the concept of this "Multiple Proposal per Bidder."</p> <p>Assuming Company A participates in the bid, and decides to submit:</p>



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	<p>two (2) bid proposals” and the requirements for this?</p> <p>(2) Can a same Bidder submit more than two (2) proposals as long as it pays the P350k Bidding Fee?</p> <p>(3) What limitations are there for this concept?</p>	<p>a. One (1) bid proposal, Company A has to pay a total of P350k (P250k Bidding Document Fee, plus P100k Participation Fee for its single proposal)</p> <p>b. Two (2) bid proposals, Company A has to pay a total of P450k (P250k Bidding Document Fee, plus P100k Participation Fee for bid proposal 1, plus P100k Participation Fee for bid proposal 2)</p> <p>c. Three (3) bid proposals, Company A has to pay a total of P550k (P250k Bidding Document Fee, plus P100k Participation Fee for bid proposal 1, plus P100k Participation Fee for bid proposal 2, plus P100k Participation Fee for bid proposal 3).</p> <p>And so on and so forth.</p>
	<p><i>When will the respective franchises of BLCI, BOHECO I and BOHECO II expire?</i></p> <p><i>Answer - 1BP DU JCSP:</i></p> <ol style="list-style-type: none"> <li>1. BLCI - October 19, 2025</li> <li>2. BOHECO I - February 9, 2033</li> <li>3. BOHECO II - June 11, 2030</li> </ol> <p>What if the expiring Franchise(s) might not be extended or there might be a delay in extension while PSA is under implementation, how will this affect the Parties contractual obligations?</p>	<p>The Winning Bidder will not be affected in case this happens. Such will be covered by the provisions of Assignment as provided for in the reference PSA.</p>
	<p><i>Q. Are there any options for the replacement of power, given the islanding scenario?</i></p> <p><i>Answer - 1BP DU JCSP:</i></p> <p><i>None. In such case, there will be no power in Bohol. For failure to delivery replacement power during islanding, penalties shall apply, in accordance with "RA 9184 of 2016 - Annex-D, Section 3", plus the total opportunity cost of the three DUs' due to the absence of power supply during islanding, equivalent to the DUs' estimated DSM revenues.</i></p> <p>(1) Please clarify further of the concept of “total opportunity cost?”</p>	<p>1. Total opportunity loss pertains to the three (3) DUs' distribution, supply and metering (DSM) revenues forgone/lost due to absence of power supply in Bohol, brought about by supplier's failure to deliver during power supply islanding, and without occurrence of Force Majeure event in Bohol.</p> <p>2. None.</p>



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ITB 14.3 (f)	<p>(2) Are there any precedent contracts and/or regulatory approval/issuances on this?</p> <p><i>Q. Fuel Supply Plan indicating: 1. Long-term availability; 2. Contingency supply; and 3. Key terms of the Fuel Supply Agreement</i> <i>Answer - 1BP DU JCSP:</i> <i>Bidder may provide any of the following:</i></p> <ol style="list-style-type: none"> <li>1. Existing contract with fuel supplier/s</li> <li>2. Letter of commitment from fuel supplier to provide fuel supply to 1BP, with long-term availability and contingency supply, in case the bidder is awarded with the PSA.</li> </ol> <p>(1) What if either documentary is bounded by "confidentiality agreement" between parties?</p> <p>(2) For the Existing contract with fuel supplier/s may we submit only the First and Signatory pages since we are bounded by "Confidentiality Agreement"</p> <p>(3) Given the current situation, we believe it might not be feasible to secure letter commitment from fuel suppliers with a long-term availability and contingency supply</p>	<p>These are valuable and essential requirements for 1BP to guarantee fuel supply.</p> <p>Either of these is required by 1BP for the conduct of post qualification and technical evaluation in response to this tender. By submitting these documents and/or information, 1BP presumes that these were subjected to prior consents/approval from the concerned entity/ies (as provided under DPA), before providing the documents/information to 1BP. Further, please take note that all documents and/or information submitted shall be covered by a confidentiality agreement stipulated in ITB-40.</p>
	<p><i>Q: If your offer is purely in-island plant regardless of whether you provide power supply using the in-island plant or a replacement power using an outside plant, your contract price will be paid.</i> <i>A: We will stick to the contract price.</i></p> <p>1. In a purely In-Island winning bid, when the In-Island plant is on unscheduled or scheduled outage and Power Supplier sources Replacement Power, billing shall still be based on PSA pricing (CRF, FOM, VOM &amp; Fuel Fees) plus VAT regardless if entire Contracted Capacity supply comes from a renewable plant?</p>	<p>1. Yes, 1BP will stick to the contract price.</p>
	<p><i>How much is the penalty for the following:</i></p> <ol style="list-style-type: none"> <li>1. Delay in COD</li> <li>2. Failure of delivery of power</li> <li>3. Failure of provision of replacement power</li> </ol>	<p>1. These are noted. Refer to reference PSA for Events of Force Majeure.</p> <p>2. 1BP will stick to its requirement. Penalties apply in case of delay in COD, or failure of delivery of power or failure</p>



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	<p><i>Answer - 1BP DU JCSP:</i> 1 &amp; 2. Penalties caused by the delay from the COD of the power plant and failure of delivery of power will be in accordance with "RA 9184 of 2016 - Annex-D, Section 3" wherein the calculated cost of damages due to the delay from the contract period is presented. Aside from the provision under 9184, the winning bidder shall also provide the replacement power to the 1BP DUs and any incremental price difference between the replacement power and contract price shall be charged to the winning bidder.</p> <p>(1) Why are the penalties based on RA 9184 and not from any penalty-related issuances by the DOE, ERC and/or the NEA?</p> <p>(2) A Winning Bidder of an Outside-Bohol proposal will be able to supply from its Nominated plant but will have a delay in the construction of its In-Island back up plant. If there will be no "islanding" situation during Supply Effective Date, what specific "cost of damage(s)" would the 1BP DU incur/have as basis for penalties?</p>	<p>of provision of replacement power. Part of the intention of this transaction is to put up a plant with commercial operation date on or before December 26, 2023. 1BP cannot forgo this requirement.</p>
<p>ANNEX D-5 Certification Against Blacklisting and Graft and Corrupt Practices</p>	<p><i>May we revise the template to indicate the Sec. Certificate instead of the Board Resolution?</i></p> <p><i>Answer - 1BP DU JCSP:</i> 1 BP will retain this requirement.</p> <p>MPPCL is a Partnership and does not execute a Board Resolution but rather a Partnership Resolution with no number but with date of execution. For which reason that we suggested to revise the template to indicate Sec. Certificate instead of Board Resolution.</p> <p>Please allow MPPCL to indicate Partnership Resolution or Secretary's Certificate, instead of Board Resolution, in the template.</p>	<p>Provided that MPPCL is a Partnership duly-registered with SEC, provision of details of the Partnership Resolution, in lieu of the details of Board Resolution, is allowed.</p>
<p>ITB 13.5 Class B Documents ANNEX D-3</p>	<p><i>May we revise the template to indicate the Sec. Certificate instead of the Board Resolution?</i></p> <p><i>Answer - 1BP DU JCSP:</i> 1 BP will retain this requirement.</p>	<p>Provided that MPPCL is a Partnership duly-registered with SEC, provision of details of the Partnership Resolution, in lieu of the details of Board Resolution, is allowed.</p>



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REFERENCE ITEM	CLARIFICATIONS / INQUIRIES OF BIDDERS	ANSWERS - 1BP DU JCSP
	<p>MPPCL is a Partnership and does not execute a Board Resolution but rather a Partnership Resolution with no number but with date of execution. For which reason that we suggested to revise the template to indicate Sec. Certificate instead of Board Resolution.</p> <p>Please allow MPPCL to indicate Partnership Resolution or Secretary's Certificate, instead of Board Resolution, in the template.</p>	
Open Forum	<p><i>If MPPCL intends to assign its right to bid to its parent, subsidiary or affiliate, such assignee becomes the participating bidder. All requirements shall be complied by the participating bidder. In this case, it would be the in-island plant. MPPCL will no longer be in the picture. Any inconsistency and deficiency in the required documents shall be ground for disqualification.</i></p> <p>During the pre-bid conference, it was mentioned that MPPCL documents can be submitted on behalf of the new entity in order to comply with the bidding requirements, since the new entity is not yet established/existing/incorporated.</p> <p>1) If MPPCL assigns its right to bid to the new plant, does this mean that the new plant will only comply with the requirements under item 14.3?</p> <p>2) If it still needs to comply with the other requirements even if its offer is only for a new plant, may MPPCL still be the participating bidder to submit the requirements (Class "A", Class "B", Technical Proposal 14.3 (i)) since it is an operating entity and it can comply with the requirements? MPPCL cannot assign its right to bid to its parent company since it is a Holding company and not an operating entity, thus, it cannot comply with all the requirements.</p> <p>3) Since the business name will only be registered upon awarding of the contract, how will we represent the new plant?</p>	<p>1. Yes, consistent with the rule that all eligibility requirements shall be that of the participating bidder, the Class "A" Technical Documents to be submitted must also be that of the Participating Bidder. Any inconsistency and deficiency in the required documents shall be ground for disqualification.</p> <p>2. In this scenario, 1BP suggests that it be the holding or parent company which shall participate in the bid. A holding or parent company, being the owner of its subsidiaries, may submit the details of power plants owned/operated by its subsidiaries to comply with the Class "A" Technical Documents requirements.</p> <p>3. Again, 1BP suggests that it be the holding or parent company which shall participate in the bid. And later on, may assign its rights or obligations in the PSA to its subsidiaries or affiliates.</p>
Open Forum	<p><i>In the documents that were provided in the sending of the Bid Bulletin specific to the document Set No. 3: IBP MOA (Original), we have observed that both BOHECO I and BOHECO II have already attached their Board Resolutions authorizing the transaction, also indicating the composition of the Board of directors of BOHECO I and BOHECO II.</i></p>	<p>Please refer to the attached Secretary's Certificate authorizing BLCI to enter into the 1BP transaction.</p>



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REFERENCE ITEM	CLARIFICATIONS / INQUIRIES OF BIDDERS	ANSWERS - 1BP DU JCSP
	<p><i>May we request and inquire if there are also similar documents for BLCI, to complete the set of official documents?</i></p> <p><i>Answer - 1BP DU JCSP: We will be providing that along with the Supplemental Bid Bulletin.</i></p> <p><i>When will BLCI's Board Resolution authorizing the transaction or any similar document be provided to the bidders?</i></p>	
Open Forum	<p><i>If the power plant is ready by COD but is unable to synchronize to the grid because of the needed upgrades to the NGCP substations, will there be penalties to the GenCo?</i></p> <p><i>Answer - 1BP DU JCSP: If upon investigation and evaluation, the GenCo is not at fault of the delay, there will be no penalties to be imposed.</i></p> <p><i>May we suggest to include specific provisions for this in the Reference PSA.</i></p>	Yes, relative provision is included in the reference PSA.
IM 1.4.3 p14	<p><i>How much is 1BP's provision for bad debt? This is what percentage of annual revenue/receivables?</i></p> <p><i>What is the historical write-off amount of each 1BP DU? Any receivables that 1BP DUs expect to write-off in 2020?</i></p> <p><i>Does 1BP expect to experience a positive bottom line in 2020?</i></p> <p><i>Aside from power what is the biggest expense item of each 1BP DU?</i></p> <p><i>What are the EBITDA figures in 2019, 2018, &amp; 2017 for the 3 DUs?</i></p> <p><i>Any major planned acquisitions/expansion plans? If yes, please provide details. How will it be financed – equity or debt?</i></p> <p><i>Answer - 1BP DU JCSP: For Due Diligence-related queries, this will be addressed to and answered separately by each DU upon written request.</i></p> <p><i>May we suggest that all Bidders be provided with a copy of the answers for Due-diligence related queries.</i></p>	1BP will only provide these data to those bidders who requested for such information through a formal letter of request via email.
Generic Question	If there are items that are still not clear in the FITB will bidders still be allowed to submit their queries?	1BP will entertain queries, concerns and suggestions (via email) that would address clarifications on and clerical



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REFERENCE ITEM	CLARIFICATIONS / INQUIRIES OF BIDDERS	ANSWERS - 1BP DU JCSP
ITB - 13.2.7	<p>If yes, when will be the deadline?</p> <p><i>A Certification under oath from Bidder's Responsible officers that the bidder is free and clear of all liabilities with the government</i> <i>Can we propose the following changes:</i></p> <p><i>FROM: "free and clear of all liabilities from the government"</i> <i>TO: "free and clear from of all outstanding tax liabilities with the government"</i></p> <p><i>Answer - 1BP DU JCSP:</i> <i>1BP is amenable to this provision</i></p> <p>1) Does ITB-13.2.7 iii. refer to Annex D-5 Certification Against Blacklisting and Graft and Corrupt Practices? If yes, will 1BP send a revised Annex D-5 with the revised wording?</p> <p>2) If this is a separate document, can Bidder use its own template?</p>	<p>errors in the FITB. But nothing shall affect the substantial terms/contents of the FITB or this transaction.</p> <p>1. Yes, final certification templates are provided in the FITB.</p> <p>2. No, the templates provided in FITB-Annex D shall be used by the bidders in order to avoid unnecessary disqualification. Final certification templates are provided in the FITB.</p>
Generic Question	<p><i>For all the documents to be submitted that need certification can they be certified our company custodian and not necessarily the one on the Secretary's Certificate?</i></p> <p><i>Answer - 1BP DU JCSP:</i> <i>No, it depends on the type of document to be submitted. All certifications required under ITB-Annex D shall be certified by the company's corporate secretary.</i></p> <p>1) Please clarify that Certifications under Annex-D are to be signed by the Authorized Representative who is authorized to sign the bid documents as stipulated in the Secretary's Certificate signed by the Corporate Secretary/</p> <p>2) For documents that need to be certified ("Certified True Copy") i.e Articles of Incorporation &amp; By-Laws, Mayor's Permit, TIN, etc. may the company custodian (not necessarily on the Secretary's Certificate) or Authorized Representative certify said documents.</p>	<p>1. To clarify 1BP's previous answer, all certifications required under ITB-Annex D shall be notarized by notary public.</p> <p>2. Further, ALL required printed documents to be submitted, including the certifications, shall be certified by the authorized company representative only.</p>





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REFERENCE ITEM	CLARIFICATIONS / INQUIRIES OF BIDDERS	ANSWERS - 1BP DU JCSP
14.3 h) Proof of Technical Capacity	<p>3) May we request 1BP to indicate in ITB-Annex B: Checklist of Bid Proposal Requirements those items that need to be certified.</p> <p><i>List of similar projects, owned, developed, constructed and/or, operated by the Bidder indicating and describing the project type, key project features, and location;</i></p> <p>1) <i>What if this requirement is not applicable?</i></p> <p>2) <i>Is pulverized Coal Fired Technology and Supercritical Boiler Technology considered as different project/technologies?</i></p> <p><i>Answer - 1BP DU JCSP:</i></p> <p>1. <i>For new and inexperienced bidders, this particular item may not be applicable. If so, bidder shall indicate N/A, provision of reason why "N/A" is optional.</i></p> <p>2. <i>No. Both are just the same technology.</i></p> <p>1) If our offer is for an in-island plant and the new plant will be the bidder, do we just indicate that this requirement is not applicable?</p> <p>2) If the bidder will still be MPPCL in order to comply with all the requirements, may we submit the project/s owned by MPPCL even if the plant technology is different or not similar with the offered in-island plant?</p>	<p>1. Yes.</p> <p>2. Yes.</p>
<b>SOLAR PHILIPPINES</b>		
ITB 13.2.6	<p>"A valid and updated license, such as Certificate of Compliance of GenCo issued by Energy Regulatory Commission (ERC)"</p> <p>In our previous CSP experiences, COC is a requirement under the Technical Documents as it is being issued by ERC for operating plants. In case of greenfield plants, what other documents can be submitted in replacement to COC?</p>	<p>For a new plant that is yet to be constructed, COC will not be applicable and bidder may either provide other valid and updated license, or indicate "N/A", including under Class "A" Legal Documents. However, should the bidder qualify for post-qualification and technical evaluation, documents relevant to this "valid and updated license" requirement may be required for verification or additional justification purposes. As to the particular documents, we cannot specifically identify at the moment.</p>
ITB-13.2.7 iii p.17	<p>"A certification under oath from Bidder's responsible officers that the Bidder is free and clear of all liabilities with the government."</p> <p>We would like to kindly propose the following changes:</p> <p>"free and clear of all tax liabilities to the government, as confirmed by the</p>	<p>1BP is amenable to this revision:</p> <p>"A certification under oath from Bidder's responsible officers that the Bidder is free and clear of all tax liabilities to the government, as confirmed by the Bureau of Internal Revenue (BIR) in Tax Clearance Certificate No.</p>



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	Bureau of Internal Revenue (BIR) in Tax Clearance Certificate No. _____ which was issued on _____ and effective until _____."	_____ which was issued on _____ and effective until _____."
General	It was clear that the outside-Bohol plant must be a single baseload plant with one type of technology. We would like to request 1BP to allow the mix of renewable and non-renewable to be consistent with technology-neutrality. Hybrid system should be able to qualify.	1BP remains firm on the requirement that for an outside-Bohol plant, 1BP will contract for a single plant and plant type/technology only.
SBB#2 p12	In case of newly-formed SPV: According to 1BP, the Bidder (Parent Company) may submit its legal, technical and financial documents to comply with the eligibility requirements, and may later assign its newly-formed SPV in the "assignment clause" as the party to the PSA. Is this correct?	Yes, subject to the provisions of Assignment as provided for in the reference PSA.
ITB 13.3.2 p17	In the case of existing SPV: According to 1BP, the assigned subsidiary of the Bidder (Parent Company), if inexperienced, may not submit the documents for "Statement in matrix form of all power plants owned/operated". Since the Bidder (Parent Company) finances the projects of its subsidiaries, we would like to ask if 1BP can allow the Bidder (Parent Company) to submit the technical documents of its other subsidiaries (not the assigned SPV in this CSP)?	1BP discourages the participation of SPVs. Consistent with the rule that all eligibility requirements shall be that of the participating bidder, the Class "A" Technical Documents to be submitted must also be that of the Participating Bidder. Any inconsistency and deficiency in the required documents shall be ground for disqualification.  In this scenario, 1BP suggests that it be the parent company which shall participate in the bid. A parent company, being the owner of its subsidiaries, may submit the details of power plants owned/operated by its subsidiaries to comply with the Class "A" Technical Documents requirements.
ITB 13.3.4 p18	In the case of existing SPV: According to 1BP, the assigned subsidiary shall comply with the eligibility requirements (Legal and Technical). For Financial requirements, can the subsidiary submit the documents of its Parent Company?	As indicated in FITB-Annex B, Checklist of Bid Proposal Requirements under Class "A" Financial Documents, a bidder that has been in existence for less than one fiscal year (such as an SPV), may submit its sworn statement of current assets and liabilities in lieu of AFS.  To reiterate, 1BP discourages the participation of SPVs. Consistent with the rule that all eligibility requirements shall be that of the participating bidder, the Class "A" Technical Documents to be submitted must also be that of the Participating Bidder. Any inconsistency and deficiency



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		in the required documents shall be ground for disqualification.
ITB-Annex A Terms of Reference Experience	May the Bidder (Parent Company) be allowed to submit the "Certificate of Good Performance" of its other subsidiaries?"	Yes
General	We suggest that 1BP will conduct another pre-bidding conference after the release of FITB to accommodate the additional queries of all the Bidders.	1BP will entertain queries, concerns and suggestions (via email) that would address clarifications on and clerical errors in the FITB. But nothing shall affect the substantial terms/contents of the FITB or this transaction. So far, 1BP TPBAC does not see any reason to conduct another pre-bidding conference.
General	We also suggest that 1BP will allow Bidders to communicate their queries and clarifications via email after the release of FITB.	1BP will entertain queries, concerns and suggestions (via email) that would address clarifications on and clerical errors in the FITB. But nothing shall affect the substantial terms/contents of the FITB or this transaction.
<b>TRICONTI ECC RENEWABLES CORPORATION</b>		
Follow-up Question to 2nd Pre-Bid Conference	During the 2nd pre- conference the TPBAC mentioned that they pose no objection should a GENCO bid based on the tariff of a purely in-island plant but during the contract period choose to instead supply power from an off-island power plant as long as the tariff charged will be as per the approved contract. <i>Clarification: In such a scenario, does it mean that the GENCO will be able to pass-on the Transmission Line Charges, Line Rentals and VAT (if applicable) to the consumers even if they bid and were evaluated based on a purely in-island supply offer?</i>	Regardless of source of power supply, 1BP shall pay the contract price.
Follow-up Question to 2nd Pre-Bid Conference p.22	It was stated that the "Generation charge is based on the lowest generation mix among the 3 Dus (excluding WESM prices)" <i>Clarification: How to understand this definition of the Gen Rate computation: 1) is it the lowest generation mix taken individually by DU? (i.e. Take the Lowest Generation Mix Rate of DU A, DU B or DU C as basis?) OR 2) the lowest generation mix of the 3 DUs combine (i.e. Take the lowest COMBINED generation rate of DU A + DU B + DU C?)</i>	It is the lowest generation mix taken individually per DU.



## One Bohol Power Distribution Utilities Joint Competitive Selection Process (1BP DU JCSP)

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Follow-up Question to 2nd Pre-Bid Conference p.22	It was stated that the "Generation charge is based on the lowest generation mix among the 3 Dus (excluding WESM prices)" <u>Question:</u> <i>What is the rationale behind not considering the WESM rates on the computation of the Generation Charge in the computation of the Bid Price cap?</i>	Historically, WESM prices are volatile.

This Bid Bulletin No. 04-2020 shall form part of the Bidding Documents. Any terms, conditions and provisions in the Bidding Documents inconsistent with this Bid Bulletin are hereby amended, modified and superseded accordingly.

Issued this 29<sup>th</sup> day of October 2020 at 1BP DU JCSP Headquarters, BOHECO I Main Office Bldg., Cabulijan, Tubigon, Bohol.

**(Sgd) TITO O. ANDAMON**

Chairman, 1BP DU JCSP TPBAC

**SECRETARY'S CERTIFICATE**

I, Remigio Michael A. Ancheta II, Corporate Secretary of **Bohol Light Company, Inc. (BLCI)**, a corporation organized and existing under the laws of the Republic of the Philippines, with principal office at BLCI Building, R. Enerio Street, Poblacion 3, Tagbilaran City, Bohol, hereby attest and certify that at the regular meeting of the Board of Directors on **July 18, 2019**, where a quorum was present to transact business, the following resolution was approved:

RESOLVED that the Corporation is authorized to enter into a Memorandum of Agreement (MOA) with Bohol I Electric Cooperative, Inc. (BOHECO I) and Bohol II Electric Cooperative, Inc. (BOHECO II) on the conduct of a Joint Competitive Selection Process (Joint CSP) for their respective committed power supply quantities as shall be defined in their MOA, and that the President, Mr. Dennis T. Villareal, and the General Manager, Engr. Eulogio M. Signe, are hereby authorized to represent the Corporation in the execution of the MOA;

RESOLVED further that the President is authorized to designate the representatives of the Corporation to the Joint CSP Committee, Bids and Awards Committee (BAC), Technical Working Group (TWG) and such other committees or positions to be formed in connection with the Joint CSP, with power to define their respective functions and to replace any of them;

RESOLVED finally that the President is authorized to approve the selection process of the representative of the Corporation's captive customers in the BAC and to exercise such other powers as may be necessary to carry out the purposes of the Joint CSP and the terms and conditions of the MOA.

IN WITNESS WHEREOF, I have hereunto affixed my signature on the date and at the place of notarization.

  
**REMIGIO MICHAEL A. ANCHETA II**  
Corporate Secretary

SUBSCRIBED AND SWORN TO before me this August 15, 2019 by the affiant who is personally known to me and who exhibited his Philippine Non-Professional Driver's License No. N02-97-342413 valid until June 27, 2023.

Doc. No. 164 ;  
Page No. 34 ;  
Book No. 1 ;  
Series of 2019.

