



BID BULLETIN NO. 2024-02

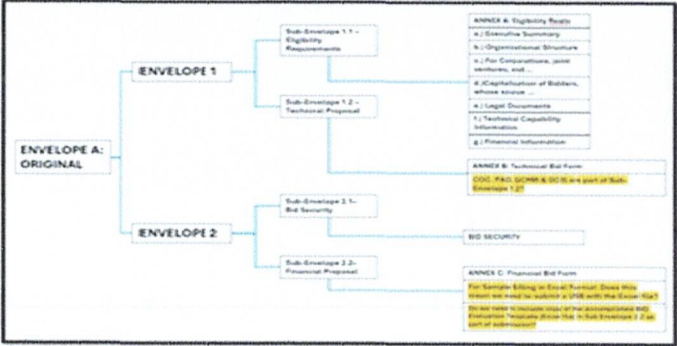
04 December 2024

In response to the questions submitted following the issuance of the first bid bulletin dated November 27, 2024, the Bids and Awards Committee for the Competitive Selection Process (BAC-CSP) of ZAMCELCO hereby issues the following clarifications:

ITEM NO.	BIDDER'S CLARIFICATION/QUESTIONS/SUGGESTIONS	ZAMCELCO'S REPLIES/CLARIFICATIONS
1.	<p>Outage allowance and replacement power responsibilities. No outage allowance. The cost of replacement power for the account of the Supplier at all times. We are requesting BAC to revisit this provision as discussed during Prebid.</p>	<p>The BAC-CSP has decided to maintain the provisions on Replacement Power in accordance with Section 15 of ERC Resolution No. 16 Series of 2023, to wit:</p> <p><i>Section 15: Obligation to Provide Replacement Power. The winning bidder is under obligation to provide the entire contracted capacity. In the case of Physical PSA, the winning bidder shall deliver the contracted capacities from its nominated plants, and where it is unable to deliver from these plants, it shall procure replacement power, subject to the guidelines provided herein.</i></p> <p><i>In providing such replacement power, the DU and the winning bidder shall have the obligation to supply electricity in the least cost manner to the captive market. Further, the DU shall optimize its supply mix and sources in a way that this obligation shall be fulfilled.</i></p> <p><i>Further, the winning bidder is under the obligation to pay for the difference, if any, between the cost of the replacement power incurred by the DU and the provisionally or finally approved generation rate.</i></p> <p><i>Likewise, in any of the following cases, the winning bidder shall source and provide replacement power:</i></p> <p><i>a. If the physical PSA provides that the supply requirement shall be originating from a specific plant type with a provisional or final generation rate granted specifically to such plant, and the winning bidder was not able to provide supply from such plant type, the winning bidder shall be responsible for the provision of replacement power at the generation rate for such plant type, or the actual rate of the replacement power, whichever is lower;</i></p> <p><i>b. If the winning bidder was only able to provide partial electricity supply requirement of the DU, contrary to what is provided for under a duly executed PSA, the winning bidder shall be responsible for the provision of replacement power for the deficient capacity at the generation rate equivalent to the provisional or final approved generation rate, or the actual rate of the replacement power, whichever is lower; or</i></p> <p><i>c. In case of outages that exceeded the authorized outage allowance, the winning bidder must provide replacement power at the generation rate equivalent to the provisional or final approved generation rate, or the actual rate of the replacement power, whichever is lower.</i></p>

991-2117



2.	Request to limit additional bidders to Malita Power Plant and FDCMPC.	The request to limit additional bidders to Malita Power Plant and FDCMPC is denied. Kindly refer to the response provided in Item 3 of Bid Bulletin 2024-01, issued on November 27, 2024 which was also shared with the bidders on the same date.
3.	Possibility of rescheduling bid submission (December 19).	The possibility of rescheduling the bid submission (December 19) is respectfully declined. However, the opening of bids will be moved from December 19, 2024 to December 20, 2024 and it is scheduled to start at 10:00 AM to be held at ZAMCELCO Boardroom, MCLL Highway, Putik, Zamboanga City in accordance with Item (d) Section 8.2.6 of NEA Memorandum No. 2023-057.
4.	<p>We have summarized the submission of requirements in the illustration below. Could you please confirm the accuracy of this illustration? Additionally, may we kindly request that you address our clarifications highlighted in yellow?</p> 	Please refer to ANNEX “1” of Bid Bulletin 2024-02

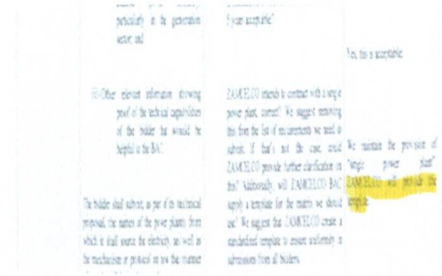


5.	<p>Clarification to which envelope shall we include submission of the following ANNEX highlighted with yellow?</p> <table border="1" data-bbox="220 284 919 649"> <tr> <td>ANNEX A: Part of Sub-Envelope 1.1 - Eligibility Requirements</td> <td>ANNEX A</td> <td>Eligibility Requirements</td> <td>25</td> </tr> <tr> <td>ANNEX B: Part of Sub-Envelope 1.2 - Technical Proposal</td> <td>ANNEX B</td> <td>Technical Bid Form</td> <td>28</td> </tr> <tr> <td>ANNEX C: Part of Sub-Envelope 2.2 - Financial Proposal</td> <td>ANNEX C</td> <td>Financial Bid Form</td> <td>29</td> </tr> <tr> <td>ANNEX D: In which envelope should we include this submission?</td> <td>ANNEX D</td> <td>Form of Acceptance of Bidding Procedures</td> <td>31</td> </tr> <tr> <td>ANNEX E: In which envelope should we include this submission?</td> <td>ANNEX E</td> <td>Bid Security Form</td> <td>33</td> </tr> <tr> <td>ANNEX F: In which envelope should we include this submission?</td> <td>ANNEX F</td> <td>Form and Amount of Performance Security and Warranty</td> <td>35</td> </tr> <tr> <td>ANNEX G: In which envelope should we include this submission?</td> <td>ANNEX G</td> <td>Confidentiality Agreement and Undertaking</td> <td>36</td> </tr> <tr> <td>ANNEX H: In which envelope should we include this submission?</td> <td>ANNEX H</td> <td>Ombuds Sworn Statement</td> <td>39</td> </tr> <tr> <td>ANNEX I: In which envelope should we include this submission?</td> <td>ANNEX I</td> <td>Certification of Submission of Original or Certified True Copies of Documents and Authorization for ZAMCELCO BAC-CSP to Verify Said Documents</td> <td>41</td> </tr> <tr> <td>ANNEX J: Part of Legal Documents Item (iv) - v Sworn Attestation of No Conflict of Interest.</td> <td>ANNEX J</td> <td>Certification Regarding Relationship and Against Conflict of Interest</td> <td>42</td> </tr> <tr> <td>ANNEX K: Part of Legal Documents Item (iv) - v Sworn Attestation against Corruption.</td> <td>ANNEX K</td> <td>Certification Against Blacklisting and Graft and Corrupt Practice</td> <td>44</td> </tr> </table>	ANNEX A: Part of Sub-Envelope 1.1 - Eligibility Requirements	ANNEX A	Eligibility Requirements	25	ANNEX B: Part of Sub-Envelope 1.2 - Technical Proposal	ANNEX B	Technical Bid Form	28	ANNEX C: Part of Sub-Envelope 2.2 - Financial Proposal	ANNEX C	Financial Bid Form	29	ANNEX D: In which envelope should we include this submission?	ANNEX D	Form of Acceptance of Bidding Procedures	31	ANNEX E: In which envelope should we include this submission?	ANNEX E	Bid Security Form	33	ANNEX F: In which envelope should we include this submission?	ANNEX F	Form and Amount of Performance Security and Warranty	35	ANNEX G: In which envelope should we include this submission?	ANNEX G	Confidentiality Agreement and Undertaking	36	ANNEX H: In which envelope should we include this submission?	ANNEX H	Ombuds Sworn Statement	39	ANNEX I: In which envelope should we include this submission?	ANNEX I	Certification of Submission of Original or Certified True Copies of Documents and Authorization for ZAMCELCO BAC-CSP to Verify Said Documents	41	ANNEX J: Part of Legal Documents Item (iv) - v Sworn Attestation of No Conflict of Interest.	ANNEX J	Certification Regarding Relationship and Against Conflict of Interest	42	ANNEX K: Part of Legal Documents Item (iv) - v Sworn Attestation against Corruption.	ANNEX K	Certification Against Blacklisting and Graft and Corrupt Practice	44	<p>Please refer to the following items, numbered 1-4:</p> <ol style="list-style-type: none"> 1.) Annex D is part of Technical Proposal Envelope; 2.) Annex E will be included in the Bid Security Envelope; 3.) Annex F to be submitted together with the posting of Performance Bond to be made within ten (10) calendar days from the date of the execution of the contract; 4.) Annexes G, H & I are included in Sub-Envelope 1.1 – Eligibility Requirements.
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6.	<p>Privacy Concerns: Can bidders mask or deduct information in the power billing that is not required for submission? We are concerned about the privacy of sensitive information in the sample power bill.</p>	<p>No, all information provided by the bidder to the BAC-CSP shall be treated with the utmost confidentiality.</p>																																												
7.	<p>8% Discount Clarification: Could you please confirm that the purpose of the 8% discount is solely for evaluation purposes and that the actual discount during implementation will depend upon agreement of both Seller and Buyer.</p>	<p>The 8% discount rate will be used for LCOE evaluation purposes only.</p>																																												
8.	<p>We just want to ask if you will be providing the bidders with a checklist of requirements? Or should we use the Invitation to Bid (ITB) as our reference? Where should we place the different annexes in the envelope?</p>	<p>Please refer to the illustration in Annex “1” of this Bid Bulletin 2024-02.</p>																																												
9.	<p>Also, how about the bid validity? Where should it be placed in the financial bid form?</p>	<p>The Bid Validity should be reflected in the Bid Security.</p>																																												



<p>10.</p>	<p>Question regarding item 35 in Bid Bulletin 1: Is the certification mentioned here a different document from ANNEX I? Or is it the same one?</p>	<p>No, they refer to different documents. The certification mentioned in Item 35 of the first bid bulletin refers to a certification which must be signed by a notary public. Please refer to the provided sample:</p> <p style="text-align: center;">CERTIFICATION</p> <p>I hereby certify that I was presented with the machine copy and the original copy of this document which is neither a vital record nor publicly recordable; and that I have compared the document with the machine copy; and that the said copy is accurate and complete.</p> <p>Issued this ___ day _____ 2024, Zamboanga City, Philippines.</p> <p>Notary Public</p> <p>Whereas, the CERTIFICATION mentioned in Annex I refers to another document that authorizes the BAC-CSP to further verify whether the document is an original or a certified true copy.</p>												
<p>11.</p>	<p>When can we expect to receive the template for the technical documents required to be submitted in a Matrix format?</p> <table border="1" data-bbox="247 909 934 1169"> <tr> <td data-bbox="247 909 388 1071"> <p>35. ELIGIBILITY REQUIREMENTS Item (c) Technical Capacity Information (i)</p> </td> <td data-bbox="388 909 577 1071"> <p>List of projects undertaken over the last ten (10) years</p> </td> <td data-bbox="577 909 787 1071"> <p>Could you clarify what you mean by "PROJECT" in this context? It could refer to various inputs, such as contracts, the construction or development of a power generation plant, or investments for the existing facility. Could you please specify the exact requirements from BAC? In our previous CSP (BAC) requirement pertains to the construction of power generation plant and they provided the template to use. We suggest the ZAMCELCO create a standardized template to ensure uniformity in submissions from all bidders.</p> </td> <td data-bbox="787 909 934 1071"> <p>contains in at least 60% Filipino-owned.</p> <p>ZAMCELCO to provide the template</p> </td> </tr> <tr> <td data-bbox="247 1071 388 1169"> <p>40. ELIGIBILITY REQUIREMENTS Item (c) Technical Capacity Information (c)</p> </td> <td data-bbox="388 1071 577 1169"> <p>List of electricity generation plants that the bidder has operated for the last five (5) years and</p> </td> <td data-bbox="577 1071 787 1169"> <p>Will ZAMCELCO BAC provide a template for the matrix we can use? We suggest the ZAMCELCO create a standardized template to ensure uniformity in submissions from all bidders.</p> </td> <td data-bbox="787 1071 934 1169"> <p>ZAMCELCO to provide the template</p> </td> </tr> <tr> <td data-bbox="247 1169 388 1390"> <p>41. ELIGIBILITY REQUIREMENTS Item (c) Technical</p> </td> <td data-bbox="388 1169 577 1390"> <p>Proof of Documentation on track record for the last five (5) years of power plants operated by it.</p> </td> <td data-bbox="577 1169 787 1390"> <p>Are there particular personnel we are required</p> <p>Page 34 of 41</p> </td> <td data-bbox="787 1169 934 1390"></td> </tr> </table>	<p>35. ELIGIBILITY REQUIREMENTS Item (c) Technical Capacity Information (i)</p>	<p>List of projects undertaken over the last ten (10) years</p>	<p>Could you clarify what you mean by "PROJECT" in this context? It could refer to various inputs, such as contracts, the construction or development of a power generation plant, or investments for the existing facility. Could you please specify the exact requirements from BAC? In our previous CSP (BAC) requirement pertains to the construction of power generation plant and they provided the template to use. We suggest the ZAMCELCO create a standardized template to ensure uniformity in submissions from all bidders.</p>	<p>contains in at least 60% Filipino-owned.</p> <p>ZAMCELCO to provide the template</p>	<p>40. ELIGIBILITY REQUIREMENTS Item (c) Technical Capacity Information (c)</p>	<p>List of electricity generation plants that the bidder has operated for the last five (5) years and</p>	<p>Will ZAMCELCO BAC provide a template for the matrix we can use? We suggest the ZAMCELCO create a standardized template to ensure uniformity in submissions from all bidders.</p>	<p>ZAMCELCO to provide the template</p>	<p>41. ELIGIBILITY REQUIREMENTS Item (c) Technical</p>	<p>Proof of Documentation on track record for the last five (5) years of power plants operated by it.</p>	<p>Are there particular personnel we are required</p> <p>Page 34 of 41</p>		<p>Attached are the templates marked as Annex "2" and Annex "3".</p>
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<p>12.</p>	<p>Additional clarification for item (v) of the financial requirements. Is this only for new plants? It states 'prospective generation facility,' so we're assuming this is only for new plants that are yet to be built.</p> <p>(v) Letter of Credit, Bank Guaranty or Committed Line of Credit, or any proof of firm commitments from a reputable financial institution to provide sufficient credit lines to cover the total estimated cost of the project for prospective generation facilities.</p>	<p>Yes, this provision is applicable to new plants.</p>
<p>13.</p>	<p>In the event of pretermination, will the performance bond be forfeited? Yes/No? Additionally, will there be other penalties or termination fees, or is it just the forfeiture of the performance bond? If there are additional fees, how will they be calculated?</p>	<p>No, the performance bond will only be forfeited in the event of failure, inability, or refusal of the winning bidder to participate in the timely filing of the application and not in the event of pretermination.</p>
<p>14.</p>	<p>Please clarify that all government documents can be certified by the Authorized representative only and no need for original copy.</p>	<p>All government documents can be certified as true copies by your company's corporate secretary or authorized representative, provided that a copy of the Special Power of Attorney (SPA) or other documents proving the authority to represent the bidder is submitted.</p>



15.	<p>(1) Is the offering of a Prompt Payment Discount or other forms of discount "optional" on the part of the Bidder?</p> <p>(2) If YES, will the same be considered in the evaluation of the Bid Price to determine the Winning Bidder?</p>	<p>Revised Response from the Bid Bulletin 2024-01 Item No. 24</p> <p>(1) During the Pre-Bid Conference we stated that it is as an optional, however, per our review and upon referring it to the management, the Prompt Payment Discount and Collection Efficiency Discount are not optional but is required to be provided by the Bidder in the Financial Bid Form. Other discounts are optional.</p> <p>(2) The PPD and CED will not be considered in the evaluation of the Bid Price.</p>
16.	Venue of Bid Opening	The bid opening will take place at the same venue as the pre-bid conference, the ZAMCELCO Board Room.
17.	Location of the drop box for the submission of the bidding documents.	The location of the drop box for the submission of the bidding documents will be at the Office of the General Manager Conference Room, ZAMCELCO Main Building, MCLL Highway, Putik, Zamboanga City, during office hours only. The deadline for submission will be on December 19, 2024, at 9:00 AM, using Philippine Standard Time (PST).

For your information and guidance.

Approved by: BAC-CSP



ATTY. LEIZEL S. LACASTESANTOS
BAC-CSP Chairperson

Noted by:



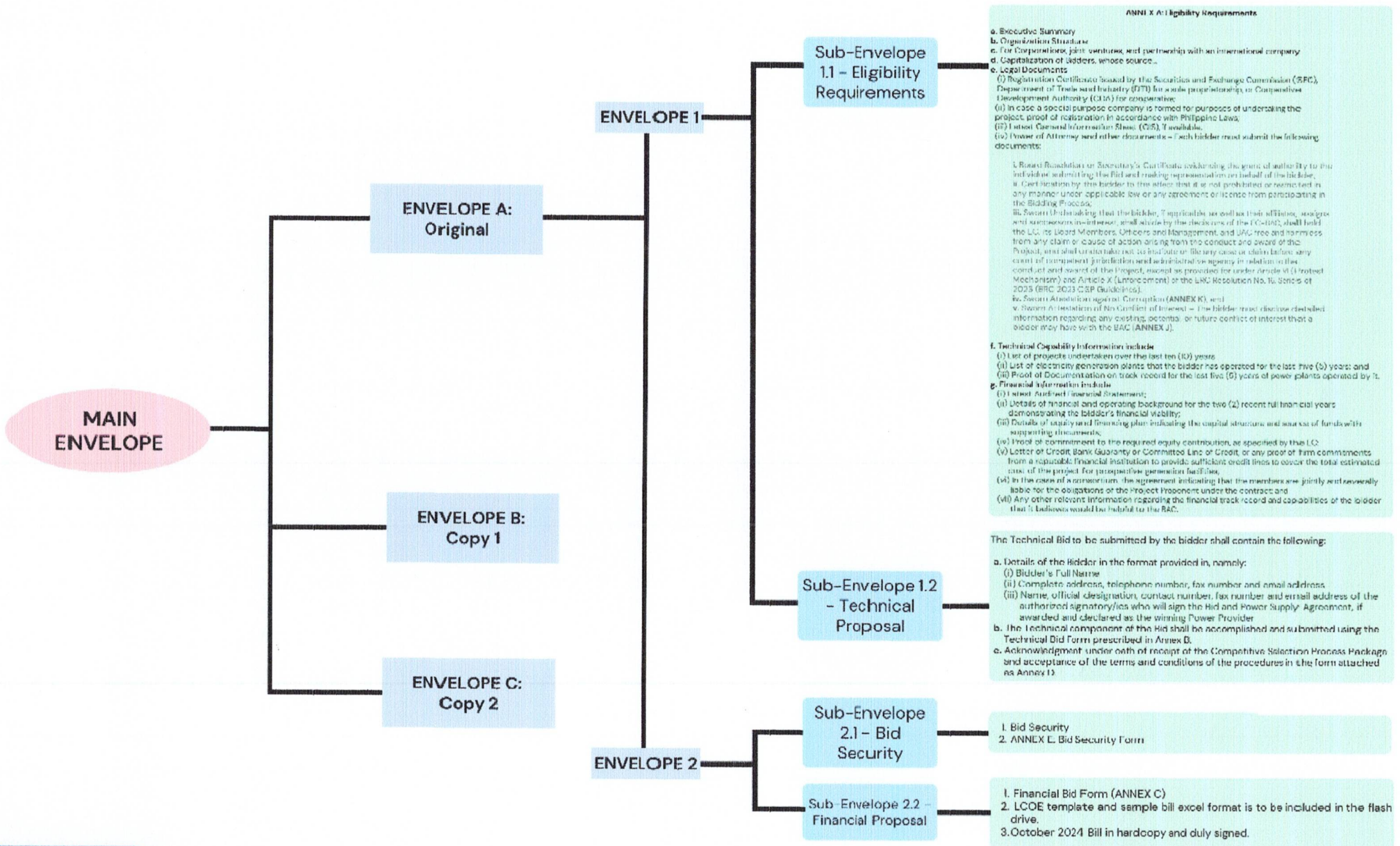
ENGR. GANNYMEDE B. TIU
General Manager



ATTY. ROMMEL S. JAGAN, CPA
Chief Management Officer



ANNEX “1”





ANNEX “1” cont. — Envelope 1

**Sub-Envelope
1.1 – Eligibility
Requirements**

ANNEX A: Eligibility Requirements

- a. Executive Summary
- b. Organization Structure
- c. For Corporations, joint ventures, and partnership with an international company...
- d. Capitalization of Bidders, whose source...
- e. Legal Documents
 - (i) Registration Certificate issued by the Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for a sole proprietorship, or Cooperative Development Authority (CDA) for cooperative;
 - (ii) In case a special purpose company is formed for purposes of undertaking the project, proof of registration in accordance with Philippine Laws;
 - (iii) Latest General Information Sheet (GIS), if available;
 - (iv) Power of Attorney and other documents – Each bidder must submit the following documents:
 - i. Board Resolution or Secretary’s Certificate evidencing the grant of authority to the individual submitting the Bid and making representation on behalf of the bidder;
 - ii. Certification by the bidder to the effect that it is not prohibited or restricted in any manner under applicable law or any agreement or license from participating in the Bidding Process;
 - iii. Sworn Undertaking that the bidder, if applicable, as well as their affiliates, assigns and successors in-interest, shall abide by the decisions of the EC-BAC, shall hold the EC, its Board Members, Officers and Management, and BAC free and harmless from any claim or cause of action arising from the conduct and award of the Project, and shall undertake not to institute or file any case or claim before any court of competent jurisdiction and administrative agency in relation to the conduct and award of the Project, except as provided for under Article VI (Protest Mechanism) and Article X (Enforcement) of the ERC Resolution No. 16, Series of 2023 (ERC 2023 CSP Guidelines).
 - iv. Sworn Attestation against Corruption (ANNEX K); and
 - v. Sworn Attestation of No Conflict of Interest – The bidder must disclose detailed information regarding any existing, potential, or future conflict of interest that a bidder may have with the BAC (ANNEX J).
- f. Technical Capability Information include
 - (i) List of projects undertaken over the last ten (10) years
 - (ii) List of electricity generation plants that the bidder has operated for the last five (5) years; and
 - (iii) Proof of Documentation on track record for the last five (5) years of power plants operated by it.
- g. Financial Information include
 - (i) Latest Audited Financial Statement;
 - (ii) Details of financial and operating background for the two (2) recent full financial years demonstrating the bidder’s financial viability;
 - (iii) Details of equity and financing plan indicating the capital structure and source of funds with supporting documents;
 - (iv) Proof of commitment to the required equity contribution, as specified by the EC;
 - (v) Letter of Credit, Bank Guaranty or Committed Line of Credit, or any proof of firm commitments from a reputable financial institution to provide sufficient credit lines to cover the total estimated cost of the project for prospective generation facilities;
 - (vi) In the case of a consortium, the agreement indicating that the members are jointly and severally liable for the obligations of the Project Proponent under the contract; and
 - (vii) Any other relevant information regarding the financial track record and capabilities of the bidder that it believes would be helpful to the BAC.



ANNEX “1” cont. — **Envelope 1**

**Sub-Envelope 1.2
– Technical
Proposal**

The Technical Bid to be submitted by the bidder shall contain the following:

- a. Details of the Bidder in the format provided in, namely:
 - (i) Bidder’s Full Name
 - (ii) Complete address, telephone number, fax number and email address
 - (iii) Name, official designation, contact number, fax number and email address of the authorized signatory/ies who will sign the Bid and Power Supply Agreement, if awarded and declared as the winning Power Provider
- b. The Technical component of the Bid shall be accomplished and submitted using the Technical Bid Form prescribed in Annex B.
- c. Acknowledgment under oath of receipt of the Competitive Selection Process Package and acceptance of the terms and conditions of the procedures in the form attached as Annex D.

Envelope 2

**Sub-Envelope
2.1 – Bid
Security**

- 1. Bid Security
- 2. ANNEX E: Bid Security Form

**Sub-Envelope 2.2 –
Financial Proposal**

- 1. Financial Bid Form (ANNEX C)
- 2. LCOE template and sample bill excel format is to be included in the flash drive.
- 3. October 2024 Bill in hardcopy and duly signed.



ANNEX “3”

GENERATION PLANT PORTFOLIO

BIDDER'S NAME:

BIDDER'S ADDRESS:

GENERATION PLANT NAME:							
LOCATION:							
GENERATION PLANT DETAILS:		UNIT NO./NAME	UNIT NO./NAME	UNIT NO./NAME	UNIT NO./NAME	UNIT NO./NAME	UNIT NO./NAME
TYPE OF TECHNOLOGY							
YEAR BUILT							
YEAR COMMISSIONED							
RATED CAPACITY (NAMEPLATE), MW							
DEPENDABLE CAPACITY, MW							
MAXIMUM STABLE LOAD (Pmax), MW							
MINIMUM STABLE LOAD (Pmin), MW							
RAMP UP RATE							
RAMP DOWN RATE							
OUTAGES, PLANNED							
2019	NO. OF OCCURENCE						
	TOTAL DURATION						
2020	NO. OF OCCURENCE						



	TOTAL DURATION						
2021	NO. OF OCCURENCE						
	TOTAL DURATION						

2022	NO. OF OCCURENCE						
	TOTAL DURATION						
2023	NO. OF OCCURENCE						
	TOTAL DURATION						
OUTAGES, UNPLANNED							
2019	NO. OF OCCURENCE						
	TOTAL DURATION						
2020	NO. OF OCCURENCE						
	TOTAL DURATION						
2021	NO. OF OCCURENCE						
	TOTAL DURATION						
2022	NO. OF OCCURENCE						
	TOTAL DURATION						



2023	NO. OF OCCURENCE						
	TOTAL DURATION						

NAME AND SIGNATURE OF AUTHORIZED REPRESENTATIVE