

ANNEX C: Instruction to Bidders

This Instruction to Bidders provides specific guidelines for participants in Green Energy Auction-2 (GEA-2).

1. QUALIFIED SUPPLIERS

"Qualified Suppliers" refers to RE Developers/Generators registered with the DOE pursuant to the Omnibus RE Guidelines, eligible to participate in the GEA as determined by the GEAC under Section 6.1 of Department Circular No. DC 2021-11-0036, entitled "Providing the Revised Guidelines for the Green Energy Auction Program (GEAP) in the Philippines" (the "GEAP Guidelines").

2. REGISTRATION OF QUALIFIED SUPPLIER

2.1. Registration Period

The filing of registration by Qualified Suppliers shall be conducted for a period of ten (10) days which shall be from May 3, 2023 until May 12, 2023, 11:59 pm.

2.2. Registration Requirements and Procedures

2.2.1. The Qualified Supplier, which may include the RE Developer whose Letter of Intent (LOI) to apply for an RE Contract was filed through Energy Virtual One Stop Shop (EVOSS) platform on or before the close of the registration period, i.e., May 12, 2023, 11:59 pm, and RE Developer for roof-mounted solar project who is yet to file an LOI for RE Contract pursuant to Advisory No. GEA-2-2, intending to register in the GEA-2 shall submit the following documents electronically through gea.2@doe.gov.ph. Copy furnished Records Management Division through doermd.receiving@gmail.com:

2.2.1.1. The duly filled out Registration Form prescribed in Annex D1;

2.2.1.2. LOI to participate in the auction addressed to the Chairperson of the GEA-BEAC following the prescribed template provided in Annex D2;

2.2.1.3. A duly notarized Affidavit of Undertaking of no legal impediments which shall comply with the prescribed template in Annex D3; and

- 2.2.1.4. A duly notarized Secretary's Certificate or Board Resolution authorizing the representative to act for and on behalf of the company relating to their participation in this auction.
- 2.2.2. The complete registration requirements (in .zip format with the file name: **REG_GEA2_COMPANY NAME_PROJECT NAME_PHASE NO.**) shall be attached to the email with a subject title of **REG_GEA2_COMPANY NAME_PROJECT NAME_PHASE NO.**

Example:



- 2.2.3. For RE Projects with phases covered by RE Contracts, a Qualified Supplier may submit registration requirements on a per-phase basis provided that each phase has a dedicated metering facility and corresponding revenue meter.
- 2.2.4. For an operating RPS-eligible Facility and already registered in the WESM as generating unit, a portion of the capacity of which is without legal impediment (e.g., not covered by bilateral supply agreements), a Qualified Supplier may submit registration requirements for the said portion, provided that the capacity to be offered has a dedicated metering facility and corresponding revenue meter.
- 2.2.5. For legacy projects (commercially operating prior to the effectivity of the RE Act) that have expanded or upgraded their capacity, a Qualified Supplier may submit registration requirements for the incremental RE capacity generated from such expansion or upgrade, provided that it shall have a dedicated metering facility and corresponding revenue.
- 2.2.6. The received email timestamp shall be the basis for determining the timeliness of filing. An auto-generated email of acknowledgment of submission shall serve as a notice to the Qualified Supplier.
- 2.2.7. Any submission made after 11:59 PM of May 12, 2023, shall not be considered or accepted.

2.2.8. Should there be multiple submissions with the same subject title, only the documents submitted in the last email and received within the registration period shall be considered for evaluation.

3. The Qualified Bidder is responsible for the following:

- 3.1. Shall bear all costs associated with the preparation and submission of its bid, and the GEA-BEAC will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the bidding process.
- 3.2. Having taken steps to carefully examine all of the auction documents;
- 3.3. Having complied with its responsibility to inquire or secure supplemental information and bid bulletin/s if any;
- 3.4. Ensuring that each of the documents submitted in satisfaction of the bidding requirements is authentic or certified as a true copy of the original by the issuing authority, complete, and all statements and information provided therein are true and correct.
- 3.5. Having noted that the GEA-BEAC will issue user-specific IDs to their respective authorized representatives only from those that have posted the Bid Bond and complied with the Pre-auction Proper Requirements.
- 3.6. Ensuring a stable internet connection during the conduct of the online electronic bidding.
- 3.7. For smooth connection, it is recommended that:
 - 3.7.1. You connect via a PC/laptop
 - 3.7.2. You are connected through the internet (no hotspot connection to be used)
 - 3.7.3. Your device can be readily connected to the power outlet when needed
 - 3.7.4. You use the preferred OS and browser.
- 3.8. Having noted that the Winning Bidders in this auction comprising the ranked lists up to their respective marginal offer/s, will be awarded their corresponding Green Energy Tariff' or "GET" in PHP/kWh, on a pay-as-bid basis.
- 3.9. Having noted that an embedded facility will be required to pay the host Distribution Utility the Distribution Wheeling Service charges under the terms and conditions set forth in the Distribution Services and Open Access Rules ("DSOAR") and Tariff approved by the Energy Regulatory Commission.

- 3.10. Having noted that failure to deliver is a prohibited act under Section 19 of the GEAP Guidelines and is subject to the penalties provided under Section 46 of the EPIRA. In addition, said persons or juridical entities shall be prohibited from participating in any other auction under the GEAP or Competitive Selection Process (CSP).
- 3.11. There is failure to deliver when the Winning Bidder, for reasons solely attributable to the Winning Bidder, fails to deliver the committed capacity to the WESM:
 - 3.11.1.1. On the date of commencement of supply as provided for under the GEA Affidavit of Undertaking; or
 - 3.11.1.2. For more than one (1) year from the Delivery Commencement Date of the RE Facility under the GEA.
- 3.12. Having noted that delays in delivery are also subject to ERC regulatory and administrative procedures, and penalties. To enforce the adherence of the Winning Bidders to their contracted capacities and energy output during operation and dispatch, the FIT-All settlement rules will be adopted; for the projected output with respect to the Winning Bidders must dispatch or priority dispatch status, the FIT Rules and penalties on the Forecast Accuracy Against Standards will be adopted.
4. By participating in this auction in accordance with its TOR, the Qualified Bidder warrants that:
 - 4.1. It is not prohibited by any law, or government rules or regulations to participate and perform its obligations under GEA;
 - 4.2. It has the legal right and authority to perform its obligations under GEA;
5. REPAs under the GEA shall take effect once the DOE/Transco has received all the post-auction requirements from the Winning Bidder; and
6. All Winning Bidders under the GEA must be registered in the Wholesale Electricity Spot Market (WESM) during the entire period that it is obligated to deliver the capacities as indicated in its Certificate of Award.
7. All timelines stated in the TOR shall be in Philippine Standard Time.
8. Opt-In Mechanism shall not be applied in GEA-2.