



SUPPLEMENTAL/BID BULLETIN NO. 3
Procurement of Power Supply for Ibaan Electric Corporation

In concurrence with the queries of the Qualified bidders during the Pre-Bid Conference held on 9th of January 2023, 9:00 am at 3rd Floor, Annex A Building, Metro-Rei Business Park, Palindan, Ibaan, Batangas, the following files are hereby determined to be part of the bidding documents:

Reference	Queries/ Comments/Clarification	TPBAC Answers
<p>ITB 10.3</p> <p>Will have the right to specify as compulsory that a provision be included in Bidding Documents requiring Bidders to permit the Ibaan Electric Corporation (IEC) and its TPBAC and TPBAC TWG to inspect their records and other documents relating to the Bid submission and contract performance to have them audited, and this shall include inspection and evaluation of the power plant performance and environmental compliance by a Third Party.</p>	<p>1. When can this right be exercised?</p> <p>2. Please clarify the word "Third Party". Who is it pertaining to?</p>	<p>The right can be exercised when the TPBAC finds certain records/documents questionable and will be used for verification purposes.</p> <p>Third Party can mean the TPBAC itself or the TPBAC might appoint / hire an external auditor to verify authenticity of the submitted documents but this is under TPBAC's discretion. This is just an option to Third Party Bids and Awards Committee and Technical Working Group.</p>
<p>ITB 23.3</p> <p>In order to afford Prospective Bidders reasonable time in which to take an amendment into account in preparing their Bid, Ibaan Electric Corporation (IEC) may, at its sole discretion, extend the Bid Submission Date.</p>	<p>May we request that the Bid Submission be extended for at least 7 days from the original schedule?</p>	<p>Requested date of Submission of Bid Proposals: February 1, 2023 (Wednesday) Adjusted Date of Issuance of Bid Bulletin and Final Instruction to Bidders: January 12, 2023 (Thursday).</p> <p>To give ample time to the Bidders to prepare the necessary documents the TPBAC grants the 7 days extension for the Submission and Opening of Bid Proposal.</p>



<p>ITB 24.1</p> <p>For purposes of amending any provisions of the Bidding Documents, Bid Bulletins may be issued upon Ibaan Electric Corporation (IEC)'s initiative or in response to clarifications requested by Qualified Bidder being the latest issuance shall not be later than three (3) calendar days before the deadline set for the submission and receipt of bids.</p>	<p>May we request that the bid bulletins, and FITB be issued within 3 calendar days after the Pre-Bid Conference?</p>	<p>Issuance of Bid Bulletin and Final Instruction to Bidders: January 12, 2023 (Thursday)</p>
<p>ITB 28.2</p> <p>The five (5) sets of sealed Qualification Documents, Technical Bid and Financial Bid must be placed together in a box/container which is properly sealed and appropriately addressed and marked as follows.</p>	<p>Do we still need to submit Qualification Documents here or just the Technical Bid? Please confirm that "Financial Bid" here must be excluded because it will be placed in a separate box as ITB 29.</p>	<p>Qualified Bidder must submit Technical and Financial Bid Proposal.</p> <p>28.1 Bidders shall submit the Technical Documents specified in ITB Clause 34.1 in the following form:</p> <p>a. One (1) set of original copies of documents, clearly marked in the upper right side on each page with "TECHNICAL BID (ORIGINAL)," and four (4) sets of photocopies of documents, clearly marked in the upper right side on each page with "TECHNICAL BID (COPY NO.1)," TECHNICAL BID (COPY NO. 4). Each document must have pagination in continuous sequential order.</p> <p>28.2 Each set of the Technical Bid must be placed in an envelope. Each of the five (5) envelopes containing the Technical Bid must be sealed and appropriately addressed and marked accordingly in the upper right side with ORIGINAL COPY and COPY NO. 1,, , COPY NO. 4.</p>



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		<p>The five (5) sets of sealed Technical Bid must be placed together in a box/container which is properly sealed and appropriately addressed and marked as follows.</p> <p>29.1 Bidders shall submit the Financial Documents specified in ITB Clause 34.1 in the following form: a. One (1) set of original copies of documents, clearly marked in the upper right side on each page with "FINANCIAL BID (ORIGINAL)," and four (4) sets of photocopies of documents, clearly marked in the upper right side on each page with "FINANCIAL BID (COPY NO.1),," TECHNICAL BID (COPY NO. 4). Each document must have pagination in continuous sequential order.</p> <p>29.2 Each set of the Financial Bid must be placed in an envelope. Each of the five (5) envelopes containing the Financial Bid must be sealed and appropriately addressed and marked accordingly in the upper right side with ORIGINAL COPY and COPY NO. 1..., COPY NO. 4.</p>
<p>Template which shows: "Procurement of Baseload Power Supply"</p> <p>ITB 29.1 Template which does not include "Name of Qualified Bidder"</p> <p>The five (5) sets of sealed Qualification Documents, Technical Bid and Financial Bid must be placed together in a box/container which</p>	<p>Should we follow the format from the Pre-Qualification? "Procurement of [6.91-10.92 MW] Baseload Power Supply?"</p> <p>Should we include "Name of Qualified Bidder" following the format from the Pre-Qualification?</p> <p>Do we still need to submit Qualification Documents here or just the Financial Bid? Please confirm that "Technical Bid" here must be excluded because it will be placed in a separate box as under ITB 28.</p>	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>ORIGINAL COPY</p> <p>TECHNICAL BID</p> <p>PROCUREMENT OF 6.91-10.92 MW BASELOAD POWER SUPPLY (CSP-2022-001)</p> <p><i>Name of the Qualified Bidder</i></p> <p><i>Address of the Qualified Bidder</i></p> <p><i>Contact Telephone and/or Facsimile Numbers, Email Address</i> <i>(if provincial phone, please indicate area code)</i></p> </div> <p>No, kindly submit the Financial Bid Proposal Only.</p> <p>Yes, the Technical Bid Proposal will be submitted in a separate box from the Financial Bid. We will be receiving two (2) boxes on the submission of bid proposals.</p>



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<p>is properly sealed and appropriately addressed and marked as follows.</p>	<p>Please also provide template for the label. The ITB did not provide.</p>	<p style="text-align: center;">ORIGINAL COPY</p> <p style="text-align: center;">FINANCIAL BID</p> <p style="text-align: center;">PROCUREMENT OF 6.91-10.92 MW BASELOAD POWER SUPPLY (CSP-2022-001)</p> <p style="text-align: center;"><i>Name of the Qualified Bidder</i></p> <p style="text-align: center;"><i>Address of the Qualified Bidder</i> <i>Contact Telephone and/or Facsimile Numbers, Email Address</i> <i>(if provincial phone, please indicate area code)</i></p>
<p>ITB 31.2</p> <p>The Bid Security shall be in the amount calculated as a percentage of the Energy Demand for the year 2023, to wit; Demand Capacity and Energy specified in Annex A; total forecasted energy demand for 2023 multiplied by the average Generation rate of the Proponent for the year 2022.</p>	<p>May we request IEC to provide an exact amount for the Bid Security?</p> <p>Can we get clarification on the average generation rate of the Proponent for the year 2022, does this refer to the base generation rate? To avoid erroneous calculation on the Bid Security, can we request to the honorable TPBAC to provide the amount of the bid security in absolute terms (in PHP)?</p>	<p>The Exact Amount for the Bid Security is 4,095,546.74 for the (a) and (b) items of the table under of ITB 31.3 and 10,238,866.85 for items (c) under the table provided on the ITB 31.3.</p> <p>The Average Generation Rate = Php 4.21446</p>
<p>ITB 33.1</p> <p>A Prospective Bidder may withdraw from the CSP before the Bid Submission Date. Withdrawal of Bid after the prescribed deadline shall be subject to appropriate sanctions as prescribed in the Bidding Documents. A Bidder may express its intention not to participate in the</p>	<p>Please clarify what is understood as "indirect"? Does this refer to bids from affiliates</p>	<p>Yes, It can be interpreted in that matter but this is already irrelevant since the bidders are already qualified.</p>



<p>Bidding through a letter which should reach and be stamped received by the TPBAC before the deadline for the submission of Bid. A Prospective Bidder that withdraws its Bid shall not be permitted to submit another Bid, directly or indirectly, for the same CSP.</p>		
<p>ITB 34.1 Technical Bid Documents</p> <p>b. Notarized Statement of Compliance with the Technical and Environmental Specifications</p> <p>Notarized Statement of Compliance with the Technical and Environmental Specifications using the form in Annex P; ITB Form TP 1 stating conformity of nominated power plant by the Bidder to supply power to the Ibaan Electric Corporation (IEC) to the prescribed Technical Specifications specified in Annex B; Technical and Environmental Specifications.</p> <p>Copy of the latest Emission test conducted within the year 2022 of the nominated power plant.</p>	<p>Please confirm that we are allowed to submit quarterly report submitted to DENR in lieu of the said requirement.</p>	<p>Yes, the Bidder can submit the quarterly report submitted to DENR in for ANNEX B.</p>



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<p>e. Certified True Copy of a Valid ISO Certification and OHSAS Certification, if applicable</p>	<p>Please confirm that equivalent ISO Certification can be submitted in lieu of OHSAS Certification.</p>	<p>Conforming.</p>
<p>Technical Bid Documents</p> <p>Submission of Certificate of Compliance, Environmental Compliance Certificate, and OSHAS</p>	<p>May we respectfully request to waive the submission of the COC, ECC, and OSHAS as these requirements were already submitted in the pre-qualification requirements.</p>	<p>Kindly resubmit the documents required in ITB Clause 34.1</p>
<p>ITB 37.1</p> <p>The TPBAC shall examine the contents of the Second Bid Envelope to determine whether it contains all of the documents required in ITB Clause 34.1. If the contents of the Second Bid Envelope are found to be incomplete or non-responsive, the TPBAC shall automatically disqualify the Bidder, and immediately return the Bid Security and the unopened Third Bid Envelope to the Bidder concerned.</p>	<p>Please confirm:</p> <p>"Second Bid Envelope" should be "First Bid Envelope"</p> <p>"Third Bid Envelope" should be "Second Bid Envelope"</p>	<p>Changes :</p> <p>Second Bid Envelope --> First Bid Envelope (Technical Proposal)</p> <p>Third Bid Envelope --> Second Bid Envelope (Financial Proposal)</p>
<p>ITB 39.1</p> <p>The TPBAC shall examine the contents of the Second Envelope to determine whether it contains all</p>	<p>Please confirm that "Clause 40.2" should be "Clause 34.2"</p>	<p>The TPBAC shall examine the contents of the Second Envelope to determine whether it contains all of the documents required in ITB Clause 34.2. If the contents of the Second Envelope are found to be</p>



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<p>of the documents required in ITB Clause 40.2. If the contents of the Second Envelope are found to be incomplete or non-responsive, the TPBAC shall automatically disqualify the entire Bid.</p>		<p>incomplete or non-responsive, the TPBAC shall automatically disqualify the entire Bid.</p>
<p>ITB 40.1</p> <p>For the given Generation rate in the PSA as approved by the ERC, all base rates shall be considered as fixed prices, and therefore not subject to adjustment, except under extraordinary circumstance and upon prior approval of the ERC.</p>	<p>Please clarify "extraordinary circumstance". Is this a change of law matter?</p>	<p>Extraordinary circumstances means "Fortuitous Events" provided that the adjusted rate is approve by ERC.</p>
<p>ITB 46 Notice of Award</p> <p>46.6 The notice of award will constitute the negotiation and signing of the PSA.</p>	<p>Will IEC provide a draft PSA for the Bidders to review prior the Bid Submission?</p>	<p>Yes, IEC will provide the Draft PSA for Bidder's reference.</p>
<p>ITB 48.1</p> <p>If the Bidder with the LCRB fails to make good its Bid by entering into a PSA with Ibaan Electric Corporation (IEC) within the period stipulated in the Bidding Documents, the Bid Security shall be forfeited and the appropriate sanctions provided in the Bidding Documents</p>	<p>Please clarify in relation to ITB 48.2. Does the underlined portion pertain only to the imposition of sanctions or does it include non-forfeiture of the Bid Security?</p>	<p>ITB Clause 48 - Failure to Enter into Agreement</p> <p>48.1. simply states that, if the Bidder with LCRB fails to enter Agreement with IEC (signing of PSA) within the period stipulated in the Bidding Documents, the TPBAC will return the submitted Bid Security.</p> <p>48.2. In the case of the failure to enter into Agreement, the TPBAC shall disqualify the said Bidder, and may initiate and complete the post-qualification process on the</p>



<p>and existing laws shall be imposed, except where such failure, refusal or inability is through no fault of the said Bidder.</p>		<p>Bidder with the second Lowest Calculated Bid. Should there occur another failure of bidding after the conduct of re-bidding, Ibaan Electric Corporation (IEC) may enter into a negotiated procurement.</p>
<p>ITB 48.2</p> <p>In the case of the failure to enter into Agreement, the TPBAC shall disqualify the said Bidder, and may initiate and complete the post qualification process on the Bidder with the second Lowest Calculated Bid. Should there occur another failure of bidding after the conduct of re-bidding, Ibaan Electric Corporation (IEC) may enter into a negotiated procurement.</p>	<p>Please clarify. Does this mean that whether or not the failure is with or without fault of the Bidder, he is considered disqualified?</p> <p>Sentence highlighted appears out of place. This already pertains to failure of bidding process.</p>	<p>48.2. In the case of the failure to enter into Agreement, the TPBAC shall disqualify the said Bidder, and may initiate and complete the post-qualification process on the Bidder with the second Lowest Calculated Bid. Should there occur another failure of bidding after the conduct of re-bidding, Ibaan Electric Corporation (IEC) may enter into a negotiated procurement.</p> <p>- this simply states that once that the bidder with LCRB fails to enter agreement with IEC, the bidder will be disqualified and may initiate and complete the post qualification process on the Bidder with the second Lowest Calculated Bid. Should there occur another failure of bidding after the conduct of re-bidding (means failure of 2nd Bidding), Ibaan Electric Corporation (IEC) may enter into a negotiated procurement.</p>
<p>ITB 50.1</p> <p>The TPBAC shall declare the Bidding a failure in any of the following:</p> <p>a. No Bids are received and or only one (1) Bidder submits a Bid on Bid Submission Date;</p> <p>b. All except one (1) Bidder withdraws its Bid prior to Bid Submission Deadline;</p> <p>c. All the First Envelopes of the Bids submitted were rated "DISQUALIFIED";</p>	<p>Please confirm:</p> <p>For item c, "First Bid Envelope" should be "Pre-Qualification Documents"</p> <p>For item d, "Second Bid Envelope" should be "First Bid Envelope"</p> <p>For item e, "Third Bid Envelope" should be "Second Bid Envelope"</p> <p>For item h, what about the 2nd LCB?</p>	<p>50. Failure of Bidding</p> <p>50.1 The TPBAC shall declare the Bidding a failure in any of the following:</p> <p>a. No Bids are received and or only one (1) Bidder submits a Bid on Bid Submission Date;</p> <p>b. All except one (1) Bidder withdraws its Bid prior to Bid Submission Deadline;</p> <p>c. All the Pre-Qualification Documents submitted were rated "DISQUALIFIED";</p> <p>d. All the First Envelope of the Bids submitted were rated "NON-RESPONSIVE";</p>



<p>d. All the Second Envelopes of the Bids submitted were rated "NONRESPONSIVE";</p> <p>e. All the Third Envelopes of the Bids submitted were rated "NONRESPONSIVE";</p> <p>f. All Bids fail to comply with all the CSP requirements or fail post qualification, or there is no successful negotiation;</p> <p>g.</p> <p>h. The Bidder with the Lowest Responsive Generation Rate Proposal refuses, without justifiable cause, to accept the award of PSA, and no award is made.</p>	<p>Should the statement include "no other qualifying bid is available"?</p>	<p>e. All the Second Envelope of the Bids submitted were rated "NON-RESPONSIVE";</p> <p>f. All Bids fail to comply with all the CSP requirements or fail post-qualification, or there is no successful negotiation;</p> <p>g. "deleted"</p> <p>h. The Bidder with the Lowest Responsive Generation Rate Proposal refuses and no other qualifying bid is available, without justifiable cause, to accept the award of PSA, and no award is made.</p>
<p>ITB 50.1.g</p> <p>The Bidder with the Lowest Calculated Generation Rate Proposal is above the existing base generation rate of Ibaan Electric Corporation (IEC)</p>	<p>1. Is there a bid price cap? What is the existing base generation rate referred to herein?</p> <p>2. We wouldlike to clarify the price cap mentioned a while ago, the Php 6.00/kwhr, is it the existing base generation rate of IEC?</p> <p>3. Is the Php 6.00/kwh VAT Inclusive or VAT Exclusive?</p> <p>4.</p> <p>a. What comprises the Php6.00/kWh average generation rate as Price Cap? (Does it included VAT, WESM Charges, Replacement Cost, among others?)</p> <p>b. the Bid Docs mentions Fixed Rate throughout the duration of the Supply Term however, as</p>	<p>4.</p> <p>The Third Party Bids and Awards Committee as all the Technical Working Group decided that we will no longer put a Generation Cap Price.</p> <p>a. TPBAC and TWG decided that there will be no generation cap price.</p> <p>b. The fixed rate refers to the monthly charge for the CRF and FOM. However, for the purposes of evaluation for the LCRB, we</p>



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	<p>responded this morning, LCRB shall be determined with due consideration of the projected / forecasted indices over the 5 year term.</p> <p>c. Is the price Cap of Php 6.00/kWh only applicable to the Bid Evaluation and not in actual implementation/billing given that the contract price can be escalated based on current posted indices, then there is possibility that the Contract Rate can go beyond Php6.00/kWh.</p> <p>d. Are the capacity fees in the terms of Php/kW -month meaning capacity-based to be applied or shall it be purely Php/kWh (energy-based) to be applied to actual energy in kWh</p> <p>e. Will IEC provide the Bidders with an e-copy (preferably Excel Format) when inputs for the Bid Price and calculations of the LCRB be determined?</p> <p>f. for consistency and leveled-playing purposes, MPPCL suggests that IEC provide the necessary base indices as well as the forecasted indices over the 5-year term to be used</p>	<p>assume different utilization factors at 60%-100% to determine the fixed cost per kWh.</p> <p>c. As stated previously, the committee decided that we will no longer put a generation cap.</p> <p>d. Capacity Fee should be stated on per kW per month not kWh</p> <p>e. IEC will not provide the Bidders an e-copy for the bid calculations. Hence, TPBAC and TWG request the Bidders to provide their own computation. Kindly provide the breakdown computation as well for other charges.</p> <p>f. TPBAC and TWG members decided that the committee will not provide the forecasted indices over the five (5) year term. Hence, kindly refer to the following link for your reference.</p> <p>https://www.bsp.gov.ph/statistics/external/exchrates.aspx</p> <p>https://psa.gov.ph/price-indices/cpi-ir/title/Summary%20Inflation%20Report%20Consumer%20Price%20Index%20%282018%3D100%29%3A%20June%202022</p>
<p>ITB 50.5</p> <p>Should there occur a second failure of Bidding, Ibaan Electric Corporation (IEC) may resort to negotiated procurement pursuant to ITB Clause 54.</p>	<p>.</p>	<p>Should there occur a second failure of Bidding, Ibaan Electric Corporation (IEC) may resort to negotiated procurement pursuant to ITB Clause 51.</p>
<p>ITB 57.2.1</p> <p>When the Bidder is a juridical entity, criminal liability and</p>	<p>Please confirm that this is understood as a perpetual bar.</p>	<p>Yes, confirming that this is perpetual bar.</p>



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<p>the accessory penalties shall be imposed on its directors, officers or employees who actually commit any of the foregoing acts. If a person previously held liable or found guilty under the provisions of the Bid Documents has a controlling interest in a prospective bidder entity, the said bidder-entity shall be disqualified to participate in any procurement activity being conducted by Ibaan Electric Corporation (IEC)</p>		
<p>ITB 57.2.2</p> <p>Ibaan Electric Corporation (IEC), subject to the authority delegated to the TPBAC, shall impose on Bidders the administrative penalty of suspension for one (1) year for the first offense, and suspension of two (2) years for the second offense from participating in the CSP, as well as disqualification from further participating in the competitive bidding being undertaken by Ibaan Electric Corporation (IEC) concerned, where applicable, for the following violations:</p>	<p>Please confirm that the disqualification applies to either the first or second offense. Please also confirm that "being undertaken" only refers to the current bid involved. What if there are other bids currently ongoing? Will these be also disqualified following the suspension previously mentioned? When is the start of suspension period? Effective immediately?</p>	<p>First Offense.</p>



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ANNEX C Generation Rate Components and Indexes		
<p>2. Reference Indexes 2.1 Base Index</p> <p>Provide the following indices and subscripts which shall be used for setting the Base Fees and Adjustment Formulae of the Bid;</p>	<p>If IEC gives a free hand to bidders to set their base indices, how will IEC evaluate the bid proposals fairly?</p> <p>There are no specific guidelines as to how will IEC do this. Base indices must be provided for purposes of fair bid evaluation and the same base indices must be used in the contract.</p>	<p>TPBAC and TWG members will evaluate / rank Bidders offer based on the lowest responsive bid, and subject to post qualification.</p>
<p>Evaluation of Generation Rate</p> <p>To determine the Lowest Calculated Bid (LCB), the TPBAC shall evaluate the proposed Generation Rate of Bidders. The LCB shall be calculated as the average of the Annual Generation Rate based on five (5) years Forecasted Indices specified in Section 5 of this Annex. The Bidder shall adjust the Base Rates based on the Forecasted Indices specified in Section 5 of this Annex using the format in Annex Q; ITB Form CP 2 and to be attached thereto. Computation of the adjusted Generation Rates in</p>	<p>1. For transparency, an Excel file must be provided for the inputs and evaluation of the bid.</p> <p>2. Is it mandatory to include discounts? If yes, why is it not part of the evaluation?</p>	<p>TPBAC and TWG member request a sample of your calculations with its corresponding breakdown.</p>



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<p>Excel Format for the year 2023 to 2028 shall be submitted by the Bidders in electronic copies unprotected and editable. Discounts, Value Added Service (VAS), other benefits of the PSA, and other reductions that will not directly affect the rates shall not be considered in the evaluation of bids and be used only to break tie.</p>		
<p>Forecasted Indices</p> <p>The Forecasted Indices to be used in the in computation of the average Annual Generation Rate specified in Section 4 of this Annex shall be as follows;</p>	<p>Similar to the concern above, forecasted indices must be provided.</p>	<p>TPBAC and TWG members decided that the committee will not provide the forecasted indices over the five (5) year term. Hence, kindly refer to the following link for your reference.</p> <p>https://www.bsp.gov.ph/statistics/external/exchrates.aspx</p> <p>https://psa.gov.ph/price-indices/cpi-ir/title/Summary%20Inflation%20Report%20Consumer%20Price%20Index%20%282018%3D100%29%3A%20June%202022</p>
<p>Annex T ITB Form CP 3 "Sample Computation of Discounts"</p>	<p>is it mandatory to include discounts? If yes, why is it not part of the evaluation?</p> <p>Annex T, ITB Form CP 3 was not mentioned in the financial bid documents. Should we include it on the submission of the Financial Bid Documents?</p>	<p>It is not included in the computation of the rate but we encourage the Bidders prompt payment discount. But this is not mandatory.</p>
	<p>Will IEC provide the Nomination Protocol</p>	<p>The Third Party Bids and Awards Committee as all the Technical Working Group decided that we will no longer provide the Nomination Protocol since IEC is an indirect member of WESM.</p>



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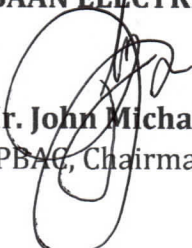
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		provide the Nomination Protocol since IEC is an indirect member of WESM.
ANNEX B, Item 4 Technical, Design, and Operational Criteria that Applies to Power Generators and Suppliers	Can we submit also the PAO?	When you have the PAO issued with the ERC, that means technically that you already complied with the requirements. Anyway we will just look in the PAO again and verify from the records if the presentations made are already obtain.
	Can the TPBAC confirm that the start of the delivery will be upon issuance of ERC approval, whether provisional or final?	As stated in the Terms of Reference, the delivery period shall be effective on the first delivery following the compliance of all the requirements and approval of the ERC. The PSA shall take effect on April 26, 2023 00:00H and shall be effective for a period of five (5) years.

For guidance and information of all concerned.
Issued on this 12th of January 2023

THIRD PARTY BIDS AND AWARDS COMMITTEE IBAAN ELECTRIC CORPORATION


Mr. John Michael A. Yap
TPBAC, Chairman