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TERMS OF REFERENCE
SPECIAL AUCTION ROUND FOR WASTE-TO-ENERGY (WTE)

7 The Department of Energy (DOE), through the Green Energy Auction Committee¹
8 (GEAC), issues this Terms of Reference (TOR) for the Special Auction Round for
9 WTE² pursuant to Section 9.3 of the Department Circular (DC) No. DC2021-11-0036,
10 entitled “Providing the Revised Guidelines for the Green Energy Auction Program
11 (GEAP) in the Philippines,” as amended (the “GEAP Guidelines”).

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13 This TOR includes the following annexes:

14
15 Annex A: Auction Design

16 Annex B: Bonds

17 B1: Bid Bond

18 B2: Performance Bond

19 B2.1: Irrevocable Standby Letter of Credit

20 B2.2: Drawing Certificate

21 B2.3: Surety Bond

22 Annex C: Instruction to Bidders

23 Annex D: Bidding Data, Forms, and Templates

24 D1: Registration Form

25 D2: Letter of Intent

26 D3: Affidavit of Undertaking (No Legal Impediment and Good Faith)

27 D4: Sample Secretary’s Certificate

28 D5: Sample Board Resolution

29 D6: Bid Form, as applicable

30 D7: Affidavit of Undertaking (To Deliver Offered Capacity on
31 Committed Delivery Commencement Date)

32 Annex E: Available transmission capacity and location from 2024 – 2030

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1. GENERAL SUPPLY DESCRIPTION

- 1.1. The Special Auction Round shall be conducted exclusively for WTE projects employing thermal combustion technology and are Renewable Portfolio Standards (RPS)-eligible and qualified under Section 6.1 of the GEAP Guidelines. Please refer to DC No. DC2025-11-0026, titled “*Framework for the Integration of Waste-to-Energy Facilities in the Country’s Power Generation Mix to Implement the Clean Energy Scenario Under the Philippine Energy Plan 2023-2050, Providing Incentives for Pioneer Waste-to-Energy Projects and Supplementing the Green Energy Auction Program Guidelines Under Department Circular No. DC2021-11-0036*” for reference.

¹ The GEAC is the committee reconstituted pursuant to Section 11 of the GEAP Guidelines, with additional powers and functions set out in this TOR.

² As used herein, Special Auction Round for WTE refers to the competitive process of procuring RE supply undertaken pursuant to this TOR as set out in Rule 3 of the GEAP Guidelines.

47 1.2. Installation Target (MW)

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Delivery Commencement Period (DCP)	Installation Target ³ (MW)
01 January 2028 to 31 March 2028	230.00

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50 *Note: Summary of the available transmission capacity from 2024 – 2030 and their*
51 *location is attached as Annex E for reference.*

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53 1.3. Supply Delivery Period⁴ (SDP)

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55 1.3.1. Subject to Rule V, Section 12 of DC No. DC2025-11-0026, Energy
56 Regulatory Commission (ERC) Resolution No. 06, Series of 2025, and
57 the Rules on Entitlement to Green Energy Tariff⁵ (GET) in the table set
58 forth in Section 1.4.3 hereof, the SDP for any GEA Winning Bidder shall
59 be twenty-five (25) years.

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61 1.3.2. Notwithstanding the twenty-five (25)-year SDP, Winning Bidders⁶ shall
62 be entitled to GET only if their respective WTE facilities are covered by
63 valid and effective Biomass Energy Operating Contract (BEOC) or
64 Waste-to-Energy Operating Contract⁷ (WTEOC), as applicable. For this
65 purpose, a Winning Bidder shall ensure compliance with applicable
66 rules, regulations, and other issuances of the DOE, including DC No.
67 DC2024-06-0018, and the material terms and conditions under its BEOC
68 or WTEOC.

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70 1.4. Delivery Commencement Date (DCD) and Commercial Operation Date
71 (COD)

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73 1.4.1. The DCD refers to the committed delivery date in the bid offered by the
74 Winning Bidder, following the format YYYY/MM/DD, subject to the terms
75 provided in Section 14 of this TOR.

76

77 1.4.2. The COD refers to the date of the start of commercial operation of the
78 WTE facility, which is upon issuance of the Certificate of Compliance
79 (COC) or Provisional Authority to Operate (PAO) from the ERC, and
80 notice of such commercial operations in the Wholesale Electricity Spot
81 Market (WESM). The COD shall be the basis for eligibility for payment
82 of the GET, which shall commence only upon effectivity of the COC or
83 PAO, ensuring alignment with applicable ERC rules and regulations.

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³ The Installation Target refers to the megawatt capacity offered for subscription from WTE facilities utilizing the technology mentioned in Section 1.5 of this TOR.

⁴ "Supply Delivery Period" refers to the years which the Offered Capacity will be delivered. Unless other provided in this TOR, the SDP shall commence upon COD.

⁵ The GET refers to the price, in PHP/kWh, resulting from the conduct of each Green Energy Auction corresponding to each Winning Bidder on a pay-as-bid basis.

⁶ Winning Bidders are those Qualified Bidders determined to have the most responsive bids or offers in the Special Auction Round for WTE that subscribed the Installation Target, declared as such in the Notice of Award, complied with Post-Auction Requirements, and issued with COA.

⁷ "Waste-to-Energy Operating Contract" refers to the RE Contract issued for the development and operations of RE Projects utilizing Waste-to-Energy Resources.

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1.4.3. The following rules on the entitlement of GET shall apply: *Provided*, That the payment of the GET shall commence upon effectivity of the COC or PAO consistent with Section 1.4.2 hereof.

Scenarios	Rules on Entitlement to GET
<p>1. COD is before the DCD.</p> <p>(Ex. DCD – Feb 28, 2028 COD – Jan 30, 2028</p>	<ul style="list-style-type: none"> • Prior to COD, the Winning Bidder shall be paid for the actual energy generated and duly metered in accordance with the WESM Rules. • Upon COD, the Winning Bidder may be paid based on its GET upon submission of notice of GET availment to the following: <ul style="list-style-type: none"> a. DOE; b. National Transmission Corporation (TransCo) / GEA-ALL Fund Administrator; and c. Market Operator⁸. • The SDP shall be reckoned from COD, subject to validation by the DOE that the Winning Bidder has no legal impediment to deliver the Offered Capacity from the date of GET availment.
<p>2. COD is after the DCD and is not beyond 31 March 2028.</p> <p>(Ex. DCD – Jan 30, 2028 COD – Feb 28, 2028 DCP – 01 January 2028 to 31 March 2028)</p> <p>GET may be availed but the Performance Bond (PB) shall be partially drawn.</p>	<ul style="list-style-type: none"> • Prior to COD, the Winning Bidder shall be paid for the actual energy generated and duly metered in accordance with the WESM Rules • Upon COD, the Winning Bidder may be paid based on its GET upon submission of notice of GET availment to the following: <ul style="list-style-type: none"> a. DOE; b. TransCo / GEA-ALL Fund Administrator; and c. Market Operator. <p>The SDP shall be reckoned from COD, subject to validation by the DOE that the Winning Bidder has no legal impediment to deliver the Offered</p>

⁸ The Market Operator is the entity created or formed pursuant to RA No. 9136 mandated to implement the WESM.

Scenarios	Rules on Entitlement to GET
	<p>Capacity from the date of GET availment.</p> <ul style="list-style-type: none"> • However, the Winning Bidder's PB shall be partially drawn in accordance with Section 10.7.3 hereof.
<p>3. COD is after the DCD and is beyond 31 March 2028.</p>	<ul style="list-style-type: none"> • The Winning Bidder shall not be eligible to be paid based on its GET and its PB shall be drawn in full; the Certificate of Award (COA) and other documents issued in favor of the Winning Bidder shall, after due notice, be deemed revoked pursuant to Section 10.7.4 hereof.

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1.5. Eligible WTE Technology Type

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The Special Auction shall be exclusively for WTE facilities employing thermal combustion technology to process Municipal Solid Waste (MSW).

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1.6. Cost and Tariff Structure

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From the COD, the amount payable to a Winning Bidder shall be in PHP/kWh corresponding to each Winning Bidder's GET, on a pay-as-bid basis, subject to a one-time adjustment in accordance with Section 17 of the GEAP Guidelines.

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The adjustment shall account for the period between the date of COA and the DCD of the WTE facility. In cases where the delay in attaining the DCD is attributable to Force Majeure events, i.e., the WTE facility does not achieve commercial operations on DCD, the adjustment shall be computed up to the COD. However, if the delay is due to the default of the Winning Bidder, the adjustment shall be limited to the period from the date of COA to DCD.

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2. REGISTRATION OF QUALIFIED SUPPLIER⁹

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2.1. Registration Period of Qualified Suppliers

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The Registration Period for Qualified Suppliers shall be three (3) working days, which shall commence after sixty (60) calendar days from the date of issuance of TOR and Notice of Auction (NOA). Only those registration

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⁹ "Qualified Supplier" refers to an RE Developer/Generator whose WTE Operating Contract or Biomass Energy Operating Contract was awarded, or the assignment thereof was approved, pursuant to the Omnibus RE Guidelines, Revised Omnibus RE Guidelines, as applicable, and any amendment thereof, prior to the start of the Registration Period, eligible to participate in the GEA as determined by the GEAC under Section 6.1 of the GEAP Guidelines, as amended.

117 requirements filed not later than 03:00 pm on the last day of the Registration
118 Period shall be considered and accepted.

119
120 2.2. Registration Requirements and Procedures

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122 2.2.1. In accordance with Rule V, Section 9 of DC No. DC2025-11-0026, a
123 Qualified Supplier refers to an RE Developer/Generator whose WTEOC
124 or BEOC was awarded, or the assignment thereof was approved,
125 pursuant to the Omnibus RE Guidelines, Revised Omnibus RE
126 Guidelines, as applicable, and any amendment thereof, prior to the start
127 of the Registration Period, eligible to participate in the GEA as
128 determined by the GEAC under Section 6.1 of the GEAP Guidelines.

129
130 2.2.2. The Qualified Supplier intending to register in the Special Auction
131 Round, shall submit the following documents electronically through
132 gea@doe.gov.ph, copy furnished Records Management Division
133 through doermd.receiving@gmail.com:

134
135 2.2.2.1. A duly filled out Registration Form prescribed in Annex "D1",
136 together with the required attachments;

137
138 2.2.2.2. Letter of Intent (LOI) to participate in the auction, addressed to
139 the Chairperson of the GEA-Bids Evaluation and Awards
140 Committee (BEAC) following the prescribed template in Annex
141 "D2";

142
143 2.2.2.3. A duly notarized Affidavit of Undertaking, which shall comply with
144 the prescribed template in Annex "D3", declaring that:

145
146 2.2.2.3.1. There is no legal impediment to the implementation of the
147 project under the Special Auction Round for WTE; and

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149 2.2.2.3.2. The Qualified Supplier is fully aware of the availability of the
150 connection point and necessary transmission line
151 reinforcements, as identified in its System Impact Study (SIS)
152 and the Transmission Development Plan (TDP).

153
154 2.2.2.4. A duly notarized Secretary's Certificate or Board Resolution
155 designating (i) the signatory of the above documents as the
156 Qualified Supplier's Authorized Representative, authorized to
157 execute and file the same and participate in this auction for and
158 on behalf of the RE Developer, (ii) the Alternate Authorized
159 Representative, and (iii) and the Observer for the Qualified
160 Supplier, which shall comply with the prescribed templates in
161 Annexes "D4" and "D5", respectively.

162
163 2.2.3. For WTE projects which shall be developed in phases, the Qualified
164 Suppliers may submit registration requirements on a per-phase basis:
165 *Provided*, That each phase has specific DCD, a dedicated metering
166 facility, and corresponding revenue meter.

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2.2.4. The complete registration requirements in “.zip” format with the applicable file name indicated below shall be attached to the email with a subject title (see examples below).

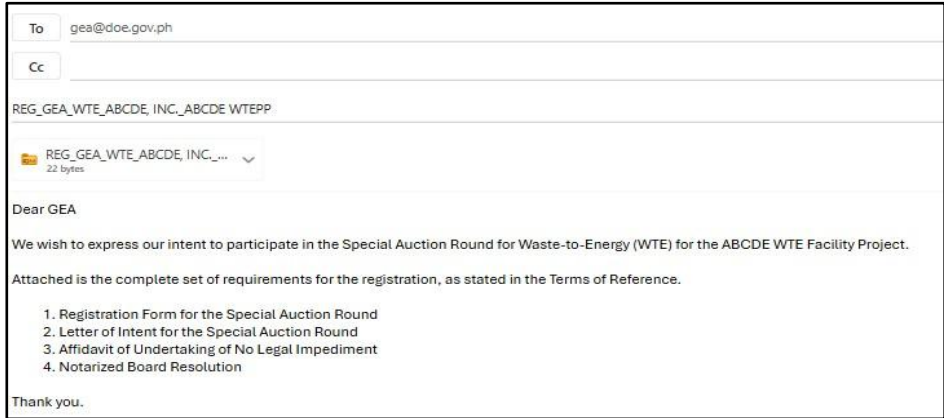
File Name and Subject Title: (Example for WTE)

- REG_GEA_WTE_ABCDE, INC._ABCDE WTEPP** (for Whole Facility)
- REG_GEA_WTE_ABCDE, INC._ABCDE WTEPP_PH1** (for Phasing)
- REG_GEA_WTE_ABCDE, INC._ABCDE WTEPP_PH1_UnitNo.1** (for Specific Unit)

Note:

- Waste-to-Energy Power Project (WTEPP);
- The Company Name should be abbreviated (e.g., ABCDE, INC.);
- Indicate in the File Name and Subject Title the Phase No. and/or Unit No., if applicable; and
- The File Name and Subject Title should be less than 200 characters.

Example:



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2.2.5. The “Received” email timestamp shall be the basis for determining the timeliness of filing. An auto-generated email acknowledgment to the Qualified Supplier shall serve as notice of DOE’s receipt of the submission.

2.2.6. Should there be multiple submissions with the same subject title, only the documents submitted through the last email and received within the Registration Period shall be considered for evaluation.

3. PRE-BID EVALUATION

3.1. Determination of Qualified Bidders¹⁰

¹⁰ “Qualified Bidders” refers to Qualified Suppliers who have been notified of their qualifications and have been furnished user-specific electronic identification (ID) to be used for the auction in accordance with Section 9.9 of the GEAP Guidelines.

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The GEAC-Technical Working Group (TWG) shall evaluate the registrants' compliance with Section 2.2 of this TOR and conduct an Evaluation of Registration Documents, specified in Sections 2.2.2.1 to 2.2.2.4, within two (2) working days from the last day of the Registration Period. In the evaluation of the Registration Documents, the GEAC-TWG shall assess the submission and render a "Pass" or "Fail" mark depending on the completeness of the registrants.

Failure to submit any required documents, or submission of unacceptable documents (e.g., unnotarized when notarization is required) shall be a ground for disqualification: *Provided*, That instruments executed outside the Philippines which are not apostilled shall be accepted if the Qualified Supplier's Affidavit of Undertaking (No Legal Impediment and Good Faith) includes an undertaking to submit the original apostilled documents within thirty (30) calendar days from the last day of the Registration Period.

3.2. Notification to Qualified Suppliers with Deficiencies

Within one (1) working day from the last day of the period for evaluation mentioned in Section 3.1 hereof, the GEA-BEAC shall notify in writing the Qualified Suppliers who failed to comply with the registration requirements, stating therein the grounds for disqualification.

3.3. Filing of Request for Reconsideration

The disqualified registrant/Qualified Supplier may file a Request for Reconsideration (RR) with the GEA-BEAC within three (3) working days from receipt of the written notification mentioned in Section 3.2 of this TOR. All relevant supporting documents must be submitted along with the RR. Upon receipt of the RR, no additional supporting documents shall be accepted. The GEA-BEAC shall resolve the RR within three (3) working days from receipt thereof.

In resolving the eligibility of a registrant to be a Qualified Supplier, the status of the registrant as of the date immediately preceding the start of the Registration Period shall be the sole consideration. The decision of the GEA-BEAC on the RR shall be final and executory.

3.4. Posting of List of Qualified Bidders

On the working day immediately following the last day of the period allotted for resolving RR, the GEA-BEAC shall post the list of Qualified Bidders on the DOE website and notify such Qualified Bidders via emails.

4. PRE-BID CONFERENCE

4.1. The GEA-BEAC shall conduct a virtual Pre-Bid Conference, the schedule of which shall be posted on the DOE website.

- 253 4.2. Qualified Bidders are entitled to participate in the Pre-Bid Conference. Other
254 stakeholders may attend the Pre-Bid Conference upon submission of a
255 request therefor. The meeting link for the Pre-Bid Conference shall be
256 provided through electronic mail.
257
- 258 4.3. Qualified Bidders shall have one (1) working day after the issuance of List
259 of Qualified Bidders within which to submit their comments, inputs or queries
260 on the TOR, its Annexes and other relevant details of the auction. Any
261 comments submitted after the deadline shall not be accepted. In preparation
262 for the Pre-Bid Conference, the GEAC-TWG shall have five (5) working days
263 from the lapse of the period given to Qualified Bidders to submit the
264 comments, inputs, or queries to consolidate, review, and prepare the
265 proposed responses thereto and submit the same to the GEA-BEAC. The
266 GEA-BEAC shall have two (2) working days from the lapse of the period
267 given to the GEAC-TWG for their review of the responses.
268
- 269 4.4. The Pre-Bid Conference shall address those comments, inputs or queries
270 that were timely received. Participants may also raise questions, comments
271 or clarifications on the TOR, its Annexes and other relevant details of the
272 auction during the Pre-Bid Conference, which may be addressed directly
273 therein. Clarifications from participants arising from the matters discussed
274 during the Pre-Bid Conference shall be accepted until 5:00 pm on the date
275 of the Pre-Bid Conference. Additional comments, inputs, or queries that are
276 not directly related to the matters discussed during the Pre-Bid Conference
277 shall not be accepted or considered.
278
- 279 4.5. All comments, input, or queries shall be submitted through the GEA official
280 email. Thereafter, the GEA-BEAC shall resolve the comments/clarifications
281 on the TOR, its Annexes, and other relevant details of the auction, as
282 evaluated and consolidated by the GEAC-TWG.
283
- 284 4.6. The GEA-BEAC shall issue a Bid Bulletin to be posted on the DOE website
285 not later than ten (10) working days from the date of the Pre-Bid Conference
286 containing the results of the Pre-Bid Conference, including any modification
287 or amendment of the TOR and related documents as may be necessary.
288 Such Bid Bulletin shall be signed by the GEA-BEAC Chairperson and shall
289 be issued upon endorsement, through the GEAC, to the Secretary for
290 approval.
291

292 **5. BID BOND¹¹**

293 5.1. Posting of Bid Bond

294 5.1.1. Submission of Proof of Posting of Bid Bond

295
296 After the Posting of Bid Bulletin mentioned in Section 4.6 of this TOR,
297 Qualified Bidders shall have one (1) working day within which to submit
298
299

¹¹ A Bid Bond is an instrument procured by Qualified Bidder that guarantees non-withdrawal of bids submitted, submission by such Bidder of Post-Auction Requirements within the prescribed period, and other conditions specified in this TOR.

300 their Proof of Posting of Bid Bond, in PDF file, through the GEA email at
301 gea@doe.gov.ph. Submissions shall be accepted until 12:00 NN of the
302 same working day.

303
304 After the Auction Proper, Qualified Bidders shall submit the original copy
305 of the Bid Bond within one (1) working day, through the DOE-RMD,
306 addressed to:

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308 **Undersecretary Felix William B. Fuentesbella**
309 Green Energy Auction – Bids Evaluation & Awards Committee
310 Department of Energy
311 4th Floor, Bldg. 5, Energy Center, Rizal Drive
312 Bonifacio Global City, Taguig City
313 Telephone: (632) 8479-2900

314
315 5.1.2. Form and Validity of Bid Bond

316
317 A Qualified Bidder shall post a Bid Bond, in the form of Cash, Manager’s
318 Checks, Surety Bond, or Irrevocable Standby Letters of Credit with
319 drawing certificate or bank guarantees as detailed in Annex B. The Bid
320 Bond shall take effect on the date of the Auction Proper and should be
321 valid for one hundred fifty (150) calendar days: *Provided*, That the Bid
322 Bond shall be extended for such period as may be required by the GEA-
323 BEAC, upon endorsement of the GEAC-TWG, to cover any period of
324 delay in conducting the Auction Proper. Should this be necessary, a Bid
325 Bulletin shall be issued following the procedure set forth in Section 4.6
326 of this TOR.

327
328 Upon Submission of Post Auction Requirements and due validation
329 thereof, the Bid Bond shall be released as provided in Section 5.2.3 of
330 this TOR.

331
332 5.1.2.1. A parent company, partner, affiliate, subsidiary, or any other third
333 party may be allowed to secure the Bid Bond “For the Account” of
334 the Qualified Bidder. Bonds issued by foreign banks shall not be
335 accepted, unless expressly confirmed or guaranteed by a duly
336 authorized local banking institution.

337
338 5.1.2.2. The stated value of Bid Bond shall cover the Offered Capacity, as
339 detailed in Section 6.3.4 of this TOR.

340
341 5.1.2.3. Qualified Bidders shall not be allowed to vary the Bid Bond after
342 the electronic copy thereof is submitted to the DOE, unless
343 required by the GEA-BEAC in accordance with Section 5.2.1
344 below.

345
346 5.2. Evaluation of Bid Bond

347
348 Bid Bonds shall be evaluated in accordance with the following:
349

350 5.2.1. Evaluation of Electronic Copy of Bid Bond.

351
352 5.2.1.1. Upon the lapse of the period for submission under Section 5.1.1
353 of this TOR, the GEAC-TWG shall have two (2) working days to
354 conduct a formal and substantive evaluation on the electronic
355 copies of Bid Bonds based on compliance of each Bid Bond with
356 the prescribed template, stated amount, validity period and other
357 matters set forth in Annex "B" of this TOR. As part of the
358 evaluation, the GEAC-TWG shall determine whether the stated
359 value of the Bid Bond covers the Offered Capacity.

360
361 The GEAC-TWG shall endorse the record of its findings to the
362 GEA-BEAC. After review and due deliberation on the findings, the
363 GEA-BEAC shall issue Notices of Bid Bond Deficiency, if any, to
364 the Authorized Representatives of the concerned Qualified
365 Bidders within two (2) working days from last day of the period for
366 evaluation set out in the first paragraph of this Section 5.2.1.1.

367
368 Qualified Bidders shall rectify their deficient Bid Bonds within five
369 (5) working days from receipt of Notice of Bid Bond Deficiency.
370 Within three (3) working days from the lapse of this period, the
371 GEA-BEAC, with the assistance of the GEAC-TWG, shall resolve
372 whether to accept or reject the rectification on the Bid Bond.
373 Qualified Bidders whose rectifications are rejected shall be
374 disqualified from further participating in the auction. Qualified
375 Bidders whose respective Bid Bonds were found in order shall be
376 issued User-Specific IDs.

377
378 5.2.1.2. To ensure that the Offered Capacity of bids is fully covered by the
379 stated value of the Bid Bond, the Electronic Bidding Platform shall
380 only accept an Offered Capacity that is equal to or lower than the
381 capacity covered by the Bid Bond.

382
383 5.2.2. Evaluation of Original of the Bid Bond

384
385 5.2.2.1. Within two (2) working days from the receipt of the original Bid
386 Bond submitted through the DOE-RMD pursuant to Section 5.1.1
387 of this TOR, the GEAC-TWG shall evaluate whether the
388 submitted original Bid Bond is identical with the approved
389 electronic copy of the Bid Bond in terms of content, format, stated
390 amount, validity period, and signatures, and that it complies with
391 the requirements under Annex "B" of this TOR.

392
393 5.2.2.2. Within one (1) working day from the last day of the period for
394 evaluation as set out in section 5.2.2.1, the GEAC-TWG shall
395 endorse to the GEA-BEAC the results of the verification, together
396 with its findings on the conformity or discrepancy of the original
397 Bid Bond.

399 5.2.2.3. If a discrepancy or deficiency is found, the GEA-BEAC shall,
400 within two (2) working days from receipt of the endorsement,
401 issue a Notice to Rectify Original Bid Bond to the concerned
402 Qualified Bidder. The Qualified Bidder shall have three (3)
403 working days from receipt of such Notice to submit a rectified
404 original of the Bid Bond.
405

406 5.2.2.4. The GEA-BEAC, with the assistance of the GEAC-TWG, shall
407 resolve whether to accept or reject the rectification within three
408 (3) working days from the lapse of the rectification period.
409

410 Failure to submit a correct and acceptable original Bid Bond within
411 the prescribed period shall result in the endorsement of the
412 concerned Qualified Bidder to the GEAC for disqualification from
413 the auction, forfeiture of their Bid Bond, and removal from the list
414 of Potential Winning Bidders within two (2) working days from
415 such lapse.
416

417 5.2.3. The Bid Bond shall be released to the Winning Bidder upon the
418 determination of the GEAC that the Post-Auction Requirements set forth
419 in Section 10.6 of this TOR is in order.
420

421 5.3. Issuance of User-Specific IDs to Qualified Bidders 422

423 Within one (1) working day from the lapse of the period for Evaluation of
424 Electronic copies of Bid Bond, the GEAC-TWG shall issue User-Specific IDs
425 to the respective authorized representatives of Qualified Bidders in
426 accordance with Section 5.2.1.1 of this TOR. For this purpose, each
427 Qualified Bidder shall create individual email accounts for each participating
428 WTE project or phase thereof.
429

430 5.3.1. Unique IDs shall be issued to a Qualified Bidder for each of its
431 participating WTE facility or phases thereof. The GEA email shall also
432 contain the log-in credentials to the Electronic Bidding Platform for Bid
433 submission.
434

435 5.3.2. It shall be the duty of the Qualified Bidder to: (a) acknowledge receipt of
436 the GEA email; and (b) immediately change the default password of
437 user-specific IDs.
438

439 5.3.3. The Qualified Bidder agrees that the Auction Proper shall not be delayed
440 or postponed if it is unable to participate therein by reason of its failure
441 to comply with this Section.
442

443 Upon Issuance of User-specific IDs, Qualified Bidders may log in twenty-
444 four (24) hours before the start of the bidding process but may view only
445 the landing page which contains the Installation Targets and other
446 relevant information regarding the Special Auction. Qualified Bidders
447 may use this time to test any log-in or accessibility issues to the
448 Electronic Bidding Platform. Any log-in or accessibility issue

449 encountered shall be reported to the GEA Secretariat through
450 gea@doe.gov.ph or mobile phone number provided during the Pre-Bid
451 Conference for immediate resolution.

452
453 **6. AUCTION PROPER**

454
455 6.1. Schedule of Activities

456
457 6.1.1. Auction Proper. The Auction Proper shall be held on the day following
458 the end of the period for the issuance of User-Specific IDs. It shall
459 commence upon the Opening of the Electronic Bidding Platform and
460 shall terminate upon the acknowledgment by the GEA-BEAC that the
461 bids stored in the Electronic Bidding Platform have been successfully
462 archived: *Provided*, That the Auction Proper shall include the period and
463 activities resulting from Electronic Bidding Platform Contingent Events
464 under Section 7 hereof.

465
466 6.1.2. Qualified Bidders shall place and enter their bids for WTE technology
467 with the corresponding DCDs within the given timeframe, as shown
468 below:

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Auction Proper	
Opening of Electronic Bidding Platform	9:00 AM
2028 Installation Target	
Auction Start	Auction End
9:30 AM	9:45 AM
Closing of the Electronic Bidding Platform	10:00 AM
Archiving of Accepted Bids	

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483 6.1.3. The Electronic Bidding Platform shall be opened at 9:00 AM until 10:00
484 AM. The Summary Page of Submitted and Accepted Bids shall be shown
485 to the bidders and observers.

486
487 6.1.4. Observers during Auction Proper

488
489 6.1.4.1. The GEA-BEAC shall allow one (1) Observer designated by the
490 participating Qualified Bidders in their Registration Form to be
491 virtually present during the Auction Proper and observe the
492 bidding process.

493
494 For this purpose, the proceedings of the GEA-BEAC in its conduct
495 of the Auction Proper shall be viewed by Observers virtually:
496 *Provided*, That access of the Observers to the meeting platform
497 shall be limited to viewing relevant information only. A virtual

498 meeting link shall be provided to the participating Qualified
499 Bidders' respective Observers.

500
501 6.1.4.2. The GEA-BEAC shall invite representatives from ERC, MMDA,
502 TransCo, and the Independent Electricity Market Operator of the
503 Philippines (IEMOP) as Observers. Other government
504 entities/instrumentalities may be invited, if, after due deliberation
505 by the GEA-BEAC, their participation and/or inputs on the Auction
506 Proper is deemed necessary or appropriate for the successful
507 delivery of winning WTE projects.

508
509 6.1.4.3. Members of the GEAC may attend the Auction Proper as
510 Observers.

511
512 6.1.4.4. Other DOE officials and relevant personnel may attend the virtual
513 meeting on the Auction Proper, subject to technical limitations
514 such as hosting capacity of the virtual meeting platform.

515
516 6.1.5. Submission of Observations during the Auction Proper
517
518 The Qualified Bidders' Observer and authorized representatives may
519 submit their observations to the GEA-BEAC not later than one (1)
520 working day after the Auction Proper. Observations shall be jointly
521 signed by the Qualified Bidder's Observer and authorized
522 representative.

523
524 6.2. Auction Platform and Procedures

525
526 6.2.1. This Special Auction shall be conducted through an Electronic Bidding
527 Platform where Qualified Bidders will gain access to their bid submission
528 interface using the provided user-specific IDs for each of their WTE
529 projects.

530
531 6.2.2. The Electronic Bidding Platform shall feature a user interface with user-
532 editable cells to enter the bids. The interactive Bid Form on the platform
533 must be completed in the manner indicated therein with all the required
534 information filled out correctly and accurately. Upon clicking the "Submit"
535 button in the interface, the Qualified Bidder will be prompted to confirm
536 its bid submission. Once the bidder has confirmed, its bid will be
537 submitted, timestamped, and stored in the Electronic Bidding Platform's
538 database.

539
540 6.2.3. Revisions to the submitted bids shall be allowed through the submission
541 of new bids on the platform. Only the bid with the latest timestamp shall
542 be considered in the ranking and stacking of offers. No revision shall be
543 allowed beyond the submission period.

544
545 6.2.4. Qualified Bidders shall place their bids for each of their WTE projects
546 being offered in the auction with capacity in MW with three decimal

547 places, which shall be less than or equal to the Net Export Capacity¹² of
548 the facility, price in PHP/kWh with four decimal places, through the
549 Electronic Bidding Platform, using their user-specific IDs.

550
551 6.2.5. The Electronic Bidding Platform shall not accept bids that are submitted
552 beyond the closure of the submission of bids.
553

554 6.3. Submission of Bids.

555
556 6.3.1. Qualified Bidders may offer the capacity of WTE Facilities that are
557 compliant with Sections 6.1.1 of the GEAP Guidelines.
558

559 6.3.1.1. Qualified Bidders shall offer the entire Net Export Capacity of its
560 WTE Facility or a portion thereof in accordance with Section
561 5.2.1.2 of this TOR. Where only a portion of the capacity of the
562 WTE Facility will be offered, such portion shall be covered by a
563 separate generating unit and wholly offered: *Provided*, That the
564 said unit/s have a dedicated metering facility and corresponding
565 revenue meter;
566

567 6.3.2. For a WTE project with Phased-In Delivery Commitment, for which
568 specific user-IDs have been issued, a Qualified Bidder may submit its
569 Offered Capacity and Price Offer per phase: *Provided*, That each phase
570 has a dedicated metering facility and corresponding revenue meter.
571

572 6.3.3. Subject to Section 5.2.1.2 of this TOR, when a Qualified Bidder wishes
573 to offer the capacity of a WTE Facility, such Qualified Bidder shall place
574 a bid therefor in the following format: capacity in MW with three decimal
575 places, price in PHP/kWh with four decimal places and supply, and DCD.
576

577 6.3.4. The Offered Capacity should be based on the Net Export Capacity of the
578 WTE Facility.
579

580 6.3.5. Any Bid with a Price Offer higher than the Green Energy Auction
581 Reserved (GEAR) Price and/or Offered Capacity that is beyond the
582 capacity prescribed in Section 6.3.3 above shall be deemed non-
583 responsive, shall be discarded automatically and shall not be included in
584 the ranking mentioned in Section 8.2 hereof.
585

586 6.4. Receipt of Bids

587
588 6.4.1. Every successful bid submission shall generate a unique Bid ID in the
589 Electronic Bidding Platform which shall likewise be provided within the
590 platform to the bidder.
591

¹² "Net Export Capacity" refers to the capacity to be delivered by the plant to the grid, as distinguished from "Gross Capacity", which refers to the total power that may be generated by the WTE Facility. On the other hand, "Offered Capacity" refers to the Net Export Capacity to be offered/offered during the auction.

592 6.4.2. An automatically generated email shall be sent to the registered email
593 address of the bidder to serve as confirmation of receipt of its bid
594 submission.
595

596 **7. ELECTRONIC BIDDING PLATFORM CONTINGENT EVENTS**

597
598 7.1. If the Electronic Bidding Platform is not available at the date and time set for
599 the Auction Proper:

600
601 7.1.1. The GEA-BEAC will re-schedule the online auction which will be
602 announced within two (2) working days after the original auction
603 schedule.
604

605 7.1.2. If no schedule can be set for an online auction, the GEA-BEAC may
606 proceed with the physical submission of bids. Within five (5) working
607 days from the original auction date, the GEA-BEAC shall announce the
608 date and venue for the physical or electronic submission of bids.
609

610 7.1.3. Submission of Bids Outside the Electronic Bidding Platform

611
612 7.1.3.1. The Qualified Bidders shall submit their bids on the specified date
613 and time following the Bid Form provided in Annex D6 hereof to
614 the GEA-BEAC either physically or electronically, as the case
615 may be.
616

617 7.1.3.2. If the GEA-BEAC requires the submission of bids through any
618 other online submission or electronic means, the Qualified Bidder
619 shall submit an electronic copy of its bid in a pdf file. An electronic
620 copy that cannot be opened or is corrupted shall be considered
621 non-responsive and, thus, automatically disqualified.
622

623 7.1.3.3. The GEA-BEAC shall open the Bids in public at the time, date,
624 and place specified in a separate announcement to be made by
625 the GEA-BEAC not later than thirty (30) minutes after the close of
626 submission of bids. The Qualified Bidders' representatives who
627 are virtually present shall sign a register manifesting their
628 attendance. In case videoconferencing, webcasting, or other
629 similar technologies will be used, the attendance of Qualified
630 Bidders shall likewise be recorded by the GEA-BEAC Secretariat.
631

632 7.1.3.4. In case the Bids cannot be opened as scheduled due to reasons
633 beyond the control of the GEA-BEAC, the rescheduling will be
634 announced through a Bid Bulletin to be posted on the DOE
635 website.
636

637 7.2. If the Electronic Bidding Platform becomes unavailable at the time set for
638 accessing the Summary of Submitted/Accepted Bids:

639
640 7.2.1. The GEA-BEAC shall set a new time and date for such access and
641 renew the Qualified Bidders' login credentials for this new schedule.

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7.2.2. If such online access is still unavailable, the GEA-BEAC will schedule a presentation of the initial results in public.

8. EVALUATION OF BIDS

8.1. Opening of Bids

Immediately after the closure of the submission of bids, the GEA-BEAC shall open the bids submitted and stored in the Electronic Bidding Platform.

8.2. Ranking of Bids

The Bids shall be ranked in accordance with the following:

8.2.1. The bids received shall be ranked automatically by the Electronic Bidding Platform from the lowest to the highest Price Offers and stacked until the corresponding Installation Target is met.

8.2.2. For Clarity, the bids with the lowest Price Offers shall be the first ones to be considered to meet the Installation Target. In the case of Tie in Price Offers, the bids will be ranked in accordance with the Tie-Breaker rules under Section 8.2.3.1 hereof.

8.2.3. The following rules for breaking a tie and for a marginal offer shall apply:

8.2.3.1. Tie-Breaker. If there is a tie, the bids will be ranked according to bid timestamp where the bid with the earlier timestamp shall be ranked first.

8.2.3.2. Marginal Offer¹³. In consideration of marginal offers, the Installation Target may be increased by up to twenty-three (23) MW "Cap".

If a bid becomes the Marginal Offer and a portion of the Offered Capacity will exceed the Cap, such bid may be included in the winning bids only if the bidder agrees that its Offered Capacity shall only be up to the Cap.

8.2.3.3. If there are several Marginal Offers caused by equal Price Offers at the auction volume margin, the Tie-Breaker rule shall be applied according to Section 8.2.3.1 hereof.

8.2.3.4. If a tie involving Marginal Offers exists as to price offer and timestamp, the marginal volume shall be distributed proportionately according to the Offered Capacity up to the said

¹³ "Marginal Offer" refers to a bid, the capacity offer of which fully subscribes the remaining Installation Target, and where a portion of the offered capacity exceeds such Installation Target.

688 Cap established under Section 8.2.3.2 hereof: *Provided*, That the
689 bidder may opt to:

690
691 8.2.3.4.1. Agree to a reduced Offered Capacity without modifying
692 its Price Offer; or

693
694 8.2.3.4.2. Withdraw from the auction without forfeiting its Bid
695 Bond. In case the bidder opted to withdraw, the
696 remaining bidder shall be considered, subject to the
697 same conditions in this section.

698
699 8.2.4. The GEAC-TWG shall validate the bids as ranked and shall endorse to
700 the GEA-BEAC the said Bids and their corresponding capacities that
701 make up the Installation Target.

702
703 8.2.5. The GEAC-TWG shall conduct the validation mentioned in Section 8.2.4
704 of this TOR within three (3) working days from the Auction Proper.

705
706 8.2.6. The GEA-BEAC shall review and endorse the results of the validation of
707 Bids to the GEAC within two (2) working days from receipt thereof.

708
709 8.2.7. The GEAC shall, within five (5) working days from receipt of the GEA-
710 BEAC's endorsement, approve the list of Potential Winning Bidders
711 which shall be based on the accepted bids that fall within the Installation
712 Target.

713
714 **9. NOTICE OF AWARD (NOA)**

715
716 9.1. Issuance of NOA

717
718 9.1.1. Within two (2) working days from the last day of the period mentioned in
719 Section 8.2.7 of this TOR, the GEAC shall endorse to the Secretary the
720 list of Potential Winning Bidders for Issuance of NOA. Within five (5)
721 working days from receipt of endorsement, the Secretary shall approve
722 and issue the NOA.

723
724 9.1.2. The DOE shall then post the NOA through its website not later than one
725 (1) working day from the Secretary's approval thereof.

726
727 **10. SUBMISSION OF POST-AUCTION DOCUMENTS**

728
729 10.1. Within a non-extendible period of sixty (60) calendar days from the posting
730 of the NOA under Section 9.1.2 hereof, the Potential Winning Bidders shall
731 submit to DOE-RMD, addressed to the GEA-BEAC Chairperson pursuant
732 to Section 5.1.1 of this TOR, the following:

733
734 10.1.1. Original GEA Affidavit of Undertaking to deliver the committed
735 capacities in accordance with Annex D7 of this TOR;

736

- 737 10.1.2. Original PB, the amount of which shall be determined based on the
738 formula in Annex D and in accordance with the requirements in Annex
739 B of this TOR;
740
- 741 10.1.3. Proof of application filing for System Impact Study (SIS) with the
742 National Grid Corporation of the Philippines (NGCP) and/or
743 Distribution Impact Study (DIS) with the concerned distribution utility
744 (DU); and
745
- 746 10.1.4. Certification issued by Renewable Energy Resources Compliance
747 Division (RERCD) of the DOE that the Potential Winning Bidder is
748 compliant with the Financial Obligations under RE Service/Operating
749 Contracts as of Auction Proper, if applicable.
750
- 751 10.2. Within five (5) working days from the lapse of the period provided under
752 Section 10.1 hereof, the DOE-RMD shall transmit the documents listed in
753 Sections 10.1.1 to 10.1.4 to the GEAC-TWG, except that any PB in the form
754 of Cash shall be immediately transmitted to the DOE-Treasury Division
755 (TD).
756
- 757 10.3. The GEAC-TWG shall evaluate the Post-Auction Documents within thirty
758 (30) working days from receipt thereof. The evaluation results shall be
759 endorsed to the GEA-BEAC, which shall validate and, if appropriate,
760 recommend to the GEAC the issuance of Certificates of Award to the
761 Winning Bidders concerned in accordance with Section 11 of this TOR.
762
- 763 10.4. A Potential Winning Bidder that fails to submit and/or comply with any of the
764 foregoing Post-Auction Documents within the prescribed period shall be
765 disqualified and its Bid Bond shall be called.
766
- 767 10.5. In the event that a Potential Winning Bidder is disqualified, the Offered
768 Capacity corresponding to the disqualified Potential Winning Bidder shall be
769 awarded to the next-ranked Bidder/s until the Installation Target is met in
770 accordance with Section 8.2.1 of this TOR, subject to compliance with the
771 same post-auction requirements set forth in Section 10.1 of this TOR:
772 *Provided*, That the next-ranked Bidder/s has/have valid and effective Bid
773 Bond/s at the time of notice of inclusion of its/their bid/s in the Installation
774 Target
775
- 776 10.6. Posting of PB
777
- 778 10.6.1. To guarantee the faithful performance of its obligations under the
779 GEAP Guidelines, this TOR, undertakings and related agreements, the
780 Potential Winning Bidder shall deliver a PB that complies with the
781 following conditions:
782
- 783 10.6.1.1. Have a minimum term of one (1) year, except that the term of the
784 first PB shall cover any remaining period of the current year until
785 31 December of the next succeeding year; and
786

787 10.6.1.2. Be renewed annually until sixty (60) days following the target date
788 of committed DCD, consistent with Section 10.6.2 hereof. Not
789 later than sixty (60) calendar days prior to the expiration of the
790 PB, the proof of renewal of the PB shall be submitted to the
791 GEAC.
792

793 10.6.2. In every case, the WTE Facility of the Winning Bidder shall be covered
794 by a PB which shall remain effective and in place until sixty (60) days
795 after the target date of committed DCD. During the sixty (60)-calendar-
796 day period, the DOE shall validate compliance by the Winning Bidder
797 of its supply obligations under the GEAP.
798

799 10.6.3. The PB shall be returned to the Winning Bidder upon compliance with
800 Section 10.6.2: *Provided*, That the Winning Bidder's compliance with
801 the obligations under the GEAP was duly confirmed by the DOE.
802

803 If, after verification by the DOE, the actual capacity delivered exceeds
804 ten percent (10%) over the Offered Capacity, the Winning Bidder shall
805 be notified that it shall receive a COE-GET to not more than one
806 hundred ten percent (110%) of its Offered Capacity for its WTE Facility
807 from the DOE: *Provided*, That the Winning Bidder shall provide the SIS
808 or DIS confirming that the transmission/distribution facility can
809 accommodate the increased capacity equivalent to the 110% of the
810 Offered Capacity.
811

812 10.6.4. The amount of PB, or any renewal thereof, may be reduced based on
813 actual completion of the WTE Facility subject to DOE's validation in
814 both cases. Such validation shall be conducted during the 3rd Quarter
815 of every calendar year until date of committed DCD, as may be
816 applicable.
817

818 For this purpose, the Winning Bidders shall submit a report containing
819 the actual completion of, and expenditures incurred for, the WTE
820 Facility not later than the last day of the 2nd Quarter of every calendar
821 year.
822

823 10.7. The PB, or any portion thereof, shall be drawn in any of the following
824 circumstances:
825

826 10.7.1. If a Winning Bidder fails to submit the renewed PB within the periods
827 prescribed in Section 10.6.1.2, the DOE, without the need of notice to
828 the Winning Bidder, shall call the PB for the current year and hold the
829 proceeds of the same as cash bond, until the Winning Bidder shall
830 have submitted a renewed or replacement PB compliant with the
831 requirements therefor.
832

833 In the event that the PB is called pursuant to this Section and the
834 Winning Bidder fails/omits to submit a renewed or replacement PB
835 before the end of the current year, the cash bond shall stand as the PB
836 of the Winning Bidder and may be drawn in accordance with the terms

837 herein. In such event, the Winning Bidder shall not be allowed to
838 replace the cash bond.

839
840 10.7.2. If the capacity delivered of the RE Facility, as indicated in the COE-
841 GET, auction is less than one hundred percent (100%) but not less
842 than ninety percent (90%) of the Offered Capacity submitted by the
843 Winning Bidder, the PB shall be partially drawn proportional to the
844 difference between the Offered Capacity and the capacity indicated in
845 the COE-GET. In the event that the actual capacity delivered is less
846 than 90% of the Offered Capacity, the DOE will not issue the COE-
847 GET;

848
849 10.7.3. If the Winning Bidder fails to deliver on the DCD and (a) the delay is
850 due to its fault and (b) COD is not beyond 31 March 2028, one-tenth
851 (1/10) of one (1) percent of the PB shall be drawn for every day of delay
852 as penalty;

853
854 10.7.4. If the Winning Bidder fails to deliver on DCD and (a) the delay is due
855 to its fault and (b) the COD is beyond 31 March 2028, the PB shall be
856 drawn in full. Further, the Certificate of Award, COE-GET, and other
857 documents issued in favor of the Winning Bidder shall, upon due
858 notice, be deemed revoked, and the Winning Bidder shall not be
859 entitled to the GET for the Offered Capacity: *Provided*, That the
860 vacated capacity shall not be filled up with the Offered Capacity of the
861 next-in-line Bidder/s in the ranking of bids.

862 863 **11. CERTIFICATE OF AWARD¹⁴**

864
865 The DOE shall issue a Certificate of Award to each Winning Bidder that timely
866 submits the Post-Auction Documents mentioned in Section 10.1 of this TOR and
867 whose Post-Auction Documents have complied with the requirements of the TOR,
868 within thirty (30) working days from the date the GEAC affirms that the Post-Auction
869 Documents are in order. For this purpose, the GEAC shall act on the Post-Auction
870 Documents at ten (10)-working-day intervals.

871 872 **12. CONFIDENTIALITY IN PROCEEDINGS**

873
874 12.1. The DOE shall ensure that documents received from Qualified
875 Bidders/Suppliers, evaluations, discussions thereon, and other matters
876 which a reasonable person would consider as confidential, shall be treated
877 with confidentiality.

878
879 12.2. To this end, the DOE Information Technology and Management Services
880 shall allocate three (3) laptop computers with appropriate security features
881 for the exclusive use of GEAC-TWG and the System Administrator at

¹⁴ A COA refers to a document issued by the DOE to a Winning Bidder indicating the name of such Bidder, the Offered Capacity, name of the WTE Facility, and GET. The COA and other relevant documents are bases for the DOE, as well as compliance with applicable requirements, to issue the Certificate of Nomination/Endorsement for GET, taking into account the commercial operations date and the delivery date.

882 Auction Proper and shall develop protocols in the conduct of the above
883 activities. The said protocol shall be submitted to, and approved by, the
884 GEA-BEAC within thirty (30) calendar days from the issuance of the Notice
885 of Auction and this TOR. Upon approval, the said protocol shall form part of
886 this TOR.
887

888 **13. EFFECTS OF FORCE MAJEURE AFTER THE ISSUANCE OF CERTIFICATE** 889 **OF AWARD**

890
891 13.1. 'Force Majeure' (FM) refers to an extraordinary event not foreseeable or
892 avoidable, or to an event that could not be foreseen, or which, though
893 foreseen, is inevitable to happen, and is beyond the will, control,
894 participation, and influence of the Winning Bidder.
895

896 13.2. This further refers to an event or circumstance generally caused: (a) by
897 nature, such as but not limited to, fires, floods, typhoons, or other
898 catastrophes, or natural calamities; and/or (b) by the acts of man, such as
899 but not limited to, war, national emergencies, revolution, riot, insurrection,
900 civil unrest, or any other similar violent or threatening actions. It may likewise
901 pertain to any analogous event that may relate to a power system
902 emergency or transmission system issue that shall affect the continuity of
903 delivery of power by the Winning Bidder.
904

905 13.3. FM shall be invoked not later than five (5) working days from the Winning
906 Bidder's knowledge that FM exists. The claim of FM shall be addressed to
907 the GEAC and supported by proof that:
908

909 13.3.1. The FM exists;

910 13.3.2. The event/s occurred independent of the will of the RE Developer;

911 13.3.3. The event/s rendered it impossible for the RE Developer to fulfill its
912 obligations in a normal manner; and
913

914 13.3.4. The RE Developer is free of participation in, or aggravation of, the
915 injury to the DOE.
916
917

918
919 13.4. The Winning Bidder shall be given an additional period to comply with the
920 Post Auction Requirements if such Winning Bidder proves that FM
921 prevented compliance with the said requirements within the period
922 prescribed in Section 10.1.
923

924 13.5. The Winning Bidder affected by FM shall be excused from the performance
925 of its obligation to deliver the Offered Capacity on DCD to the extent caused
926 by FM. The Winning Bidder shall not be liable for any delay or damages
927 arising from such failure to perform: *Provided*, That the Winning Bidder has
928 complied with the Post Auction Requirements.
929

930 The Winning Bidder affected by FM shall be granted an extension to
931 commence delivery of supply. Such an extension period shall be equivalent

932 to the duration of FM. Failure to deliver after the period of extension shall
933 cause the calling of the PB in full or in part in accordance with Section 9.6
934 hereof.

935
936 If the Winning Bidder establishes that the delay due to FM will materially and
937 adversely affect the feasibility of the Bids, such Winning Bidder may
938 nominate another RE Facility, as replacement. Such replacement RE
939 Facility shall develop the same type of RE resource, be located within the
940 same grid, and have the same offered capacity and price, as the Winning
941 Bidder's WTE Facility except that the DCD of the former may be one (1) year
942 later than the committed DCD. Should a Winning Bidder choose this option,
943 it must post the PB and renew the same annually in accordance with Section
944 10.6.1.2 until delivery and validation of the replacement WTE Facility.
945

946 **14. ISSUANCE OF CERTIFICATE OF ENDORSEMENT FOR GREEN ENERGY** 947 **TARIFF¹⁵ (COE-GET)**

948
949 14.1. The Winning Bidder shall be issued with COE-GET by the DOE upon
950 submission and validation of the following:

951 14.1.1. Proof of WESM registration;

952 14.1.2. Copy of the GEA COA;

953 14.1.3. Notice of GET availment pursuant to Section 1.4.3 hereof, if applicable,
954 and
955

956 14.1.4. Written declaration of attainment of Successful Commissioning and
957 submission of NGCP's Final Certificate of Authority to Connect¹⁶
958 (FCATC) and Generating Unit Capability Test Certificate (GUCT) for
959 grid-connected facilities, or any equivalent documents showing proof
960 of Successful Commissioning for embedded generation facilities,
961 Provided that the actual installed capacity delivered is not less than
962 90% of the offered capacity or more or more than 110% of the Offered
963 Capacity.
964
965
966
967

968 In the event that the actual capacity delivered is less than 90% of the
969 Offered Capacity, the DOE will not issue the COE-GET and Section
970 10.7.2 applies. If the actual capacity delivered is more than 110% of
971 the Offered Capacity, the DOE will issue the COE-GET only in respect
972 of the capacity equivalent to 110% of the Offered Capacity.
973

¹⁵ A COE-GET is a certificate issued by the DOE, upon recommendation of the GEAC, according to the procedure set forth in DC No. DC2013-05-0009, after confirming the Successful Commissioning of the WTE Facility and readiness to inject power to the grid under GEAP.

¹⁶ An FCATC refers to the certification issued by Transmission Network Provider (TNP) or Distribution Utility (DU) to a Generation Company attesting that its Generation Facility/ies is ready to deliver energy to Grid or distribution network in accordance with the Philippine Grid Code (PGC); Philippine Distribution Code (PDC) and other relevant.

974 14.2. The COE-GET shall be processed according to Section 6 of the DC No.
975 DC2013-05-0009.

976
977 14.3. The Winning Bidder shall secure COC by complying with the procedures
978 outlined in ERC Resolution No. 17, Series of 2023.

979
980 The COE-GET shall reflect the validated date of Successful Commissioning
981 and capacity.

982

983 **15. ASSIGNMENT OF CERTIFICATE OF AWARD AND/OR COE-GET**

984

985 15.1. Any assignment by the Winning Bidder of its COA and/or COE-GET,
986 whether made prior to or after the DCD, shall be allowed only upon prior
987 approval by the DOE of the assignment of the RE Contract covering the WTE
988 Facility with the Winning Bid.

989

990 15.2. Upon the approval of the RE Contract assignment, the DOE shall:

991

992 15.2.1. Issue the COA in the name of the Assignee;

993

994 15.2.2. Amend the COA to substitute the Assignee as the Winning Bidder;

995

996 15.2.3. Issue the COE-GET in the name of the Assignee; or

997

998 15.2.4. Amend the COE-GET to substitute the Assignee as the Winning
999 Bidder.

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By Authority of the Secretary

1005

1006

1007

1008

ROWENA CRISTINA L. GUEVARA, PH.D.
GEAC-Chairperson

1009