ANNEX C: Instruction to Bidders

This Instruction to Bidders provides specific guidelines for participants in Special Auction Round for WTE.

1. The Qualified Supplier/Bidder shall:

    1.1. Be subject to and comply with all laws, rules, regulations and other issuances, including but not limited to the Department of Energy (DOE) Department Circular (DC) Nos. DC2021-11-0036, DC2023-09-0027, and DC2026-07-0015, the Wholesale Electric Spot Market (WESM) Rules and Market Manuals, and amendments thereto.

    1.2. Ensure that the complete registration and bidding documents are timely submitted to the GEA-Bids Evaluation and Awards Committee (BEAC), authentic or certified as a true copy of the original by the issuing authority and contains true and correct statements and information.

    1.3. Bear any and all costs incurred to participate in the Auction or costs associated with the preparation and submission of its bid. The DOE, GEA Committee and GEA-BEAC will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the bidding process.

    1.4. Carefully examine all auction documents and inquire or secure supplemental information, bid bulletin, advisory or any other announcement relative to the conduct of, and any other incident pertaining to, the Auction;

    1.5. Ensure a stable internet connection during the conduct of the online electronic bidding.

    1.6. 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.

    1.7. Having noted that failure to deliver is a prohibited act under Section 19 of the DC2021-11-0036 and Rule II, Section 3 of the DC2026-07-0015 is subject to the penalties provided under Section 46 of the EPIRA. In addition, said persons or juridical entities, together with their subsidiaries and affiliates, shall be prohibited from participating in any other auction under the GEAP or other DOE-prescribed bidding or auction process such as, but not limited to the Competitive Selection Process (CSP) of distribution utilities, *provided, that,* this prohibition shall not apply if, as a result of such failure to deliver, the Bid Bond/Performance Bond is drawn;

    1.8. 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:

1.8.1.1. On the date of commencement of supply as provided for under the GEA Affidavit of Undertaking; or

1.8.1.2. Commercial Operation Date (COD) is beyond 31 December 2029.

2. By participating in this auction in accordance with its TOR, the Qualified Bidder warrants that:

   2.1. It is not prohibited by any law, or government rules or regulations to participate and perform its obligations under GEA;

   2.2. It has the legal right and authority to perform its obligations under GEA;

3. All Winning Bidders under the GEA must be registered in the Wholesale Electricity Spot Market during the entire period that it is obligated to deliver the capacities as indicated in its Certificate of Award.

4. All timelines stated in the TOR shall be in Philippine Standard Time.