

**PRESCRIBING THE GUIDELINES FOR THE CONDUCT OF THE NUCLEAR
POWER GENERATION CAPACITY TENDER FOR THE PIONEER NUCLEAR
POWER PLANT AND SUCCEEDING NUCLEAR POWER PLANTS**

WHEREAS, Republic Act No. 7638, otherwise known as the “Department of Energy Act of 1992,” declares it a policy of the State to ensure a continuous, adequate, and economic supply of energy with the end in view of ultimately achieving self-reliance in the country’s energy requirements through the integrated and intensive exploration, production, management, and development of the country’s energy resources, and through the judicious conservation, renewal, and efficient utilization of energy to keep pace with the country’s growth and economic development, taking into consideration the active participation of the private sector in the various areas of energy resource development;

WHEREAS, Republic Act No. 7638 mandates the Department of Energy (“DOE”) to prepare, integrate, coordinate, supervise, and control all plans, programs, projects, and activities of the Government relative to energy exploration, development, utilization, distribution, and conservation;

WHEREAS, Republic Act No. 9136, otherwise known as the “Electric Power Industry Reform Act of 2001” or “EPIRA,” declares it a policy of the State to ensure the quality, reliability, security, and affordability of the supply of electric power, ensure transparent and reasonable prices of electricity in a regime of free and fair competition and full public accountability, protect the public interest as affected by the rates and services of electric utilities and other providers of electric power, assure socially and environmentally compatible energy sources and infrastructure, and promote the utilization of indigenous and new and renewable energy resources in power generation in order to reduce dependence on imported energy;

WHEREAS, EPIRA mandates the DOE to supervise the restructuring of the electric power industry, formulate policies for the planning and implementation of a comprehensive program for the efficient supply and economical use of energy, develop and update the Philippine Energy Plan (“PEP”), prepare and update annually the Power Development Program (“PDP”), ensure the reliability, quality, and security of supply of electric power, encourage private sector investments in the electricity sector, promote systems of incentives to encourage industry participants to provide adequate and reliable electric supply, and formulate such rules and regulations as may be necessary to implement the objectives of EPIRA;

WHEREAS, EPIRA provides that generation of electric power is a business affected with public interest, shall be competitive and open, and shall not be considered a public utility operation, and any person or entity engaged or which shall engage in power generation and supply of electricity shall not be required to secure a national franchise;

WHEREAS, Republic Act No. 12305, otherwise known as the Philippine National Nuclear Energy Safety Act, establishes the legal framework for the peaceful, safe, and secure use of nuclear energy in the Philippines and creates the Philippine Atomic Energy Regulatory Authority (“PhilATOM”) as the independent regulatory body with exclusive control over the peaceful, safe, and secure uses of nuclear energy and radiation sources in the Philippines;

WHEREAS, under Republic Act No. 12305, the siting, construction, operation, commissioning, and decommissioning of a nuclear or radiation facility and its associated activities require prior authorization from PhilATOM, and the regulatory functions of government agencies with respect to nuclear energy and radiation sources are transferred to PhilATOM, subject to the provisions and transition mechanisms of said Act;

WHEREAS, the State has adopted a national position for a Nuclear Energy Program, and the Philippine Energy Plan 2023–2050 incorporates a Clean Energy Scenario which envisions the phased entry of nuclear power in the country’s power generation mix, beginning with 1,200 MW of capacity by 2032, increasing to 2,400 MW by 2035, and 4,800 MW by 2050;

WHEREAS, the DOE issued Department Circular No. DC2025-10-0019, entitled “Framework for the Integration of Nuclear Energy in the Country’s Generation Mix to Implement the Clean Energy Scenario under the Philippine Energy Plan 2023–2050,” which recognizes nuclear energy as a long-term, clean, reliable, and baseload energy source anchored on energy security, affordability, and inclusivity;

WHEREAS, Department Circular No. DC2025-10-0019 provides that the first commercially developed and operated nuclear power plant in the Philippines shall be considered the Pioneer Nuclear Power Plant (“Pioneer NPP”), and that the Pioneer NPP shall be considered a baseload plant and shall be granted priority dispatch, in coordination with the DOE, the Independent Market Operator, and the System Operator, regardless of the nuclear technology to be considered for development;

WHEREAS, Department Circular No. DC2025-10-0019 directs the DOE to design appropriate mechanisms and arrangements to accommodate the integration of the Pioneer NPP and ensure that available capacities from such power plant are fully contracted or assured with an offtake to be financially viable for operation, including the possibility of auction, direct contracting, or aggregation for own use, industrial parks, special economic zones, contestable market, or other mechanisms like tender, taking into account the plant’s expected cost structure and long investment horizon;

WHEREAS, Department Circular No. DC2025-10-0019 directs the DOE, together with the Energy Regulatory Commission (“ERC”) and the National Electrification Administration (“NEA”), to evaluate policies for the integration of nuclear energy in the Power Supply Procurement Plans (“PSPPs”) of private Distribution Utilities (“DUs”) and Electric Cooperatives (“ECs”);

WHEREAS, Department Circular No. DC2025-10-0019 directs the ERC to formulate rules and guidelines for the determination of the appropriate price-setting methodology applicable to the operation of the Pioneer NPP, including the setting of the reserved price or tariff range for nuclear energy, and to adopt a pricing regime or long-term capital recovery mechanism that considers the high upfront cost of construction and initial phase of development of the Pioneer NPP and its long operational period;

WHEREAS, Department Circular No. DC2025-10-0019 directs the Transmission Network Provider (“TNP”) and System Operator (“SO”) to build the necessary transmission infrastructure in time to support the effective integration and distribution

of nuclear energy from the Pioneer NPP to the grid, include nuclear energy in the expansion and enhancement of the national grid in the next Transmission Development Plan (“TDP”), conduct and publish a grid readiness assessment, ensure the dispatch of generation by the Pioneer NPP as baseload, and procure the necessary ancillary services;

WHEREAS, the Enhanced Energy Regulations for the Benefits to Host Communities and Energy Regulations No. 1-94 recognize the policy of providing direct and preferential benefits to communities hosting energy-generating facilities and energy resource development facilities, including benefits relating to electrification, development and livelihood, reforestation, watershed management, health, environment enhancement, skills development, preference in employment, and preference in procurement of local supplies and services;

WHEREAS, the DOE recognizes the need to establish a transparent, competitive, technically robust, financeable, and time-bound mechanism for the procurement, award, development, construction, licensing, synchronization, and commercial operation of the Pioneer NPP and succeeding NPPs, while protecting consumer welfare and ensuring compliance with all nuclear safety, environmental, grid, and energy regulatory requirements;

WHEREAS, the DOE recognizes that nuclear power projects involve long development and construction lead times, complex licensing milestones, high capital investment, site selection and safety requirements, grid synchronization requirements, and the need for credible offtake, financing, and government support arrangements, including, where appropriate and legally permissible, sovereign support or guarantee arrangements to be negotiated after award and subject to applicable laws, approvals, and fiscal rules;

WHEREAS, the DOE recognizes the strategic role of the National Transmission Corporation (“TransCo”), the TNP, the SO, the Philippine Economic Zone Authority (“PEZA”), DUs, ECs, the Independent Market Operator, host Local Government Units (“LGUs”), host communities, and other relevant government agencies and instrumentalities in the development, procurement, integration, dispatch, settlement, and host-community support arrangements for nuclear power generation capacity;

WHEREAS, to implement this mechanism effectively, there is a need to establish a governance structure, including a Nuclear Capacity Tender Committee, Bids and Awards Committee, Technical Working Group, and Secretariat, to administer the tender, prepare the Terms of Reference, coordinate with relevant agencies, evaluate bids, recommend awards, and monitor post-award compliance;

WHEREAS, the DOE conducted public consultations on this Department Circular on the following dates: [insert dates and venues];

NOW, THEREFORE, the DOE hereby adopts, issues, and promulgates the following Guidelines:

RULE I

GENERAL PROVISIONS

Section 1. Title. This Department Circular shall be known and referred to as the “Guidelines for the Conduct of the Nuclear Power Generation Capacity Tender” or the “Nuclear Capacity Tender Guidelines.”

Section 2. Purposes and Objectives.

2.1 Purposes. This Department Circular is promulgated to:

- 2.1.1 Establish the policy and implementation framework for the competitive tender, award, development, construction, licensing, synchronization, delivery, and commercial operation of nuclear power generation capacity in the Philippines;
- 2.1.2 Provide a transparent and competitive mechanism to assure offtake for the Pioneer NPP and succeeding NPPs, consistent with Department Circular No. DC2025-10-0019;
- 2.1.3 Support national energy security, grid reliability, consumer welfare, affordability, and the development of a clean, reliable, baseload generation resource;
- 2.1.4 Provide guidance on the roles and responsibilities of DOE, ERC, TransCo, the TNP, the SO, the Independent Market Operator, DUs, ECs, PEZA, host LGUs, host communities, and other relevant agencies;
- 2.1.5 Provide a structured framework for tender design, capacity allocation, pricing, settlement, contracting, government support, tender-related site identification and generic site screening, licensing coordination, construction milestones, synchronization, and delivery obligations, without substituting for or prejudicing the site evaluation, technical review, licensing, and authorization processes of PhilATOM and other approving agencies; and
- 2.1.6 Ensure that nuclear power generation capacity is developed in accordance with applicable nuclear safety, security, safeguards, environmental, energy, grid, land-use, investment, competition, and host-community benefit requirements, including all authorizations required under Republic Act No. 12305 and regulations issued by PhilATOM.

2.2 Objectives. This Department Circular seeks to attain the following objectives:

- 2.2.1 Conduct a tender for nuclear power generation capacity through a fair, transparent, competitive, and non-discriminatory process;

- 2.2.2 Procure or assure nuclear power generation capacity for staggered delivery beginning 2038 and continuing over a ten-year delivery program, or such other period as may be specified in the Terms of Reference;
- 2.2.3 Ensure that the tender process reflects the capital-intensive and long-term nature of nuclear power projects, including site development, licensing, construction, testing, synchronization, and commercial operation;
- 2.2.4 Establish indicative pricing, reserved price or tariff range, and related pricing methodology in coordination with the ERC;
- 2.2.5 Provide for the integration of awarded nuclear capacity into the grid and into the TDP, PSPPs, WESM, bilateral contracting arrangements, aggregation arrangements, PEZA or ecozone offtake arrangements, contestable market arrangements, and other mechanisms permitted under applicable rules;
- 2.2.6 Provide for host-community advantages and benefits consistent with Energy Regulations No. 1-94, the Enhanced Energy Regulations for the Benefits to Host Communities, and subsequent DOE issuances;
- 2.2.7 Clarify that power generation, including nuclear power generation, is not a public utility operation and is excluded from the requirement of securing a national franchise, without prejudice to all applicable nuclear, energy, environmental, local, land-use, grid, and other permits and approvals; and
- 2.2.8 Provide an implementation timeline, including issuance of the Terms of Reference within six (6) months from the effectivity of this Department Circular, conduct of the Tender Proper in June 2027, issuance of award by December 2027, and post-award completion, construction, synchronization, and delivery milestones.

Section 3. Scope. This Department Circular shall apply to:

- 3.1 Generation Companies, project proponents, investors, developers, consortiums, or other juridical entities intending to participate in the Nuclear Capacity Tender;
- 3.2 The Pioneer NPP and succeeding NPPs;
- 3.3 DOE bureaus, offices, committees, and units involved in the Nuclear Capacity Tender;

- 3.4 ERC, in relation to price-setting methodology, indicative price, reserved price or tariff range, settlement mechanism, COC requirements, and applicable regulatory approvals;
- 3.5 TransCo, TNP, SO, and other entities responsible for grid planning, grid readiness, interconnection, synchronization, transmission development, and system operation;
- 3.6 DUs and ECs, in relation to PSPP integration, offtake arrangements, bilateral contracts, capacity allocation, and captive customer supply requirements;
- 3.7 PEZA and registered business enterprises or ecozone developers, in relation to aggregation, direct supply, or offtake arrangements within economic zones, subject to applicable laws and regulations;
- 3.8 The Independent Market Operator, WESM Governance Arm, and Market Operator, in relation to registration, dispatch, settlement, and other market mechanisms;
- 3.9 Host LGUs, host regions, host ICCs/IPs, and communities and people affected by the development, construction, and operation of nuclear power generation facilities; and
- 3.10 PhilATOM, in relation to nuclear safety, security, safeguards, siting, construction, operation, commissioning, decommissioning, authorization, and regulatory review matters under Republic Act No. 12305; and
- 3.11 Other relevant government agencies, instrumentalities, government-owned or -controlled corporations, and private entities whose participation is necessary or appropriate for the implementation of this Circular.

Section 4. Definition of Terms. For purposes of this Circular, the following terms shall mean:

- 4.1 **Awarded Capacity** refers to the capacity awarded by the DOE to a Winning Bidder pursuant to this Department Circular, the Terms of Reference, and the applicable tender documents.
- 4.2 **Certificate of Award** refers to the document issued by the DOE confirming the final award of capacity and the approved or endorsed Nuclear Tender Price, subject to post-award obligations, regulatory approvals, and applicable laws.
- 4.3 **Commercial Operation Date or COD** refers to the date when the awarded nuclear power generation facility is authorized to commence commercial operation in accordance with applicable nuclear, energy, ERC, WESM, grid, and other regulatory requirements.

- 4.4 **Construction Completion Period** refers to the period within which the Winning Bidder must complete construction milestones for the awarded project after satisfaction of the relevant licensing and notice-to-proceed milestones, as specified in the Terms of Reference, which period shall be four (4) years unless otherwise modified by the DOE in the Terms of Reference based on the technology, capacity, site, licensing pathway, and grid integration requirements.
- 4.5 **Delivery Date** refers to the date when a Winning Bidder is required to commence delivery of the Awarded Capacity or energy from the awarded nuclear power generation facility.
- 4.6 **Delivery Period** refers to the period during which the Winning Bidder is obligated to make available or deliver the Awarded Capacity or energy, as specified in the Certificate of Award, Terms of Reference, and applicable offtake or settlement documents.
- 4.7 **Generic Site Selection** refers to the initial site identification, screening, ranking, and due diligence process undertaken for possible nuclear power generation sites for tender and procurement purposes only, including assessment of land availability, exclusion areas, grid proximity, water availability, seismic, volcanic, hydrological, meteorological, environmental, social, security, logistics, emergency preparedness, host-community, PEZA or ecozone, land-use, and other relevant considerations, without prejudice to the site selection requirements, detailed site evaluation, pre-construction review, licensing, and approval by PhilATOM and other agencies under applicable laws.
- 4.8 **Indicative Price** refers to the preliminary price, tariff range, reference price, or pricing parameter for the Nuclear Capacity Tender, as may be developed by the DOE in coordination with the ERC and published prior to the Tender Proper, solely for guidance and without prejudice to the ERC-approved price-setting methodology, threshold price, reserved price, or final regulatory approval.
- 4.9 **License Milestones** refer to the nuclear, environmental, energy, grid, local, and other permitting, licensing, and authorization milestones required for the development, construction, commissioning, synchronization, and commercial operation of the awarded nuclear power generation facility, including site evaluation approval, construction authorization, operating license, COC, WESM registration, grid interconnection approvals, and other licenses or approvals specified in the TOR; provided, that regulatory authorization procedures, criteria, schedules, and approvals under Republic Act No. 12305 shall be governed by PhilATOM and shall not be deemed modified by this Department Circular or the TOR.
- 4.10 **Nuclear Power Plant or NPP** refers to a power generation facility that uses nuclear energy to generate electricity, including large-scale conventional reactors, Small Modular Reactors, Microreactors, Floating

NPPs, or other nuclear technologies recognized under applicable laws, regulations, and DOE issuances.

- 4.11 **Nuclear Tender Committee or NTC** refers to the committee established under this Department Circular to administer and supervise the Nuclear Capacity Tender.
- 4.12 **Nuclear Tender Price or NTP** refers to the approved or endorsed price resulting from the Nuclear Capacity Tender, subject to ERC approval, which shall serve as the basis for contracting, settlement, or other offtake arrangements.
- 4.13 **Nuclear Tender Threshold Price or NTTP** refers to the maximum price offer, reserved price, tariff range, or ceiling price for a specific Tender Round, as determined or approved by the ERC in coordination with the DOE, and which may be denominated in PhP/kWh, PhP/kW-month, PhP/MW-year, or such other pricing metric as may be specified in the Terms of Reference.
- 4.14 **Philippine Government Equity Option** refers to the option, if adopted in the Terms of Reference and applicable transaction documents, for the Philippine National Oil Company ("PNOC"), Maharlika Investment Corporation ("MIC"), or another authorized government entity to acquire, subscribe to, or participate in up to ten percent (10%) equity or equivalent economic interest in the project company of any Winning Bidder, subject to negotiation, due diligence, applicable laws, corporate approvals, fiscal rules, and regulatory approvals.
- 4.15 **Pioneer NPP** refers to the first commercially developed and operated NPP in the Philippines, consistent with Department Circular No. DC2025-10-0019.
- 4.16 **Qualified Bidder** refers to a bidder that has satisfied the legal, technical, financial, nuclear technology, safety, experience, site, grid, and other eligibility requirements prescribed under this Department Circular, the Terms of Reference, and the applicable tender documents.
- 4.17 **Staggered Delivery Program** refers to the staged delivery schedule for awarded nuclear capacity beginning 2038 and extending over a ten-year delivery horizon, or such other delivery schedule as may be specified in the Terms of Reference.
- 4.18 **Synchronization** refers to the process by which the awarded NPP is connected to and synchronized with the grid in accordance with the Grid Code, WESM Rules, market manuals, system operator requirements, testing requirements, nuclear safety requirements, and applicable approvals.
- 4.19 **Tender Capacity** refers to the aggregate nuclear power generation capacity, expressed in megawatts ("MW"), determined by the DOE to be

offered, procured, or assured through the Nuclear Capacity Tender for a specified delivery period.

- 4.20 **Tender Proper** refers to the scheduled competitive bidding process during which Qualified Bidders submit their capacity and price offers through the DOE-prescribed bidding platform or procedure.
- 4.21 **Terms of Reference or TOR** refers to the DOE-issued document detailing the technical, financial, legal, site, capacity, schedule, license milestone, government support, grid synchronization, settlement, offtake, bid submission, bid evaluation, award, and post-award requirements for the Nuclear Capacity Tender.
- 4.22 **Winning Bidder** refers to a Qualified Bidder that has been selected and awarded capacity under the Nuclear Capacity Tender.

RULE II

TENDER CAPACITY, DELIVERY PROGRAM, SITE SELECTION, AND TOR

Section 5. Determination of Tender Capacity.

- 5.1 The DOE, through the NTC and assisted by the Technical Working Group (“TWG”), shall determine the Tender Capacity based on the PEP, PDP, grid reliability requirements, supply-demand outlook, PSPPs of DUs and ECs, projected baseload requirements, decarbonization objectives, grid readiness, site readiness, and such other policy and technical considerations as the DOE may deem appropriate.
- 5.2 The Tender Capacity may be offered in one or more capacity blocks, by technology class, grid, area, site, project type, delivery period, or other category specified in the TOR.
- 5.3 The TOR shall specify, at a minimum:
 - 5.3.1 The area, grid, zone, or generic site category for the project;
 - 5.3.2 The Tender Capacity, capacity block size, minimum bid capacity, maximum bid capacity, and permissible technology type;
 - 5.3.3 Whether the tender applies to the Pioneer NPP, succeeding NPPs, or both;
 - 5.3.4 The target Delivery Dates and CODs;
 - 5.3.5 License Milestones and corresponding deadlines;
 - 5.3.6 Tender-related site identification, generic site screening, site due diligence, and bidder site development requirements, without

prejudice to PhilATOM site evaluation and authorization requirements;

5.3.7 Grid interconnection, transmission, and Synchronization requirements;

5.3.8 Applicable host-community benefit requirements;

5.3.9 Indicative Price, NTTP, reserved price, tariff range, or applicable pricing methodology, subject to ERC action;

5.3.10 Post-award obligations, including development security, performance security, completion security, or other instruments, if any;

5.3.11 Government support provisions, including sovereign guarantee negotiation parameters, if any;

5.3.12 Philippine Government Equity Option, if any;

5.3.13 Evaluation criteria and bid ranking methodology;

5.3.14 Form and content of bid submissions; and

5.3.15 Conditions for award, termination, substitution, assignment, step-in, or disqualification.

Section 6. Staggered Delivery Program.

6.1 The Tender Capacity shall be designed for staggered delivery beginning 2038 onwards, unless otherwise modified by the DOE in the TOR based on system requirements, site readiness, technology readiness, licensing timelines, financing requirements, grid readiness, or other relevant considerations.

6.2 The initial Staggered Delivery Program shall cover a ten-year delivery horizon beginning 2038 and ending 2047, unless otherwise provided in the TOR.

6.3 The DOE may allocate Tender Capacity in tranches, including but not limited to:

6.3.1 First Delivery Tranche: target delivery beginning 2038;

6.3.2 Second Delivery Tranche: target delivery beginning 2040;

6.3.3 Subsequent Delivery Tranches: target delivery dates from 2041 to 2047, or as specified in the TOR.

- 6.4 The DOE may revise the delivery schedule in the TOR to reflect the results of grid studies, generic site selection, licensing pathway assessment, market demand, technology readiness, investor feedback, or public consultation.

Section 7. Generic Site Selection.

- 7.1 Within six (6) months from the effectivity of this Department Circular, the DOE, in coordination with PhilATOM and other relevant agencies, shall issue or cause the issuance of generic site identification and screening parameters for the Nuclear Capacity Tender, solely for tender design, procurement, capacity allocation, and bidder eligibility purposes.
- 7.2 The generic site identification and screening parameters may include, among others, and without prejudice to the requirements to be established by PhilATOM under Republic Act No. 12305:
- 7.2.1 Site area requirements;
 - 7.2.2 Minimum land availability and land control requirements;
 - 7.2.3 Exclusion, avoidance, and suitability criteria;
 - 7.2.4 Proximity to transmission facilities and load centers;
 - 7.2.5 Water availability and cooling requirements;
 - 7.2.6 Seismic, volcanic, hydrological, meteorological, geotechnical, environmental, security, emergency preparedness, and logistics considerations;
 - 7.2.7 Host-community acceptability and LGU coordination;
 - 7.2.8 PEZA or ecozone suitability, where relevant;
 - 7.2.9 Interconnection and grid integration feasibility;
 - 7.2.10 Evacuation, emergency planning, public health, and safety considerations; and
 - 7.2.11 Other requirements that may be prescribed by the DOE, PhilATOM, ERC, DENR, DILG, TransCo, TNP, SO, PEZA, or other relevant agencies.
- 7.3 Generic site selection under this Department Circular shall be for tender and procurement purposes only. It shall not be deemed a substitute for, or approval of, the site selection requirements, detailed site evaluation, pre-construction review, technical assessment, nuclear safety licensing, environmental compliance, local permits, land-use approvals, or other permits and authorizations required by law.

- 7.4 Nothing in this Department Circular or in the TOR shall be construed to replace, limit, or prejudice the authority of PhilATOM to establish site selection and evaluation requirements, classify areas as unsuitable or high-risk for nuclear facilities, conduct regulatory review, and issue or deny authorizations under Republic Act No. 12305 and its implementing rules and regulations.

Section 8. Issuance of Terms of Reference.

- 8.1 Within six (6) months from the effectivity of this Department Circular, the DOE, through the NTC, shall issue the TOR for the Nuclear Capacity Tender.
- 8.2 The TOR may be issued in draft for stakeholder consultation prior to final issuance.
- 8.3 The TOR shall specify whether the tender will be conducted as a single round, multiple rounds, technology-neutral round, technology-specific round, site-specific round, generic-site round, capacity tranche round, or such other structure as the DOE may determine.
- 8.4 The TOR shall include a transaction timeline consistent with the following indicative schedule:

Milestone	Indicative Timeline
Issuance of this Department Circular	2026
Issuance of TOR and generic site selection parameters	Within 6 months from effectivity
Publication of Invitation to Bid	As specified in TOR
Bidder registration and qualification	As specified in TOR
Pre-bid conference and bid bulletins	As specified in TOR
Tender Proper	June 2027
Post-tender evaluation and endorsement	June to November 2027
Issuance of Notice of Award / Certificate of Award	December 2027
License Milestone period	As specified in TOR and subject to applicable PhilATOM and other regulatory procedures
Construction Completion Period	Four (4) years from applicable PhilATOM construction authorization or notice-to-proceed issued after

	satisfaction of required authorization, unless otherwise specified
First target delivery	2038
Second target delivery	2040
Full staggered delivery horizon	2038–2047, unless otherwise specified

RULE III

PRICING, PARTICIPATION FEE, GOVERNMENT SUPPORT, AND OFFTAKE

Section 9. Indicative Price and Nuclear Tender Threshold Price.

- 9.1 The DOE, in coordination with the ERC, may publish an Indicative Price prior to the Tender Proper for the guidance of prospective bidders, DUs, ECs, contestable customers, PEZA locators, financing institutions, and other stakeholders.
- 9.2 The ERC shall determine or approve the applicable NTTP, reserved price, tariff range, or price-setting methodology for each Tender Round, consistent with Department Circular No. DC2025-10-0019 and applicable laws and regulations.
- 9.3 The NTTP or equivalent price ceiling shall consider, among others:
 - 9.3.1 Prudent and reasonable costs of developing, financing, constructing, operating, maintaining, refurbishing, decommissioning, and securing an NPP;
 - 9.3.2 The high upfront construction cost and long operational period of nuclear projects;
 - 9.3.3 Fuel supply, waste management, spent fuel management, insurance, security, safeguards, emergency preparedness, and other nuclear-specific costs;
 - 9.3.4 Financing costs, foreign exchange risk, inflation, cost escalation, and capital recovery period;
 - 9.3.5 Consumer welfare, affordability, and rate impact;
 - 9.3.6 Baseload and reliability value;
 - 9.3.7 Grid integration and ancillary service requirements; and
 - 9.3.8 Such other considerations as may be determined by the ERC.

- 9.4 Any Price Offer exceeding the NTTP or applicable price ceiling shall be automatically disqualified, unless the TOR provides an alternative bid evaluation or negotiation mechanism approved by the DOE and consistent with ERC rules.

Section 10. Participation Fee.

- 10.1 No participation fee shall be imposed for registration or participation in the Nuclear Capacity Tender.
- 10.2 The waiver of participation fees shall not exempt bidders from the requirement to submit bid security, development security, performance security, completion security, or other instruments that may be required under the TOR to ensure seriousness of bids and performance of obligations.
- 10.3 The DOE may recover reasonable administrative costs through mechanisms expressly provided in the TOR, subject to applicable laws and rules.

Section 11. Offtake and Settlement Mechanisms.

- 11.1 The DOE may implement one or more of the following offtake or settlement mechanisms for Awarded Capacity:
- 11.1.1 Allocation to DUs and ECs for inclusion in their PSPPs and supply portfolios;
 - 11.1.2 Bilateral contracting between Winning Bidders and DUs, ECs, suppliers, contestable customers, or aggregators;
 - 11.1.3 Aggregation for own use, including industrial parks, PEZA ecozones, special economic zones, or other economic zones;
 - 11.1.4 WESM registration, scheduling, dispatch, settlement, and related mechanisms, subject to ERC approval;
 - 11.1.5 Contract-for-difference (CfD), reliability payment, capacity payment, tariff support, or other settlement mechanism approved by the ERC;
 - 11.1.6 Direct contracting, subject to applicable rules and approvals;
 - 11.1.7 Government-backed offtake, subject to applicable laws, appropriations, approvals, and fiscal rules; or
 - 11.1.8 Other mechanisms consistent with Department Circular No. DC2025-10-0019 and applicable laws.

- 11.2 The applicable offtake or settlement mechanism shall be specified in the TOR and transaction documents.
- 11.3 Any settlement mechanism affecting rates, charges, or recoveries from consumers shall be subject to ERC approval.

Section 12. Sovereign Support or Guarantee.

- 12.1 The DOE may include in the TOR a provision allowing the Winning Bidder to request negotiation of sovereign support, sovereign guarantee, or other government support arrangement in relation to the awarded project.
- 12.2 Any sovereign support or guarantee shall be subject to negotiation after award and shall not be deemed automatically granted by virtue of participation in, or award under, the Nuclear Capacity Tender.
- 12.3 Any sovereign support or guarantee shall be subject to applicable laws, rules, regulations, fiscal risk review, approvals of relevant government agencies, and such conditions as may be imposed by the National Government.
- 12.4 The availability, scope, tenor, amount, enforceability, and conditions of any sovereign support or guarantee shall be specified only in the applicable approved transaction documents.

Section 13. Philippine Government Equity Option.

- 13.1 The TOR may provide an option for PNOC, MIC, or another authorized government entity to acquire, subscribe to, or participate in up to ten percent (10%) equity or equivalent economic interest in the project company of any Winning Bidder.
- 13.2 The Philippine Government Equity Option, if adopted, shall be subject to:
 - 13.2.1 Due diligence;
 - 13.2.2 Negotiation with the Winning Bidder;
 - 13.2.3 Compliance with the charters and investment mandates of PNOC, MIC, or the relevant government entity;
 - 13.2.4 Corporate approvals;
 - 13.2.5 Applicable procurement, investment, competition, public finance, national security, and regulatory rules;
 - 13.2.6 Approval of relevant government agencies, where required; and

13.2.7 Execution of definitive investment, shareholders', or participation agreements.

- 13.3 The exercise or non-exercise of the Philippine Government Equity Option shall not, by itself, affect the validity of the award, unless otherwise provided in the TOR.

RULE IV

TENDER PROCESS AND ELIGIBILITY

Section 14. Tender Guiding Principles. The Nuclear Capacity Tender shall be governed by the following principles:

- 14.1 Fairness, transparency, competitiveness, and non-discrimination;
- 14.2 Alignment with energy security, grid reliability, consumer welfare, and clean energy objectives;
- 14.3 Recognition of the unique licensing, construction, safety, financing, and operating characteristics of nuclear power projects;
- 14.4 Full compliance with nuclear safety, security, safeguards, environmental, grid, and energy regulatory requirements;
- 14.5 Financeability and credible offtake or settlement arrangements;
- 14.6 Protection of consumers from unreasonable rates;
- 14.7 Host-community participation and benefit-sharing;
- 14.8 Timely grid integration and synchronization; and
- 14.9 Accountability through post-award monitoring and milestone enforcement.

Section 15. Tender Process. The following process shall be observed, subject to the detailed procedures in the TOR:

- 15.1 **Publication of Invitation to Bid.** The DOE, through the Secretariat, shall publish the Invitation to Bid on the DOE website and in at least one (1) newspaper of general circulation. The Invitation to Bid shall state the Tender coverage, Tender Capacity, delivery tranches, site or area parameters, qualification requirements, Tender schedule, and access to the TOR.
- 15.2 **Issuance of TOR.** The DOE shall issue the TOR within six (6) months from the effectivity of this Department Circular.

- 15.3 **Registration.** Interested bidders shall register with the DOE in accordance with the TOR. No participation fee shall be charged.
- 15.4 **Qualification.** The Bids and Awards Committee (“BAC”), assisted by the TWG, shall evaluate bidder submissions and determine Qualified Bidders based on legal, technical, financial, nuclear technology, safety, site, experience, grid, and other requirements.
- 15.5 **Pre-Bid Conference.** The BAC shall conduct one or more pre-bid conferences to clarify the TOR and issue bid bulletins as necessary.
- 15.6 **Submission of Bid Security and Undertaking.** Qualified Bidders shall submit bid security and an affidavit or undertaking to comply with the submitted bid, delivery schedule, License Milestones, construction requirements, grid Synchronization requirements, and other obligations.
- 15.7 **Tender Proper.** The Tender Proper shall be conducted in June 2027, unless otherwise extended or modified by the DOE through an advisory or bid bulletin.
- 15.8 **Bid Opening, Evaluation, and Ranking.** The BAC, assisted by the TWG, shall open, evaluate, validate, and rank bids in accordance with the TOR.
- 15.9 **Endorsement to NTC.** The BAC shall submit the evaluated and ranked bids to the NTC for policy-level review and endorsement in accordance with the TOR, without prejudice to the BAC as the principal body for bid evaluation and ranking.
- 15.10 **Approval by the Secretary.** The NTC shall endorse the recommended Winning Bidder or Winning Bidders to the DOE Secretary for approval.
- 15.11 **ERC Coordination.** The DOE shall coordinate with the ERC on the approved or endorsed Nuclear Tender Price, settlement mechanism, tariff range, and other regulatory matters.
- 15.12 **Issuance of Notice of Award and Certificate of Award.** The DOE shall issue the Notice of Award and Certificate of Award by December 2027, subject to the evaluation process, post-tender requirements, and conditions specified in the TOR.
- 15.13 **Post-Tender Documents.** Winning Bidders shall submit post-tender requirements, including performance security, milestone schedule, project company documents, site development documents, grid interconnection documents, licensing plan, financing plan, and other documents specified in the TOR.
- 15.14 **Post-Award Monitoring.** The DOE shall monitor compliance with License Milestones, construction milestones, grid Synchronization

milestones, delivery obligations, host-community obligations, and other commitments.

Section 16. Eligibility Requirements.

- 16.1 A bidder must be a juridical entity, consortium, or other legally recognized entity authorized to participate under Philippine law and the TOR.
- 16.2 The TOR shall prescribe eligibility requirements, including:
 - 16.2.1 Legal authority and corporate capacity;
 - 16.2.2 Technical capability and nuclear project experience;
 - 16.2.3 Financial capability and access to financing;
 - 16.2.4 Technology qualification and standard design or reference plant requirements, where applicable, including documentation sufficient to support PhilATOM review under Republic Act No. 12305;
 - 16.2.5 Safety, security, safeguards, quality assurance, and emergency preparedness capability;
 - 16.2.6 Site identification, generic site selection compliance, or site development strategy for tender evaluation purposes, without prejudice to PhilATOM site evaluation and authorization requirements;
 - 16.2.7 Grid interconnection and Synchronization plan;
 - 16.2.8 Construction and project execution experience;
 - 16.2.9 Decommissioning and waste management strategy;
 - 16.2.10 Host-community engagement plan;
 - 16.2.11 No legal impediment to development, contracting, financing, construction, licensing, or operation; and
 - 16.2.12 Other requirements specified in the TOR.
- 16.3 For applications involving a standard design or reference plant, the TOR shall require bidders to submit information demonstrating compatibility with IAEA Safety Standards and the relevant regulatory regime of the country of origin, including a safety analysis report, identification of design changes from the standard design or reference plant, and the corresponding regulatory basis for approval in the country of origin,

consistent with Republic Act No. 12305 and subject to PhilATOM review and assessment.

- 16.4 The inclusion of standard design or reference plant requirements in the TOR shall not be construed as DOE approval of the nuclear design, technology, safety case, or regulatory basis. All such matters shall remain subject to review, assessment, and authorization by PhilATOM and other approving agencies, as applicable.

Section 17. Franchise Exclusion for Generation.

- 17.1 Consistent with EPIRA, power generation shall not be considered a public utility operation.
- 17.2 A Winning Bidder or project company engaged in nuclear power generation shall not be required to secure a national franchise solely by reason of engaging in generation of electricity.
- 17.3 The exclusion from national franchise requirement shall not exempt the Winning Bidder or project company from securing all applicable permits, licenses, authorizations, approvals, endorsements, and clearances required under nuclear safety, environmental, energy, grid, local government, land-use, investment, national security, public health, labor, customs, tax, and other applicable laws, rules, and regulations.

RULE V

LICENSING, CONSTRUCTION, GRID SYNCHRONIZATION, TRANSCO, TNP, SO, AND PEZA

Section 18. License Milestones.

- 18.1 The TOR shall prescribe License Milestones for each project, which may include:
- 18.1.1 Project company formation and capitalization;
 - 18.1.2 Site control or site development agreement;
 - 18.1.3 Generic site screening completion;
 - 18.1.4 Detailed site evaluation plan;
 - 18.1.5 Environmental assessment and environmental compliance requirements;
 - 18.1.6 Nuclear regulatory pre-application engagement;
 - 18.1.7 Site evaluation approval or equivalent regulatory milestone;

- 18.1.8 Construction authorization or equivalent regulatory milestone;
 - 18.1.9 Grid impact study and facility study completion;
 - 18.1.10 Interconnection agreement execution;
 - 18.1.11 Financing close;
 - 18.1.12 Notice to proceed;
 - 18.1.13 First concrete or equivalent construction milestone;
 - 18.1.14 Major equipment procurement and delivery;
 - 18.1.15 Mechanical completion;
 - 18.1.16 Fuel loading authorization, if applicable;
 - 18.1.17 Testing and commissioning;
 - 18.1.18 Synchronization;
 - 18.1.19 Operating license or equivalent regulatory authorization;
 - 18.1.20 ERC COC;
 - 18.1.21 WESM registration; and
 - 18.1.22 COD.
- 18.2 Failure to meet License Milestones shall be subject to the consequences provided in the TOR, including cure periods, milestone extensions, forfeiture of security, reduction of Awarded Capacity, substitution, termination, or disqualification.
- 18.3 Extensions may be granted by the DOE for force majeure, regulatory delay not attributable to the Winning Bidder, grid delay not attributable to the Winning Bidder, or other justified grounds specified in the TOR.
- 18.4 The License Milestones prescribed in the TOR shall be implemented in a manner consistent with, and subject to, the authorization procedures, criteria, conditions, and schedules to be established or required by PhilATOM under Republic Act No. 12305. Nothing in the TOR or in this Department Circular shall be construed to shorten, waive, replace, or otherwise prejudice any PhilATOM authorization process.

Section 19. Construction Completion.

- 19.1 The Construction Completion Period shall be four (4) years from the applicable construction authorization issued by PhilATOM, notice to

proceed issued after satisfaction of the required regulatory authorization, or such other milestone specified in the TOR that is consistent with Republic Act No. 12305 and applicable PhilATOM requirements.

- 19.2 The DOE may adjust the Construction Completion Period in the TOR based on project size, technology, modularity, site readiness, supply chain conditions, licensing requirements, and grid integration requirements.
- 19.3 The Winning Bidder shall submit periodic construction progress reports to the DOE and other relevant agencies in the form and frequency specified in the TOR.
- 19.4 Construction of an NPP and associated activities shall be undertaken only upon issuance of the required prior authorization by PhilATOM and compliance with all other applicable permits, approvals, and conditions required by law.

Section 20. Role of TransCo, TNP, and SO.

- 20.1 TransCo, the TNP, and the SO shall coordinate with DOE and Winning Bidders to ensure the timely integration of Awarded Capacity into the grid.
- 20.2 TransCo, the TNP, and the SO shall, as applicable:
 - 20.2.1 Include nuclear power generation capacity and associated transmission requirements in the TDP;
 - 20.2.2 Conduct or support grid readiness assessment for the awarded nuclear capacity;
 - 20.2.3 Review system impact studies and facility studies;
 - 20.2.4 Identify required transmission reinforcements, grid enhancements, substations, protection systems, control systems, reactive power support, ancillary services, and Synchronization requirements;
 - 20.2.5 Coordinate interconnection timelines with the delivery schedule;
 - 20.2.6 Facilitate execution of connection agreements, metering services agreements, transmission service agreements, or equivalent agreements;
 - 20.2.7 Ensure that grid facilities are ready for Synchronization and commercial operation; and
 - 20.2.8 Perform other acts necessary for the smooth integration and harmonization of NPPs in the grid.

- 20.3 Where necessary transmission facilities are delayed or where associated transmission projects are required, the Winning Bidder may, subject to applicable DOE and ERC rules, finance, construct, or otherwise support the implementation of such transmission facilities, without prejudice to the applicable cost recovery and asset turnover mechanisms.

Section 21. Grid Synchronization.

- 21.1 Each Winning Bidder shall submit a Synchronization Plan in accordance with the TOR, Grid Code, WESM Rules, market manuals, SO requirements, TNP requirements, ERC rules, and nuclear regulatory requirements.
- 21.2 Synchronization shall be permitted only after satisfaction of applicable nuclear safety, PhilATOM authorization, grid, ERC, WESM, and other regulatory requirements.
- 21.3 The DOE, ERC, SO, TNP, TransCo, Independent Market Operator, and PhilATOM shall coordinate to avoid delays in Synchronization, testing, commissioning, and COD.

Section 22. PEZA and Ecozone Offtake Arrangements.

- 22.1 The DOE may coordinate with PEZA, other investment promotion agencies, ecozone administrators, industrial park developers, registered business enterprises, contestable customers, Retail Electricity Suppliers, aggregators, DUs, ECs, and suppliers for the development of offtake arrangements for Awarded Capacity.
- 22.2 PEZA and ecozone-related arrangements may include, among others:
- 22.2.1 Aggregation of electricity demand within PEZA-registered economic zones, industrial parks, or special economic zones;
 - 22.2.2 Direct supply arrangements to qualified contestable customers, subject to retail competition and open access rules;
 - 22.2.3 Supply to DUs serving PEZA economic zones or industrial estates;
 - 22.2.4 Long-term bilateral contracts between Winning Bidders and eligible offtakers;
 - 22.2.5 Load aggregation for own-use arrangements, where allowed by applicable law and ERC rules;
 - 22.2.6 Integration of nuclear capacity into ecozone decarbonization, energy security, or industrial competitiveness programs; and

- 22.2.7 Other arrangements that may support the financial viability of the Pioneer NPP or succeeding NPPs while protecting consumers and respecting franchise, grid, market, and regulatory requirements.
- 22.3 PEZA-related offtake arrangements shall not impair the obligation of DUs and ECs to supply electricity to their captive markets in the least-cost manner, nor shall such arrangements derogate from the authority of the ERC over rates, supply contracts, licensing, retail competition, contestability, and consumer protection.
- 22.4 The DOE may include in the TOR a mechanism for allocating a portion of the Awarded Capacity to PEZA or ecozone demand, provided that such allocation is supported by verified demand, credible offtake commitments, grid deliverability, and applicable regulatory approvals.
- 22.5 PEZA, ecozone developers, or registered business enterprises may be required under the TOR to submit letters of interest, demand certifications, aggregation plans, indicative load profiles, or other documents to support capacity allocation, subject to DOE evaluation and ERC rules.
- 22.6 PEZA or ecozone participation shall not be construed as a waiver of any required approval by the ERC, the relevant DU, the SO, the Market Operator, or any other competent authority.

RULE VI

HOST-COMMUNITY BENEFITS, ER 1-94 ADVANTAGE, AND LOCAL ACCEPTABILITY

Section 23. Host-Community Benefits.

- 23.1 The Pioneer NPP and succeeding NPPs shall comply with host-community benefit obligations under applicable laws, Energy Regulations No. 1-94, the Enhanced Energy Regulations for the Benefits to Host Communities, and subsequent DOE issuances.
- 23.2 The TOR shall require each bidder to submit a Host-Community Benefit Plan. The plan shall form part of the technical proposal and shall be evaluated in accordance with the TOR.
- 23.3 The Host-Community Benefit Plan shall include, at a minimum:
- 23.3.1 Identification of the proposed host LGU, host region, affected communities, and, where applicable, ICCs/IPs;
 - 23.3.2 Proposed compliance framework for financial benefits, including electrification, development and livelihood, and reforestation,

watershed management, health, and environment enhancement funds;

23.3.3 Local employment, training, scholarship, and skills development programs;

23.3.4 Preference in procurement of local supplies and services where available at competitive price, quality, quantity, and delivery terms;

23.3.5 Community information, education, and public engagement programs relating to nuclear energy, radiation safety, emergency preparedness, and environmental protection;

23.3.6 Local infrastructure support, public health, emergency response, environmental monitoring, and community resilience measures;

23.3.7 Coordination framework with host LGUs, relevant national government agencies, and local stakeholders;

23.3.8 Grievance redress mechanism for host communities;

23.3.9 Reporting and audit mechanism for host-community benefits; and

23.3.10 Other undertakings required under the TOR or applicable DOE issuances.

23.4 Host-community benefits shall be implemented without prejudice to any separate obligations under environmental laws, nuclear safety laws and regulations, local government requirements, social acceptability processes, indigenous peoples' rights laws, land acquisition rules, resettlement laws, labor laws, and other applicable rules.

23.5 The DOE may require Winning Bidders to submit periodic implementation reports on host-community benefit commitments. Failure to implement approved host-community commitments shall be subject to the remedies and sanctions under this Circular, the TOR, and applicable laws.

Section 24. ER 1-94 Advantage Benefit.

24.1 The TOR may provide an "ER 1-94 Advantage Benefit" evaluation component for bidders that commit to enhanced, accelerated, or expanded host-community benefits beyond the minimum required under applicable rules.

24.2 The ER 1-94 Advantage Benefit may include additional scoring, tie-break preference, or other evaluation treatment, provided that the treatment is clearly stated in the TOR and is applied in a transparent and non-discriminatory manner.

- 24.3 Commitments that may qualify for the ER 1-94 Advantage Benefit include:
 - 24.3.1 Early implementation of electrification or electricity rate-reduction programs for the host area;
 - 24.3.2 Enhanced development and livelihood programs;
 - 24.3.3 Nuclear skills development, technical education, and workforce localization programs;
 - 24.3.4 Health, emergency preparedness, and environmental monitoring programs;
 - 24.3.5 Local supply chain development;
 - 24.3.6 Community information centers, scholarship programs, and public education programs on nuclear energy and safety;
 - 24.3.7 Benefits for affected communities, host LGUs, host regions, and ICCs/IPs beyond the minimum required by applicable regulations; and
 - 24.3.8 Other measurable and enforceable undertakings specified in the TOR.
- 24.4 The ER 1-94 Advantage Benefit shall not substitute for mandatory compliance with nuclear safety, technical, legal, financial, grid, licensing, environmental, and price requirements.
- 24.5 Commitments credited as ER 1-94 Advantage Benefits shall be incorporated in the Certificate of Award or post-award documents and shall be enforceable by the DOE.

Section 25. Local Acceptability and Stakeholder Engagement.

- 25.1 Each bidder shall submit a Stakeholder Engagement and Local Acceptability Plan as part of its bid submission.
- 25.2 The plan shall include:
 - 25.2.1 Identification of affected LGUs, communities, ICCs/IPs, and other stakeholders;
 - 25.2.2 Proposed public consultation process;
 - 25.2.3 Risk communication strategy;
 - 25.2.4 Emergency preparedness coordination strategy;

25.2.5 Land acquisition, resettlement, or right-of-way strategy, where applicable;

25.2.6 Environmental and social safeguards strategy;

25.2.7 Information disclosure program; and

25.2.8 Grievance redress mechanism.

25.3 Nothing in this Department Circular shall be construed as dispensing with any requirement for consultation, consent, endorsement, local approval, environmental clearance, free and prior informed consent, or other process required under applicable law.

RULE VII

IMPLEMENTING BODIES

Section 26. Nuclear Tender Committee.

26.1 The Nuclear Tender Committee (NTC) is hereby created to supervise, administer, and conduct the Nuclear Capacity Tender.

26.2 The NTC shall be constituted through a Special Order issued by the DOE Secretary.

26.3 The NTC shall be designated by the DOE Secretary and will be composed of the following:

Chair : DOE Undersecretary or Assistant Secretary

Members : Director of Electric Power Industry Management Bureau

Director of Energy Utilization Management Bureau

Director of Legal Services

Director of Financial Services

26.4 The NTC may invite representatives from the ERC, TransCo, TNP, SO, Independent Market Operator, WESM Governance Arm, PEZA, PNOC, MIC, NEA, DENR, DILG, DOF, NEDA, Board of Investments, PhilATOM, LGUs, and other agencies as resource persons, advisers, observers, or technical participants, as appropriate.

26.5 The NTC shall have the following duties and responsibilities:

- 26.5.1 Determine and recommend the Tender Capacity, delivery tranches, and tender coverage;
- 26.5.2 Review and recommend the TOR, tender design, and implementation schedule for approval by the DOE Secretary;
- 26.5.3 Supervise the overall implementation of the Nuclear Capacity Tender and resolve policy-level or inter-agency coordination matters;
- 26.5.4 Administer the competitive bidding process and conduct the receipt, opening, validation, evaluation, ranking, and recommendation of bids to ensure that the Nuclear Capacity Tender is conducted in a transparent, fair, and competitive manner;
- 26.5.5 Receive and evaluate registration documents;
- 26.5.6 Determine bidder eligibility and recommend the list of Qualified Bidders;
- 26.5.7 Conduct pre-bid conferences;
- 26.5.8 Prepare, issue, or recommend bid bulletins and clarifications;
- 26.5.9 Receive, open, validate, and evaluate bids;
- 26.5.10 Rank bids in accordance with the TOR;
- 26.5.11 Endorse the recommended Winning Bidder or Winning Bidders to the DOE Secretary for approval, supported by the bid evaluation report and the NTC TWG technical evaluation report, where applicable;
- 26.5.12 Maintain the integrity, confidentiality, and security of bid submissions;
- 26.5.13 Resolve procedural matters within its authority under the TOR;
- 26.5.14 Coordinate with the ERC on pricing, settlement, COC, and other regulatory matters;
- 26.5.15 Coordinate with TransCo, TNP, and SO on grid readiness and Synchronization matters;
- 26.5.16 Coordinate with PEZA, DUs, ECs, suppliers, contestable customers, and aggregators on offtake arrangements;
- 26.5.17 Coordinate with PNOC, MIC, DOF, NEDA, and other relevant agencies on the Philippine Government Equity Option, sovereign

support, or other government support arrangements, if applicable;

26.5.18 Monitor post-award compliance through the relevant DOE bureaus and offices; and

26.5.19 Perform such other functions necessary to implement this Department Circular.

Section 27. NTC Technical Working Group.

27.1 The NTC Technical Working Group (TWG) shall provide advisory and technical support to the NTC in the legal, financial, nuclear, site, environmental, grid, market, host-community, pricing, and transaction evaluation of bids. The NTC TWG shall not independently receive bids, rank bids, determine eligibility, recommend award, or exercise decision-making authority reserved to the NTC or DOE Secretary.

27.2 The NTC TWG may be composed of representatives from DOE bureaus and offices and may include resource persons from ERC, TransCo, TNP, SO, PEZA, PNOC, MIC, NEA, PhilATOM, and other relevant entities.

27.3 The NTC TWG shall have the following functions:

27.3.1 Review technical submissions;

27.3.2 Review nuclear technology, safety, security, safeguards, quality assurance, and waste management proposals;

27.3.3 Review site selection and site development submissions;

27.3.4 Review grid interconnection and Synchronization proposals;

27.3.5 Review financial capability and financing plans;

27.3.6 Review bid prices and pricing assumptions, subject to ERC authority;

27.3.7 Review host-community benefit plans and ER 1-94 Advantage Benefit submissions;

27.3.8 Prepare technical evaluation reports and recommendations on technical compliance for consideration by the NTC;

27.3.9 Assist in post-award monitoring; and

27.3.10 Perform such other functions assigned by the NTC.

- 27.4 The NTC shall be the principal body for bid receipt, eligibility determination, bid evaluation, ranking, award recommendation, overall supervision, policy coordination, and endorsement to the DOE Secretary; and the NTC TWG shall provide technical review and advisory support, subject to this Department Circular and the TOR.

Section 28. Secretariat.

- 28.1 The Secretariat shall provide administrative, records, communications, documentation, information management, and logistical support for the Nuclear Capacity Tender and shall serve as the Secretariat to the NTC.
- 28.2 The Secretariat shall:
- 28.2.1 Publish notices, advisories, invitations, bid bulletins, and other official communications;
 - 28.2.2 Maintain the official tender registry;
 - 28.2.3 Receive, record, and safeguard submissions;
 - 28.2.4 Prepare minutes, reports, and official records;
 - 28.2.5 Coordinate schedules, meetings, and consultations;
 - 28.2.6 Maintain the official tender data room or electronic submission facility, if any;
 - 28.2.7 Provide administrative support to the NTC and NTC TWG; and
 - 28.2.8 Perform such other functions assigned by the NTC.

RULE VIII

POST-AWARD COMPLIANCE, REPORTING, AND SANCTIONS

Section 29. Post-Award Compliance.

- 29.1 Winning Bidders shall comply with all post-award obligations specified in the TOR, Certificate of Award, and applicable transaction documents.
- 29.2 The DOE shall monitor compliance with:
- 29.2.1 License Milestones;
 - 29.2.2 Site development milestones;
 - 29.2.3 Financing milestones;

- 29.2.4 Construction milestones;
- 29.2.5 Grid interconnection and Synchronization milestones;
- 29.2.6 Host-community benefit commitments;
- 29.2.7 Government support negotiation milestones, where applicable;
- 29.2.8 PEZA or aggregation arrangements, where applicable;
- 29.2.9 Reporting requirements; and
- 29.2.10 Delivery obligations.

Section 30. Reporting.

- 30.1 Winning Bidders shall submit periodic reports to the DOE in the form and frequency specified in the TOR.
- 30.2 Reports may include:
 - 30.2.1 Project development status;
 - 30.2.2 Licensing status;
 - 30.2.3 Site development status;
 - 30.2.4 Financing status;
 - 30.2.5 Engineering, procurement, and construction status;
 - 30.2.6 Grid interconnection and Synchronization status;
 - 30.2.7 Host-community benefit implementation status;
 - 30.2.8 Risk register and mitigation plan;
 - 30.2.9 Updated delivery schedule; and
 - 30.2.10 Other information as the DOE may require.

Section 31. Sanctions and Remedies.

- 31.1 Failure to comply with this Department Circular, the TOR, Certificate of Award, or post-award obligations may result in:
 - 31.1.1 Written warning;
 - 31.1.2 Requirement to submit and implement a cure plan;

- 31.1.3 Suspension of award effectiveness;
 - 31.1.4 Forfeiture of bid security, performance security, or completion security;
 - 31.1.5 Reduction of Awarded Capacity;
 - 31.1.6 Termination of award;
 - 31.1.7 Disqualification from future DOE tenders;
 - 31.1.8 Referral to the ERC, PhilATOM, or other agencies; and
 - 31.1.9 Other remedies provided in the TOR or allowed by law.
- 31.2 The DOE may provide reasonable cure periods in the TOR, taking into account the nature of nuclear project development and the cause of delay or non-compliance.
- 31.3 No cure period shall be available for fraud, material misrepresentation, corruption, collusion, falsified submissions, unlawful transfer of award, or other grounds that the DOE determines to be incompatible with continued participation in the Nuclear Capacity Tender.

RULE IX

MISCELLANEOUS PROVISIONS

Section 32. Coordination with Other Agencies.

- 32.1 The DOE may coordinate with the ERC, PhilATOM, TransCo, TNP, SO, Independent Market Operator, WESM Governance Arm, PEZA, PNOC, MIC, NEA, DENR, DILG, DOF, NEDA, Board of Investments, LGUs, and other government agencies and instrumentalities to implement this Circular.
- 32.2 The DOE may enter into memoranda of agreement, data-sharing arrangements, technical working arrangements, or other coordination mechanisms with relevant agencies and entities, subject to applicable laws and rules.

Section 33. Consistency with Nuclear Safety and Regulatory Requirements.

- 33.1 Nothing in this Department Circular shall be construed as exempting any bidder, Winning Bidder, project company, contractor, supplier, operator, or other entity from compliance with applicable nuclear safety, security, safeguards, environmental, public health, emergency preparedness, labor, customs, tax, land-use, local government, investment, national security, and other applicable laws, rules, regulations, licenses, and permits.
- 33.2 In case of conflict between tender milestones and mandatory nuclear safety, security, safeguards, siting, construction, commissioning, operation, decommissioning, or licensing requirements, the applicable requirements under Republic Act No. 12305, PhilATOM regulations, and other regulatory requirements shall prevail, without prejudice to the DOE's authority to enforce tender obligations and remedies under the TOR to the extent consistent with law.
- 33.3 This Department Circular shall be implemented in coordination with PhilATOM and shall not be construed as conferring upon DOE any regulatory authority transferred to or vested in PhilATOM under Republic Act No. 12305.

Section 34. No Automatic Grant of Rights.

- 34.1 Participation in the Nuclear Capacity Tender, qualification as a bidder, designation as a Qualified Bidder, or issuance of a Certificate of Award shall not be construed as an automatic grant of any license, permit, franchise, land right, environmental clearance, grid connection, sovereign guarantee, equity participation, tax incentive, investment incentive, or regulatory approval, except as expressly provided by applicable law and the relevant approving authority.
- 34.2 All rights and obligations of the Winning Bidder shall be subject to the terms of the Certificate of Award, TOR, applicable contracts, and applicable laws, rules, and regulations.

Section 35. Reservation of Government Rights.

- 35.1 The DOE reserves the right to amend the TOR, suspend the tender, cancel the tender, reject any or all bids, declare a failed tender, modify the tender timeline, or conduct a new tender when required by public interest, energy security, consumer welfare, national security, grid reliability, nuclear safety, or other lawful grounds.
- 35.2 No bidder shall acquire any vested right by reason of registration, purchase or receipt of tender documents, participation in consultations, submission of a bid, or qualification as a bidder.

Section 36. Separability Clause. If any provision of this Department Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

Section 37. Repealing Clause. All DOE issuances, rules, regulations, circulars, orders, or parts thereof inconsistent with this Circular are hereby repealed, amended, or modified accordingly.

Section 38. Effectivity. This Department Circular shall take effect fifteen (15) days following its publication in at least one (1) newspaper of general circulation or in the Official Gazette. A copy of this Circular shall be furnished to the University of the Philippines Law Center–Office of the National Administrative Register.

Issued at Energy Center, Rizal Drive, Bonifacio Global City, Taguig City on _____.

SHARON S. GARIN
Secretary