



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

The Department of Energy (DOE), through the Green Energy Auction Committee (GEAC), issues this Supplemental Terms of Reference (TOR) for the Special Auction Round for WTE pursuant to Section 9.3 of the Department Circular (DC) No. DC2021-11-0036, titled “Providing the Revised Guidelines for the Green Energy Auction Program (GEAP) in the Philippines,” as amended (the “GEAP Guidelines”), with the revision of specific provisions therein as follows:

1. Section 1.1 of the TOR is hereby revised as follows:

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. **DC2026-07-0015**, titled “*Amended Framework for the Integration of Waste-to-Energy Facilities in the Country’s Power Generation Mix*” for reference.

2. Section 1.2 of the TOR is hereby revised as follows:

Delivery Commencement Period (DCP)	Installation Target (MW)
01 March 2028 to 31 December 2029	400.00

Provided, That the Winning Bidder shall achieve Mechanical Completion on or before **31 December 2028**, where Mechanical Completion is defined as the stage of project implementation at which the following have been completed: (1) the principal structural and permanent works of the facility are ready to facilitate the installation of major process equipment and auxiliary systems listed below; and (2) all such major process equipment and auxiliary systems have been delivered to the project site:

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3. Section 1.3.1 of the TOR is hereby revised as follows:

1.3.1. Subject to Rule V, Section 11 of DC No. **DC2026-07-0015**, Energy Regulatory Commission (ERC) Resolution No. 06, Series of 2025, and the Rules on Entitlement to Green Energy Tariff (GET) in the table set forth in Section 1.4.3 of this TOR, the SDP for any GEA Winning Bidder shall be twenty-five (25) years.

4. Section 1.4.3 of the TOR is hereby revised as follows:

1.4.3. The following rules on the entitlement to 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 of this TOR.

Scenarios	Rules on Entitlement to GET
1. COD is before the DCD, but within DCP. (Ex. DCD – August 28, 2029 COD – July 30, 2029 DCP – March 01, 2028 – December 31, 2029	1. Upon COD, the Winning Bidder may be paid based on its GET upon submission of notice of GET availment to the following: a. DOE; b. National Transmission Corporation (TransCo) / GEA-ALL Fund Administrator; and c. Market Operator. 2. The SDP shall be reckoned from the date specified in the above notice, subject to DOE validation that the Winning Bidder has no legal impediment to deliver the offered capacity from the date of GET availment.
2. COD is after the DCD and is not beyond the DCP. (Ex. DCD – August 05, 2029 COD – August 30, 2029 DCP – March 01, 2028 to December 31, 2029 GET may be availed but the Performance Bond (PB) shall be partially drawn.	1. Upon COD, the Winning Bidder may be paid based on its GET upon submission of notice of GET availment to the following: a. DOE; b. TransCo / GEA-ALL Fund Administrator; and c. Market Operator. 2. 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. 3. However, the Winning Bidder's PB shall be partially drawn in accordance with Section 10.7.4 of this TOR.

5. Section 2.1 of the TOR is hereby revised as follows:

The Registration Period shall **commence on the date immediately following the issuance of Green Energy Auction Reserve (GEAR)**

Price by the ERC and shall end on 31 July 2026. Only those registration requirements that have been filed not later than 03:00 pm on the last day of the Registration Period shall be considered and accepted.

6. Section 2.2.1 of the TOR is hereby revised as follows:

In accordance with Rule V, Section 9 of DC No. **DC2026-07-0015**, a Qualified Supplier refers to an RE Developers/Generators whose WTE Operating Contract (WTEOC) or **Biomass Renewable Energy Operating Contract (BREOC)**/Biomass Energy Operating Contract (BEOC) was awarded, or the assignment thereof was approved, pursuant to the Omnibus RE Guidelines or the Revised Omnibus RE Guidelines, as applicable, including any amendments thereof, **on or before the end of the** registration period under the applicable Terms of Reference, and who are eligible to participate in the GEA as determined by the Green Energy Auction Committee under Section 6.1 of the GEAP Guidelines, as amended, may participate in the Special Auction Round for WTE.

For the avoidance of doubt, an RE Developer whose BREOC/BEOC (1) was awarded prior to the effectivity of the Revised Omnibus RE Guidelines and (2) has a development scheme for biomass technology, shall not be deemed a “Qualified Supplier” for purposes of the Special Auction Round for WTE unless all of the following requirements are complied with:

- (1) The RE Developer’s BREOC/BEOC has a development scheme for WTE utilizing thermal combustion technology to process MSW;**
- (2) The DOE approved the change in development scheme, in accordance with the Revised Omnibus RE Guidelines, after determining that the following requirements had been satisfactorily met:**
 - a. Proposed Work Program covering the activities to be undertaken to complete the amendment from a biomass project to a WTE project, taking into consideration the attainment of Commercial Operations on or before 31 December 2029; and**
 - b. Completed Feasibility Study, which shall include a Waste Analysis and Characterization Study (WACS); and**
- (3) The change in the development scheme was approved by the DOE on or before the end of the Registration Period.**

Likewise, an RE Developer holding a WTEOC but employing non-thermal combustion technology shall not be eligible to participate in the Special Auction Round for WTE unless such RE Developer complies with the foregoing requirements.

Moreover, any disqualification to participate in the Special Auction Round for WTE shall not be cured by the submission of a WTEOC/BEOC that was awarded after the end of the Registration Period.

7. Section 2.2.2 of the TOR is hereby revised as follows:

The Qualified Supplier intending to register in the Special Auction Round, shall submit the following documents electronically through gea.wte@doe.gov.ph, copy furnished Records Management Division through recordsreceiving.gea@doe.gov.ph:

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8. Section 3.2 of the TOR is hereby revised as follows:

The GEAC-Technical Working Group (TWG) shall evaluate the registrants' compliance with Section 2.2.1 of this TOR and conduct an evaluation of the Registration Documents specified in Sections 2.2.2.1 to 2.2.2.5, within **three (3) working days** from the last day of the Registration Period. In the evaluation of the Registration Documents, the GEAC-TWG shall assess the submissions and render a "Pass" or "Fail" mark based on the completeness and acceptability of the submission of the registrants.

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9. Section 3.4 of the TOR is hereby revised as follows:

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.

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10. Section 4.3 of the TOR is hereby revised as follows:

Qualified Bidders shall have one (1) working day after the issuance of List of Qualified Bidders within which to submit their comments, inputs, or queries on the TOR, its Annexes, and other relevant details of the auction. Any comments submitted after the deadline shall not be accepted. In preparation for the Pre-Bid Conference, the GEAC-TWG shall have **three (3) working days** from the submission of the comments, inputs, or queries to consolidate, review, and prepare the proposed responses thereto and submit the same to the GEA-BEAC. The GEA-BEAC shall have two (2)

working days from receipt of the GEAC-TWG submission for their review and approval.

11. Section 4.6 of the TOR is hereby revised as follows:

The GEA-BEAC shall issue a Bid Bulletin to be posted on the DOE website not later than **five (5) working days** from the date of the Pre-Bid Conference containing the results of the Pre-Bid Conference, including any modification or amendment of the TOR and related documents as may be necessary. Such Bid Bulletin shall be signed by the GEA-BEAC Chairperson and shall be issued upon endorsement, through the GEAC, to the Secretary for approval.

12. Section 5.1.1 of the TOR is hereby revised as follows:

After the posting of Bid Bulletin mentioned in Section 4.6 of this TOR, Qualified Bidders shall have **two (2) working days** within which to submit their Proof of Posting of Bid Bond, in PDF file, through the GEA email at **gea.wte@doe.gov.ph**. Submissions shall be accepted until 12:00 NN of the same working day.

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13. Section 5.2.1.1 of the TOR is hereby revised as follows:

Upon the lapse of the period for submission of the Proof of Posting of Bid Bond under Section 5.1.1 of this TOR, the GEAC-TWG shall have **three (3) working days** to conduct a formal and substantive evaluation on the electronic copies of Bid Bonds based on compliance of each Bid Bond with the prescribed template, stated amount, validity period and other matters set forth in Annex "B" of this TOR: *Provided*, That the stated value of the Bid Bond should not be less than the intended Offered Capacity.

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

14. Section 5.2.2.2 of the TOR is hereby revised as follows:

Within **two (2) working days** from the evaluation as set out in section 5.2.2.1, the GEAC-TWG shall endorse to the GEA-BEAC the results of the verification, together with its findings on the conformity of the original Bid Bond.

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15. Section 8.2.7 of the TOR is hereby revised as follows:

The GEAC shall, within **two (2) working days** from receipt of the GEA-BEAC's endorsement, approve the list of Potential Winning Bidders which shall be based on the accepted bids that fall within the Installation Target.

16. Section 9.1.1 of the TOR is hereby revised as follows:

Within two (2) working days from the approval of the GEAC mentioned in Section 8.2.7 of this TOR, the GEAC shall endorse to the Secretary the list of Potential Winning Bidders for Issuance of NOA. Within **two (2) working days** from receipt of endorsement, the Secretary shall approve and issue the NOA.

17. Section 10.3 of the TOR is hereby revised as follows:

The GEAC-TWG shall evaluate the Post-Auction Documents **within five (5) working days** from receipt thereof. The evaluation results shall be endorsed to the GEA-BEAC, which shall validate and, if appropriate, recommend to the GEAC the issuance of Certificates of Award to the Winning Bidders concerned in accordance with Section 11 of this TOR.

18. Section 10.7.8 of the TOR is hereby revised as follows:

Effect of non-compliance with the Affidavit of Undertaking (Mechanical Completion under Annex "D8"). Notwithstanding Sections 10.7.3, 10.7.4, and 10.7.5 of this TOR, thirty percent (30%) of the PB of a Winning Bidder shall be drawn in cases where such Winning Bidder fails to achieve Mechanical Completion on or before **31 December 2028**. For the avoidance of doubt, the PB shall be drawn as herein provided in case of failure to deliver any of the major process equipment and auxiliary systems listed in Section 1.2 of this TOR and the Affidavit of Undertaking (Annex "D8") are not delivered to the project site on or before **31 December 2028**.

19. Section 10.7.8.1.1 of the TOR is hereby revised as follows:

The COD of the WTE project is not later than **31 December 2029**;

20. Item 5 of "Annex D8 – Affidavit of Undertaking (Mechanical Completion)" is hereby amended to read as follow:

That (Qualified Supplier) commits to achieve Mechanical Completion on or before **31 December 2028**, where Mechanical Completion is defined as the stage of project implementation at which following have been completed: (1) the principal structural and permanent works of the facility are ready to facilitate the installation of major process equipment and

auxiliary systems listed below; and (2) all of such major process equipment and auxiliary systems have been delivered to the project site:

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The revised “Annex D8 – Affidavit of Undertaking (Mechanical Completion)” is attached hereto as Annex “A”.

21. **Extension of Work Activities to 4th Quarter of December 2029** of “Annex D9 – Revised Work Program” is hereby revised.

The revised “Annex D9 – Revised Work Program” is attached hereto as Annex “B”.

22. Sections 1.1, 1.7, and 1.8.1.2 of “Annex C – Instruction to Bidders” is hereby amended to read as follow:

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. 2021-11-0036, 2023-09-0027, and **DC2026-07-0015**, the Wholesale Electric Spot Market (WESM) Rules and Market Manuals, and amendments thereto.

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;

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

The revised “Annex C – Instruction to Bidders” is attached hereto as Annex “C”.

23. “Annex E – Available Transmission Capacity and Location from 2026 – 2029” is hereby amended as “Annex E – Available Transmission Capacity and Location from **2027 – 2029**” and attached hereto as Annex “D”

24. The revised Special Auction Round for WTE TOR incorporating the above revisions is attached hereto as Annex “E”.