

The Republic of the Philippines

**Sale of
Bataan Properties
through Public Bidding**

**Located in Barangays Luz
and Kitang II
Municipality of Limay
Province of Bataan**

**Project Reference No.:
PBAC-REA-PB-BP-2021-003-01**



Supplemental Bid Bulletin No. 04

02 November 2021

**SUPPLEMENTAL BID BULLETIN NO. 4
FOR THE SALE OF THE BATAAN PROPERTIES**

1. NOTICE TO BIDDERS

Bidders are hereby notified of the amendments, revisions, modifications, and clarifications to the Bidding Procedures dated 29 September 2021 for the Sale of the Bataan Properties, located in Barangays Luz and Kitang II, Municipality of Limay, Province of Bataan with Project Reference No. PBAC-REA-PB-BP-2021-003-01.

It is conclusively presumed that the Bidder, in preparing the Bid, has taken into account, understood, and accepted the information and procedures set forth herein in the Bidding Procedures and in the subsequent Supplemental Bid Bulletins.

2. CLARIFICATIONS IN RESPONSE TO BIDDERS' COMMENTS

PSALM hereby issues the following clarifications to the Bidders' comments:

Bidder's Comments	PSALM Response																
I. Fort Pilar Energy, Inc.																	
<p>1. Annexes:</p> <p>Please provide the TCTs for the following lots:</p> <p>a. 330-B-5 b. 330-B-3 c. 330-B-1-A d. 329-B-1</p>	<p>As provided in pages 4 and 5 of the Asset Profile, the cited lots are covered by the following Transfer Certificates of Title (TCTs):</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Lot No.</th> <th style="text-align: center;">TCT No.</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">330-B-5</td> <td style="text-align: center;">T-19376</td> </tr> <tr> <td style="text-align: center;">330-B-3</td> <td style="text-align: center;">T-251888</td> </tr> <tr> <td style="text-align: center;">330-B-1-A</td> <td style="text-align: center;">T-233311</td> </tr> <tr> <td style="text-align: center;">329-B-1</td> <td style="text-align: center;">T-233309</td> </tr> </tbody> </table> <p>Copies of these TCTs are available in the virtual due diligence folder.</p>	Lot No.	TCT No.	330-B-5	T-19376	330-B-3	T-251888	330-B-1-A	T-233311	329-B-1	T-233309						
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<p>2. Annexes:</p> <p>Please provide the new TCTs under the name of the PGB for the following lots:</p> <p>a. 328 b. 330-B-2 c. 325 d. 330-A e. 329-A f. 326 g. 327</p>	<p>As provided in pages 4 and 5 of the Asset Profile, the cited lots are covered by the following TCTs in the name of the Provincial Government of Bataan (PGB):</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Lot No.</th> <th style="text-align: center;">TCT No.</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">328</td> <td style="text-align: center;">T-251880</td> </tr> <tr> <td style="text-align: center;">330-B-2</td> <td style="text-align: center;">T-251888</td> </tr> <tr> <td style="text-align: center;">325</td> <td style="text-align: center;">T-251891</td> </tr> <tr> <td style="text-align: center;">330-A</td> <td style="text-align: center;">T-251890</td> </tr> <tr> <td style="text-align: center;">329-A</td> <td style="text-align: center;">T-251881</td> </tr> <tr> <td style="text-align: center;">326</td> <td style="text-align: center;">T-251882</td> </tr> <tr> <td style="text-align: center;">327</td> <td style="text-align: center;">T-251883</td> </tr> </tbody> </table> <p>Copies of these TCTs are available in the virtual due diligence folder.</p>	Lot No.	TCT No.	328	T-251880	330-B-2	T-251888	325	T-251891	330-A	T-251890	329-A	T-251881	326	T-251882	327	T-251883
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Bidder's Comments	PSALM Response
<p>3. Annexes:</p> <p>Please confirm if easement stated in TCT 19375 covering lot 322-A still exists as no information of the same is provided in Table 5 of the property profile.</p>	<p>Lot No. 322-A is under TCT No. 19375. PSALM and NPC have no copy of the Right of Way (ROW) Agreement. Bidder may conduct their own due diligence with the Registry of Deeds of Balanga, Bataan.</p>
<p>4. Bidding Procedures, Page 8:</p> <p>SUBDIVISION AND TITLING: The buyer agrees and shall cause the at its sole expense the subdivision of Lot Nos. 330-B-4-A, 330-B-5, 330-B-3, 330-B-2, 330-A <u>and all other lots wherein subdivision maybe applicable</u>, and cause the issuance of the appropriate Transfer Certificate Titles (TCTs) in the names of the SELLER and the BUYER for their respective portions thereof within two (2) years from Turnover Date.</p> <p>Are there any other lots that require subdivision other than those listed?</p> <p>What properties are required to be transferred to the name of PSALM at the Buyer's cost?</p> <p>For the portions of Lot 330-B-2 and 330-B-3 which have been expropriated by NGCP, will NGCP be responsible in subdividing these and having it titled under its name or Buyer even if it is to be titled not in the name of PSALM?</p> <p>Similarly, should Lots 330-B-4-A, 330-B-5, 330-B-2 and 330-A, which have portions with substations owned by TRANSCO be titled under the name of TRANSCO? If</p>	<p>The underlined provision is intended for unforeseen circumstances.</p> <p>Areas occupied by the Substation and traversed by the road under Lot Nos. 330-B-4-A, 330-B-5, 330-B-3, 330-B-2, and 330-A are to be transferred in the name of PSALM at the Buyer's cost.</p> <p>Subdivision of expropriated portions of Lot Nos. 330-B-2 and 330-B-3 shall be at the expense of NGCP.</p> <p>As stated above, areas occupied by the Substation and traversed by the road under Lot Nos. 330-B-4-A, 330-B-5, 330-B-3, 330-B-2, and 330-A are to be transferred in the name of PSALM at the Buyer's cost.</p>

Bidder's Comments	PSALM Response
<p>TRANSCO, should the subdivision and titling be the responsibility of the Buyer?</p>	
<p>5. Bidding Procedures, Page 46:</p> <p>Is the Performance Bond different from the Bid Security?</p> <p>How much is the Performance Bond to be provided by the Winning Bidder to guarantee prompt, faithful and complete performance of its obligations under the DOAS for the Properties in accordance with its terms?</p> <p>Also, what is the period for the Performance Bond? When will the Performance Bond be returned to the Bidder?</p> <p>Will the Performance Bond be drawn when the Winning Bidder fails to comply with the obligation to annotate / subdivide within 2 years from Turnover Date? Will this be in addition to the rescission of the DOAS?</p>	<p>Yes, the Performance Bond is different from the Bid Security. The Bid Security is an amount which serves as an expression of intent to participate in the public bidding for the Properties, and it is equivalent to at least 10% of the Minimum Bid Price. On the other hand, the Performance Bond shall guarantee prompt, faithful and complete performance of the Winning Bidder/Buyer's obligations under the DOAS for the Properties.</p> <p>Please refer to IB 27 (Performance Bond) added in Supplemental Bid Bulletin (SBB) No. 3.</p>
<p>6. Deed of Absolute Sale:</p> <p>What are the effects of the rescission of the DOAS in case Buyer fails to comply with certain obligations under the DOAS? Will PSALM return the Purchase Price paid by the Buyer? Will the Performance Bond be drawn?</p>	<p>In case the Buyer fails to comply with Items 10 (Subdivision and Titling) and 11 (Annotation) of the DOAS, IB-27 shall apply.</p> <p>Generally, in rescission, the parties shall be placed in the same position where they were before they entered into the contract. The objective of rescission is to restore the parties to their original position. Thus, the objects of the rescission shall be returned, which for PSALM is the land, and for the Winning Bidder, the purchase price and other monetary considerations provided. However, in case of rescission due to Buyer's failure to perform its obligations, PSALM shall deduct five percent (5%) per year from the Purchase Price wherein "year" shall cover a fraction of a year from Turnover Date, as provided in amendment to IB-24 in this SBB No. 4.</p>

Bidder's Comments	PSALM Response
<p>Deed of Absolute Sale:</p> <p>Suggest to fix typo error:</p> <p>7. SUBDIVISION AND TITLING: The Buyer agrees and shall cause the at its sole expense the subdivision of Lot Nos. 330-B-4-A, 330-B-5, 330-B-3, 330-B-2, 330-A and all other lots wherein subdivision maybe applicable, and cause the issuance of the appropriate Transfer Certificate Titles (TCTs) in the names of the SELLER and the BUYER for their respective portions thereof within two (2) years from Turnover Date.</p>	<p>Incorporated in the updated Deed of Absolute Sale (DOAS) provided in SBB No. 3.</p>
<p>8. Progress Report. The Buyer shall give a Progress Report every quarter after Turnover Date on the status and the action taken as to the Subdivision and Titling, and the Annotation of/on appropriate TCTs in the names of the SELLER and the BUYER for their respective portions <u>up to completion.</u></p>	<p>Incorporated in the updated DOAS provided in SBB No. 3.</p>
<p>9. Deed of Absolute Sale, Page 60:</p> <p>EFFECTIVITY: This DOAS shall be effective and bind the SELLER only after the necessary governmental approvals have been obtained</p> <p>Please specify which government approvals are required for the effectivity of the DOAS.</p>	<p>The DOAS shall be subject to the review and approval of the Office of the Government Corporate Counsel. Any of its ensuing comments, recommendations, or directives shall form part of the DOAS.</p>
<p>10. Bidding Procedures, Pages 6 and 9:</p> <p>It was stated in the Bidding Procedures that some lots of</p>	

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<p>the Properties have outstanding legal cases. Please identify which particular lots are subject to the following cases:</p> <p>a. NPC vs. Province of Bataan et.al docketed as G.R. No. 180655 (the "Levy Case");</p> <p>b. PSALM vs. Albert Garcia, in his official capacity as Governor of the Province of Bataan, Enrique Garcia, Mario Nieto, Ernesto Dagson, Uni-Wide Scrap Traders Corporation, the individual workers of the BTPP represented by Marissa Cruz and the DENR; G.R. No. 211571 (the "Environmental Case").</p>	<p>a. Lots covered by the Levy Case are as follows:</p> <table border="1" data-bbox="742 472 1197 763"> <thead> <tr> <th>Lot No.</th> <th>TCT No.</th> </tr> </thead> <tbody> <tr><td>330-B-3</td><td>T-251888</td></tr> <tr><td>322-B-1</td><td>T-251889</td></tr> <tr><td>328</td><td>T-251880</td></tr> <tr><td>330-B-2</td><td>T-251888</td></tr> <tr><td>325</td><td>T-251891</td></tr> <tr><td>330-A</td><td>T-251890</td></tr> <tr><td>329-A</td><td>T-251881</td></tr> <tr><td>326</td><td>T-251882</td></tr> <tr><td>327</td><td>T-251883</td></tr> </tbody> </table> <p>b. Lots covered by the Environmental Case are as follows:</p> <table border="1" data-bbox="742 875 1197 1167"> <thead> <tr> <th>Lot No.</th> <th>TCT No.</th> </tr> </thead> <tbody> <tr><td>328</td><td>T-251880</td></tr> <tr><td>330-B-2</td><td>T-251888</td></tr> <tr><td>325</td><td>T-251891</td></tr> <tr><td>330-A</td><td>T-251890</td></tr> <tr><td>329-A</td><td>T-251881</td></tr> <tr><td>326</td><td>T-251882</td></tr> <tr><td>327</td><td>T-251883</td></tr> <tr><td>330-B-1-A</td><td>T-233311</td></tr> <tr><td>329-B-1</td><td>T-233309</td></tr> </tbody> </table>	Lot No.	TCT No.	330-B-3	T-251888	322-B-1	T-251889	328	T-251880	330-B-2	T-251888	325	T-251891	330-A	T-251890	329-A	T-251881	326	T-251882	327	T-251883	Lot No.	TCT No.	328	T-251880	330-B-2	T-251888	325	T-251891	330-A	T-251890	329-A	T-251881	326	T-251882	327	T-251883	330-B-1-A	T-233311	329-B-1	T-233309
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<p>11. Please provide case records and relevant documents on the Levy Case and Environmental Case.</p>	<p>The relevant files are available in the virtual due diligence folder.</p>																																								
<p>12. Annexes:</p> <p>The narrative technical description of the following lots were not provided:</p> <p>TCT 91380 TCT 19372 TCT 19377 TCT 19378 TCT 19379 Lot 330-B-1-A Lot 329-B-1</p>	<p>The technical descriptions of these lots are found in their TCTs.</p>																																								

Bidder's Comments	PSALM Response
<p>13. Bidding Procedures Page 8:</p> <p>Are the perpetual easement of the Right of Way (ROW) in favor of Transco for the 322-A, 330-B-4-A, 330-B-5, 330-B-3, and 322-B-1 documented? If yes, please provide copies of these Right of Way Agreements with TRANSCO.</p> <p>Please provide map to show properties subject to the perpetual easements.</p>	<p>No, the perpetual easement of the ROW in favor of TRANSCO for Lot Nos. 322-A, 330-B-4-A, 330-B-5, 330-B-3, and 322-B-1 is not documented. Item 8 of IB-05 (Conditions of the Sale) of the Bidding Procedures and Item 11 of the DOAS intend to address the grant of perpetual easements of ROW in favor of TRANSCO.</p> <p>The individual sketch map and the narrative technical description of the five (5) lots that are to be granted with perpetual easements of ROW in favor of TRANSCO are downloadable at the PSALM website. https://www.psalm.gov.ph/assets/itbdocs/Annexes.pdf.</p> <p>These documents are also available at the virtual due diligence folder.</p>
<p>14. Bidding Procedures Pages 12 and 15, IB-09:</p> <p>For the 2020 AFS can we submit copy certified by treasurer or authorized representatives of the Bidders as this is issued and prepared by the Bidder? If not, can we submit copy certified by the Securities Exchange Commission as corporations are also required to submit their respective financial statements with the SEC.</p>	<p>PSALM requires bidders to submit the Latest Audited Financial Statement (LAFS) for fiscal year 2020 filed in 2021 that is stamped received by the Bureau of Internal Revenue (BIR), in cases where it is manually filed, or with the acknowledgment email by the BIR, in cases where it is filed online. Said LAFS must be Certified as a True Copy by the Bidders, specifically the holder of the original document. Please note that the original document will be presented by the Winning Bidder during the post-qualification process in order to verify the authenticity of the Copy that is Certified as True by the Bidder.</p> <p>The Bidder may also submit the LAFS for fiscal year 2020 filed in 2021 that is Certified as a True Copy by the BIR itself.</p>
<p>15. Bidding Procedures Page 14:</p> <p>IB - 10 on sealing and marking of bids requires that all envelopes shall contain the name of all the Properties to be bid in capital letters; can we label the envelopes the SALE OF BATAAN PROPERTIES LOCATED IN LIMAY, BATAAN?</p>	<p>Please label the 1st and 2nd envelopes as "FOR THE SALE OF BATAAN PROPERTIES".</p>

Bidder's Comments	PSALM Response
<p>16. Bidding Procedures, Page 7:</p> <p>Please provide status of real property tax payments of each property.</p>	<p>PSALM is current on its real property tax (RPT) payments for the subject properties, except for lots under the name of PGB. Pursuant to the Supreme Court Resolution dated 02 September 2020 in G.R. No. 180654, PSALM and NPC filed the Joint Complaint dated 20 September 2021 for the cancellation of titles under the name of PGB.</p> <p>Item 1(H) of IB-05 (Conditions of the Sale) of the Bidding Procedures provides that:</p> <p>“xxx The Real Property Tax (RPT) accruing prior to the turnover date shall be for the account of the SELLER. RPT accruing from the turnover date shall be for the account of the BUYER. xxx”</p>
<p>17. Bidding Procedures, Page 7:</p> <p>The term “As Is, Where Is” shall refer not only to the description and physical condition of the Properties and its contents or inclusions at the time of the bidding, if any is declared to be part of the sale, but also to the condition of the title of the Properties or other evidence of ownership and the extent and state of whatever rights, interest and participation over the Properties PSALM may have at the time of bidding.</p> <p>Aside from the Levy Case and Environmental Case are there any other conditions and factors that affects PSALM's rights, interest and participation over the Bataan Properties?</p>	<p>PSALM is not aware of any conditions and factors that affect PSALM's rights, interests, and participation over the Bataan Properties, other than the Levy Case and Environmental Case.</p>
<p>18. Bidding Procedures, Page 7:</p> <p>The term “As Is, Where Is” shall also include the Winning Bidder's assumption of all unpaid taxes, fees and/or</p>	<p>There is no available information that can be made regarding the estimated unpaid taxes, fees and/or and expenses which Winning Bidder has to assume to cause the transfer of the title to the Winning Bidder.</p>

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<p>expenses, such as but not limited to, capital gains tax or creditable withholding tax, whichever is applicable, documentary stamp tax, registration and transfer fees, association or condominium fees and/or assessments, and all other expenses and charges to, as applicable, cause the transfer of the title to the winning Bidder.</p> <p>Please provide more information on the unpaid taxes, fees and/or and expenses which Winning Bidder has to assume.</p>																					
<p>19.Asset Profile, Page 3:</p> <p>Please confirm that titles transferred to the PGB are the only properties that are the subject of pending cases involving the issuance of title covering the Properties and whose titles are not yet in the name of NPC/PSALM.</p>	<p>We confirm that the following nine (9) lots are the subject of the pending case involving the issuance of titles in the name of NPC/PSALM:</p> <table border="1" data-bbox="742 1104 1197 1400"> <thead> <tr> <th>Lot No.</th> <th>TCT No.</th> </tr> </thead> <tbody> <tr> <td>330-B-3</td> <td>T-251888</td> </tr> <tr> <td>322-B-1</td> <td>T-251889</td> </tr> <tr> <td>328</td> <td>T-251880</td> </tr> <tr> <td>330-B-2</td> <td>T-251888</td> </tr> <tr> <td>325</td> <td>T-251891</td> </tr> <tr> <td>330-A</td> <td>T-251890</td> </tr> <tr> <td>329-A</td> <td>T-251881</td> </tr> <tr> <td>326</td> <td>T-251882</td> </tr> <tr> <td>327</td> <td>T-251883</td> </tr> </tbody> </table>	Lot No.	TCT No.	330-B-3	T-251888	322-B-1	T-251889	328	T-251880	330-B-2	T-251888	325	T-251891	330-A	T-251890	329-A	T-251881	326	T-251882	327	T-251883
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<p>20.Pre-Bid Conference:</p> <p>Will PSALM issue SBB on the revised computation of the Bid Security? Which shall now be 10 % of the Minimum Bid Price? During the Pre-Bid Conference, it was mentioned that this will be revised to 10 % of Minimum Bid Amount.</p>	<p>PSALM has issued SBB No. 2 dated 22 October 2021 to address the comment during the Pre-Bid Conference.</p>																				
<p>21.Bidding Procedures, Page 15</p> <p>The Bid Security shall be forfeited in any of the following instances:</p>	<p>After the award and/or payment of purchase price, PSALM will require submission of documents, such as the Performance Bond for the annotation, subdivision, and titling, as well as the executed DOAS.</p>																				

Bidder's Comments	PSALM Response
<p>Failure of the Winning Bidder to pay the Purchase Price and/or to submit the necessary documents upon written notification from PSALM of the approval of the bid or the required submission of the necessary documents.</p> <p>May we know what documents are being referred to here by PSALM that will be required after award and payment of the Purchase Price?</p>	
<p>22. Bidding Procedures, Page 15-16</p> <p>The Bid Security shall be forfeited in any of the following instances:</p> <p>Any circumstances or reason that provides PSALM a reasonable and valid basis to believe the Bidder is or has been rendered incapable of completing its obligation, as proposed.</p> <p>May we know what specific instances are contemplated by PSALM under these provisions? Please provide examples.</p>	<p>This is a catch-all provision to cover unforeseen circumstances.</p>
<p>23. Virtual Data Room (Warrant of Levy Case Folder)</p> <p>Please advise if there is/are any case/s that is/are still pending or may have been filed by the Provincial Government of Bataan against PSALM before the Court of Tax Appeals in relation to the Levy Case given that the Supreme Court Resolution dated 06 March 2017 stated that the Nullification Case is within the exclusive appellate</p>	<p>We are not aware of any case filed by the PGB against PSALM before the Court of Tax Appeals in relation to the Levy Case.</p> <p>On the procedural issue, please note that the Supreme Court's 06 March 2017 Resolution states that <i>"Therefore, the dismissal of Napocor's appeal by the Court of Appeals was in order. . . However the substantial merits of this case and the patent error committed by the Bataan Regional Trial Court compels this Court to exercise its power of judicial review for purposes of judicial economy."</i> The 06 March 2017 Resolution then proceeded to resolve the merits of the Levy Case and declared null</p>

Bidder's Comments	PSALM Response
<p>jurisdiction of the Court of Tax Appeals?</p>	<p>and void the foreclosure sale conducted on the properties involved therein.</p> <p>Furthermore, the Supreme Court's 02 September 2020 Resolution denied the PGB's second Motion for Reconsideration with Finality. The dispositive portion of the Resolution states that "<i>WHEREFORE, the motion for reconsideration is DENIED WITH FINALITY. No further pleadings shall be entertained. Let entry of judgment be issued.</i>"</p> <p>Thus, as we understand it, the Supreme Court's 02 September 2020 resolution already made the 06 March 2017 Resolution final and executory.</p>
<p>24.Virtual Data Room (Warrant of Levy Case Folder)</p> <p>What are these lots mentioned in the Nullification Case and where are they located? Can PSALM provide a map which includes these properties:</p> <p>322-B-2 322-B-5 322-B-4 382-B-1 322-B-3</p>	<p>The cited lots are not owned by PSALM and not part of the 14 lots of the Bataan Properties offered for sale. PSALM cannot provide a map of said lots.</p>
<p>25.Virtual Data Room (Labor Case Folder)</p> <p>Are the remaining buildings and structures on the Bataan Properties still covered by the 23rd November 2012 Notice of Levy and Sale of Execution of Personal Property issued on PSALM's properties?</p>	<p>As the Bidders have seen in the site visits, there are no remaining buildings and structures in the Bataan Thermal Power Plant (BTTP) site, except for the gate, guardhouse, and the fence.</p> <p>The remaining structures in both the Limay Housing and BTTP sites are not covered by the 2012 Notice of Levy.</p>
<p>26.Virtual Data Room (Labor Case and Environmental Case Folders)</p> <p>Are the buildings, equipment, structure covered under Executive Order No. 13, series of 2006 issued by Enrique T. Garcia (subject of the Environmental Case) different</p>	<p>Both the Labor Case and Executive Order No. 13, series of 2006, cover the buildings, equipment, and structure of the BTTP.</p>

Bidder's Comments	PSALM Response
<p>from the scrap materials, buildings, structures, and movables covered under the Break Open Order in the Labor Case?</p> <p>Are the buildings, equipment, structure covered under Executive Order No. 13, series of 2006 issued by Enrique T. Garcia (subject of the Environmental Case) still inside the Bataan Properties? If yes, where are these subject machineries and equipment located?</p>	<p>PSALM was not given access to the BTPP site after the PGB had taken over the physical possession of the site due to the Levy case until May 2021.</p> <p>Upon PSALM's site visit, inspection, and inventory, it was found that only the gate, fence, and guardhouse remain as the BTPP structures at site.</p>
<p>27.Virtual Data Room (Environmental Case Folder)</p> <p>Has Executive Order No. 13, series of 2006 issued by Enrique T. Garcia been revoked already such that it will no longer impede the Sale of the Bataan Properties or the Winning Bidder's use of the Bataan Properties?</p>	<p>As PSALM understands it, Executive Order No. 13 s. 2006 was issued relative to the dismantling of the BTPP.</p> <p>PSALM was not given access to the BTPP site after the PGB had taken over the physical possession of the site due to the Levy Case until May 2021. Upon PSALM's site visit, inspection, and inventory, it was found that only the gate, fence, and guardhouse remain as the BTPP structures at site. This indicates that the dismantling had proceeded at the time that the BTPP site was in the possession of the PGB.</p>
<p>28.Virtual Data Room Folder</p> <p>Please provide more information and update on SCA Case No. 092-ML between NGCP, Province of Bataan, NPC and Clarita Cruz.</p>	<p>The court decision on SCA Case No. 092-ML, the letter confirmation from the NGCP, and the map provided by the PGB are the only documents available to PSALM relative to the expropriated land. All of these are in the due diligence folder.</p>
<p>II. Panasia Energy, Inc.</p>	
<p>29. Property Information from the Municipality/Provincial Planning Office:</p> <p>Paragraph 5- The CLUP of Limay, Bataan for 2017-25 specifically identified the Limay Housing Property as the planned site for its government center:</p>	<p>We understand that identification of the Limay Housing Property as the planned site for the local government unit's (LGU) government center under the CLUP was done in anticipation of the plans of the LGU to acquire the property. However, this did not push through.</p>

Bidder's Comments	PSALM Response
<p>Should the registered bidders anticipate resistance from the LGU of Limay or Provincial Gov't. of Bataan once the Asset is awarded to the winning bidder?</p>	<p>The Provincial Government of Bataan and the Municipal Government of Limay were informed through letters dated 27 September 2021 that the PSALM Board has directed the PSALM Management to conduct a public bidding for the sale of the Properties in order to realize an optimal value consistent with Sec. 47(a) of Republic Act No. 9136 or the EPIRA.</p> <p>We note that the tax declaration indicates that the lots are for industrial use.</p>
<p>30. Site Map of PSALM's Bataan Properties:</p> <p>In the said map, we noticed a gap on the boundaries between the former NPC Housing area and the former Bataan Thermal Power Plant.</p>	<p>We confirm that there is a gap. This gap is not part of the sale and the property is not owned by PSALM. Thus, PSALM has no available concrete information on said property. We have officially written the NPC to request for information on this matter and we have not received any reply to date.</p>
<p>31. Items 5, 6, 7, 8, 9 under IB-05 Conditions of the Sale:</p> <p>The conditions included in the Agreement, including the timelines & deadlines, make the Sale tantamount to a Conditional Sale, instead of an Absolute Sale and is therefore misleading.</p>	<p>We revised Items 7 and 8 of IB-05 and updated the DOAS as provided in SBB No. 3.</p>
<p>32. Pre-bid Conference:</p> <p>With regards to the transfer of titles from PGB to NPC/PSALM, it was mentioned that PSALM filed a motion/petition with concerned gov't agency.</p>	<p>The document is available in the virtual due diligence folder.</p>
<p>33.Environmental Case:</p> <p>Please clarify the coverage / extent of the clean-up obligation supposedly undertaken by Rubenori in 2009.</p> <p>Please expound further on the said environmental case and</p>	<p>The case files that substantiate the details are available in the virtual due diligence folder.</p>

Bidder's Comments	PSALM Response
<p>any update on the filed Motion for Early Resolution of the case in 2016.</p>	
<p>34. Latest Audited Financial Statements (LAFS):</p> <p>Is the submission of the LAFS duly certified by the Securities and Exchange Commission (SEC) already acceptable to PSALM?</p> <p>Is there still a need for certified true copies of LAFS from the BIR, even if the copies of the LAFS from the SEC are already certified as true and correct?</p>	<p>PSALM requires bidders to submit the Latest Audited Financial Statement (LAFS) for fiscal year 2020 filed in 2021 that is stamped received by the Bureau of Internal Revenue (BIR), in cases where it is manually filed, or with the acknowledgment email by the BIR, in cases where it is filed online. Said LAFS must be Certified as a True Copy by the Bidders, specifically the holder of the original document. Please note that the original document will be presented by the winning bidder during the post-qualification process in order to verify the authenticity of the Copy that is Certified as True by the Bidder.</p> <p>The Bidder may also submit the LAFS for fiscal year 2020 filed in 2021 that is Certified as a True Copy by the BIR itself.</p>
<p>35. Item 9 under IB-16 Opening and Preliminary Evaluation of Sealed Bids:</p> <p>Please clarify what particular instances or PBAC decision may be questioned by filing a request for reconsideration.</p>	<p>Any adverse decision rendered against a bidder that has an adverse effect to the bidder's interest may be ground for filing a request for reconsideration.</p>
<p>36. IB-21 Protest Mechanism:</p> <p>How will PSALM proceed with the bidding process in the event that a request for recon or appeal has been filed by a bidder who has been determined as failed, disqualified or whose bid has been found non-compliant.</p>	<p>IB-21 Item 4 provides that the bidding process will proceed even when the Request for Reconsideration or Appeal was filed, except when the Notice of Award cannot be issued unless a decision has been made.</p>
<p>37. Items 9, 10, 11, 12 & 13 under the Terms and Conditions of the Deed of Absolute Sale:</p> <p>The conditions make the sale transaction a conditional sale instead of an absolute sale and</p>	<p>We updated the DOAS and made revisions to Items 7 and 8 of IB-05 to address this concern, as provided in SBB No. 3.</p>

Bidder's Comments	PSALM Response																				
is therefore misleading and confusing.																					
<p>38. Figure 1: Site Map of PSALM's Bataan Properties:</p> <p>Is there any pending or future case(s) on Right-of-Way matters/issues?</p>	<p>We have no knowledge of any pending or future case(s) on Right-of-Way matters/issues.</p>																				
III. From Cordillera Hydro Corporation																					
<p>39. Bidding Procedures, IB-03, Bid Submission Deadline</p> <p>From 05 November 2021 at 2:00 PM to 12 November 2021</p> <p>To study the impact of the Environmental Case to the Bid Price. As of today, the Environmental Case has not been uploaded to PSALM's website, nor received by CHC;</p> <p>CHC is due for site inspection today, 27 October 2021. Findings as a result of site inspection and due diligence will be processed and considered in the Bid Price.</p>	<p>SBB No. 3 provides for the new Bid Submission Deadline of 09 November 2021, 2:00 PM, Tuesday.</p>																				
<p>40. Bidding Procedures, IB-04, The Levy Case:</p> <p>Clarification: What Property/Properties were covered by the Levy Case? See comments to the Property Profile below. We would like to confirm whether these are all the properties covered by the case. Following the SC Resolution issued in September 2020, did the SC direct the regional trial court to reverse its earlier decision?</p> <p>What if any, are the updates here?</p>	<p>Lots covered by the Levy Case are as follows:</p> <table border="1" data-bbox="742 1525 1197 1816"> <thead> <tr> <th>Lot No.</th> <th>TCT No.</th> </tr> </thead> <tbody> <tr> <td>330-B-3</td> <td>T-251888</td> </tr> <tr> <td>322-B-1</td> <td>T-251889</td> </tr> <tr> <td>328</td> <td>T-251880</td> </tr> <tr> <td>330-B-2</td> <td>T-251888</td> </tr> <tr> <td>325</td> <td>T-251891</td> </tr> <tr> <td>330-A</td> <td>T-251890</td> </tr> <tr> <td>329-A</td> <td>T-251881</td> </tr> <tr> <td>326</td> <td>T-251882</td> </tr> <tr> <td>327</td> <td>T-251883</td> </tr> </tbody> </table> <p>Copy of the case file is available in the virtual due diligence folder.</p>	Lot No.	TCT No.	330-B-3	T-251888	322-B-1	T-251889	328	T-251880	330-B-2	T-251888	325	T-251891	330-A	T-251890	329-A	T-251881	326	T-251882	327	T-251883
Lot No.	TCT No.																				
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329-A	T-251881																				
326	T-251882																				
327	T-251883																				

Bidder's Comments	PSALM Response																				
<p>May we request for copies of the case file?</p>																					
<p>41. Bidding Procedures, IB-04, The Environmental Case (p. 6):</p> <p>Clarification: We would like to confirm what Property/Properties are covered by the Environmental Case? From the titles, it appears that only Lot No. 322-B-1 is covered.</p>	<p>Lots covered by the Environmental Case are as follows:</p> <table border="1" data-bbox="743 472 1197 763"> <thead> <tr> <th>Lot No.</th> <th>TCT No.</th> </tr> </thead> <tbody> <tr> <td>328</td> <td>T-251880</td> </tr> <tr> <td>330-B-2</td> <td>T-251888</td> </tr> <tr> <td>325</td> <td>T-251891</td> </tr> <tr> <td>330-A</td> <td>T-251890</td> </tr> <tr> <td>329-A</td> <td>T-251881</td> </tr> <tr> <td>326</td> <td>T-251882</td> </tr> <tr> <td>327</td> <td>T-251883</td> </tr> <tr> <td>330-B-1-A</td> <td>T-233311</td> </tr> <tr> <td>329-B-1</td> <td>T-233309</td> </tr> </tbody> </table> <p>Copy of the case file is available in the virtual due diligence folder.</p>	Lot No.	TCT No.	328	T-251880	330-B-2	T-251888	325	T-251891	330-A	T-251890	329-A	T-251881	326	T-251882	327	T-251883	330-B-1-A	T-233311	329-B-1	T-233309
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329-B-1	T-233309																				
<p>42. Bidding Procedures, IB-05, Item 3(D) (p.8):</p> <p>Clarification:</p> <p>(1) We would like to know if there's a proposed language for the surety bond.</p> <p>(2) Is there a need to submit a certification that the insurance company is duly certified by the Insurance Commission as authorized to issue such security.</p>	<p>PSALM has no prescribed language for the surety bond. We will require in the post qualification the submission of the Certification from the Insurance Commission that the insurance company is authorized to issue such security.</p>																				
<p>43. Bidding Procedures, IB-05, para. 5 (p.8):</p> <p>Clarification:</p> <p>(1) Other than the cases identified in IB-04, and the incidental expropriation cases, what other cases involve the Properties?</p> <p>(2) Are there any formal written agreements/documentation that reflect the perpetual Right-of-Way easements?</p>	<p>(1) Only the cases mentioned in IB-04 involve the Properties. However, for the bidder's perusal, we have included in the virtual due diligence folder the case file of the Labor Case which involved the dismantled Bataan Thermal Power Plant.</p> <p>(2) There are no formal written agreements/documentation that reflect the perpetual ROW easements.</p>																				

Bidder's Comments	PSALM Response
<p>If yes, may we request copies of these?</p> <p>(3) If yes to question #2, would these contracts be assigned to the Bidder?</p>	
<p>44. Bidding Procedures, IB-05, Item 7 (p.8) & Schedule 7 DOAS, Item 10 (p.60):</p> <p>Suggested Revision: 7. Subdivision and Titling. The Buyer agrees and shall cause at its sole expense the subdivision of Lot Nos. 330-B-4-A, 330-B-5, 330-B-3, 330-B-2, 330-A and all other lots wherein subdivision may be applicable, and cause the issuance of the appropriate TCTs in the names of PSALM and the Buyer for their respective portions thereof within five (5) years from Turnover Date.</p>	<p>We updated Item 7 of IB-05 and the DOAS to address this concern, as provided in SBB No. 3.</p>
<p>45. Bidding Procedures, IB-05, para. 8 (p.8-9) & Schedule 7 DOAS, para 11. (p.60):</p> <p>Clarification: What is the effect if documents needed to annotate the perpetual easement are incomplete?</p> <p>Suggested Revision: 8. Annotation. The Buyer, upon receiving the complete documentation necessary to annotate the perpetual easement, agrees and shall cause at its sole expense the annotation of the perpetual easement of ROW in favor of TRANSCO on Lot Nos. 322-A, 330-B-4-A, 330-B-5, 330-B-3, and 322-B-1 on the appropriate TCTs in the names of PSALM and the Buyer for their respective portions thereof within two (2) years</p>	<p>We updated Item 8 of IB-05 and the DOAS to address this concern, as provided in SBB No. 3.</p>

Bidder's Comments	PSALM Response
<p>from Turnover Date. If Buyer receives complete documentation needed for the annotation after the Turnover Date, the 2-year period to annotate the perpetual easement will be reckoned from the later date.</p>	
<p>46. Bidding Procedures, IB-09, Item 1. A (c)(vi) (p.12):</p> <p>Clarification/Suggested Revision:</p> <p>iv. Certification from at least one (1) commercial/universal bank, legally operating in the Philippines, stating that the Bidder, <u>or the Bidder, through its parent</u>, is known to them, maintains a deposit account with them, including the amount of such deposit account, and is in good financial credit standing, and that, should the Bidder be declared as the Winning Bidder, they will provide sufficient credit facilities as required in the Winning Bidder's Financial Offer (the amount of the deposit and/or credit facility should be equal or higher than the bid);</p>	<p>Unfortunately, the proposed revision cannot be accepted. This financial condition requirement should be met by the Bidder only.</p> <p>Item 4 of IB-01 (Requirements for the Issuance of Bidding Package) of the Bidding Procedures provides that:</p> <p>“xxx Interested Parties are required to acknowledge receipt of the Bidding Package and accept its terms and conditions through its <u>submission of Form of Acceptance of the Bidding Procedures</u>. Only those that have submitted the Form of Acceptance of the Bidding Procedures shall be considered eligible and allowed further participation in the Bidding Process. (emphasis supplied) xxx”</p> <p>In case the bidder will assign its right to bid, the bidder should inform PSALM in writing of the name of the company that will bid at least two (2) business days before the bid submission deadline. The assignee bidder shall only be a parent or subsidiary company of the original Bidder and must comply with all the requirements specified under the Bidding Procedures.</p>
<p>47. Bidding Procedures, Annex “A” (p.36):</p> <p>Clarification on Lot No. 330-B-5:</p> <p>(1) Is the 721 sqm. portion that is occupied by informal settlers part of the portion of land of Lot No. 330-B-5 that is subject to the sale?</p> <p>(2) Approximately how many informal settlers are</p>	<p>(1) Yes, the 721 sq.m. portion that is occupied by informal settlers is part of Lot No. 330-B-5 that is subject of the sale.</p> <p>(2) There are 19 informal settlers occupying the property.</p>

Bidder's Comments	PSALM Response
<p>occupying the property?</p> <p>(3) We noted that there are 19 residential structures built by the informal settlers. May we know what type of improvements were made?</p>	<p>(3) Copies of the demand letters are available in the virtual due diligence folder. Bidders may conduct their due diligence and site visits until two (2) Business Days before the Bid Submission Deadline.</p>
<p>48. Bidding Procedures, Schedule 7, Deed of Absolute Sale, para. 14 Effectivity (p. 60)</p> <p>In relation to IB-25 Turnover of the Possession of the Properties (p.21) & IB-03 Bidding Schedule (p.4):</p> <p>Clarification:</p> <p>(1) Please clarify what government approvals will need to be obtained by PSALM?</p> <p>(2) What is PSALM's timeline to secure such government approvals?</p> <p>(3) In the Bidding Schedule, turnover of possession of Properties to the Buyer shall take place upon execution of the DOAS. Does this mean that the Turnover Date will be the same date as when the DOAS is executed between the parties? We note that Turnover Date was not expressly defined in Part II Definition and Construction.</p> <p>Suggested Revision: This DOAS shall be effective <u>after the same shall has been signed by the Parties.</u></p>	<p>Generally speaking, when PSALM signs the DOAS, necessary government approvals have already been obtained.</p> <p>Unfortunately, we cannot accept the suggested revision as this is a standard provision in all PSALM contracts which are cleared, reviewed, and approved by the Office of the Government Corporate Counsel.</p>
<p>49. Property Profile, Lot No. 322-A, covered by TCT No. 19375 (p.4):</p>	

Bidder's Comments	PSALM Response
<p>Clarifications:</p> <p>(1) Page 2 of TCT No. 19375 shows an annotation with Entry No. 54,812 in favor of Ms. Matilda Reyes over a road right of way granted to her by NPC. Is this still valid? Would PSALM be able to provide supporting documentation relative to the annotation?</p> <p>(2) Although the Tax Declaration refers to Lot No. 322-A, the TCT number indicated therein is "TCT-19373" and not TCT No. 19375. We would like to clarify this discrepancy. If available, would PSALM be able to share the latest copy of the Tax Declaration with the correct TCT number?</p>	<p>(1) PSALM and NPC have no copy of the ROW Agreement. Bidder may conduct their own due diligence with the Registry of Deeds of Balanga, Bataan.</p> <p>The reference of the Tax Declaration of Lot No. 322-A to TCT No. 19373 is incorrect, as TCT No. 19373 is the NPC title covering Lot Nos. 330-B-2 and 330-B-3 and not Lot No. 322-A. We note that there are separate Tax Declarations for Lot Nos. 330-B-2 and 330-B-3.</p> <p>There is no available Tax Declaration for Lot No. 322-A with the correct TCT number.</p>
<p>50. Property Profile, Lot No. 322-B-1 covered by TCT No. T-251889 (p. 4)</p> <p>Clarifications:</p> <p>(1) This lot is registered under the name of the Provincial Government of Bataan.</p> <p>(2) Does PSALM have the latest TCT in its (or NPC's) name?</p> <p>(3) If not yet available, may we request for documentation relative to the finality of judgment of the Supreme Court in favor of NPC.</p>	<p>(1) Yes, this lot is registered under the name of the PGB.</p> <p>(2) No, but PSALM has filed a complaint for cancellation of title, which is available in the virtual due diligence folder.</p> <p>(3) The document is available in the virtual due diligence folder.</p>
<p>51. Property Profile, Lot No. 330-B-3 covered by TCT No. T-19373 and T-251888 (p. 4):</p> <p>Clarifications:</p> <p>(1) Is there a recent certified</p>	<p>(1) Copy of TCT No. T-251888 is available in the virtual due diligence folder.</p>

Bidder's Comments	PSALM Response
<p>true copy of TCT No. T-251888 available? If yes, may we request for this? Note this title is still in the name of the Government of Bataan</p> <p>(2) If available, may also we request for a copy of the latest TCT under PSALM (or NPC's) name, considering that the foreclosure sale which put the title of the Lot under the name of the Provincial Government of Bataan has already been declared null and void by the Supreme Court</p> <p>(3) If not yet available, may we request for documentation relative to the finality of judgment of the Supreme Court in favor of NPC.</p> <p>(4) May we request for documentation relative to the exact portion of the property expropriated by NGCP. We note that 297 sqm. was expropriated by NGCP but the Sketch Plan provided does not reflect the portion of the property that was expropriated.</p>	<p>(2) Please refer to the complaint for cancellation of title filed by PSALM, which is available in the virtual due diligence folder.</p> <p>(3) Copy of the documentation requested is available in the virtual due diligence folder.</p> <p>(4) Copy of the NGCP letter and court decision is available in the virtual due diligence folder.</p>
<p>52. Property Profile, Lot No. 330-B-4-A covered by TCT No. T-19374 (p. 4):</p> <p>Clarifications: Would PSALM be able to share supporting documentation as to the status of the cases referred to in Entry No. 26870 dated 17 April 1964, and Entry Nos. 31197, and 31457 dated 29 September 1965?</p>	<p>The case files are available in the virtual due diligence folder.</p>

Bidder's Comments	PSALM Response
<p>53. Property Profile, Lot No. 330-B-5 covered by TCT No. T-19376 (p.4):</p> <p>Clarifications:</p> <p>(1) We observed that there is no copy of TCT No. T-19376 included in the Annexes to the Property Profile. Is a certified true copy available?</p> <p>(2) Is there any documentation showing proof that the informal settlers have already been relocated or, if in the negative, may we clarify as to who is responsible for undertaking the appropriate remedies to clear the property of such burden.</p>	<p>(1) Copy is available in the virtual due diligence folder.</p> <p>(2) The Notices to Vacate have been issued to the informal settlers. These notices are available at the virtual due diligence folder.</p> <p>We are selling the properties on an As-Is Where-Is basis, which refer not only to the description and physical condition of the Properties and its contents or inclusions at the time of the bidding, if any, but also to the condition of the title of the Properties or other evidence of ownership and the extent and state of whatever rights, interest and participation over the Properties PSALM may have at the time of bidding.</p>
<p>54. Property Profile (pp. 4-5)</p> <ol style="list-style-type: none"> 1. Lot No. 325 covered by TCT No. T-19372 and T-251891 2. Lot No. 326 covered by TCT No. T-19379 and T-251882 3. Lot No. 327 covered by TCT No. T-19378 and T-251883 4. Lot No. 328 covered by TCT No. T-19380 and T-251880 5. Lot No. 329-A covered by TCT No. T-19377 and T-251881 6. Lot No. 330-A covered by TCT No. T-19371 and T-251890: <p>Clarifications:</p> <p>(1) Are there any recent certified true copies of the TCTs available? If yes, may we request for this? Note this title is still in the name of the Government of Bataan</p>	<p>We only have copies that are available in the virtual due diligence folder.</p>

Bidder's Comments	PSALM Response
<p>(2) If available, may also we request for a copy of the latest TCT under PSALM (or NPC's) name, considering that the foreclosure sale which put the title of the Lot under the name of the Provincial Government of Bataan has already been declared null and void by the Supreme Court</p> <p>(3) If not yet available, may we request for documentation relative to the finality of judgment of the Supreme Court in favor of NPC.</p>	<p>Copy of the Supreme Court Decision is available in the virtual due diligence folder.</p>
<p>55. Property Profile, Lot No. 329-B-1 covered by TCT No. T-233309 & Lot No. 330-B-1-A covered by TCT No. T-233311 (p.5):</p> <p>Clarifications:</p> <p>(1) Are there any recent certified true copies of the TCTs available? We note that copies were not made available in the Annexes to the Property Profile</p> <p>(2) If available, may also we request for a copy of the latest TCT under PSALM (or NPC's) name</p>	<p>We only have copies that are available in the virtual due diligence folder.</p>
<p>56. Property Profile, Lot No. 330-B-2 covered by TCT No. T-19373 and T-25188823 (p.5):</p> <p>Clarifications:</p> <p>(1) Are there any recent certified true copies of the TCTs available? If yes, may we request for this? Note this title is still in the</p>	<p>We only have copies that are available in the virtual due diligence folder.</p>

Bidder's Comments	PSALM Response
<p>name of the Government of Bataan</p> <p>(2) If available, may also we request for a copy of the latest TCT under PSALM (or NPC's) name, considering that the foreclosure sale which put the title of the Lot under the name of the Provincial Government of Bataan has already been declared null and void by the Supreme Court</p> <p>(3) If not yet available, may we request for documentation relative to the finality of judgment of the Supreme Court in favor of NPC.</p> <p>(4) May we request for documentation relative to the exact portion of the property expropriated by NGCP. We note that 7,603 sqm. was expropriated by NGCP but the Sketch Plan provided does not reflect the portion of the property that was expropriated.</p>	<p>Copy of the Supreme Court Decision is available in the virtual due diligence folder.</p> <p>Copy of the NGCP letter and court decision is available in the virtual due diligence folder.</p>
<p>57. Property Profile + Annexes (all covered Properties):</p> <p>Clarifications:</p> <p>(1) Are there more recent copies of TCTs available?</p> <p>(2) Would PSALM be able to share copies of the latest proof of payment of real property taxes on the Properties?</p>	<p>We only have copies that are available in the virtual due diligence folder.</p> <p>The proof of payment of RPT will be made available in the virtual due diligence folder.</p>

Bidder's Comments	PSALM Response
<p>58. Supplemental Bid Bulletin No. 1, para. 2(6) re: Environmental Case (p.3):</p> <p>(1) May we request for:</p> <ul style="list-style-type: none"> - a copy of the Environmental Case (complete and up-to-date records) - Full text of Executive Order No. 02, series of 2009 for full context of the prohibition; <p>(3) May we confirm whether the sale of the Bataan Thermal Power Plant ("BTTP") lots subject of the present bid is also affected by the Executive Order No. 02, series of 2009 issued by the Provincial Government of Bataan.</p>	<p>The case files are available in the virtual due diligence folder.</p>
<p>59. Supplemental Bid Bulletin No. 1, para.2(4) (p.2):</p> <p>Please clarify how PSALM's response in para 2, sub-para 4 of SBB No. 1 will be operationalized. Assuming that PSALM can rescind the DOAS for Buyer's failure to comply with its obligations, PSALM should return the purchase price to Buyer, correct?</p>	<p>In case the Buyer fails to comply with Items 10 (Subdivision and Titling) and 11 (Annotation) of the DOAS, IB-27 shall apply.</p> <p>Generally, in rescission, the parties shall be placed in the same position where they were before they entered into the contact. The objective of rescission is to restore the parties to their original position. Thus, the objects of the rescission shall be returned, which for PSALM is the land, and for the Winning Bidder, the purchase price and other monetary considerations provided. However, in case of rescission due to Buyer's failure to perform its obligations, PSALM shall deduct five percent (5%) per year from the Purchase Price wherein "year" shall cover a fraction of a year from Turnover Date, as provided in amendment to IB-24 in this SBB No. 4.</p>

Bidder's Comments	PSALM Response
IV. From Bellagio Holding, Inc.	
60. Estimate on unpaid real property taxes for the entire properties subjected for sale.	The information is available in the virtual due diligence folder.
61. Status of the pending case	The case files are available in the virtual due diligence folder.
62. Where are the original titles and tax declarations of the properties?	The original titles and tax declaration of lots under the name of NPC are with PSALM.
63. Regarding the bid security, is the percentage requirement (10%) based on the minimum bid price or our total bid amount?	PSALM has issued SBB No. 2 dated 22 October 2021 specifying that the Bid Security is equivalent to at least 10% of the Minimum Bid Price.
64. Copy of the following Lot Titles which do not have an actual copy in the bidding documents: T-19376; T-223311; T-233309	Copies are available in the virtual due diligence folder.
65. Can we date the forms as to when it was actually signed and notarized and not on the deadline of submission?	Yes. Bidders can date the forms as to when said forms were actually accomplished, signed, and notarized and not on the deadline of submission.
66. Regarding Schedule 4 - Form of Authority to Verify - could you specify which other appropriate government agency should we be addressing so we may not omit or miss a specific entity?	<p>The Authority to Verify covers government agencies that regulate the nature of the Bidders' business.</p> <p>The purpose of requiring bidders to submit Authority to Verify is to authorize PSALM to verify during the post qualification the validity and authenticity of all the documents submitted during the bidding. Basically, we require authorization addressed to the government entity who issues the pertinent documents, permits, or clearances (the issuing entity) that the bidder submitted during the bidding, as listed in the Checklist of Eligibility Documents of the Bidding Procedures. The list of issuing entity will vary according to type of Bidder, i.e. individual, corporate, LGU, etc.</p>
67. On the Eligibility Documents, do we need to sign on every pages?	No. There is no requirement to sign every page of the Eligibility Documents under IB-09 (Preparation and Contents of Bids).

Bidder's Comments	PSALM Response
V. Pan Pacific Renewable Power Phils. Corp.	
<p>68. Irrevocable Standby Letter of Credit</p> <p>Proposed edits:</p> <p>xxx. Funds under this SBLC are available to PSALM, at sight, upon our receipt of the original copy of the SBLC including all amendments thereto and a Demand Certificate: (1) in the form of Annex A attached to this document notifying us of the occurrence of a Bid Security Drawing Event defined in the Bidding Procedures; (2) appropriately completed and signed by PSALM's authorized officer, employee or signatory; and (3) presented as specified on or before the Expiration Date defined in this document. Xxx</p> <p>xxx The SBLC shall be drawable at our office located at xx xxx xxx Ortigas, _____ in Metro Manila, Philippines.</p>	<p>Unfortunately, the proposed revisions are not acceptable. Bidders are required to comply with the template provided.</p>

3. **ADDITION TO IB-24 (CANCELLATION OF THE DOAS)**

xxx

In case of rescission due to Buyer's failure to perform its obligations, PSALM shall deduct five percent (5%) per year from the Purchase Price wherein "year" shall cover a fraction of a year from Turnover Date.


4. **MISCELLANEOUS PROVISIONS**

- a. Unless inconsistent with the provisions of this Supplemental Bid Bulletin No. 4, the provisions of the Bidding Procedures remain effective and binding upon the Bidders.

- b. If any one or more of the provisions of the Bidding Procedures or Supplemental Bid Bulletin Nos. 1, 2, 3 and 4 (collectively, the “Procedural Documents”) is held to be invalid, illegal, or unenforceable, the validity, legality, or enforceability of the remaining provisions of each and all Procedural Documents shall not be affected thereby. To the extent permitted by Philippine Law, each Bidder waives any provision of law which renders any provision of any of the Procedural Documents invalid, illegal, or unenforceable in any respect.

Please be guided accordingly.

Quezon City, 02 November 2021.



IRENE JOY BESIDO-GARCIA
Chairperson
Privatization, Bids and Awards Committee



PAMG-APD 2/TWG/JCC/FDC/CAA/DMBM/CRA/ABL/GTV/MMW/ECC/RMT



PBAC/JML/GBS/MMMVII/ACF