



Supplemental Negotiation Bulletin No. 2

For the Sale of the

**Malaya Thermal Power Plant
and Its Underlying Land
Located in Pililla, Rizal**

(3rd Round of Negotiated Sale)

31 March 2021

**SUPPLEMENTAL NEGOTIATION BULLETIN NO. 2
FOR THE SALE OF THE MALAYA THERMAL POWER PLANT
AND ITS UNDERLYING LAND LOCATED IN PILILLA, RIZAL
(3RD ROUND OF NEGOTIATED SALE PROCESS)**

1. NOTICE TO NEGOTIATING PARTIES

Negotiating Parties are hereby notified of the amendments, revisions, modifications, and clarifications to the Negotiation Procedures dated 05 February 2021 for the Sale of the Malaya Thermal Power Plant and Its Underlying Land located in Pililla, Rizal.

In accordance with the Negotiation Procedures, Negotiating Parties are required to acknowledge receipt and acceptance of the terms and conditions of the Negotiation Procedures and each Supplemental Negotiation Bulletin on the space provided in the Letter of Transmittal accompanying this Supplemental Negotiation Bulletin.

Failure to acknowledge receipt and acceptance of the terms and conditions of the Negotiation Procedures and each Supplemental Negotiation Bulletin may cause the Offer to be considered as not responsive to the Negotiation Procedures, which could result in the disqualification and/or rejection of the Offer.

In any case, it is conclusively presumed that the Negotiating Party in preparing the Offer has taken into account the information and procedures set forth herein in the Negotiation Procedures and in the subsequent Supplemental Negotiation Bulletins.

2. AMENDMENT TO SECTION IB-03 NEGOTIATION SCHEDULE

The following activities under Section IB-03 are amended, as follows:

Activity	From	To
Deadline for Submission of Documentary Deliverables	3:00 p.m., 07 April 2021	3:00 p.m., <u>21 April 2021</u>
Notification to Qualified Negotiating Parties	13 April 2021	<u>27 April 2021</u>
Offer Submission Deadline	12:00 noon 23 April 2021	12:00 noon 07 May 2021
Opening and Evaluation of Offers; Declaration of Highest-Ranking Negotiating Party	Immediately after the Offer Submission Deadline	Immediately after the Offer Submission Deadline
Post-Qualification of the Highest-Ranking Negotiating Party	26 April 2021	<u>10 May 2021</u>
Issuance of Notice of Award	Within 30 days from declaration of the Highest-Ranking Negotiating Party	Within 30 days from declaration of the Highest-Ranking Negotiating Party
Submission to PSALM of Request for Assignment	Within 5 days from issuance of NOA	Within 5 days from issuance of NOA
PSALM's Approval of Assignment Request and Execution of new APA with the Assignee	Within 5 days from receipt of request for assignment	Within 5 days from receipt of request for assignment
Submission to PCC	May 2021 (estimated to be at least 15 days processing)	<u>June 2021</u> (estimated to be at least 15 days processing)

Activity	From	To
Issuance of the Certificate of Effectivity of the APA to the Winning Negotiating Party	2 business days from receipt of PCC clearance	2 business days from receipt of PCC clearance
Closing	23 June 2021 or within 30 days from Winning Negotiating Party's receipt of the Certificate of Effectivity	21 July 2021 or within 30 days from Winning Negotiating Party's receipt of the Certificate of Effectivity
Closing Date	25 June 2021 or 2 business days from Closing	23 July 2021 or 2 business days from Closing

Note: Activities, the deadlines for which have already lapsed, were no longer shown in this table.

3. MISCELLANEOUS PROVISIONS

- a. Unless inconsistent with the provisions of this Supplemental Negotiation Bulletin No. 2, the provisions of the Negotiation Procedures remain effective and binding to the Negotiating Parties.
- b. If any one or more of the provisions of the Negotiation Procedures or Supplemental Negotiation Bulletin Nos. 1 and 2 (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 will not be affected. To the extent permitted by Philippine Law, each Negotiating Party 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, 31 March 2021.

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