



NOTICE OF AWARD

TARLAC – PANGASINAN – LA UNION EXPRESSWAY (TPLEX) EXTENSION PROJECT

JUN 03 2024

Mr. RAMON S. ANG

Chairman and President
San Miguel Holdings Corporation
11/F San Miguel Properties Centre
7 St. Saint Francis St., Mandaluyong City

Dear Mr. Ang:

We are pleased to notify you that on 31 May 2024, the Department of Public Works and Highways (DPWH) approved the resolution by the Public-Private Partnership (PPP) Prequalification, Bids, and Awards Committee (PBAC) for PPP Projects recommending the award of the contract for the design, financing, construction, operation and maintenance of the Tarlac-Pangasinan-La Union Expressway (TPLEX) Extension Project, to San Miguel Holdings Corporation (SMHC), the Original Proponent and Winning Private Proponent, in accordance with the Republic Act No. 11966: An Act providing for the Public-Private Partnership (PPP) Code of the Philippines and its Implementing Rules and Regulations (IRR). The project cost amounts to Twenty Three Billion Three Hundred Fifty Eight Million Seven Hundred Eighty Five Thousand Seventy Two Pesos and Eleven Centavos (Php 23,358,785,072.11), exclusive of financing fees.

Pursuant to the PPP Code IRR and Section 10.1 of the Instructions to Comparative Proponents, this Notice of Award (NOA) is issued to you as the Winning Private Proponent. Accordingly, you are hereby **required to submit** the following Post-Award Requirements within **twenty (20) calendar days from official receipt of this Notice of Award**:

1. Formal acknowledgement of this Notice of Award by the authorized representative of SMHC;
2. Posting of Works Performance Security in the form and amount or combination of any of the following:
 - i. Cash, irrevocable letter of credit, or bank draft – a minimum of two percent (2%) of the total Project Cost;
 - ii. Bank Guarantee – a minimum of five percent (5%) of the total Project Cost; or
 - iii. Surety Bond – a minimum of ten percent (10%) of the total Project Cost. The performance guarantee shall be valid up to acceptance by the DPWH of the facility.
3. Proof of commitment of the required equity contribution of the Winning Proponent:
 - i. Treasurer's Affidavit attesting to actual paid-up capital;
 - ii. Subscription agreement between shareholders of the Winning Proponent and the Winning Proponent itself covering said equity contribution; or
 - iii. Shareholders agreement between and amongst two (2) or more shareholders of the Winning Proponent undertaking to contribute or subscribe the required equity contribution.



4. Proof of firm commitments from reputable financial institution to provide sufficient credit lines to cover the Project Cost to be shouldered by the Winning Proponent;
5. In case an SPC has already been formed for purposes of undertaking the project, proof of registration in accordance with Philippine laws;
6. Certified true copies of resolutions adopted by the board of directors of the Winning Proponent, duly notarized and issued by the authorized officer of the Winning Proponent stating the following:
 - i. Attesting that the Winning Proponent conducted an organizational meeting of its stockholders and elected its regular board of directors and corporate officers; and
 - ii. Authorizing the execution, delivery and performance of the Concession Agreement and the transaction documents
7. Latest Audited Financial Statements of SMHC; and
8. Submission of Tax Clearance Certificate.

Please be reminded that **failure by the Winning Private Proponent to submit** the requirements enumerated herein **within twenty (20) calendar days from official receipt** of this Notice of Award, **shall result in the automatic cancellation of this Notice of Award and the confiscation of the Bid Security.**

Within five (5) calendar days upon receipt of the foregoing requirements for award, the undersigned shall determine its compliance with all of the conditions stated in this NOA, and notify the Concessionaire thereafter.


The Winning Private Proponent **must execute the Concession Agreement** with the DPWH **within five (5) calendar days** from receipt of the notice stating that all conditions provided in this Notice of Award have been complied with. **Failure to enter** into the Concession Agreement by the Winning Private Proponent within the prescribed period **shall be a ground for the forfeiture** of the Winning Private Proponent's Bid Security **and the withdrawal of this Notice of Award.**

We trust that you will comply with the foregoing requirements.

Very truly yours,

Department of Public Works and Highways
Office of the Secretary




MANUEL M. BONOAN
Secretary

Conforme:

Mr. RAMON S. ANG
Chairman and President
San Miguel Holdings Corporation

Date:
