



CLARIFICATORY BULLETIN NO. 3 19 October 2018

NEW MAJOR PLAYER (NMP) SELECTION PROCESS

Issued under Section 7.2 of NTC Memorandum Circular (MC) No. 09-09-2018 and Section 5.2 of the Instruction to Participants (ITP), this Clarificatory Bulletin is issued by the NMP Selection Committee *motu proprio* to further explain certain provisions of the ITP and the procedures involved during the NMP Selection Process.

I. Preparation of Selection Documents

A. Certificate of at least Ten Years of Technical Capability

1. Participants under ITP Section 4.1 (b) must submit at least one (1) Certificate of Technical Capability from among its members in accordance with ITP Sections 4.2 (c) and 8.3 (c).
2. Congressional Franchise (CF) Holders who are parties to a binding Bidding Agreement need not comply with ITP Sections 4.2 (c) and 8.3 (c), provided that at least one (1) of the other members of the binding Bidding Agreement has complied with the requirement.

B. Multiple CF Holders in a binding Bidding Agreement

1. In case of multiple CF Holders in a single binding Bidding Agreement, Participants under ITP Section 4.1 (b) are advised to identify the CF Holder in the binding Bidding Agreement to whom the Certificate of Public Convenience and Necessity (CPCN) shall be issued. The identified CF Holder, without prejudice to other documentary requirements under ITP Section 8, shall be charged in submitting the following documents:
 - a. A clear and legible copy of its Congressional Franchise in accordance with ITP Section 8.3(d).
 - b. NTC Certificate of No Outstanding Liabilities in accordance with ITP Section 8.3(e).
2. Other CF Holders to the binding Bidding Agreements shall be treated as investors during the NMP Selection Process. Their non-submission of documentary requirements under ITP Section 8.3 (c), (d) and (e) shall not render the Participant under ITP Section 4.1 (b) as non-compliant.

C. Financial Statements

1. Paid capital shall include paid up capital and additional paid up capital, and reduced by treasury shares. Other equity accounts, such as but not limited to, deposits for future subscription, retained earnings, and reserves, are excluded from paid capital¹.

¹ Philippine Long Distance Telephone Company v. National Telecommunications Commission, G.R. No. 152685.

2. Pursuant to ITP Section 8.3 (g) (3), Participants under ITP Section 4.1(b) must provide a Summary Sheet of their respective paid capital which shall be validated during the detailed evaluation phase.
3. The Summary Sheet shall itemize the paid capital of each partner based on the entries in their Latest Audited Financial Statement in compliance with the aggregate paid capital of at least ₱10 Billion.
4. Non-submission and errors in the entries of the Summary Sheet shall not render the Participant as Non-Compliant.

D. Participation Security

1. Irrevocable Letters of Credit submitted as Participation Securities pursuant to ITP Sections 8.3 (j) and 8.4 (a) must be valid for a period of 180 calendar days starting from 07 November 2018 and, at the earliest, up to 05 May 2019.

E. Marking and Labeling of Original and Copy Documents

1. Participants are encouraged to properly mark and label documents as “Original” or “Copy-1”, “Copy-2”, or “Copy-3” in accordance with their corresponding envelope/box and set of documents. This is to ensure that the submission of each set of documents for the submission packages are complete and in order.

F. Table of Contents

1. For the NMP Selection Committee’s ease of reference and to facilitate the examination and evaluation of requirements, Participants are encouraged to provide a “Table of Contents” with the following format:

Document / Requirement	Page	Tab

II. Submission of Selection Documents

A. Deadline of Submission

1. The deadline for the Submission of Selection Documents shall be on **07 November 2018 at 10:00 a.m. PST.**
2. Participants are advised to submit their respective Selection Documents ahead of the deadline. The Secretariat of the NMP Selection Committee shall only receive Selection Documents during office hours, from **8:00 a.m. to 5:00 p.m. PST** from **05 to 06 November 2018**, and from **8:00 a.m. to 10:00 a.m. PST** on **07 November 2018.**
3. All Selection Documents shall be marked and stamped by the Secretariat indicating the Time and Date of its submission.
4. Late submissions shall be marked “LATE” by the Secretariat and returned unopened to the Participant. As such, all Participants are hereby reminded to submit before the deadline.