

VANCOUVER ISLAND - CALL FOR TENDERS

ADDENDUM

Addendum Number: 17
Date of Issue: 30 June 2004
Subject: Project-Specific Revisions Submission

1. This Addendum is issued pursuant to the BC Hydro Call for Tenders for Capacity and Associated Energy Supply on Vancouver Island, issued 31 October 2003, as amended (“CFT”).
2. Words and phrases defined in the CFT and used herein have the meanings given in the CFT. Refer to Appendix 1 of the CFT for definitions.
3. ***Project-Specific Revisions Submission:*** Bidders are required to submit a Project-Specific Revisions Submission as described in this Addendum. Each Project-Specific Revisions Submission consists of the following documents:
 - Project-Specific Revisions Form – Submission of this Form is ***optional***.
 - Final Form EPA Appendix 5 – Seller’s Plant Description – Submission of this Form is ***mandatory***.

Each of these forms is described in more detail in the following sections of this Addendum.

4. ***Multiple Projects:*** A bidder intending to tender multiple projects must submit a ***(i) a separate Project-Specific Revisions Form, if any, for EACH project, and (ii) a separate Final Form EPA Appendix 5 – Seller’s Plant Description for EACH project.***
5. ***Dual Fuel and Duct Firing Capability:*** As provided in sections 9 and 10 of Addendum 13 and sections 4.3.5 and 4.3.6 of the QEM, bidders may submit a single Tender in respect of a gas-fired plant that includes either or both dual fuel and duct firing capability. In that event, the Tender may include any or all of the following mutually exclusive alternate scenarios: (i) a plant with dual fuel capability with duct firing, (ii) a plant with dual fuel capability without duct firing, (iii) a plant without dual fuel capability with duct firing, and (iv) a plant without dual fuel capability and without duct firing, with alternate pricing available in each scenario. A bidder who intends to submit such a Tender must submit a ***separate Final Form EPA Appendix 5 – Seller’s Plant Description for each such alternative scenario.***
6. ***Project-Specific Revisions Form:*** In accordance with section 10.3 of the CFT, bidders have one further opportunity to submit requests for revisions to the Final Form Agreements. This opportunity is strictly limited to those revisions that are required to accommodate technology and operating scenarios particular to individual projects. As provided in section 10.3 of the CFT, revisions must be directed to correcting only contract text, which would be unworkable in the context of a specific project. Proposed revisions must be limited to those

which will not give the bidder any preference over other bidders in the CFT process and will not have a material impact on the benefit of the Final Form Agreements to BC Hydro. Material revisions, including revisions to price structure, liquidated damages, and termination rights and obligations, will be rejected.

Proposed revisions must be specific and include specific contractual text changes and must be accompanied by a brief explanation of why the change is considered necessary.

Bidders intending to tender a project based on the range of project options currently contemplated in the CFT, but in a configuration which is not expressly contemplated in the base form of the Final Form EPA or Appendix 17 of the Final Form EPA, should identify the proposed configuration in the Project-Specific Revisions Form and should propose the contractual text that would be required to accommodate the proposed configuration. ***BC Hydro may reject any Tender in respect of which the bidder failed to propose the necessary project-specific revisions to the Final Form EPA to accommodate the project configuration offered in the Tender such that the Final Form EPA is incompatible with the project configuration offered in the Tender.***

Proposed project-specific revisions must be submitted using the Project-Specific Revisions Form issued and posted with this Addendum in Word format. Download the Form at <http://www.bchydro.com/vicft>, and follow the instructions on the form.

7. ***Final Form EPA Appendix 5:*** Appendix 5 of the Final Form EPA is titled “Seller’s Plant Description” and will contain a general description of the Seller’s Plant and certain related information. Each bidder must submit a completed Final Form EPA Appendix 5 as part of their Project-Specific Revisions Submission ***for each project for which the bidder intends to submit a Tender***, whether or not the bidder submits a Project-Specific Revisions Form.

For this purpose a template version of Final Form EPA Appendix 5 – Seller’s Plant Description is issued and posted with this Addendum in Word format. Bidders must complete the Final Form EPA Appendix 5 using the form provided and completed in accordance with the instructions on the form. Download the form of the Appendix at <http://www.bchydro.com/vicft>, and follow the instructions on the form.

Prior to completing the Final Form EPA Appendix 5 – Seller’s Plant Description, bidders should carefully review section 5 of Addendum 14 and the definition of the project in respect of which the bidder has been pre-qualified, as provided to the bidder by BC Hydro, to ensure that the description of the Seller’s Plant in the Final Form EPA Appendix 5 does not vary the project elements described in the aforesaid definition provided by BC Hydro beyond any applicable tolerances indicated in that definition.

8. ***Deadline for Submission of Project-Specific Revisions Submissions:*** All Project-Specific Revisions Submissions must be submitted on or before **4:00 p.m. PPT on the date indicated on the CFT Schedule at the location specified in section 15.1 of the CFT.**

9. ***BC Hydro Response:*** In accordance with section 10.3 of the CFT, BC Hydro will approve or reject all or part of the Project-Specific Revisions Submission by each bidder, on or before the date indicated on the CFT Schedule.

Prior to any final rejection of all or part of a Final Form EPA Appendix 5 – Seller’s Plant Description filed in accordance with section 11 of this Addendum, BC Hydro will give the bidder written notice of BC Hydro’s intention to reject all or part thereof together with reasons for the potential rejection and will give the bidder a reasonable opportunity to cure the identified deficiencies.

Project-Specific Revisions Submissions, as approved in writing by BC Hydro, will form part of any Tender submitted by the bidder, and any EPA awarded by acceptance thereof, in respect of the particular project. These revisions and documents may not be changed after approval by BC Hydro, without the prior written consent of BC Hydro, which may be given or withheld in its sole and unfettered discretion. Notwithstanding the foregoing, a bidder may elect in its Tender not to proceed with any amendment to the Final Form EPA that was approved by BC Hydro in response to the Project-Specific Revisions Form, other than revisions which are identified as revisions of a general nature applicable to all bidders. If a bidder elects not to proceed with a particular approved project-specific amendment to the Final Form EPA, the bidder will be bound by the original text in the Final Form EPA.

10. ***Failure to File Project-Specific Revisions Submission:*** BC Hydro will not accept a Tender for any project for which a Final Form EPA Appendix 5 – Seller’s Plant Description has not been filed and accepted by BC Hydro in the manner indicated in this Addendum.

11. ***Late, Incomplete or Inaccurate Project-Specific Revisions Submissions:*** BC Hydro reserves the right to reject any late, incomplete, inaccurate or improperly completed Project-Specific Revisions Submission.

12. ***Documents Issued Concurrently:*** The following documents referenced herein are issued concurrently with this Addendum and are available at <http://www.bchydro.com/vicft>.

- Project-Specific Revisions Form (Word)
- Final Form EPA Appendix 5 – Seller’s Plant Description (Word)