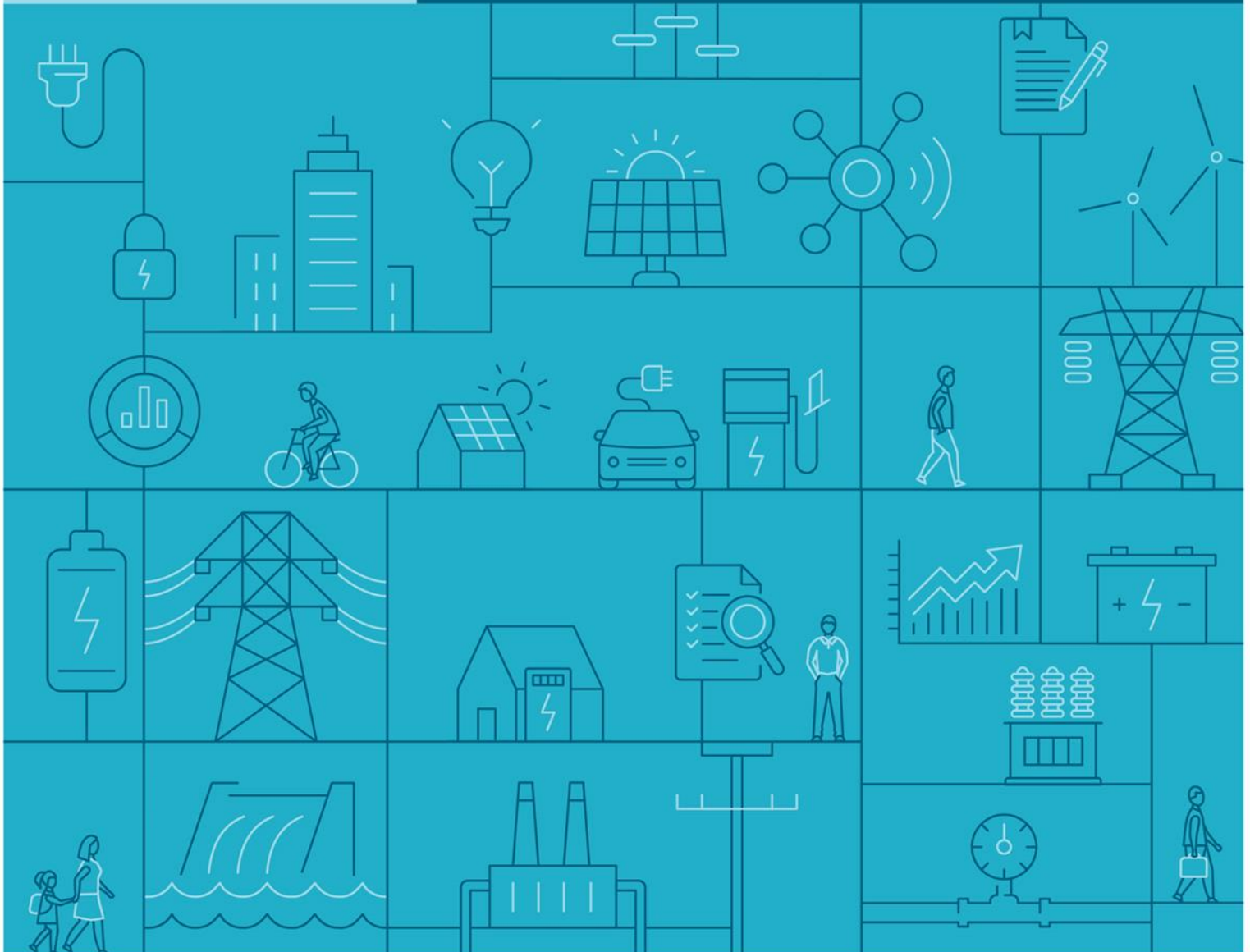




Addendum 1 to the Tender Guidelines - Tender Round 1

NSW Consumer Trustee

8 February 2023



Addendum 1 to the Tender Guidelines

This addendum (**Addendum 1**) to the Tender Guidelines for Tender Round 1 (September 2022) (**Tender Guidelines**) is issued under section 5.38 of the Tender Guidelines. In accordance with section 5.38 of the Tender Guidelines, Proponents must prepare their Bids to take into account and reflect the content of Addendum 1, and the Tender Conditions apply to this Addendum (section 5.1 of the Tender Guidelines).

Capitalised terms in this Addendum 1 not otherwise defined are defined in the Tender Guidelines.

All references to 'Proponent' in this Addendum 1 refer to any person (who alone) or persons (who together, including Consortium Members), submit, or intend to submit, a Project Bid and/or Financial Value Bid, including any Bid Entity (as applicable).

1.1 Background

Section 4.2 of the Tender Rules provides that the bond details for each Tender Round will be released as part of the Tender Guidelines issued for that Tender Round, including the form and quantum of bonding. Accordingly, section 3.1.1 of the Tender Guidelines provides that the Security for Process Bond amount (the 'Process Bond Amount' under the Tender Process Deed) is \$4,000 per MW of Maximum Capacity (using the greatest Bid Variable for Maximum Capacity submitted with the Bid), capped at \$800,000 per Project. This requirement is also reflected in the "Process Bond Amount" and clause 3.2 in the Tender Process Deed provided by Proponents.

This Addendum 1 amends the Tender Guidelines to enable a relevant Proponent to submit a Security for Process Bond calculated as set out in section 1.2 below (where the relevant Proponent elects to do so) in satisfaction of the requirements for the "Process Bond Amount" under the relevant Tender Process Deed.

1.2 Amendments to Guidelines

- (a) The following sentence in section 3.1.1 of the Tender Guidelines under the sub-heading 'Security for Process Bond' is amended as follows (new wording is underlined and deletions are shown with strikethrough):

"The Security for Process Bond is \$4000/MW of Maximum Capacity, multiplied by the Contracted Percentage for generation LTESA Bids, capped at \$800,000 per Project, irrespective of whether the Proponent is seeking LTESA and/or an Access Right. The MW used for calculating the Security of Process Bond is the Project's intended Maximum Capacity. If there is more than one Bid Variable for Maximum Capacity and/or Contracted Percentage submitted as part of the Bid, the Process Bond Amount will be calculated on the basis of the greatest value for the relevant Bid Variables ~~for Maximum Capacity~~ for that Bid."

- (b) The following sentence in section 3.1.1 of the Tender Guidelines under the sub-heading 'Security for Process Bond' is amended as follows (new wording is underlined and deletions are shown with strikethrough):

"Proponents will be required to provide the Security for Process Bond at the time of submitting a as part of their Financial Value Bid."

1.3 Extension of time for delivery of Security for Process Bond as part of the Financial Value Bid

Prior to the making of this Addendum 1, Proponents were required to upload a copy of the Security for Process Bond at the same time as submitting the other components of their Financial Value Bid.

To enable Proponents to consider this Addendum, an extension of time will be given to Proponents to deliver the Security for Process Bond as part of their Financial Value Bid, in accordance with the Consumer Trustee's discretion (see Tender Guidelines, sections 3.1.1 and 5.30(r)).

This extension of time does not affect the Financial Value Bid Closing Date and Time.

Given this extension of time, when submitting their Financial Value Bid Forms by the notified Financial Value Bid Closing Date and Time, Proponents may either upload a copy of the Security for Process Bond as part of their Financial Value Bid (with hardcopy delivery to follow) or otherwise confirm that the Security for Process Bond will be delivered by 4pm (AEST) on Friday 17 February 2023.

1.4 Notice under Tender Process Deeds

A notice under clause 10 of the Tender Process Deed will be issued to each shortlisted Proponent to reflect this Addendum 1 under each relevant Tender Process Deed.