

The background of the cover features a blurred wind turbine on the left, a lightbulb on the right containing a bouquet of yellow flowers, and a solar panel in the foreground at the bottom left.

IMPLEMENTATION GUIDELINES FOR THE PLANNING AND COMPETITIVE PROCUREMENT OF ADDITIONAL ELECTRICITY GENERATION CAPACITY

OCTOBER 2025

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DEFINITIONS

In these Guidelines, unless the context otherwise requires,

“Board” means the Board of the Energy Commission;

“capacity” means the rated power output of a generator;

“Commission” means the Energy Commission;

“economic cost” means the total value of the generation capacity, comprising the monetary and non-monetary value of the generation capacity;

“Financial Feasibility” means a study that assesses the affordability, bankability, and economic benefits of the project, including but not be limited to, capital cost estimates, engineering, procurement, and construction (EPC) costs, operating and maintenance costs, financing structure, indicative financing terms, tariff analysis, the levelised cost of electricity (LCOE), foreign exchange and payment risks, economic impact, Government support and guarantees;

“Minister” means the Minister responsible for Energy;

“power purchase agreement” means an agreement for the sale and purchase of generation capacity/ energy concluded between an entity that generates electricity for sale, seller and a State-owned public utility that seeks to buy additional electricity generation;

“renewable energy” means energy from renewable energy sources as defined in the Renewable Energy Act, 2011 (Act 832);

“State-owned public utility” means a public utility, whether incorporated or not under the Companies Act, 2019 (Act 992),

whose shares are wholly or partially held or controlled by the Government; and that is licensed under the Energy Commission Act, 1997 (Act 541) to distribute or sell electricity without discrimination to consumers in an area or zone designated by the Board;

“PURC” means the Public Utilities Regulatory Commission;

“Technical Feasibility” means a study that demonstrates the following key parameters: resource assessment, technology suitability, site and land availability, ownership, grid integration, environmental and social compliance, and a detailed implementation plan.

“tender package” means the procurement documentation, which may include:

- an Expression of Interest Document;
- the Request for Proposals Document;
- the Model Power Purchase Agreement;
- a Fuel Supply Agreement, where applicable;

a sample Generation Licence to be issued to the winning tenderer;
a sample Connection Agreement to be signed with the electricity transmission utility;
information on the preferred project site and requirements for environmental consent; and
the relevant Licence Application Manual issued by the Commission.

LIST OF ABBREVIATIONS

ATAC - Ad-hoc Technical Advisory Committee

BESS - Battery Energy Storage System

IPSMP - Integrated Power Sector Master Plan

PPA - Power Purchase Agreement

PPTC - Power Planning Technical Committee

PURC - Public Utilities Regulatory Commission

SOPU - State-owned public utility

1.0 INTRODUCTION

These guidelines are issued to complement the implementation of the Energy Commission (Planning and Competitive Procurement of Electricity Generation Capacity) Regulations, 2025 (LI 2508).

1.1 Enabling Legislation

These Guidelines are issued by the Commission in consultation with the Public Utilities Regulatory Commission (PURC), pursuant to the following legal and policy frameworks:

- Energy Commission Act, 1997 (Act 541): Establishes the Commission and provides the overarching mandate for the Commission to regulate and manage the development of energy resources in Ghana.
- Public Utilities Regulatory Commission Act, 1997 (Act 538): Establishes the PURC and mandates it to approve rates, ensure efficiency and fairness in utility services, and collaborate with the Commission on energy sector regulation.
- Renewable Energy Act, 2011 (Act 832): Mandates the Commission to oversee the development and utilisation of renewable energy sources.
- Energy Commission (Planning and Competitive Procurement of Electricity Generation Capacity) Regulations, 2025 (L.I. 2508): Establishes the legal basis for the planning and competitive procurement of additional electricity generation capacity.

In line with these provisions, the Commission, in consultation with stakeholders, has prepared these Guidelines to provide a transparent and competitive framework for the procurement of additional electricity generation capacity in Ghana.

1.2 Purpose And Guiding Principles Of Guidelines

The purpose of developing these Guidelines is to complement the effective implementation of the Energy Commission (Planning and Competitive Procurement of Electricity Generation Capacity) Regulations, 2025 (L.I. 2508), to ensure a transparent, competitive, and sustainable framework for the procurement of additional electricity generation.

The Guidelines are anchored in the following principles:

- **Openness:** Procurement shall be transparent, with key information made publicly accessible.
- **Competition:** Open competitive tendering shall be the default procurement method, with non-standard tendering used only when justified under Act 663.

- **Transparency:** All processes shall be clear, accountable, and publicly accessible.
- **Sustainability:** Environmental, social, and economic impacts shall be considered in decision-making.

1.3 Application Of Guidelines

These Guidelines apply to the process of planning for and procuring additional electricity generation capacity by a State-owned public utility for the sale of electricity to a consumer of the State-owned public utility.

1.4 Structure Of The Guidelines

The Guidelines are divided into six chapters.

- Chapter 1 covers general provisions, including application and structure;
- Chapter 2 provides roles and responsibilities;
- Chapter 3 provides for the planning and procurement procedures;
- Chapter 4 deals with the establishment of an ad-hoc technical committee;
- Chapter 5 provides for procurement procedures, which include duties of a state-owned public utility and requirements with respect to the power purchase agreement; and
- Chapter 6 is on miscellaneous matters, covering the offences and penalties, guidelines review, reporting, and the mechanism for dispute resolution.

2.0 ROLES AND RESPONSIBILITIES

2.1 Power Planning Technical Committee

Pursuant to regulation 4, the Power Planning Technical Committee (PPTC), on behalf of the Commission, shall establish the need for procurement of additional generation from the Integrated Power Sector Master Plan (IPSMP). The IPSMP is a long-term capacity expansion plan. It assesses current and future challenges and opportunities in the country's power sector and develops a resilient generation capacity expansion plan that adequately meets the forecasted electricity demand.

2.2 Energy Commission

The Commission is responsible for regulatory oversight, approval, and coordination of activities towards the procurement of an additional generation capacity. Where the Commission determines the need for additional electricity generation capacity in paragraph 2.1, the Commission shall undertake the following:

- Establish an Ad-hoc Technical Advisory Committee (ATAC) to advise on matters related to the procurement of the specific additional electricity generation capacity.
- Approve the procurement, feasibility studies and evaluation reports
 - Grant, in consultation with the PURC, authorisation for the procurement of additional electricity generation capacity.
 - Review and approve feasibility studies submitted by the State-owned public utility (SOPU).
 - Approve evaluation reports and the recommended preferred tenderer.
- Regulate and Provide Guidance
 - Issue Guidelines, Power Purchase Agreement (PPA) templates, Tender packages and associated documents, which shall be published on the Commission's website.
 - Monitor SOPU compliance with these Guidelines and relevant Acts (832, 1045, and 663).
 - Provide technical guidance through the ATAC.
- Coordinate and Communicate
 - Maintain ongoing communication with SOPU, PURC, and relevant ministries.
 - Track procurement progress and ensure adherence to defined timelines.
 - Ensure compliance with procedures.

2.3 Public Utilities Regulatory Commission (PURC)

In accordance with the Public Utilities Regulatory Commission Act, 1997 (Act 538), the PURC is responsible for

- establishing tariffs and benchmarks for electricity generation procurement,
- approving PPA to ensure compliance with tariff guidelines, and
- ensuring adherence to approved tariffs and pricing guidelines by SOPU.

2.4 State-Owned Public Utilities (SOPU)

A SOPU that intends to procure additional electricity generation shall undertake the following:

- Feasibility studies
 - Conduct technical and financial feasibility studies, including a grid impact assessment.
 - Submit feasibility studies to the Commission for review and approval.
- Tendering and Evaluation
 - Develop tender packages in accordance with these Guidelines and LI 2508.
 - Conduct open competitive tendering provided under section 34A and 35 of the Public Procurement Act, 2003 (Act 663), as amended by Act 914.
 - Establish an independent evaluation committee to evaluate tenders objectively and document all evaluation decisions. The evaluation committee shall not be subject to the direction and control of a person or authority in the performance of its functions.
 - The composition of the evaluation committee shall be in accordance with Section 20 (e) of the Act 663.
 - Submit evaluation reports recommending the preferred tenderer to the Commission within sixty (60) days of tender closure.
- Power Purchase Agreements (PPA)
 - Draft PPAs based on the Commission-approved standard template published on EC and PURC websites. PPA provisions may be adapted, where necessary, to address the distinct technical, operational, and commercial requirements of different generation technologies such as solar, wind, hybrid systems with or without Battery Energy Storage System (BESS), hydro, and thermal power plants.
 - Ensure tender prices do not exceed PURC benchmark prices.
 - Negotiate with preferred tenderers and submit the draft PPA, financial model and commercial terms to PURC for review.
 - Conclude the PPA and submit copies to the PURC for review and approval.

- Publish the preferred tenderer on the websites of the SOPU and the Commissions.
- Compliance and Reporting
 - Publish the preferred tenderer on the websites of the SOPU and the Commissions.
 - Report any deviations or irregularities to the Commission immediately.

A SOPU shall not procure additional electricity generation capacity from an unsolicited source.

The Commission shall complete the review of the evaluation report within twenty (20) days of submission by the SOPU.

3.0 PROCESSES AND PROCEDURES FOR PLANNING AND THE PROCUREMENT OF ADDITIONAL GENERATION

3.1 Process for Establishment of Need for Additional Generation Procurement

Where the need for procurement of additional generation is determined by the IPSMP, the Commission shall inform the Minister and the SOPS accordingly. The Integrated Power Sector Master Plan shall be the planning reference document for additional capacity procurement.

The IPSMP indicates;

- a forecast of electricity demand on the national grid, and
- the required electricity supply to meet the forecasted demand,

taking into account the most probable future demand and supply scenarios for electricity and the locations of the demand and supply scenarios, and possible sources of additional electricity generation capacity, considering technology and government policy.

3.2 Pre-Procurement Procedures

The Commission shall, on establishing the need for additional generation, inform the Minister and the SOPS of

- the required additional electricity generation capacity, and
- the period within which the additional electricity generation capacity should be procured.

The Commission shall issue a written authorisation to the SOPS to undertake technical and financial feasibility studies in respect of the electricity generation capacity requirement, including the location of the electricity generation capacity requirement based on a grid impact study. The Feasibility studies must be submitted within one hundred and twenty (120) days of Commission authorisation.

The Commission shall, in consultation with the PURC,

- decide on the technical and financial feasibility studies, and
- grant approval to procure the required additional electricity generation capacity,

within twenty (20) days, to prevent project delay.

3.3 Procurement in Accordance with Public Procurement Act (Act 663)

Where a SOPS requires additional electricity generation capacity in accordance with the IPSMP, the SOPS shall procure the additional electricity generation capacity through competitive tendering in accordance with paragraph (a) of subsection (1) of section 34A of the Public Procurement Act, 2003 (Act 663), unless explicitly varied by these Guidelines or the parent L.I. 2508.

The Commission, in collaboration with the PURC, shall oversee the procurement process for the additional electricity generation capacity as determined.

General Provisions

- **Public Communication and Stakeholder Engagement:** The Commission shall ensure timely communication of procurement outcomes through its official website, stakeholder meetings, and public notices. Key procurement data, including awarded contracts and evaluation summaries, shall be made publicly accessible to promote transparency and accountability.
- **Confidentiality and Information Security:** All persons involved in the procurement process shall maintain strict confidentiality of all proprietary and sensitive information obtained during the process. Disclosure of such information prior to official publication constitutes misconduct and may attract sanctions.
- **Beneficial Ownership:** Every tenderer shall submit a comprehensive Beneficial Ownership (BO) declaration as part of the tender submission. The declaration shall disclose the natural persons who ultimately own, control, or have significant influence over the bidding entity, whether directly or indirectly, in accordance with the relevant anti-money laundering laws and any other applicable laws.
- **Conflict of Interest Declaration:** All tenderers, consortium members, and advisers must declare any actual or potential conflict of interest, including relationships with officials of the SOPS and the Commission.
- **Standstill Period:** To enhance transparency and provide an opportunity for review, a standstill period of ten (10) working days shall be observed between the issuance of the notice of award to the successful tenderer and the signing of the Power Purchase Agreement or contract. During this period, unsuccessful bidders may seek clarification or lodge a formal complaint in accordance with the dispute resolution procedures of these Guidelines.

- **Data Management and Record Retention:** The Commissions and SOPS shall maintain accurate and comprehensive records of all procurement activities, including tender documents, evaluation reports, approvals, and correspondence. All records shall be securely stored for a minimum period of seven (7) years to facilitate audit, monitoring, and dispute resolution.
- **Sustainability Screening:** Sustainability considerations, covering environmental, social, and economic impacts, shall form a mandatory prequalification requirement. Each tenderer shall demonstrate that the proposed project meets national environmental and social standards and supports long-term economic sustainability.
- **Central E-Procurement Portal:** All tender announcements, submissions, clarifications, and publication of results shall be through a central e-procurement portal to ensure transparency, traceability, and equal access to information.
- **Capacity Building and Institutional Strengthening:** The Commission, in collaboration with the PURC and public utilities, shall undertake periodic training and capacity-building programmes on competitive procurement procedures, evaluation methodologies, and contract management to ensure effective implementation of these Guidelines.

3.4 Alternative Procurement Method

Without limiting the Public Procurement Act, 2003 (Act 663), and for the purposes of these Guidelines, the procurement of additional electricity generation capacity by a SOPS, by a method other than competitive tendering, shall be subject to approval by the Minister responsible for Energy.

The Minister shall, in approving, take into consideration paragraphs (b) and (c) of subsection (1) of section 40 of the Public Procurement Act, 2003 (Act 663); and consider compliance with the procedure in respect of methods other than competitive tendering under the Public Procurement Act, 2003 (Act 663).

Act 663 (40)(1)

(b) where there is an urgent need for the goods, works or services and engaging in tender proceedings or any other method of procurement is impractical due to unforeseeable circumstances giving rise to the urgency which is not the result of dilatory conduct on the part of the procurement entity;

(c) where owing to a catastrophic event, there is an urgent need for the goods, works and technical services, making it impractical to use any other methods of procurement because of the time involved in using those methods;

4.0 ESTABLISHMENT OF AD-HOC TECHNICAL ADVISORY COMMITTEE

4.1 Ad-hoc Technical Advisory Committee (ATAC)

Where the Commission determines the need for additional electricity generation capacity, the Board shall establish an ATAC to advise on matters related to the procurement of a specific additional electricity generation capacity.

4.2 Composition of Ad-hoc Technical Advisory Committee

The ATAC shall consist of

- the Executive Secretary of the Commission, as chairperson;
- one representative each from the following institutions, not below the rank of a deputy director
 - the Ministry of Energy, nominated by the Minister responsible for Energy;
 - the Ministry of Finance, nominated by the Minister responsible for Finance;
 - the Office of the Attorney-General and Ministry of Justice nominated by the Attorney-General and Minister for Justice;
 - the PURC, nominated by the Executive Secretary of the Commission;
 - the Public Procurement Authority nominated by the Chief Executive of the Authority;
 - the Environmental Protection Agency, nominated by the Executive Director of the Agency;
 - the Electricity Transmission Utility nominated by the Chief Executive Officer of the Electricity Transmission Utility; and
- two representatives from the SOPS.
- The ATAC may co-opt expert(s) in the procurement of electricity generation capacity.

The Commission may establish a dedicated, professionally staffed unit within the Commission to act as a secretariat for the ATAC and to drive the process, ensuring timelines are met and communication flows between institutions.

4.3 Functions of the Ad-hoc Technical Advisory Committee

The ATAC shall

- advise the Commission on matters related to the procurement of additional electricity generation capacity; and compliance with statutory requirements;
- review, recommend, and prepare a report on the following documents submitted by the SOPS for approval by the Commission:

- the technical and financial feasibility report within twenty (20) days after receipt of the technical and financial feasibility report; and
- the evaluation report that recommends the preferred tenderer within twenty (20) days after receipt of the evaluation report; and
- perform any other functions in respect of the procurement of additional electricity generation capacity determined by the Commission.

4.4 Tenure of office of members of the Ad-hoc Technical Advisory Committee

The ATAC shall cease to operate, and the membership shall terminate after the specific additional electricity generation capacity has been successfully procured.

4.5 Meetings of the Ad-hoc Technical Advisory Committee

- The ATAC shall meet for the conduct of business at a time and place determined by the chairperson.
- The chairperson shall, at the request in writing of not less than one-third of the membership of the Board, convene an extraordinary meeting of the ATAC at a time and place determined by the chairperson.
- The quorum for a meeting of the ATAC is five members of the ATAC.
- The chairperson shall preside at meetings of the ATAC, and in the absence of the chairperson, a member of the ATAC elected by the members present from among the number shall preside.
- Matters before the ATAC shall be decided by a majority of the members present and voting, and in the event of an equality of votes, the person presiding shall have a casting vote.
- The ATAC may co-opt a person to attend a meeting of the Committee, but that person shall not vote on a matter for decision at the meeting.
- The proceedings of the ATAC shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.
- Subject to this section, the chairperson of the ATAC may determine the procedure for the meetings of the ATAC.

4.6 Disclosure of interest

A member of the ATAC who has an interest in a matter for consideration shall disclose in writing the nature of that interest, and the disclosure shall form part of the record of the consideration of the matter, and the member is disqualified from being present at or participating in the deliberations of the ATAC in respect of that matter.

A member ceases to be a member of the ATAC if that member has an interest in a matter before the Committee and

- fails to disclose that interest or
- is present at or participates in the deliberations of the ATAC in respect of that matter or
- discloses or leaks information to a third party who has an interest in or stands to benefit in respect of that matter.

Without limiting any further cause of action that may be instituted against the member, the Board shall recover any benefit derived by a member who contravenes the provision above, in addition to revocation of the member's appointment.

5.0 STANDARD POWER PURCHASE AGREEMENT

The Commission shall, in consultation with the PURC, develop and publish on the website of both the Commission and the PURC, a standard template of a power purchase agreement and associated documents as required in the tender package.

A SOPU that seeks to procure additional electricity generation capacity shall

- prepare a draft power purchase agreement based on the standard template;
- comply with the PURC's Rate Setting Guidelines for Procurement and Supply of Electricity Generation Capacity and Energy for the Regulated Electricity Market and the Power Purchase Approval Process published by the PURC on its website;
- ensure that the tender price does not exceed the benchmark price determined by the PURC;
- negotiate a power purchase agreement with the preferred tenderer;
- submit the commercial terms, including the tender price, to the PURC for examination and approval;
- conclude the PPA and submit copies to the Minister, the Commission, and the PURC; and
- publish the preferred tenderer on the websites of the SOPU and the Commission, in addition to the e-procurement portal.
- Upon receiving the Commission's final approval of the preferred tenderer, the Utility shall proceed to negotiate and sign the PPA.

The PURC shall complete its review of the commercial terms within sixty (60) days. The PPA will then be finalised within thirty (30) days following PURC approval.

The preferred tenderer shall obtain the appropriate licence from the Commission in accordance with the respective Act.

6.0 MISCELLANEOUS PROVISIONS

6.1 Offences and Penalties

A person who commits an offence under the Guideline shall be in breach of the Energy Commission (Planning and Competitive Procurement of Electricity Generation Capacity) Regulations, 2025 (L.I. 2508) and shall be sanctioned accordingly.

6.2 Review and Amendments

The Commission reserves the right to review the Guideline periodically. The review shall be done in consultation with stakeholders.

6.2.1 Submission of Proposal for Review

A relevant stakeholder may make a proposal for revising the Guideline, which must be submitted in writing to the Commission. The Commission shall receive and acknowledge every submission in accordance. Notwithstanding the above, the Commission may initiate the review of the Guideline when necessary.

6.2.2 Process of Review

The Commission shall notify all relevant stakeholders upon receipt of any proposed request for the review of this Guideline. The Commission shall consider every proposal made to review the Guideline at any time when the Commission commences a review. The Commission shall, in consultation with relevant stakeholders, review the Guidelines.

6.2.3 Publication of the Guidelines

Where the Commission reviews the Guidelines, it shall publish the reviewed Guidelines on the Commission's website and in at least one national daily newspaper.

6.3 Dispute Resolution

- Pre-PPA Disputes: Any dispute related to the tender process itself (e.g., tender evaluation) shall be resolved through a mechanism administered by the Commission, as outlined in the tender documents.
- Post-PPA Disputes: Any dispute arising after the PPA is signed shall be governed by the dispute resolution clause within the signed PPA.

6.4 Communication Protocol

- Formal Communication: All communication (feasibility studies, tender packages, reports) between entities must be in writing, using official cover letters, and copied to the EC Secretariat.
- Public Communications: Only the Executive Secretary of the Commission or the Utility's CEO are authorised to make public statements regarding an ongoing procurement.

6.5 Provisions for Timeline Management

- **Extensions:** Any extension to the timelines above must be formally requested by the responsible entity and approved by the Commission. Extensions will only be granted for exceptional circumstances.
- **Reporting Delays:** The Ad-hoc Committee Secretariat will monitor the process. Any entity foreseeing a delay must notify the Secretariat and the Ad-hoc Committee immediately, with a justification and a proposed revised date.
- **Consequence of Non-Performance:** Consistent failure by an entity to meet timelines without valid justification will be reported by the Commission to the relevant oversight Ministry and may be considered a breach of the Guidelines.

Annexe A: Step-by-Step Procedural Table with Timelines

STEP	RESPONSIBLE ENTITY	ACTION	TIMELINE	OUTPUT/ DELIVERABLE	NEXT STEP
1. Planning	Energy Commission (EC)	Publishes/updates Integrated Power Sector Master Plan (IPSMP).	As per EC's statutory schedule.	Approved IPSMP	EC determines the need for new capacity.
2. Approval to Procure	EC (in consultation with PURC)	Notifies Minister & Utility; authorises feasibility studies; grants formal "Approval to Procure".	Within 20 days of determining need.	Formal "Approval to Procure" Letter	Board of EC establishes an Ad-hoc Committee.
3. Committee Setup	EC Board	Appoints members of the Ad-hoc Technical Advisory Committee.	Within 30 days of the "Approval to Procure".	Committee Inauguration Memo	First Committee meeting convened.
4. Feasibility study	Utility	Undertakes a feasibility study	Within 120 days of the Approval letter	Feasibility Study Report	Submit to the Ad-hoc Committee through EC for review.
5. Committee Review 1	Ad-hoc Committee	Reviews the feasibility report.	Within 20 days of receipt.	Committee Review Report (Recommendation to EC)	Submit to the EC and PURC
6. EC & PURC Approval of the feasibility report	Commission & PURC	Reviews the Committee's report and issues a decision on the report.	Within 20 days of receipt of the Committee's report.	EC Approval Letter	Utility commences procurement process.

7. Tender Launch & Submission	Utility	Publishes tender packages and manages the tender process.	Tender Period: 90 -120 days (as specified in RfP).	Tender Advertisement; tender Submissions	Tender opening and evaluation.
8. Evaluation	Utility's Evaluation Committee	Evaluates tender; prepares evaluation report.	Within 60 days of the tender submission deadline	Tender Evaluation Report	Submit to the Ad-hoc Committee for review.
9. PPA Negotiation & PURC Approval	Utility (with tenderer and PURC)	Negotiates PPA; submits commercial terms to PURC for approval.	Negotiation: 60 days PURC Approval: 30 days	PURC Tariff Approval Letter	PPA Signing
10. Committee Review 2	Ad-hoc Committee	Reviews the evaluation report.	Within 20 days of receipt.	Committee Review Report (Recommendation to EC)	Submit to EC
11. PPA Negotiation & PURC Approval	Utility (with tenderer and PURC)	Negotiates PPA; submits commercial terms to PURC for approval.	Negotiation: 60 days PURC Approval: 30 days	PURC Tariff Approval Letter	PPA signing.
12. PPA Signing (Successful Procurement)	Utility & Preferred Tenderer	Executes the Power Purchase Agreement.	Within 14 days of PURC approval.	Signed PPA	Ad-hoc Committee dissolved. Licence application.
13. Post-Signing	Preferred Tenderer	Applies for a Generation Licence from EC.	As required by Acts	Licence Application	Project development towards Financial Close.

Template Annexes

- **Annexe A:** Step-by-Step Procedural Table with Timelines
- **Annexe B:** Template for Request for Proposals (RfP) Document
- **Annexe C:** Template PPA