

RFO-23-401

REQUEST FOR OFFERS

FOR

MID-TERM RELIABILITY RESOURCES

**COMPLIANT WITH CALIFORNIA PUBLIC UTILITIES COMMISSION'S
MID-TERM RELIABILITY DECISIONS 21-06-035 and 23-02-040**



Redwood Coast Energy Authority

www.RedwoodEnergy.org

Issuance Date: August 7, 2023

First Review Date: August 21, 2023

Closure Date: no later than August 1, 2025

Submit offers to

procurement@redwoodenergy.org

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1 BACKGROUND & OBJECTIVE

Redwood Coast Energy Authority (RCEA) is a local government Joint Powers Authority founded in 2003 whose members include the County of Humboldt, the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, and Trinidad, the Humboldt Bay Municipal Water District, the Yurok Tribe and the Blue Lake Rancheria. RCEA develops and implements sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean, efficient and renewable resources. RCEA has been providing electric power generation service to its member jurisdictions as a community choice aggregator (CCA) since 2017, and thus is subject to the legislative and regulatory requirements imposed on load serving entities (LSE) within the state of California.

In 2020, RCEA's Board of Directors adopted a resolution¹ to procure 100% carbon-free and renewable energy on an annual basis by 2025. Additionally, RCEA's RePower Comprehensive Action Plan for Energy² ("Strategic Plan") calls for the development of new power resources within RCEA's service area to achieve 100% local renewable energy by 2030. Pursuant to its Strategic Plan, RCEA strives to source as much of its power procurement from local projects as possible.

Through the Integrated Resource Planning (IRP) proceeding, the California Public Utilities Commission (CPUC) has identified the need for additional zero-emitting energy resources and firm capacity to support grid reliability. CPUC issued its Decision 21-06-035³ Requiring Procurement to Address Mid-Term Reliability in June 2021 and its Decision 23-02-040⁴ Ordering Supplemental Mid-Term Reliability Procurement in February 2023 ("MTR Decisions"). The MTR Decisions mandate CPUC-jurisdictional LSEs to procure and/or develop a collective 15,500 MW of incremental net qualifying capacity (NQC) to be operational from 2023 to 2028.

RCEA seeks offers for new or incremental capacity that can deliver resource adequacy (RA) to further its contributions to grid reliability in California, and to fulfill its procurement obligations pursuant to the MTR Decisions and RCEA's Board-adopted goals, as described above. Respondents will provide complete offers per the guidelines below. RCEA intends to execute one or more power purchase agreements with qualified offerors whose projects are selected and approved by the RCEA Board of Directors.

2 ELIGIBILITY SPECIFICATIONS

2.1 MANDATORY CRITERIA

To be eligible for consideration under this RFO, offered projects must meet the following requirements:

Term: Available to contract with RCEA for at least 10 years.

COD: Able to achieve commercial operation by June 1, 2027 at the latest.

¹ <https://redwoodenergy.org/wp-content/uploads/2019/04/7.2-1-Resolution-2019-1-100-Renewables-by-2025.pdf>

² <https://redwoodenergy.org/wp-content/uploads/2020/06/RePower-2019-Update-FINAL-.pdf>

³ <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M389/K603/389603637.PDF>

⁴ <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M502/K956/502956567.PDF>

Incrementality: Excluded from the baseline list of resources associated with the CPUC Decision⁵.

Deliverability: Qualified or on track to achieve Full or Partial Capacity Deliverability Status (FCDS/PCDS) by the commercial operation date; Energy-Only Deliverability Status (EODS) is allowed only for standalone solar or wind generation offers which can demonstrate by engineering assessment that the energy delivered will be sufficient to charge a storage resource in RCEA's portfolio such that it can discharge from 5 p.m. to 10 p.m., in compliance with CPUC staff's 50% probability standard for Diablo Canyon replacement capacity.

Location: Within the California Independent System Operator (CAISO) or dynamically transferred or pseudo tied to CAISO.

Product Characteristics: Able to supply energy, RECs, RA, and other energy services, as applicable from one of the following resource types.

- i. PCC1 RPS-eligible generation;
- ii. PCC1 RPS-eligible generation paired with hybrid, co-located or contractually paired energy storage;
- iii. Standalone energy storage; or
- iv. Large hydropower carbon-free generation.

2.2 PREFERRED CRITERIA

Term: RCEA has a strong preference for contract terms of 20 years or less.

Dispatchability: Resources that can supply continuous power from 5:00 pm to 10:00 pm daily are preferred, to comply with the MTR Decision's Diablo Canyon replacement obligation.

Location: RCEA's descending order of locational preference is as follows.

1. Humboldt Local Capacity Area
2. Northern California
3. Southern California
4. Outside of California

Development Progress: Given both the short timeline and risk of project delays and/or non-approvals, RCEA prefers projects that have already achieved the following development milestones.

1. Site control secured for the duration of the offered term. Respondents will be required to demonstrate site control prior to executing a power purchase agreement (PPA) with RCEA;
2. Land use and building permits granted from the governmental authority having jurisdiction;
3. Interconnection agreement fully executed with the transmission and/or distribution operator; and
4. Financing secured for the offered project or viable financing plan in place.

⁵ https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/integrated-resource-plan-and-long-term-procurement-plan-irp-ltpp/d2106035_baseline_gen_list_20220902.xlsx

2.3 PRODUCTS & CAPACITY

RCEA seeks to procure energy, renewable energy certificates (RECs), RA and/or energy storage services through this solicitation. Energy-only plus RECs will be considered in limited cases for standalone PCC1 solar and wind. Individual offers between 1 MW and 150 MW will be considered and offers outside of that capacity range may be disregarded. For reference, RCEA’s procurement obligation for compliance with the CPUC Decision is shown in the following table, excluding its long-lead time resource obligation for which RCEA is not seeking capacity.

RCEA Obligations in Net Qualifying Capacity MW by Delivery Deadline	Aug 2023	Jun 2024	Jun 2025	Jun 2026	Jun 2027
Generic RA	7	20	5	7	7
Zero Emission RA (part of generic RA)	8			N/A	

3 SUBMISSION DETAILS

3.1 RESPONSE SUBMITTAL INSTRUCTIONS

This RFO will be open and responses will be received until RCEA has fulfilled its CPUC mandated MTR procurement obligations or until August 1, 2025, whichever comes first, at which time this RFO will close. RCEA will conduct a first review of all responses received to date on August 15, 2023. Thereafter, RCEA will conduct subsequent reviews on a rolling basis at the discretion of RCEA staff. Responses must be emailed to **procurement@redwoodenergy.org**. The subject line of the email accompanying the response should include the phrase “RCEA 2023 MTR RFO Submittal”. RCEA encourages respondents to be clear and concise in their offers, while still providing enough detail for the review team to adequately evaluate the offering.

3.2 SOLICITATION DOCUMENTS

The documents accompanying this solicitation protocol are as follows and are posted on RCEA’s contracting opportunities webpage: <https://redwoodenergy.org/contracting/>. Respondents are responsible for familiarizing themselves with and being fully aware of the terms of this solicitation, including each appendix.

- Appendix A Statement of Qualifications (SOQ) Form
- Appendix B Project Details Form
- Appendix C Offer Form
- Appendix D Proforma PPA
- Appendix E Exclusivity Agreement

3.3 SUBMISSION MATERIALS

Submittals will be deemed complete if they include the following materials and are responsive to the instructions below. Submittals will be deemed conforming if they adhere to the mandatory criteria described in Section 2.1.

- ✓ Single SOQ Form in PDF or Word format (Appendix A)

- ✓ Single or multiple Project Details Form in PDF or Word format (Appendix B)
- ✓ Single Offer Form in Excel format (Appendix C)
- ✓ Single or multiple Project Maps in PDF format
- ✓ Financial Statements in PDF format (following execution of RCEA's Confidentiality Agreement)

Statement of Qualifications Form

Respondents are required to submit a statement of qualifications substantially in the form of Appendix A. The respondent can use their own letterhead or standard template but must respond to all prompts in the order shown in the SOQ Form. Only submit one SOQ Form even if multiple projects are being offered.

Project Details Form

Respondents are required to submit details about the offered project(s) substantially in the form of Appendix B. The respondent can use their own letterhead or standard template but must respond to all prompts in the order shown in the Project Details Form. Please submit a separate Project Details Form for each offered project. If multiple unique offers are being submitted for the same facility (e.g. different term lengths or different MW capacities), only submit one Project Details Form for that project.

Offer Form

Respondents are required to submit a single Offer Form using the template provided in Appendix C, including the material commercial terms of all the unique offers they are submitting for consideration. The material commercial terms presented in the offer form are not modifiable once the offer is submitted for evaluation. Follow the instructions in the Instructions Tab of the Offer Form and ensure that all required cells are filled in. If providing multiple offers, do not submit a separate Offer Form for each individual project or unique configuration of terms that is being offered. The instructions specify how multiple unique offers are to be submitted within one Offer Form.

Project Map

Respondents shall submit a map of each offered project showing the site location and key project facilities. The map should include the project boundary, street names or highway names, latitude/longitude, and generation interconnect route from the facility to the first point of interconnection to the electric grid. The project boundaries should reflect the most recent information available.

Financial Statements

Respondents will provide at least two recent years of financial statements. RCEA prefers to receive audited financials but will accept unaudited financials in lieu if the respondent does not have recent audited statements. If the offered project is anticipated to be financed by one or more parent companies or affiliates of the respondent, please submit financial statements for all such entities in addition to those of the respondent together with an explanation of the relationship between such entities and the respondent. In the event that the respondent cannot provide financial statements without a confidentiality agreement in place, RCEA will provide a partially executed confidentiality agreement to the respondent upon determining that they timely submitted an otherwise complete and conforming offer. The respondent will be expected to

execute the confidentiality agreement and send their financial statements to RCEA within five business days so that the evaluation committee can proceed with reviewing the respondents offer(s).

3.4 SUPPLIER DIVERSITY AND LABOR PRACTICES

Consistent with the California Public Utilities Code and California Public Utilities Commission policy objectives, RCEA collects information regarding supplier diversity and labor practices from project developers and their subcontractors regarding past, current and/or planned efforts and policies. Pursuant to Public Utilities Code §§ 8281-8286 (through which the CPUC requires RCEA and its commission-regulated subsidiaries and affiliates to submit annual detailed and verifiable plans for increasing women-owned, minority-owned, disabled veteran-owned and LGBT-owned business enterprises' procurement in all categories), respondents that execute a contract with RCEA will be required to complete a supplier diversity questionnaire at the time of execution, and/or periodically at later dates as specified by RCEA. Respondents that are women, minority, LGBT, and disabled veteran-owned businesses are encouraged to apply for certification by the CPUC's Supplier Diversity Clearinghouse Program⁶. This certification is voluntary and will not be used as a criterion for evaluation. As required by law in California, RCEA as a public agency does not give preferential treatment based on race, sex, color, ethnicity, or national origin; providing such information as part of the offer package will not impact the selection process or good standing of executed contracts.

3.5 PUBLIC NATURE OF RESPONSES

All responses to this RFO, as well as records of pre-submittal and post-submittal communications with RCEA, will become the exclusive property of RCEA, subject to disclosure in accordance with the California Public Records Act (Cal. Government Code section 6250 et seq.). Respondents should limit submission of information or documents that they consider proprietary and that they would not want publicly disclosed and should clearly mark such information or documents as confidential. RCEA will consider limited requests for confidentiality on a case-by-case basis, provided that such requests are made at the time of offer submission. All responses will be kept confidential until either all contracts have been awarded or all offers have been rejected.

3.6 QUESTIONS ABOUT THIS SOLICITATION

All questions from potential respondents to this solicitation must be emailed to procurement@redwoodenergy.org. The subject line of the email should include only the phrase "RCEA 2023 RFO Questions." Q&A responding to the questions received will be posted on the RCEA website by the deadline listed in the schedule. RCEA reserves the right to respond to no questions or only a subset of the questions received, or to provide consolidated responses to duplicative questions. RCEA will not hold a respondents' webinar so written questions are the only method of obtaining clarifications regarding the RFO. It is incumbent on the respondent to understand how to provide the required information pertinent to their specific project in advance of the submittal deadline such that their submittal package is complete and conforming.

⁶ <http://www.thesupplierclearinghouse.com/>

4 SCHEDULE

The following schedule is subject to change at any time during the solicitation process at the discretion of RCEA. Communications regarding schedule changes will be posted on RCEA's website.

Step	Date
Issuance of RFO	August 7, 2023
First review of responses	August 21, 2023
Subsequent review of responses	On a rolling basis at the discretion of RCEA staff
RCEA Board ad hoc committee approval of first shortlist	By September 15, 2023*
Respondents are notified of first shortlist status	By September 22, 2023*
Execute exclusivity agreements & collect deposits	By September 29, 2023*
Contract negotiations and RCEA Board approval of first final agreements	Q4 2023*
Closure of RFO and responses no longer accepted	No later than August 1, 2025

* This step will repeat on a rolling basis with subsequent offer review periods.

RCEA will post Q&A and any addenda on its website: <https://redwoodenergy.org/contracting/>

5 EVALUATION AND SELECTION PROCESS

An evaluation committee made up of RCEA staff and consultants will review responses to this solicitation. In accordance with the following process, each offer will be screened for completeness and scored on a weighted criteria basis, and then some respondents may be offered an interview. As described above, RCEA will conduct a first review of complete responses received by August 15, 2023, based on the evaluation and selection process set out in this Section 5. Subsequent reviews of responses received later will also be based on the process set out in this Section 5, on a periodic basis to be determined by RCEA.

5.1 CONFORMITY REVIEW

Responses will initially be screened by RCEA staff for timely submission, and for completeness and conformity with the mandatory criteria stated in Section 2.1 and the submittal requirements in Section 3. This screening will be on a pass/fail basis and incomplete or non-conforming offers may be rejected at RCEA's discretion. Each offer that is deemed complete and conforming will then be provided to the evaluation committee members for review.

5.2 OFFER SCORING

Criteria for selection will include, but not be limited to, the items listed below. RCEA's evaluation committee will score each response on a weighted criteria basis to determine the highest scoring offers. The offer will be scored on a scale of zero to five in each criterion with a five being the best score. The offer's total points will be calculated according to each criterion's weight below and the average score assigned by the evaluation committee, out of a maximum of 100 points. One or more of the highest scoring offers may proceed to the interview phase.

Weighted Scoring Criteria

- 30 – Overall price, market value and compliance value
RCEA will evaluate compliance value for this RFO using the CPUC-issued guidance and FAQ documents provided on its IRP Procurement Track webpage⁷.
- 30 – Development risk including site control, interconnection permitting, and financing
- 20 – Respondent experience, qualifications, creditworthiness
- 10 – Site-specific environmental impact
- 10 – Location (see section 2.2) and community benefit

5.3 INTERVIEWS

Following initial ranking of offers according to the scoring process above, one or more respondents may be offered an opportunity to be interviewed by the evaluation committee. The interviews are generally intended to clarify information presented in the offer documentation, to help the evaluation committee members assess the offeror's compatibility with RCEA as a potential business partner, and to confirm the current development status of individual projects. The interviews are not intended to reveal additional or revised information about an offer that would improve the offer's placement in the initial ranking that resulted from the scoring process. If such information is revealed, it will be disregarded and not considered as part of the offer evaluation. A list of specific guidelines will be circulated upon initiation of an interview, to be adhered to by both the respondent representatives and the RCEA evaluation committee. Interview outcomes may or may not be used as a factor in determining which offers are shortlisted.

5.4 SHORTLISTING

Following each evaluation process, offers will be presented to an RCEA Board of Directors ad hoc offer review committee for shortlist approval prior to the parties commencing contract negotiations. All respondent(s) will be notified whether or not their offer has been shortlisted following engagement of the ad hoc offer review committee. At that time, respondents with shortlisted offers will be required to sign RCEA's standard Exclusivity Agreement (Appendix E) and submit a shortlist deposit within five business days of notification. Substantive changes to the Exclusivity Agreement will not be considered by RCEA.

The shortlist deposit is intended to secure the offer made by a shortlisted respondent through the contract negotiation period. The shortlist deposit must be in the form of a cash deposit. The respondent is solely responsible for the cost of providing the shortlist deposit. Instructions for submitting the deposit will be provided upon notification of placement on the proposed shortlist. The shortlist deposit will be in the amount specified below.

Shortlist Deposit Amounts

- Standalone generation: \$3.00/kW-AC of offered nameplate capacity
- Generation plus storage: \$4.50/kW-AC of offered nameplate capacity of the larger of the generation or storage resource

⁷ <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/electric-power-procurement/long-term-procurement-planning/more-information-on-authorizing-procurement/irp-procurement-track>

Please refer to Appendix E for additional details regarding the Exclusivity Deadline (as defined in the Exclusivity Agreement) and return of the shortlist deposit.

In the event that shortlisted respondents are not able to fulfill their offered capacity and price, RCEA may contact respondents who were not initially shortlisted to provide an updated offer. Any offers selected via this process will be subject to re-verification of eligibility and a request for updated pricing, re-approval by the RCEA Board of Directors ad hoc offer review committee, and commitment of the shortlist deposit and project exclusivity.

5.5 CONTRACT NEGOTIATIONS

RCEA has issued its Proforma PPA as Appendix D for use under this RFO. Certain transactions may necessitate use of a different agreement, in which case RCEA will issue such proforma to shortlisted respondents upon commencement of negotiations.

Respondents shall not submit redlines to the Proforma PPA as part of their RFO submittal package. Upon approval of shortlisted offers by the RCEA Board of Directors ad hoc offer review committee, shortlisted respondents will be expected to submit proposed redlines to the Proforma PPA within a specified time period, indicating what provisions they wish to negotiate. While RCEA will consider limited requests for adjustments and edits to its form agreements, adherence to RCEA's standard contract terms is an important factor in the contract negotiation process. Respondents should be aware that material changes to RCEA's standard contract terms may result in rejection of the offer. RCEA reserves the right to negotiate modifications to purchase agreements with shortlisted parties to include additional power products not originally offered.

Upon approval of shortlisted offers by the RCEA Board of Directors ad hoc offer review committee, RCEA will notify all respondents of their status and a regular meeting schedule will be established between RCEA and the shortlisted counterparties. RCEA intends to complete negotiations on an expedited schedule in order to ensure timely project delivery for MTR Decision compliance purposes. Upon completion of negotiations, final agreements will be presented to the RCEA Board of Directors for approval. It is expected that agreements will be executed by both parties shortly after approval by the RCEA Board of Directors and before the Exclusivity Deadline (as defined in the Exclusivity Agreement), and that development security will then be posted in accordance with the period specified in the PPA.

5.6 RESPONDENT COMMUNICATIONS

Questions, comments or feedback associated with this RFO must be sent electronically to procurement@redwoodenergy.org. RCEA will not respond by other means to questions from respondents or prospective respondents on or before the submission due date.

5.7 DISCLAIMER FOR ACCEPTANCE OR REJECTION OF OFFERS AND RFO TERMINATION

By participating in RCEA's RFO process, a respondent acknowledges that it has read, understands, and agrees to the terms and conditions set forth in the RFO instructions contained herein. RCEA reserves the right to reject any offer that does not comply with the requirements identified herein, or to waive irregularities, if any in deciding to shortlist a non-conforming offer. RCEA further reserves the right to communicate with individual respondents to ask clarifying

questions about their offers prior to determining whether to shortlist an offer. Placement of an offer on the shortlist does not constitute or indicate acceptance by RCEA of any offer, any term thereof, or any related contract term. RCEA has no obligation and makes no commitment to (i) enter into a transaction with any respondent, including a respondent with a shortlisted offer, or (ii) be bound by any term proposed by the respondent. Furthermore, RCEA may, at its sole discretion and without notice, modify, suspend, or terminate the RFO without liability to any organization or individual. Such modification or termination shall be made in the form of addenda to this solicitation. This RFO does not constitute an offer to buy or create an obligation for RCEA to enter into an agreement with any party, and RCEA shall not be bound by the terms of any offer until it has entered into a fully executed agreement. RCEA shall not be responsible for any of the respondent's costs incurred to prepare, submit, negotiate, or to enter into an agreement, or for any other activity related to meeting the requirements established in this solicitation. All submittals shall become the property of RCEA and will not be returned.

The results of this RFO and the information provided therein may be shared with other Community Choice Aggregators, but only with prior written approval from respondents whose offers RCEA wishes to share.