



East Bay Community Energy  
2020 Renewable Energy & Storage  
Request for Offers

Issuance Date: October 29, 2020

Revision Issuance Date: November 13, 2020

***Please note this version of the RFO has been revised to update a few terms in the protocol, denoted with tracked changes here within.***

Final Response Deadline: December 1, 2020 at 2:00 PM PT

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# 1. Overview

## a. Purpose

East Bay Community Energy (“EBCE”) is soliciting competitive proposals for the sale and purchase of renewable energy and/or energy storage consistent with the terms and provisions in this Request for Offers (“RFO”).

## b. Background

EBCE is a Joint Powers Authority formed on December 1, 2016, pursuant to California Government Code §§ 6500 et. seq. On August 10, 2017, EBCE filed its Community Choice Aggregator (“CCA”) Implementation Plan with the California Public Utilities Commission (“CPUC”). On September 7, 2017, the CPUC provided PG&E notice of the receipt of EBCE’s Implementation Plan, and on November 8, 2017, the CPUC certified EBCE’s Implementation Plan. EBCE began serving commercial, industrial, and municipal customers in June 2018, and began serving residential customers in November 2018. EBCE currently serves the County of Alameda, and each of the following cities incorporated therein: Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Oakland, Piedmont, San Leandro, and Union City. In April 2021, the cities of Newark, Pleasanton and Tracy will join EBCE’s service territory. The city of Tracy is located in San Joaquin County.

EBCE’s audited financial statements for 2018-2020 are available for review and can be found in the RFO Materials section of the RFO webpage ([www.ebce.org/2020-rfo](http://www.ebce.org/2020-rfo)).

## c. Objectives

EBCE is issuing this 2020 Renewable Energy & Storage RFO to procure long-term renewable energy and storage resources, to provide long-term clean energy hedges and Resource Adequacy, and to contribute to EBCE’s Renewable Portfolio Standard (RPS) and Integrated Resource Plan (IRP) obligations under SB 350 and SB 100.

EBCE seeks Offers for the sales of RPS-eligible energy for a contract term of 10, 15, or 20 years, with a preference for Offers with terms less than 20 years. EBCE will also evaluate Offers for long-term clean energy hedges from large hydro resources and other eligible resources for a duration minimum of 5 years. Eligible Offers may be for: (1) As-Available RPS Product; (2) As-Available RPS Product plus Energy Storage; (3) Indexed Energy plus RPS attributes; (4) Shaped RPS Energy Product; (5) Stand-alone Energy Storage Toll; or (6) Shaped Clean Energy Hedge. Respondents may submit Offers for as many or as few products as they wish, relative to their capabilities and expertise.

EBCE seeks energy and related products from both existing and new construction resources. Projects must begin deliveries no later than December 31, 2024 to qualify for this RFO. EBCE has a preference for deliveries beginning in 2021 or 2022. The eligible products are described in greater detail in **Section 5: Guidelines for Offer Development**.

#### d. Schedule

The RFO schedule is subject to change at EBCE’s discretion and EBCE will attempt to notify RFO Respondents of any schedule changes via email. Any changes will also be reflected on the RFO webpage ([www.ebce.org/2020-rfo](http://www.ebce.org/2020-rfo)). EBCE bears no liability or responsibility to any Respondent for any change in the schedule or for failing to provide notice of any change.

The expected schedule for this RFO is as follows; all time listed in **Pacific Prevailing Time (PPT)**:

Date /Time	Event
Ongoing	Respondents may register online to receive notices regarding the RFO.
October 29, 2020	EBCE issues RFO.
November 5, 2020; no later than 2pm	Deadline to submit questions for Respondent Webinar.
November 10, 2020; 10am	Respondent Webinar for RFO.
November 16, 2020; no later than 2pm	Final deadline to submit questions.
November 17, 2020; no later than 2pm	Deadline to submit early Offers for projects pursuing CAISO TPD affidavit process; <i>see “Offers Due” sub-section below for more details.</i>
November 19, 2020	EBCE to post Q&A document, inclusive of <u>all</u> questions in by Nov. 16
November 23, 2020; no later than 2pm	Final deadline to submit Notice of Intent to Offer.
December 1, 2020; no later than 2pm	Offers due. Offers must be submitted via Dropbox, including all required files and related information.
January 8, 2021	EBCE identifies shortlisted Respondents and Offers. Shortlisted Respondents will be requested to mark-up form PPAs.
January 18, 2021	Comprehensive redlines of full form PPAs are due for shortlisted Respondents.
February – April 2021	Proceed into full negotiations with Exclusivity Agreements and bid deposits due.
April – May 2021	Contract approvals by EBCE Board of Directors.

#### e. RFO Process

*By responding to this RFO, Respondents agree to be bound by all terms and conditions of the RFO including any changes or supplements that may be issued by EBCE.*

**Webinar:** EBCE will hold a Respondent Webinar on Tuesday, November 10, 2020 at 10:00 AM PT to review key information in this protocol related to the solicitation and form agreement terms. Questions submitted by November 5<sup>th</sup> will be answered if time allows. All interested parties may register for the webinar with this link: [https://us02web.zoom.us/webinar/register/WN\\_gfqE71Q5ReiNaACvDvMGgQ](https://us02web.zoom.us/webinar/register/WN_gfqE71Q5ReiNaACvDvMGgQ). The information to register for the webinar will also be available on the RFO webpage. Attendance is not mandatory but encouraged.

**Notice of Intent to Offer:** All Respondents who wish to submit Offers must complete and submit a Notice of Intent to Offer (“NOI”) via email to [2020-RFO@ebce.org](mailto:2020-RFO@ebce.org) in order to receive a unique submission folder link on Dropbox. EBCE will provide a submission folder link within two business days of NOI being returned. NOI must be submitted no later than 2pm PPT on November 23, 2020; early submission is welcomed and appreciated. NOI form and instructions can be found in Attachment A.

Offers Due: Offers must be submitted via the Respondent-specific Dropbox folder that will be designated and shared upon return of a completed NOI. Offers are due no later than 2pm PPT on December 1, 2020. Offers must include all documents described in **Section 6: Required Information**.

In light of the December 4, 2020 CAISO TPD Affidavit deadline, EBCE will accept relevant Offers for an earlier deadline of November 17, 2020. EBCE will evaluate early Offers and consider an expedited shortlisting process by December 4<sup>th</sup> for competitive Offers.

Offer Selection: EBCE will evaluate Offers in accordance with the terms described in **Section 4: Evaluation Criteria** and based upon reasonableness and desirability of commercial terms reached by both parties through the negotiations process. Selected Respondents will be shortlisted and required to enter into an Exclusivity Agreement and provide a bidder deposit.

Following shortlisting, EBCE will engage in limited negotiations with counterparties as relevant to the Offer(s). The final selection of Offers for execution will be evaluated against each other and in consideration of their impact on EBCE's portfolio as a whole. Offers will be discussed with and approved by EBCE's Board of Directors prior to execution of any commercial agreement.

Presentation to Board: EBCE will present contracts for resources or transactions it hopes to execute to its Board of Directors in advance of execution. Confidential terms, including pricing and other market sensitive terms, will be redacted for public review.

Execution of Contracts: EBCE will seek to execute contracts following Board approval of proposed transactions. In the event that the Board requires additional information related to any transaction, those transactions will be held/their execution will be delayed. EBCE maintains the right to execute some agreements along an earlier timeline if commercial terms are agreed to faster than described in the RFO schedule.

#### f. Supplier Diversity

Pursuant to California Senate Bill 255, Community Choice Aggregators (CCAs) are required to report to the California Public Utilities Commission on their diverse suppliers, as defined by CPUC General Order 156. Consistent with the California Public Utilities Code and California Public Utilities Commission policy objectives, Respondents that execute a PPA with EBCE will be required to complete a Supplier Diversity questionnaire. EBCE will not consider race, sex, color, ethnicity, or national origin in procurement decisions; providing such information in an Offer will not impact the selection process or good standing of executed PPAs.

EBCE encourages all eligible parties to get certified with the CPUC as a women, minority, disabled veteran and/or LGBT owned business enterprise (WMDVLGBTBE).

For overview information on the CPUC Supplier Diversity Program, please visit the program homepage (<https://www.cpuc.ca.gov/supplierdiversity/>). For information on the certification process and requirements, please visit the Certifications page (<https://www.cpuc.ca.gov/Certifications/>).

#### g. Disclaimers for Rejecting Offers and/or Terminating this RFO

This RFO does not constitute an offer to buy and creates no obligation to execute any PPA or enter into any transaction as a result of the RFO. EBCE retains the right at its sole discretion to reject any Offers on

the grounds that it does not conform with the terms and conditions of the RFO and reserves the right to request additional information at any time during the solicitation process.

EBCE retains the right to: (1) modify this RFO and/or its form Term Sheets and/or form PPAs as it deems appropriate to implement the RFO, comply with applicable laws, or best meet the organization's evolving understanding of its procurement needs; or (2) reject any Offer on the basis that it is not competitive or is the result of market manipulation.

EBCE will not be liable in any way by reason of such withdrawal, rejection, suspension, delay, or termination to any RFO Respondent, whether submitting an Offer or not.

## 2. RFO Goals

For this solicitation, EBCE is considering Offers of:

- 1) As-Available Product from RPS-eligible resources;
- 2) As-Available RPS Product plus Energy Storage;
- 3) Indexed Energy plus RPS attributes;
- 4) Shaped RPS Energy Product;
- 5) Stand-alone Energy Storage Toll; and/or
- 6) Shaped Clean Energy Hedge.

EBCE seeks transactions that will contribute to long-term position hedging and begin energy and RPS attribute delivery in calendar years 2021, 2022, 2023, or 2024, with a preference for projects that begin delivery earlier within this window. Offers can be for new or existing facilities. All energy must be deliverable to CAISO, but projects may be within or outside the state of California. EBCE seeks to identify and execute multi-hundred megawatts of cumulative capacity from this RFO.

## 3. Eligibility

### a. Project Viability Requirements

All Offers must meet the requirements detailed in each of the following sections. Some of this information will be captured in relevant fields within the Offer Form(s). Some of this information must be provided in a written narrative Offer Supplement detailing the project site; instructions for the Offer Supplement are detailed in Attachment D.

Respondents attest that all eligibility requirements are met and acknowledge that EBCE retains the right to request documentation at any time to verify project details or status.

### i. Generating Resources

Existing and new generation facilities are eligible to participate. All Offers for As-Available RPS Product, As-Available RPS Product plus Energy Storage, Indexed Energy plus RPS attributes, and Shaped RPS Energy Product must be able to demonstrate:

1. The generating resource component of the project must meet the requirements of California Public Utilities Code 399.16(b)(1)(A) or 399.16(b)(1)(B); i.e. the generating resource must meet the requirements to be defined as an RPS Portfolio Content Category 1 resource.<sup>1</sup>
2. The generating resource's contract capacity must be 10 MW or greater.
3. Generating facility must be certified as an eligible intermittent resource and comply with the requirements of the CAISO Eligible Intermittent Resource Protocol ("EIRP").
4. Generating facilities are required to have the capability to respond to CAISO market signals from both Automated Dispatch System (ADS) and Automated Generation Control (AGC). Existing and new resources will be contractually required to demonstrate ADS and AGC response capabilities as a condition precedent to delivery under the contract.
5. Existing resources may participate provided that, if the project is currently under contract, the existing contract is scheduled to expire, and the resource is able to perform any facility maintenance and upgrades such that the resource may begin delivery under a contract to EBCE no later than December 31, 2024.

ii. Interconnection

***New Resources***

Respondents submitting Offers for As-Available RPS Product, As-Available RPS plus Energy Storage, Shaped RPS Energy, and/or Stand-alone Energy Storage Toll projects from new resources must have, at the minimum, a completed and returned Phase I Impact Study at the time of Offer submittal.

Respondents submitting Offers for new generating resources must remain active in the applicable interconnection queue until the project's required network updates have been completed. Respondents must provide any status updates and details as they are received in relation to interconnection and the related studies.

***Existing Resources***

Existing projects will need to ensure they can participate in CAISO markets prior to contract start under any agreement executed with EBCE. No documentation required to be submitted, though it may be requested.

***Energy-Only Products***

Respondents submitting Offers for energy-only products are not required to demonstrate deliverability.

***Products Including Resource Adequacy***

Respondents submitting product Offers that include RA are required to demonstrate that the project meets one of the conditions below:

1. A valid interconnection request for Partial or Full Capacity Deliverability Status has been submitted to the CAISO with a deliverability status that matches the Offer.
2. A valid interconnection request for Partial or Full Capacity Deliverability status where a Phase II report has been issued (or, for Cluster 12, is expected to be issued during the RFO evaluation period) and the project has maintained its request for Partial or Full Capacity Deliverability status.

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<sup>1</sup> California Public Utilities Code:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=PUC&division=1.&title=&part=1.&chapter=2.3.&article=16](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PUC&division=1.&title=&part=1.&chapter=2.3.&article=16).

3. Evidence of allocated or retained deliverability per the CAISO annual post Phase II deliverability allocation (TPD) process that indicates the project will be deliverable pursuant to the CAISO Tariff.
4. An executed Interconnection Agreement or Amendment to an Interconnection Agreement is in place and full effect reflecting, at a minimum, the offered deliverability status and evidence of retained deliverability per the CAISO's deliverability allocation process.
5. Documentation has been obtained that the project has received deliverability through the CAISO's Distributed Generation Deliverability (DGD) assessment process pursuant to the CAISO Tariff.

iii. Site Control

Respondents attest they have secured site control for the entire delivery term of their Offer(s) to EBCE. Respondents must complete the required fields in the RPS Facility Info tab and/or Storage Toll Info tab of the Offer Form, as well as required narrative detail in the Offer Supplement. Examples of site control include: (1) ownership of the site, a leasehold interest, or a right to develop a site for the purpose of constructing a generating facility; (2) an option to purchase or acquire a leasehold site for purposes of constructing a generating facility; and (3) any other arrangement that amounts to the same right to develop the property, in EBCE's sole discretion.

iv. Commencement of Commercial Operation Date

The project must be able to begin commercial operation and/or begin deliveries under the contract no later than December 31, 2024.

b. Participation in Other Procurement

Respondents in this solicitation are not barred or limited from offering their projects or products in other procurements provided that, upon shortlisting the Respondent will be required to execute an exclusivity agreement with EBCE for the shortlisted volume.

c. Participation in Future Solicitations

Products and projects that are not selected in this RFO may be offered again into future solicitations.

## 4. Evaluation Criteria

When Respondents have met the eligibility requirements described above, EBCE will employ the evaluation criteria described in this section to select Offers for shortlisting, using quantitative and qualitative evaluation criteria. Offers will ultimately be evaluated within the following categories: Counterparty Execution Risk: Development experience, CCA experience, and term sheet markups (25%) Offer Competitiveness: Economic valuation, project location, labor and workforce development (55%) Development Status Risk: Interconnection, permitting, and environmental project-specific risks (20%)

Quantitative Evaluation Criteria include:

a. Energy, including Shaped offerings

EBCE will calculate the market value of energy deliveries based on the hourly generation profile of the Offer, initial energy delivery date, delivery term of the transaction, and delivery location.



Congestion cost will be calculated based on the hour generation profile of the Offer, initial energy delivery date, delivery term of the transaction, and delivery location.

#### b. Renewable Portfolio Standard

EBCE will determine the value of the project's Renewable Energy Credits (RECs) over the contract term based on projections for future REC pricing.

#### c. Resource Adequacy

The value of Resource Adequacy will be determined based on the projected monthly qualifying capacity of the project. Resources with Full Capacity Deliverability Status from the CAISO will be attributed the full capacity value. Energy-only Offers will be assumed to have zero qualifying capacity.

#### d. Ancillary Services

Ancillary Services (A/S) value will be assessed based on the A/S capability of the Offer. Offers that provide the ability to schedule A/S and receive market revenues will include that value stream as an incremental benefit, not double counted with the value of energy.

### Qualitative Evaluation Criteria include:

#### e. Location

EBCE has a preference for projects within its service territory. Capacity close to EBCE load is likely to have more value to EBCE's portfolio even when market forward prices indicate energy delivered from farther away has greater market value. Further, resources sited within the service territory contribute to jobs, tax base, and other drivers of positive economic impact for EBCE customers. EBCE also has a preference for resources sited in locations that will contribute to CAISO grid reliability and/or the mitigation of local criteria pollutants.

#### f. Environmental Stewardship

EBCE is committed to being an environmental leader by providing customers with energy that delivers multiple benefits for air, water, and natural ecosystems and avoids impacts to important lands, species, and waters. EBCE will prioritize projects that are considered multi-benefit renewable energy and projects located in areas zoned for renewable energy development. EBCE will de-prioritize projects located in high-conflict areas.

#### g. Supply Chain Responsibility

EBCE contracts with small and local businesses to the maximum extent possible. EBCE may consider status as a small business enterprise (SBE) – i.e. registered as a small business with a state or federal agency – in the Offer review and evaluation process.

For more information on SBE status, please visit the Governor's Office of Business and Economic Development ([www.business.ca.gov](http://www.business.ca.gov)), Employment Development Department ([www.edd.ca.gov](http://www.edd.ca.gov)), or U.S. Small Business Administration ([www.sba.gov](http://www.sba.gov)).

### h. Seller Concentration

EBCE will not limit the number of Offers submitted by a single Respondent, however EBCE may cap the amount awarded to any Respondent in this RFO to ensure that the market remains competitive and mitigate risks associated with over-reliance on a single supplier.

## 5. Guidelines for Offer Development

### a. Price

Respondents must submit Offers with their best and final price using the respective product tabs in the Offer Forms contained in Attachments C.1 and C.2. The price must be stated using the format applicable to the specific product being offered.

Product	Pricing Format
As-Available RPS Product	\$ / MWh
As-Available RPS Product plus Energy Storage	\$ / MWh for RPS + \$ / kW-month (optional variable price) for energy storage component
Indexed Energy plus RPS attributes	\$ / MWh
Shaped RPS Energy Product	\$ / MWh
Stand-alone Energy Storage Toll	\$ / kW-month + \$ / MWh Variable O&M
Shaped Clean Energy Hedge	\$ / MWh

The price submitted for an Offer must include (1) all awards, subsidies, tax credits applicable to the Project; (2) any costs incurred by the Respondent including any interconnection costs; (3) the acceptance of the non-price terms and conditions of the PPA; and (4) all other benefits the Respondent expects to apply.

### b. Compliant Submission Specifications

All Offers must meet the following specifications in order to be considered for selection. Please ensure that Offers conform to the appropriate specifications for the project submitted. Any deviations from the following list will be treated as non-compliant and excluded from consideration.

<b>Products</b>	One of the six products described in this solicitation.
<b>Location</b>	Within or outside of California, with deliverability to the CAISO grid. Include approximate latitude and longitude of the project site.
<b>Term</b>	Terms may be offered for 5-20 years as variations in addition to the required Standard Offer(s) <u>for any product</u> .  <b><del>NOTE: 5-year term Offers will only be accepted for the Shaped Clean Energy Hedge product.</del></b>
<b>Price</b>	Prices must be offered at the project Pnode <u>for all products other than Indexed Energy plus RPS Attributes</u> .

	<p>Respondents are encouraged to also submit Offers at the following settlement points:</p> <ul style="list-style-type: none"> <li>• PGE Default Load Aggregation Point (DLAP)</li> <li>• CAISO liquid trading hub (e.g. SP15, NP15, ZP26, etc.)</li> </ul>
<b>Installed Capacity (MW)</b>	<p>Nameplate capacity no less than 10 MW and no greater than 150 MW (not inclusive of storage capacity).</p> <p>All projects with storage should include the option to extend duration during the term.</p>
<b>Expected Commercial Operation Date (COD)</b>	<p>On or prior to December 31, 2024.</p>
<b>Scheduling Coordinator</b>	<p>For As-Available RPS Product, As-Available RPS Product plus Energy Storage, and Stand-alone Energy Storage projects, EBCE shall be the SC.</p> <p>For Indexed Energy plus RPS attributes, Shaped RPS Energy Product, and Shaped Clean Energy Hedge projects, Respondent shall be the SC.</p> <p>EBCE is open to alternative proposals on who bears the SC role; please state your assumptions where prompted in the Offer Supplement.</p>
<b>Ownership</b>	<p>All projects will be owned by the Respondent, with EBCE contracting the output of the resource for the duration of the term.</p>
<b>Number of Offers</b>	<p>An “Offer” refers to the submission of all required information and details of any additional variations for <u>one product from one site</u>. In addition to the required Standard Offer(s) outlined in <b>Section 5.c</b>, Respondents may submit alternative configurations, durations, or pricing schemes.</p> <p>Respondents are not limited in either the number of Offers they may submit or the number of variations they may submit for any one Offer.</p>

### c. Required Standard Offers and Encouraged Variations

All Offers must comply with the Standard Offer requirements outlined below. An Offer for any one product must contain all required Standard Offers for that product.

EBCE also encourages variations to be submitted in addition. Specific variation components of interest to EBCE are noted for each product; variations are optional though encouraged. Variations may include any combination of non-standard components to demonstrate project configurations that the Respondent believes drive particular value.

Product 1: As-Available RPS Product		
<b>Eligible Resources:</b> New or existing stand-alone PCC1-eligible generating resources; this may include: solar, wind, geothermal, small hydro, biomass, biogas, or ocean (thermal, wave, or current)		
Required Standard Offers	1	<u>Term:</u> 15 years <u>Pricing Structure:</u> At project Pnode, fixed price <u>Capacity:</u> 10-150 MW RPS Nameplate
	2	<u>Term:</u> 15 years <u>Pricing Structure:</u> At project Pnode, 2% annual escalation <u>Capacity:</u> 10-150 MW RPS Nameplate
Encouraged Variations	*	<u>Term:</u> 10 years and 20 years <u>Pricing Structure:</u> Also priced at Hub (NP15 or PG&E DLAP) <u>Capacity:</u> Varying sizes (Preference for 50-100MW size)

Product 2: As-Available RPS plus Energy Storage		
<b>Eligible Resources:</b> New or existing PCC1-eligible generating resources with co-located energy storage. Storage may be any commercially viable technology with 2-hr, 4-hr, or 4-hr+ duration capabilities.		
<b>Required Products:</b> EBCE to receive all project attributes including RA, energy arbitrage, A/S.		
Required Standard Offers	1	<u>Term:</u> 15 years <u>Pricing Structure:</u> At project Pnode, fixed price <u>RPS Capacity:</u> 10-150 MW RPS Nameplate <u>Storage Capacity:</u> 80% of RPS, 2-hr Duration, AC-Connected
	2	<u>Term:</u> 15 years <u>Pricing Structure:</u> At project Pnode, 2% annual escalation <u>RPS Capacity:</u> 10-150 MW RPS Nameplate <u>Storage Capacity:</u> 80% of RPS, 2-hr Duration, AC-Connected
	3	<u>Term:</u> 15 years <u>Pricing Structure:</u> At project Pnode, fixed price <u>RPS Capacity:</u> 10-150 MW RPS Nameplate <u>Storage Capacity:</u> 40% of RPS, 4-hr Duration, AC-Connected
Encouraged Variations	*	<u>Term:</u> 10 years and 20 years <u>Pricing Structure:</u> Also priced at Hub (NP15 or PG&E DLAP) <u>Capacity:</u> Varying sizes (Preference for 50-100MW size) <u>Storage Configuration:</u> DC-connected storage

Product 3: Indexed Energy plus RPS Attributes		
<b>Eligible Resources:</b> Indexed RPS energy and associated RECs from PCC1-eligible resources.		
Required Standard Offer	1	<u>Term:</u> 15 years <u>Pricing Structure:</u> Fixed price <u>Capacity:</u> 10-150 MW RPS Nameplate
Encouraged Variations	*	<u>Term:</u> 10 years

Product 4: Shaped RPS Energy Product		
Eligible Resources: PCC1-eligible energy generated by one or more RPS-eligible resources.		
Required Standard Offer	1	<u>Term:</u> 15 years <u>Pricing Structure:</u> At project Pnode, fixed price <u>Capacity:</u> 10-150 MW delivered <u>Shape:</u> Shape details outlined in Shaped RPS Weights tabs in Offer Form 1.
<i>Encouraged Variations</i>	*	<u>Term:</u> 10 years <u>Pricing Structure:</u> Also priced at Hub (NP15 or PG&E DLAP) <u>Shape:</u> Additional shapes that provide value in mitigating energy price risk.

Product 5: Stand-Alone Energy Storage Toll		
Eligible Resources: Storage may be any commercially viable technology with 2-hr, 4-hr, or 4-hr+ duration capabilities.		
Required Products: EBCE to receive all project attributes including RA, energy arbitrage, A/S.		
Required Standard Offers	1	<u>Term:</u> 10 years <u>Pricing Structure:</u> At Pnode, fixed capacity price with variable O&M cost <u>Capacity:</u> 10-100 MW, 4-hr duration <u>Storage Parameters:</u> 200 cycles per year
	2	<u>Term:</u> 10 years <u>Pricing Structure:</u> At Pnode, fixed capacity price with variable O&M cost <u>Capacity:</u> 10-100 MW, 4-hr duration <u>Storage Parameters:</u> 365 cycles per year
<i>Encouraged Variations</i>	*	<u>Term:</u> 15 years <u>Capacity:</u> 2-hr duration

Product 6: Shaped Clean Energy Hedge		
Eligible Resources: Energy must be delivered by non-GHG emitting resource(s), this may include: energy storage, large hydro, combination of RPS and non-GHG resources. Nuclear not eligible. Standard Offer shape details outlined in respective Offer Form.		
Required Standard Offer	1	<u>Term:</u> 10 years <u>Pricing Structure:</u> At project Pnode, fixed price <u>Capacity:</u> 10-150 MW delivered <u>Shape:</u> Shape details outlined in Requested CF Shape tab in Offer Form 2.
<i>Encouraged Variations</i>	*	<u>Term:</u> 5 years and 15 years  <i>For this product, EBCE would welcome additional dialogue to customize a transaction based off unit operating parameters and EBCE portfolio needs.</i>

#### d. Collateral Requirements

The collateral requirements associated with each product are described below.

Product	Project Development Security or Pre-Delivery Term Security	Delivery Term Performance Security
As-Available RPS Product	\$90/kW of Contract Capacity	\$105/kW of Contract Capacity
As-Available RPS Product plus Energy Storage	\$90/kW of Combined Contract Capacity	\$105/kW of Combined Contract Capacity
Indexed Energy plus RPS attributes	\$90/kW of Contract Capacity	\$105/kW of Contract Capacity
Shaped RPS Energy Product	\$90/kW of Contract Capacity	\$105/kW of Contract Capacity
Stand-Alone Energy Storage Toll	\$90/kW of Storage Contract Capacity	\$105/kW of Storage Contract Capacity

## 6. Required Information

### a. Submission Overview

All information submittals related to this RFO must be made via the Respondent's unique Dropbox submission folder; in order to receive a Dropbox folder, Respondents must submit an NOI (Attachment A). Early Offer submission deadline for projects pursuing the CAISO TPD Affidavit process is November 17, 2020 by 2pm PPT. The final submission deadline for Offers is December 1, 2020 by 2pm PPT.

### b. Required Forms

The following documents must be completed and submitted to constitute a complete Offer to this solicitation. Offers of different products have unique form submittal requirements; please refer to the matrix below to determine which documents are required to be submitted with each Offer. The relevant documents are included as Attachments to this solicitation and noted below.

#### 1. Participation Agreement (Attachment B)

- Respondent must have a duly authorized officer of the Respondent entity execute the agreement. **Only one Participation Agreement is required per Respondent.**
  - *Note: The Participation Agreement covers all requested information, including Respondent attestation to the truthfulness of project details. Submitting a falsified Participation Agreement will result in forfeiture of shortlist deposit or other collateral and elimination from the RFO.*
- File Format: PDF
- File Name: EBCE RFO Participation Agreement\_RespondentCompanyName

#### 2. Completed Offer Form (Attachments C.1, C.2)

- Please provide all applicable information requested in the Offer Form tabs for the product(s) offered at each unique site. In the event that multiple sites are offered, a unique Offer Form must be completed for each site.
- Products 1-5 require Offer Form 1. Product 6 requires Offer Form 2.
- File Format: Microsoft Excel
- File Name: EBCE Offer Form #\_ RespondentCompanyName\_SiteName

3. **Offer Supplement** (Attachment D)
  - Please provide all applicable information requested in the Offer Supplement template found in Attachment D. **Only one Offer Supplement PDF is required per Respondent.**
  - File Format: PDF
  - File Name: EBCE Offer Supplement\_RespondentCompanyName
4. **Redlined Term Sheet** (Attachments E.1 - E.4)
  - Please include a redline of the Term Sheet(s) relevant to your Offer(s).
  - Redlines should reflect all necessary changes that Respondent requires. EBCE will prioritize negotiations with counterparties that limit redlines to *only key terms*. Only upon shortlisting will Respondents be requested to mark-up form PPAs.
  - File Format: Word
  - File Name: TermSheetName\_RespondentCopmanyName\_Redlines
5. **Interconnection Studies** (if applicable)
  - Most recent interconnection study results (Phase I or II)
    - *Note: If project receives Phase II report or any reassessment/update during the RFO evaluation process, Respondent must update EBCE and provide report.*
  - Documentation that the project has obtained FCDS, PCDS, or is in the process of obtaining that deliverability. Evidence may be provided in one of these forms:
    - An executed Interconnection Agreement or Amendment to an Interconnection Agreement that reflects the deliverability status;
    - A completed deliverability assessment in the annual process that indicates the project is deliverable pursuant to the CAISO Tariff;
    - Documentation that the project has received deliverability through the CIASO's Deliverability for Distribution pursuant to the CAISO Tariff; or
    - Application for FCDS or PCDS and previously submitted CAISO TPD Affidavit indicating to which Allocation Group the project is applying.
  - File Format: Word or PDF
  - File Name: DocumentName\_RespondentCompanyName\_SiteName
6. **Site Map** (if applicable)
  - Respondents must provide a high-resolution map showing the site location and key project facilities. The map should show the project boundary and generation-tie route from the project to the first point of interconnection with the electric grid. More detailed site plans or site designs are accepted but not required.
  - File Format: Option between (1) PDF, (2) Google kml/kmz, (3) ESRI geodatabase (mdb or gdb), (4) shapefile with a file extension .shp plus at least the three supporting files (.shx, .dbf, .sbn).
  - File Name: Site Map\_RespondentCompanyName\_SiteName

Product	Required Documents
As-Available RPS Product	<input type="checkbox"/> Participation Agreement <input type="checkbox"/> Completed Offer Form 1 <input type="checkbox"/> Offer Supplement <input type="checkbox"/> Redlined Term Sheet (Attachment E.1) <input type="checkbox"/> Interconnection Studies <input type="checkbox"/> Site Map
As-Available Product plus Energy Storage	<input type="checkbox"/> Participation Agreement <input type="checkbox"/> Completed Offer Form 1 <input type="checkbox"/> Offer Supplement <input type="checkbox"/> Redlined Term Sheet (Attachment E.2) <input type="checkbox"/> Interconnection Studies <input type="checkbox"/> Site Map
Indexed Energy plus RPS attributes	<input type="checkbox"/> Participation Agreement <input type="checkbox"/> Completed Offer Form 1 <input type="checkbox"/> Offer Supplement <input type="checkbox"/> Redlined Term Sheet (Attachment E.1)
Shaped RPS Energy Product	<input type="checkbox"/> Participation Agreement <input type="checkbox"/> Completed Offer Form 1 <input type="checkbox"/> Offer Supplement <input type="checkbox"/> Redlined Term Sheet (Attachment E.1) <input type="checkbox"/> Interconnection Studies <input type="checkbox"/> Site Map
Stand-Alone Energy Storage Toll	<input type="checkbox"/> Participation Agreement <input type="checkbox"/> Completed Offer Form 1 <input type="checkbox"/> Offer Supplement <input type="checkbox"/> Redlined Term Sheet (Attachment E.3) <input type="checkbox"/> Interconnection Studies <input type="checkbox"/> Site Map
Shaped Clean Energy Hedge	<input type="checkbox"/> Participation Agreement <input type="checkbox"/> Completed Offer Form 2 <input type="checkbox"/> Offer Supplement <input type="checkbox"/> Redlined Term Sheet (Attachment E.4)

## 7. Communications

EBCE developed a solicitation website at [www.ebce.org/2020-rfo](http://www.ebce.org/2020-rfo) where Respondents may register for notifications, register for the Respondent Webinar, and where all RFO documents, information, announcements, and Q&A will be posted and made available to the market.

To promote efficiency and accuracy in communications, all Respondents must to submit any inquiries via email to [2020-RFO@ebce.org](mailto:2020-RFO@ebce.org). EBCE will not respond to any material questions submitted after the final question deadline of November 16, 2020. All answers will be compiled into a document and posted to the RFO website by November 19, 2020. EBCE reserves the right to combine, rephrase, or not respond to some questions.



## 8. Respondent Representations

By submitting an Offer, Respondent agrees to be bound by the conditions of the RFO Protocol, and makes the following representations, warranties, and covenants to EBCE, which representations, warranties, and covenants will be deemed to be incorporated in their entirety into each of Respondent's submittals and are deemed to be material to EBCE's consideration of the proposals:

1. Respondent agrees that EBCE is not liable to any Respondent or party in law or equity for any reason whatsoever for any acts or omissions arising out of or in conjunction with this request for submittals and that Respondent has no legal recourse against EBCE, its Members, EBCE's directors, officers, employees, and agents for rejection of their submittal(s).
2. Respondent acknowledges that it has had the opportunity to seek independent legal and financial advice of its own choosing with respect to this RFO and agrees to be bound by the terms and specifications of this RFO and any addenda subsequently issued prior to the due date of the submittal.
3. Respondent has obtained all necessary authorizations, approvals, and waivers, if any, required by Respondent to submit its bid pursuant to the terms of this RFO and to enter into a final agreement with EBCE.
4. Respondent acknowledges that EBCE reserves the right to enter into transactions with more than one Respondent, can choose not to proceed with any Respondent with respect to one or more Offer, and can choose to suspend this RFO or issue a new RFO that would supersede and replace this RFO.
5. Respondent warrants that it has no employees in its employ who in any capacity have a position at EBCE that enable them to influence the selection of a Respondent or any competing RFO, nor does Respondent have in its employ any EBCE Director, including any Regular or Alternating Directors (collectively "EBCE Director") or EBCE employee who is the spouse or economic dependent of such an EBCE employee. A list of current EBCE Directors can be found on the EBCE's website (<https://ebce.org/who-we-are/>). This list may be updated from time to time.
6. Respondent's submission complies with all applicable laws.
7. Respondent warrants that all information submitted by Respondent to EBCE in connection with this RFO is true and accurate as of the date of the Respondent's submission. Respondent also covenants that it will properly update any submitted information immediately upon any material change thereto.

Respondent acknowledges and accepts that EBCE does not intend to provide collateral or performance security in connection with any PPA.

## 9. Termination of RFO-Related Matters

EBCE reserves the right at any time, in its sole discretion, to terminate the RFO without prior notification to Respondents and without liability of any kind. Grounds for termination may include, without limitation, that no Offers are deemed cost competitive or as a result of an inability to reach final commercial agreement between parties.

In the event of termination of the RFO for any reason, EBCE will not reimburse Respondents for any expenses incurred in relation to the RFO.

## 10. Attachments

The following Attachments are hosted on the RFO webpage and hereby made part of this RFO.

- Attachment A: Notice of Intent to Offer (Word)
- Attachment B: RFO Participation Agreement (Word)
- Attachment C.1: Offer Form 1 (Excel)
- Attachment C.2: Offer Form 2 (Excel)
- Attachment D: Offer Supplement Requirements (Word)
- Attachment E.1: EBCE Term Sheet for Products 1, 3, 4 (Word)
- Attachment E.2: EBCE Term Sheet for Product 2 (Word)
- Attachment E.3: EBCE Term Sheet for Product 5 (Word)
- Attachment E.4: EBCE Term Sheet for Product 6 (Word)
- EBCE Audited Financials: 2018, 2019, 2020 (PDF)