

## [Ava/ SJCE 2024 RFO Q&A](#)

### **UPDATE:**

Please note that in January, 2024 Ava's Board of Directors approved the Workforce and Environmental Justice Selection Criteria (the "Workforce and EJ Criteria"). This document may be accessed online<sup>1</sup> and its specifications are incorporated into Ava's evaluation rubric.

Projects shortlisted by Ava will be provided a questionnaire and asked to provide detailed information responsive to the Workforce and EJ Criteria. Questionnaires will be presented to Ava's Board of Directors as part of the approval package for all long-term offtake agreements entered into through this RFO.

### **Question 1:**

we were wondering if it might be possible to extend the deadline of this RFO beyond the October 4th date currently in the RFO documents. The documentation and legal requests presented in this RFO may be difficult to provide given the ~3 week turnaround time. In addition, pricing for 10-year contract terms is not standard and may take us some time to develop. Given our existing relationships with Ava and SJCE we would like to ensure that our offers are as high quality as possible, and we are concerned that the proposed timeframe may not provide enough time for us to develop and submit complete responses. If you could please let us know how you are thinking about timeline and if an extension of the deadline is possible we would really appreciate it.

### **Answer 1:**

All Tranche 2 offers MUST be submitted on or before the October 4 deadline. Tranche 2 offers are the most time sensitive because of the CAISO's December 23 deadline for load serving entities (LSEs) to allocate their IPE points to projects.

While Ava and SJCE prefer for Tranche 1 offers to come in by October 4; the CCAs will evaluate late submissions. Please note that the CCAs have the right to determine a later date is the cut off for offer submissions; should such a date be established, the CCAs will post a revision to the Solicitation Protocol stating the final deadline.

### **Question 2:**

How will Ava and SJCE evaluate Site Control? The RFO mentions that respondents "must attest they have secured site control for the entire delivery term of their offers," but we would like to better understand how this is defined.

### **Answer 2:**

During preliminary review, Ava and SJCE will accept developer's representation that Site Control is secured as factual.

During later review the CCAs may request additional documentation including a redacted land lease or other evidence as confirmation.

### **Question 3:**

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<sup>1</sup> <https://cdn.sanity.io/files/pc49kbjr/production/068e0ea9d0a70aff1c184a8f36c1644786a42f7b.pdf>

Could you please clarify the points allocation methodology used in evaluating projects?

**Answer 3:**

We believe this was addressed in slide 11 on the Respondent Webinar Presentation.

**Question 4:**

In October, when Tranche 2 shortlisted respondents are required to sign the exclusivity agreement, will Ava/SJCE inform respondents of the number of points allocated to their projects at that stage?

**Answer 4:**

Ava and SJCE will inform contracted resources how many IPE points are allocated to contracted projects. The CCAs *intend* to allocate 1 point to every 1 MW of nameplate capacity contracted but note that the IPE point allocations each CCA received are odd numbers and may result in a 1:1 nameplate to point ratio or a smaller ratio, like 100:98.

**Question 5:**

How many total Points will be allocated for C15? Specifically for energy-only projects?

**Answer 5:**

Ava and SJCE hope and intend to allocate all of the LSE IPE points they were awarded. The CCAs do not have IPE allocation targets for FCDS vs energy-only projects but the CCAs both prefer projects that will seek deliverability.

**Question 6:**

Will there be a distinction for Point allocation for Hybrid vs Stand Alone Storage project ? If Yes, How many MW's of Stand-alone storage will be shortlisted via this RFP.

**Answer 6:**

Ava and SJCE do not have prescriptive targets for IPE point allocation toward individual resource types. The CCAs plan to contract with and allocate points to resources that offer the most desirable attributes when evaluated in relation to the other projects offered in the RFO. The CCAs intend to allocate points consistent with the description in the answer to Question 4, above.

**Question 7:**

Will the CAISO Posted constraint map from August 30th be used as a source of verification for validation of available delivered MWs and Study Zone category?

**Answer 7:**

The CAISO constraint map will be referenced. If a developer is aware of an inaccuracy or flaw, Ava and SJCE request that the inconsistency be explicitly addressed in the Offer Supplement.

**Question 8:**

How can Developers show proof of experience in CAISO, will a short description of respondent's experience without disclosing name of projects suffice?

**Answer 8:**

A list of publicly announced projects or executed contracts would be appreciated. Developers may also include resumes or biographies of their key staff and overview of staff's work on CAISO projects during their careers prior to their current employer.

**Question 9:**

In order to show our project will qualify for 50% design can we submit a Statement of Work signed with our design consultant that shows proof of our commitment to deliver 50% design ?

**Answer 9:**

The CCAs will consider a signed Statement of Work in our review of projects.

**Question 10:**

Will QC15 projects be scored on COD viability? If yes, how may respondents demonstrate this?

**Answer 10:**

Possible COD and project price are requested but are not required. If a developer is unable to provide a meaningful COD estimate or price that is informed by a view of market conditions, you may offer the project absent these details.

**Question 11:**

Please elaborate on the types of benefits the RFP is looking for from projects not in the vicinity of the CCA?

**Answer 11:**

While Ava and SJCE both prefer project located within or near our service territories, the CCAs recognize the benefit of geographical diversity in their portfolios and seek projects that will yield diversity benefits in the projects' generation profiles as well as the benefits of minimizing exposure to transmission constraints, congestion, and basis.

**Question 12:**

Related to California Community Power procurement. The terms of the exclusivity and development security deposits vary from CC Power. In the situation that a Seller is shortlisted with both Ava/SJCE and CC Power, what exclusivity terms will take precedence?

**Answer 12:**

The Ava/SJCE RFO is completely separate from CC Power's procurement efforts. If a project is requested for shortlist by Ava/SJCE and CC Power, the project must choose which procurement effort it wishes to allocate its capacity to be shortlisted in. Please note that a project may be shortlisted in both RFOs only if the nameplate capacity is not being shortlisted in a duplicative manner. For example, a 100 MW battery may have 60 MW shortlisted by Ava/SJCE and 40 MW shortlisted by CC Power.

**Question 13:**

If a fraction of a project capacity is bid, will exclusivity be required for only for the amount of project capacity that is bid, or does it require exclusivity for the entire project capacity?

**Answer 13:**

Exclusivity and shortlist deposits are only required for only for the amount of project capacity that is offered. If less than the offered volume is shortlisted, then a lesser volume will be under exclusivity.

**Question 14:**

How will C14 and C15 projects be prioritized in this RFO procurement. For example, what is the estimated MWs of Tranche 1 projects procured compared to Tranche 2?

**Answer 14:**

Ava and SJCE are not releasing target procurement volumes at this time.

Tranche 2 projects must complete negotiations on the IPE OA agreements in time to meet the LSE point allocation deadline of December 23<sup>rd</sup>. It is expected that Tranche 1 negotiations will be completed by spring of 2025.

**Question 15:**

At a project's POI, will proof be required, such as 'expected Network Upgrades' and the Schedule from C14 projects?

**Answer 15:**

Ava and SJCE reserve the right to request documentation that supports a Seller's proposed commercial operation date.

**Question 16:**

Is Ava/SJCE awarding Energy Only points for QC15 projects?

**Answer 16:**

Due to the tight timeframe to allocate IPE LSE points, Ava/SJCE prefer projects that will pursue deliverability. However, if there is a project that offers a compelling proposal, the CCAs may also award some or all IPE points to energy only projects.

**Question 17:**

Is Ava/SJCE entertaining redlines on the exclusivity agreement?

**Answer 17:**

The CCAs are generally NOT accepting redlines to the exclusivity agreement. Any redline must demonstrate it is required for the legal veracity of the agreement.

**Question 18:**

Can you please confirm you will be accepting standalone storage bids? And if so, how do you recommend we fill out the "Product Code" column of the chart.

**Answer 18:**

Yes, we accept standalone storage bids. Please place Product 4 or BESS in the "Product Code" Section.

**Question 19:**

It appears the agreement indicates that an NDA would not be executed until we are shortlisted. Is it possible to have the NDA executed earlier?

**Answer 19:**

SJCE is not able to execute NDAs.

Ava prefers to not utilize NDAs and notes that requiring an NDA will negatively impact the RFO's timeline and progress.

**Question 20:**

Is there any recording or transcript available?

**Answer 20:**

The webinar is posted on the RFO website.

**Question 21:**

We attended the Respondent Webinar on September 20, 2024. During the webinar it was mentioned that, as part of the RFO process, RPS energy generators such as our company must undergo some type of financial registration / review through the San Jose Department of Finance. We have not been able to find information on this process. Can you please provide?

**Answer 21:**

Financial information is not required until the shortlisted offers are selected and notified. Once a project is shortlisted, Ava/SJCE will provide a list of requested financial information.

**Question 22:**

Does the Ava & SJCE have an opinion on QC 15 projects being re-sited after submissions on October 4th?

**Answer 22:**

The RFO protocol outlines the Tranche 2 evaluation criteria for selection, which includes project location identification at the time of offer. Ava/SJCE prefer project offers that contain a higher likelihood of being built and providing power supplies. Furthermore, CAISO's IPE process LSE point allocation does not allow for allocated point returns and planning for a changed location of a project would significantly impede upon the Buyer ability to plan around the project.

**Question 23:**

For Tranche 1, would Ava or SJCE consider a T4B4 structure from a project in place of a full-toll structure? If a T4B4 opportunity is of interest to you, would you consider a T4B4 alone or would it need to include RA?

**Answer 23:**

You must make a conforming standard tolling offer but then you may describe an alternate T4B4 structure in the offer supplement. The T4B4 offer would need to include RA to be of interest. Please be sure to describe the type of RA available from the resource.

**Question 24:**

Related to Attachment H, does the Attachment pertain to bidders exclusively, or can bidders (e.g. project developers) ask prime contractors or vendors (who are local to SJCE) complete the attachment on behalf of the bidder?

**Answer 24:**

How the respondent organizes and arranges information to fulfill the solicitation response requirements is up to the respondent as the respondent is ultimately responsible for the offer and its contents.

**Question 25:**

Related to Attachment E, for projects that plan to offer Product 4 AND are a Tranche 2. Should Attachment E.3 and E.4 be submitted, or should Attachment E.4 be revised to include terms from Attachment E.3?

**Answer 25:**

As stated in footnote 8 on page 25 of the solicitation, “For Tranche 2 offers, bidders should use E.4 and adjust consistent with the appropriate product”.