



**East Bay Community Energy, Peninsula Clean Energy,
Silicon Valley Clean Energy & Silicon Valley Power**

Distributed Resource Adequacy Capacity

Request for Proposal (RFP)

Issuance Date: November 5, 2019

Due Date: December 23, 2019 (5 p.m. PST)

Purpose

As Bay Area residents and businesses are suffering from unprecedented power outages due to Pacific Gas and Electric Public Safety Power Shutoffs (“PSPS”), we must invest in increased resilience to keep our communities safe and livable. The following Bay Area Load Serving Entities, including; East Bay Community Energy (“EBCE”), Peninsula Clean Energy (“PCE”), Silicon Valley Clean Energy (“SVCE”) and Silicon Valley Power (“SVP”) (collectively “the LSEs”) are seeking proposals from qualified developers or vendors (“Proposers or Respondents”) for a comprehensive offering to provide Resource Adequacy (“RA”) capacity and resilience to the LSEs’ residential and commercial customers through the development of customer-sited Distributed Energy Resources (“DERs”) (described on page 16). Through this solicitation, EBCE, SVCE and PCE are seeking to procure a minimum of 10 megawatts (“MW”) each of RA capacity and SVP will be procuring 2.7 MW of RA capacity, proportional to its geography and customer account size relative to the other LSEs, for a total of approximately 32.7 MW. Every LSE will partner with the relevant selected Proposer(s) to develop a program offering to LSEs’ customers to facilitate the development of projects to provide the desired RA capacity. For each LSE, a minimum capacity will be sited on residential sites with the remaining to be installed on commercial or residential sites (see Mandatory Proposal Requirements: *Target Customer Categories* for definition of “residential” and “commercial” and minimum requirements). A portion of the capacity shall be deployed by September 2020 with the remaining capacity targeted for deployment by either June 2021 or September 2021. The LSEs have an extensive need for economically-viable RA, which they seek to address, at least partially, through DER aggregation mechanisms, such as Proxy Demand Response (PDR).

This solicitation is being issued by the LSEs in a joint manner, due to the alignment of purpose in responding to the PSPS and increasing community resilience. However, Proposers will submit a separate proposal to each LSE that they are interested in proposing to, but are not required to propose to each LSE, as detailed in the Submittal Requirements section. Each LSE will evaluate proposals separately, with substantial communication occurring between LSEs to discuss proposed strategies and pricing. Each LSE will select and contract with winning Proposer(s) separately.

The bulk of this solicitation is the same for each LSE - differences between LSEs have been organized into tables throughout the solicitation to assist prospective Proposers in structuring their response to each LSE.

Background & Objectives

The LSEs have a shared commitment to serving their communities’ needs and delivering low-cost, clean electricity. LSE-specific background information is provided in the table below:

LSE-Specific Background Information

	Date Formed	Service Start	Description and Context

		Date	
EBCE	2016	2018	<p>EBCE is a Joint Powers Authority formed on December 1, 2016, and, 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 Pacific Gas and Electric (“PG&E”) notice of the receipt of EBCE’s Implementation Plan, and on November 8, 2017, the CPUC certified EBCE’s Implementation Plan. The County provided initial start-up funds to EBCE for the launch period. EBCE has additionally closed a \$50,000,000 unsecured credit facility with Barclays Bank in March of 2018. The maximum debt outstanding reached approximately \$28 million in 2018. In February 2019, EBCE repaid the County in full for the start-up loan costs of approximately \$4.8 million, and in August 2019 EBCE fully repaid the funds drawn on the Barclays credit facility, eliminating all outstanding debt. As of August 1, 2019, EBCE has approximately \$100 million in unrestricted cash and available credit lines, which translates to over 90 Adjusted Days of Liquidity on Hand.</p> <p>On June 1, 2018, EBCE launched Phase I of its service implementation with commercial, industrial, and municipal accounts. Phase II for residential accounts was launched November 1, 2018. Phase III was launched in April of 2019 and will enroll all Net Energy Meter (“NEM”) customers. Phase III is a rolling enrollment through December 2019 based on NEM billing cycles. EBCE’s ~30,000 NEM customers are a small fraction of total accounts and load. EBCE serves over 540,000 customer accounts representing a population of over 1.3 million people, 50,000 businesses, and approximately 6,000 gigawatt hours (“GWh”) of annual load. EBCE is currently the second largest CCA in California and the largest in PG&E territory.</p>
PCE	2016	2016	<p>Peninsula Clean Energy (PCE), a community choice energy (CCE) aggregator, is San Mateo County’s official electricity provider. Formed in February 2016, PCE is a joint power authority, consisting of the County of San Mateo and all twenty of its towns and cities. PCE provides cleaner and greener electricity, and at lower rates, than the incumbent investor-owned utility (IOU), Pacific Gas & Electric Company (PG&E).</p>

			<p>PCE was the fifth CCA to launch and started serving customers in October 2016 and as of May 1, 2017, PCE service was rolled out to all eligible customers in San Mateo County. PCE serves approximately 300,000 customer accounts representing a population of over 700,000 people with 3,600 GWh of clean electricity annually.</p> <p>PCE plans for and secures commitments from a diverse portfolio of energy-generating resources to reliably serve the electric energy requirements of its customers over the near-, mid-, and long-term planning horizons. PCE’s programs include transportation electrification and advancing the expansion of low-carbon electricity.</p> <p>In May 2019, Peninsula Clean Energy received an investment grade credit rating from Moody’s. As of June 30, 2019, PCE had an unaudited cash balance of \$127.2 million, of which \$114.1 million was unrestricted. The unrestricted cash balance represented 198 days of cash on hand, well in excess of PCE’s Board policy requirement of 120 days. PCE expects to publish its FY2018-2019 audited financials at the end of November. Additional information and PCE’s financial statements are available on its website: https://www.peninsulacleanenergy.com/budget-and-finances/.</p> <p>For more information on PCE, please go to www.peninsulacleanenergy.com.</p>
SVCE	2016	2017	<p>Silicon Valley Clean Energy (SVCE), a Community Choice Energy agency, is redefining the local electricity market and providing our residents and businesses with new clean energy choices—renewable and carbon-free electricity at competitive rates. SVCE was formed as a Joint Powers Authority in 2016, and now serves approximately 270,000 residential and commercial electricity customers across its service area. 97% of electricity customers in SVCE’s service area receive their electricity from SVCE. For more information on SVCE, please visit: https://www.svcleanenergy.org/. SVCE is also in the process of launching a broad set of programs supporting decarbonization efforts, including a virtual power plant initiative to further monetize distributed energy assets. For more information</p>

			on SVCE’s overarching program strategy and planned programs, please visit: https://www.svcleanenergy.org/programs/ .
SVP	1896	1896	<p>Silicon Valley Power (SVP) is the trademark adopted for use by the not-for-profit electric municipal utility of Santa Clara, CA, serving residents and businesses for over 120 years.</p> <p>SVP serves the City of Santa Clara with a service area of approximately 19 square miles. SVP is dedicated to its community, customers, and employees. SVP provides safe, reliable, affordable, and sustainable energy solutions while deploying and scheduling resources that optimize the dispatch of SVP’s generation fleet and complying with statutory and regulatory requirements. SVP meets its electricity needs in a safe, reliable, cost-effective and environmentally responsible manner. SVP is the only full service, vertically integrated publicly owned utility in Silicon Valley owning generation, transmission and distribution assets. Please see more at: http://www.siliconvalleypower.com.</p>

The objective of this RFP is twofold. The LSEs seek to identify new and existing DER systems capable of providing capacity to satisfy RA requirements while also supporting the development of DERs to increase resilience in each service territory. The increasing threat of PSPS events has intensified the urgency and need for resilience region-wide. DERs deployed through this program will be capable of providing resiliency benefits to the LSEs’ customers and the broader community in advance of the 2020 and 2021 fire seasons.

In July 2019, EBCE approved a 10-year contract for the provision of 500 kilowatts (“kW”) of RA capacity through aggregated behind-the-meter battery energy storage assets. This RFP builds on the intent of that project and aims to increase the amount of distributed RA capacity procured by the LSEs, grow the market for distributed RA capacity and create a program to empower LSE customers to invest in their own energy needs while supporting the needs of the electricity grid and enhancing community resilience.

The LSEs will provide resources throughout the bid development process (See “Data Provision Process on page 5) and program implementation phase (See “Marketing Assets to be Made Available to Awardee(s) by LSE” on page 19). The LSEs seek qualified Proposers capable of working with each LSE to develop customer-facing programs to facilitate efficient development of the required RA capacity and potentially scale the program in future years.

RFP Schedule

The table below summarizes the RFP schedule, with details of each event provided further below, as necessary. **Proposers should note that this is a preliminary schedule and the**

timeline is subject to change at the discretion of the LSEs.

Proposed Calendar of Events

Event	Date
Issuance of RFP	November 5, 2019
Representative Data Available	November 7, 2019
Informational Webinar	November 12, 2019, 1:30-3:00pm
Deadline for Questions	5pm PST, November 22, 2019
Deadline for Data Requests	5pm PST, December 4th, 2019
Addendum Issuance	December 4, 2019
Final Proposals Due	5pm PST, December 23, 2019
Proposal Review	December 23, 2019 - January 17, 2020
Interviews	January 20-24, 2020
Selection of Preferred Awardee(s)	February, 2020
Contract Negotiation Period	February, 2020
Notice of Intent to Award	March 2020
Board Meeting for Approval	April 2020

Informational Webinar & Q&A Process

LSEs will hold a **mandatory** informational webinar about this solicitation on November 12, 2019 at 1:30-3:00pm. This webinar will provide an opportunity for Proposers to learn more about the solicitation and ask clarifying questions.

Questions that arise after the date of the webinar shall be sent to jross@ebce.org. Questions sent via email must be received by November 22, 2019 at 5pm PST. **Questions for a specific LSE should be so labeled.** LSEs reserve the right to combine similar questions, rephrase questions, or decline to answer questions, at their sole discretion.

Data Provision Process

In order to facilitate the inclusion of accurate pricing of RA capacity in proposals, the LSEs will provide interested parties with anonymized 15-minute interval load data for a sample of commercial customers in each LSE’s service territory. This data will be available on the “Representative Data Available” date (see Proposed Calendar of Events).

By providing Proposers with a sample of actual customer load profiles of representative commercial customers, this data will enable Proposers to create estimated valuations of given DER systems to those customers. In turn, those estimated valuations can be used to develop RA pricing based on actual projects, thereby de-risking proposals and mitigating the chance of inflated or deflated RA pricing. **Interested Proposers must contact JP Ross (jross@ebce.org) with an expression of interest by December 4, 2019 (see Deadline for Data Requests in Proposed Calendar of Events) in order to receive access to the secure data room prior to proposal submissions.**

Following Proposer selection (“Awardee”), an extended set of data shall be provided with the goal of refining proposed capacity pricing during contract negotiations. Upon contract execution, the contracted Awardee(s) shall indicate to its client LSE(s) specific load profiles to be pursued for project development. Each LSE and its Awardee(s) will then initiate outreach to the chosen residential and commercial customers. Proposers shall consider this process in creation of their Customer Engagement & Go-to-Market Strategy. In order for Awardees to be provided confidential customer information by the LSEs, Awardees shall execute separate confidentiality agreements with the individual parties.

Data Request Process

Data will be made available through a Secure FTP (SFTP) to potential bidders upon request. **LSEs reserve the right to request documentation to substantiate intent and capability to submit a proposal.** Access to the data will be provided to bidders solely upon request to jross@ebce.org. Data requests can be submitted before November 7 and access to the site will be provided by 5PM on November 7. Data requests made after November 7 will be given access to the site within 1 business day of the request being submitted and LSEs satisfaction of requestor’s intent to bid.

Submittal Requirements

It is the Proposer’s responsibility alone to ensure that its proposals are received by each LSE’s Authorized Representative, as listed in the table below, at the time and place identified in this RFP (see Proposed Calendar of Events). Proposers shall submit, in a non-alterable format such as a PDF, a proposal with the title “[LSE Name] - Proposal for Distributed RA Capacity - [Respondent Firm Name].” Proposers may choose to submit separate proposals to any subset of the LSEs, but only an LSE-specific proposal received by that LSE’s Authorized Representative will be considered by that LSE. Do not submit a single joint proposal for all LSEs, and do not submit an LSE-specific proposal to a different LSE’s Authorized Representative.

Authorized Representative for Each LSE

LSE Name	Name	Role	Email

EBCE	JP Ross	Senior Director, Local Development, Electrification and Innovation	jross@ebce.org
PCE	Peter Levitt	Associate Manager, Distributed Energy Resources Strategy	plevitt@peninsulacleanenergy.com with CC to procurement@peninsulacleanenergy.com
SVCE	Aimee Bailey	Director, Decarbonization and Grid Innovation	aimee.bailey@svcleanenergy.org
SVP	Erica van Dyck	Electric Program Manager, Innovation and Distributed Generation/DER	evandyck@svpower.com

The proposal must be submitted electronically to the Authorized Representative by 5:00 p.m. PST on December 23, 2019. Proposals will be received only at the email addresses shown above and any proposal received after the due date/time or at a place other than the stated email address may not be considered and may be returned to the respondent unopened. Any attempt to contact LSE staff to discuss this RFP outside of the Q&A process described in this RFP will result in disqualification.

All proposals shall be prepared in a clear and concise manner. Unnecessarily elaborate proposals are neither expected nor desired. The emphasis of the proposal should be on responding to the parameters set forth in this RFP. Generally, each proposal shall be submitted with a cover letter and three (3) sections, including: (A) Statement of Developer Information & Qualifications, (B) Proposed Capacity & Program Approach and (C) Pricing Proposal. While Developers shall follow the general proposal format and proposal requirements specified below, **the LSEs encourage proposals that satisfy the mandatory proposal parameters while presenting thoughtful, creative solutions for the provision of RA capacity and community resilience.**

Proposals must include the following sections:

1. Cover Letter

An authorized representative of the Proposer shall sign the proposal on a cover letter which: (1) identifies this project by name; and (2) identifies the full legal name of the Proposer, along with name of contact person, address, phone number, fax number, email address and contractor’s license number; and (3) indicates Proposer’s willingness to comply with the procedures identified in this RFP, including an acknowledgement of inclusion of the three (3) sections identified above and described below.

2. *Statement of Developer Information & Qualifications*

Proposers shall include the following elements outlining their firm information and qualifications.

- A brief description of the Proposing firm, including legal form and ownership, and an identification of the size, stability, and capacity of the Proposing firm, including, at a minimum, an identification of the following:
 - a. Total number of years in operation
 - b. Total current number of employees
 - c. Number of offices & locations in California, or relevant locations if the Proposer does not have any California offices
 - d. Number of employees and associated office locations where proposed services are intended to be rendered
- An identification of the Proposer's experience developing, building, financing, and operating projects of a similar size, scope, and complexity as required by this RFP, including all of the following:
 - a. Number of years Proposer has been developing relevant projects
 - b. Most recent projects for which the Proposer has performed similar services
 - The list of recent projects shall include the name, contact person, address, and phone number of each party for whom the service was provided, as well as a description of the service performed, the dollar amount of the contract, and the date of performance.
 - The LSEs appreciate that the provision of aggregated DER for RA capacity is a relatively new market. Thus, relevant project examples demonstrating experience in efforts related to, or component pieces of, the services required in this solicitation will be accepted and considered.
 - c. Description of the Proposers experience with or participation in the proposed mechanism for providing the proposed RA capacity. This should focus on experience with Proxy Demand Response ("PDR") or, if Proposer is including an alternative mechanism, experience with the relevant, equivalent, alternative RA provision mechanism.
 - d. Total capacity of solar photovoltaic and/or battery energy storage systems installed to date in kW and kW/kWh, respectively.
 - e. Total installed capacity of energy projects capable of islanding from the grid
- List of the Proposer's principals, employees and agents, including brief bios and extended resumes, which the Proposer intends to assign to this project. Proposers shall include their anticipated roles on the project and their experience with the proposed mechanism for providing the proposed RA capacity and experience developing DER projects in California.
- For anticipated subcontractors (if any), Proposers shall provide a description of the subcontractors' role on the project as well as a description of the

subcontractor firm, experience developing, building, financing, and operating projects of a similar size, scope, and complexity as required by this RFP and bios and resumes of the key subcontractor team members.

- Insurance information
 - a. EBCE & SVCE: [1] Insurance information meeting the following minimum requirements: Comprehensive General Liability (\$1,000,000 per occurrence, \$2,000,000 aggregate for bodily injury and property damage), Motor Vehicle Liability Insurance (\$1,000,000), and Professional Liability Insurance (\$1,000,000).
 - b. PCE: [1] Insurance information meeting the following minimum requirements: Comprehensive General Liability (\$1,000,000), Motor Vehicle Liability Insurance (\$1,000,000), and Professional Liability Insurance (\$1,000,000).
 - c. SVP: [1] Commercial General Liability no less than the following: \$1,000,000 each occurrence; \$1,000,000 general aggregate; \$1,000,000 products/completed operations aggregate; \$1,000,000 personal injury. [2] Business automobile liability insurance policy which provides coverage at least as broad as ISO form CA 00 01, with minimum policy limits of not less than one million dollars (\$1,000,000) each accident using, or providing coverage at least as broad as, Insurance Services Office form CA 00 01. [3] Workers' Compensation Insurance Policy as required by statute and employer's liability with the following limits: at least one million dollars (\$1,000,000) policy limit illness/injury by disease, and one million dollars (\$1,000,000) for each Accident/Bodily Injury.

3. *Proposed Capacity & Program Approach*

Proposers must provide a comprehensive description of the distributed RA capacity and accompanying program being offered. This section shall address and/or reflect all mandatory solicitation parameters described in the “**Mandatory Proposal Parameters**” in this document. **As discussed under Submittal Requirements, while Proposers must submit proposals reflective of the mandatory proposal parameters, LSEs are interested in reviewing creative approaches to satisfying these parameters.** And while the program approach outlined in each proposal should be specific to the individual LSE territory, Proposers are encouraged to indicate how the program approach could incorporate a regional approach (and impact cost) if the Proposer were selected by multiple LSEs.

4. *Pricing*

Proposing Firms are required to provide a complete offer pricing package in the form of \$[]/kw-month for each year the proposed capacity shall be providing RA. **Pricing must be presented in Attachment A: Pricing & Capacity Worksheet.** Proposers are encouraged to provide uniform pricing across the entire offered capacity but may provide

tiered pricing aligned with achieving the target capacity distribution across customer types discussed in *Mandatory Proposal Parameters: Target Customer Categories*. Instructions for completing Attachment A are included therein.

Evaluation of Proposals

The LSEs reserve the right to reject any and all proposals or waive any irregularities in any proposal or the proposal process. The LSEs reserve the right to negotiate the terms of each LSE’s Service Agreement with one or more Awardees. In reviewing the proposals, LSEs will consider the following:

Evaluation Categories by LSE

Evaluation Category	EBCE	PCE	SVCE	SVP
Completeness of RFP Response	Pass/Fail			
Capacity Requirements & Deployment Timeline	Pass/Fail			
Technology Safety Certification & Standards	Pass/Fail			
Installed Storage projects have islanding capability and provide backup power	Pass/Fail			
Pricing	40%	40%	Weighting TBD	Considered
Experience Developing Similar Projects & Providing RA Capacity	15%	25%	Weighting TBD	Considered
Experience and Qualifications of Personnel	10%		Weighting TBD	Considered
Quality and Detail of Go-to-Market & Customer Engagement Plan	15%	25%	Weighting TBD	Considered
Proposed Fire Safety Measures	10%	Pass/Fail	Weighting TBD	Considered
Local Hiring/Workforce Development	10%	Pass/Fail	Considered but not mandatory	Considered but not mandatory
Innovation	N/A	10%	Weighting TBD	Considered

Evaluation of proposals for residential and commercial RA capacity will be performed separately and compared to equivalent proposals. If a Proposer wishes to propose both residential and commercial capacity offerings, they may be included in a single proposal, but should be priced and described distinctly to enable comparison to other proposals focused on the same customer category.

Each LSE expects to invite a shortlist of its high scoring Proposer(s) for in-person interviews. Interviews will be scheduled shortly after each LSE has completed its preliminary proposal evaluations and pursuant to the timeline listed in this RFP.

Proposer(s) Award

Upon selection of preferred Awardee(s), each LSE will enter into separate contract negotiation. Initial selection for negotiation does not imply guarantee of award. If an LSE is unable to negotiate mutually acceptable contract terms with selected Awardee(s), alternate Proposers from the shortlist may be substituted (see below).

Each LSE may award multiple Awardees for each sector, residential and commercial. Contracted Awardees will be required to provide performance bonding for delivery of contracted capacity amounts.

Proposers with qualified and/or high scoring proposals NOT selected may be placed on a shortlist by the relevant LSE and contacted to provide an updated proposal in the event that the selected Awardee(s) are not able to fulfill their proposed RA capacity. Any RA capacity contracted via this mechanism will be subject to re-verification of proposal eligibility and a request for an updated and revised pricing proposal.

Mandatory Proposal Parameters

The following parameters shall be considered by Proposers and used to structure proposals that align with the LSEs desired goals and objectives. The characteristics of each mandatory parameter are described below, followed by a table delineating the differences in requirements across each LSE. The *Summary of Differences in Mandatory Proposal Parameters by LSE* (see page 24) includes a master table that summarizes the differences in all parameter requirements as they vary across each LSE.

1. Proposed Capacity: Amount, RA Type & RA Mechanism

Through this solicitation, EBCE, SVCE and PCE expect to procure a minimum of 10 MW of RA capacity to satisfy local RA requirements through DERs located at customer accounts. Due to its smaller geography, customer size and RA obligation, SVP will procure a minimum of 2.7 MW of RA capacity. To the extent viable, LSEs are also interested in procuring capacity that satisfies flexible RA and/or system RA requirements. Proposers should consider strategies to satisfy flexible RA requirements

with DERs and are encouraged to propose flexible RA capacity solutions. Proposers are not required to fully provide the minimum of 10MW of desired capacity but are encouraged to include as much capacity as can be realistically achieved given the stated timelines.

Proposers must describe the mechanism through which RA capacity will be provided and controlled. The LSEs anticipate the primary mechanism to be PDR. If an alternative mechanism is proposed, the Proposer shall provide relevant case studies/examples of RA capacity provided via the proposed mechanism or other evidence that such a mechanism is capable of meeting the LSEs' RA obligations.

For each category of RA capacity proposed, the Proposer shall note the total capacity, deployment date and term being proposed. Proposers are encouraged to include varied term lengths (from 2-10 years) but the LSEs will not exclude responses that include proposed terms of a shorter length or longer length. Capacity amounts and pricing shall be presented in Attachment A: Pricing & Capacity Worksheet. Each proposal submitted to each separate LSE should include pricing in a separate version of Attachment A.

Outside of Attachment A, specific attributes of local and flex RA should be noted in this section of the proposal narrative. If a Proposer is including local RA, the Local Area (see "Eligible System Locations") and corresponding capacity should be included. If a Proposer is including flexible RA, the capacity amount and associated flex category (1-4) shall also be noted in this section. Proposers are encouraged to use the narrative in this section of the proposal to explain any nuance in their pricing proposal that is not captured in Attachment A.

To accompany the stated amount of RA capacity provided, Proposers shall provide a description of the Net Qualifying Capacity (NQC), Qualifying Capacity (QC), and if applicable, effective flexible capacity (EFC) calculation methodologies used. Proposers should reference the California Independent System Operator ("CAISO") criteria for calculating the NQC of distributed energy resources. In addition to describing the methodologies, Proposers shall provide the anticipated amount of additional capacity to be acquired in order to reliably and consistently deliver the proposed contracted capacity of RA. Proposers shall also provide a description of their approach, methodology and experience for completing CPUC Load Impact Protocols, adopted in D.08-04-050, and all CPUC rules for RA from DER aggregations.

If the Proposer intends to rely on a significant amount of Self Generation Incentive Program ("SGIP") funds or other incentives/programs in the project development process (see section on *Go-to-Market Strategy*) the Proposer should describe how they intend to comply with the applicable program/incentive rules while consistently and reliably meeting the proposed RA capacity. For example, if the proposal relies on SGIP funding,

the Proposer should describe how they will meet any and all operational requirements, including, but not limited to greenhouse gas reduction, battery cycling, and round-trip efficiency requirements.

Proposers are required to provide a consistent amount of RA capacity throughout the entire year. The only exception to this requirement is the potential offer of increased RA capacity in August and/or September of a given year.

2. *Deployment Timeline*

In order to align with possible PSPS events, IRP requirements, and RA filing requirements, delivery of a portion of the Proposers promised capacity should be achieved by September 2020 and the remainder by either June 2021 or September 2021.

The deployment targets of September 2020 and September 2021 are intended to align with the respective fire seasons and RA filing requirements, while the June 2021 deployment date is intended to align with IRP requirements. The LSEs do not have specific requirements for capacity amounts by the aforementioned dates, only that the Proposer deliver the promised capacity on that schedule. Across the entire solicitation, the LSEs expect that a portion will be deployed by September 2020 and the remainder deployed by June and/or September 2021. The target RA delivery targets and deadlines by LSE are shown below. **Proposals shall include a discussion of key milestones to deliver the proposed capacity on this timeline and how the Proposer will report such milestones to the LSE throughout the process. This timeline should also include expected periods of marketing and outreach activities, system sales/financing and system design, permitting and installation.**

RA Delivery Timeline Targets and Deadlines by LSE

	EBCE	PCE	SVCE	SVP
Target for RA Delivered by September 2020 (MW)	3-4	3-4	3-4	No specific capacity for this delivery date
Target for RA Delivered by June 2021 (MW)	No specific capacity for this delivery date	Preference for Remainder	Preference for Remainder	No specific capacity for this delivery date
Required RA Delivered by September 2021 (MW)	Remainder	Remainder	Remainder	Remainder

3. *Target Site Types & Priority Customer Categories*

Capacity procured through this solicitation shall have LSE-specific limitations on the type of sites on which it can be located.

For the purposes of this solicitation, for the RA to count as LSE-specific, at least 80% of the capacity comprising the DER aggregation must be from that LSE's customers. Furthermore, for SVP in specific, all capacity comprising the DER aggregation must be located within the service territories included in its metered subsystem agreement.

The residential and commercial site categories are defined as including the following site types:

- **“Residential”**: Residential single or multi-family dwellings four (4) units and below and;
- **“Commercial”**: Commercial sites and multi-family dwellings five (5) units and above

Municipal sites, defined as City and County accounts in each LSE service territory, are considered separately. For LSEs excluding municipal accounts, a separate solicitation may be issued in the future to cover these accounts. For LSEs allowing for capacity to be installed on municipal sites, any capacity will fall into the “commercial” category. Proposers may offer residential capacity, commercial capacity, or both. The eligible sites types, by LSE, can be found in the table below.

In order to support vulnerable communities, each LSE also has different requirements for capacity deployment on sites supporting low-income residents, medical baseline customers, and residents and businesses located in DACs and low income communities. The Proposer shall ensure that proposed RA capacity includes the distribution of that capacity across priority customer categories, as noted below for each LSE. Proposers shall also include in their proposal a plan to reach the required customer categories (See Customer Engagement & Go-to-Market Strategy).

- For capacity in the Residential site category, a **minimum** of proposed RA capacity may be required to be sited on residential properties in DACs, low-income communities, medical baseline customer properties and/or CARE/FERA customer properties. LSEs will work with Contracted Awardees to develop an outreach strategy for medical baseline and CARE/FERA customers.
- For capacity in the Commercial site category, a **minimum** of the proposed RA capacity may be required to be sited on commercial sites in DACs, low-income

communities and/or multi-family properties above four (4) units.

- RA capacity above any minimums set may be sited inside or outside of DACs or low-income communities.

As discussed above, the Proposer is allowed, but not required, to propose RA capacity across the Commercial and Residential sectors, provided that a sufficient implementation process is described in the Customer Engagement & Go-to-Market Strategy. **However, if a Proposer includes both residential and commercial capacity the Proposer must demonstrate that the minimum requirement of the total residential capacity is located in/on a DAC, low-income community, medical baseline customer property and/or CARE/FERA customer property, and that the minimum requirement of the total commercial capacity is located in a DAC and/or on multi-family properties above four (4) units.**

Pursuant to SB 535, CalEPA designated a list of DACs throughout the state for targeted investments from California’s cap-and-trade program. For the purposes of this solicitation, DACs are those in the top 25% of scoring on the CalEnviroScreen 3.0 tool, available [here](#). “Low-income communities” are census tracts with median household incomes at or below 80 percent of the county median income of the primary county of a given LSE or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Health and Safety Code (H&SC) Section 50093. Expanded definitions are included in the “Definitions & Supporting Information” section.

Full definitions of DACs and low-income communities, as used in this RFP, are included in the “Definitions & Supporting Information” section.

Priority Customer Type Minimums & Requirements by LSE

	EBCE	PCE	SVCE	SVP
Minimum RA Required to be Sited in Residential Sites (MW)	5	5	5	0.7
Eligibility of Municipal Sites within the Commercial Category	Not eligible - dedicated solicitation expected at a later date	Eligible only in low-income and DAC communities - dedicated solicitation expected at a later date	Eligible, with a dedicated solicitation expected at a later date	Eligible with a preference in DAC or BAAQMD CARE Communities

Minimum Residential RA Required to be Sited in DACs, Low-Income Communities, Medical Baseline Customer Properties and/or CARE/FERA Customers	20%	5%	Not required, but encouraged	10%
Minimum Commercial RA Required to be Sited in DACs, Low-Income Communities and/or Multi-Family Properties above our units	20%	5%	Not required, but encouraged	10%

4. *Eligible DER System Types*

The following DER system types are eligible for the total RA capacity proposed by Proposers, provided that operational requirements for the provision of RA can be met:

- New battery energy storage (BES) systems
- New combined solar photovoltaic (PV) + BES systems
- BES retrofits on existing PV systems
- Existing BES systems (provided that dispatchable capacity can be contracted by the LSE and is not otherwise contracted)
- All systems must be able to island from the grid to provide resilience to participating customers

For both new and retrofit BES systems in the proposed capacity the Proposer shall describe the process for managing site control and ensuring that necessary site access exists to maintain and dispatch the system.

Regardless of eligible DER system type, all DER systems included in proposed capacity must meet all CAISO PDR participation requirements. If Proposers include a mechanism other than PDR, Proposers shall include a description of how eligible DER systems meet the relevant requirements of the alternative mechanism.

While the eligible DER system types listed above are anticipated to account for the majority of the capacity procured by each LSE, Proposers may submit additional creative and innovative DER solutions for consideration.

5. *Eligible Project Locations*

Eligible DER systems shall be sited on customer premises as outlined in Parameter 3: *Target Site Types & Priority Customer Categories*. Each LSE's systems shall also be installed within communities served by that LSE to support the resiliency of those communities. The full list of eligible communities for each LSE is shown below. The LSEs appreciate that Proposers may be able to offer DER systems that satisfy local

and/or system RA requirements outside of an LSE’s service area. The LSEs will not automatically exclude proposals that include geographies outside of its service area, provided that the RA capacity originating outside of its service territory is clearly indicated, but the LSEs also reserve the right to exclude any of these non-conforming bids from consideration. The price of RA capacity located outside of an LSE’s service area, relative to capacity located within the LSE’s service territory, shall also be noted for consideration.

Eligible Communities within Service Territory by LSE

	Eligible Communities
EBCE	Currently Eligible: Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Oakland, Piedmont, San Leandro, Union City, and Unincorporated Alameda County Potentially Eligible - cities joining EBCE pending Board and CPUC approval in 2021: Tracy, Pleasanton and Newark
PCE	Anywhere in San Mateo County, including Atherton, Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Half Moon Bay, Hillsborough, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, Woodside, and unincorporated San Mateo County
SVCE	13 Communities in Santa Clara County: Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Saratoga, Sunnyvale and Unincorporated Santa Clara County
SVP	City of Santa Clara

6. Go-to-Market & Customer Engagement Strategy

The LSEs each seek a robust go-to-market and customer engagement strategy to drive the deployment of the aggregated portfolio of DER systems intended to achieve the proposed RA capacity and increase customer awareness of LSEs as innovative electricity providers delivering benefits to the community. To that end, Awardee(s) will be expected to act as a customer marketing and program engagement partner with the selecting LSE. All Proposers shall include a detailed description of their go-to-market and customer engagement strategy for each priority customer category that Proposer intends to pursue. These strategies should be tailored to the needs of each LSE’s community and should be comprehensively explained in each proposal; Proposers are also encouraged to indicate how the program approach could incorporate a regional approach (and impact cost) if the Proposer were selected by multiple LSEs.

An example of go-to-market strategy options is as follows; does the Proposer intend to continue existing marketing efforts in an LSE’s service area or does the Proposer intend

to create an entirely new product offering and marketing plan to deliver resilience and RA in connection with this solicitation? In short, Proposers should address their desired level of collaboration and co-branding with the LSE to develop and market the program to achieve enrollment targets.

The customer engagement strategy shall describe the creative approach Proposers will take to market the program to ensure customer enrollment. Examples could include but are not limited to collaboration with the LSE, its local government partners, external affinity groups, and/or creation special offer to encourage customer uptake. **Within the larger customer engagement strategy, the Proposer shall include a specific description of its comprehensive approach to reaching customers in DACs, medical baseline and/or CARE/FERA customers, and/or low-income communities and multi-family properties.**

Proposers shall also include a discussion of their approach to reaching customers with existing forms of DER, such as solar PV and/or BES. This discussion shall include details of how the Proposer would manage retrofits of existing systems, including any barriers associated with existing power purchase agreements, lease contracts, incentive program rules, interconnection requirements, and CPUC and/or CAISO rules or regulations. Proposers shall also address their sales team’s experience/conversion rates for this segment of customers.

The LSEs can and will provide a variety of marketing assets to assist with customer engagement and Proposers shall discuss in their proposal how each asset would be leveraged in a successful customer engagement strategy. These assets are listed below for each LSE.

Marketing Assets to be Made Available to Awardee(s)

Available Marketing Assets*
<ul style="list-style-type: none"> ● Anonymized interval load data for initial evaluation and targeting (provided through the Data Provision Process), followed by additional data provision and collaborative outreach ● Municipal (City/County) communication channels for marketing to residents and businesses and other collaborative outreach strategies ● Community based organizations and other affinity group communication channels ● Rooftop solar PV capacity ● CARE customer outreach ● EBCE initiated customer outreach ● Medical Baseline customer outreach ● DAC/Financial Rate Assistance Program (FRAP) outreach* ● Medical Rate Assistance Program (MRAP) outreach*

- BAAQMD Community Air Risk Evaluation Boundary*

**Indicates marketing assets specific to SVP.*

Finally, Proposers shall provide, as a key component of their customer engagement strategy, an overview of how the financial benefits and financing options of prospective DER systems will be presented to customers. **A line-item explanation/example shall be provided of how the DER “value stack” can improve the program proposition to prospective customers and show the value of LSE service (e.g. RA value provided by LSE as a “discount” to customer, applicable SGIP incentives to customer segments, and/or other incentives).**

The Proposer should outline how system operations will be optimized between the value streams of backup power/economic benefits in the form of bill savings to the customer and RA/wholesale market price exposure to the LSE.

Various incentives, financing options and other mechanisms offered to customers should be described in detail in addition to the impacts those could have on the feasibility of the Proposer’s offered RA capacity. For example, if a customer project relies on SGIP funds the Proposer should describe how a failure to secure, or a step down in those funds, would impact the Proposer’s offered RA capacity, price and/or deployment timeline.

7. *Workforce Development Requirements*

Workforce development is an approach to economic development that seeks to enhance a region’s economic stability and prosperity by focusing on human capital—developing people and their marketable work skills—as opposed to business development. A coherent workforce development system consists of supply side or “push” strategies and demand side or “pull” strategies. This solicitation can be used by LSEs as a “pull” strategy. Proposals are required to describe their workforce plan for project development, construction or maintenance activities, pursuant to the following requirements by LSE.

Workforce Requirements by LSE

	Workforce Requirements
EBCE	90% of all workers employed on or in support of the Project(s) by Seller or through Contractors shall be paid not less than the prevailing rate of wages for the appropriate craft, classification, type of worker and locality as determined by the Director of the State Department of Industrial Relations in accordance with Division 2, Part 7, Chapter 1 of the California Labor Code, or as set out in the wage determination of the

	<p>U.S. Secretary of Labor, whichever is higher. Proposers shall make commercially reasonable efforts to hire Alameda County residents to provide at least 50% of the work hours associated with the construction, operation, and maintenance of the project.</p> <p>Additionally, Proposers shall include descriptions of how they intend to partner with workforce development agencies in Alameda County to further enhance opportunities for local hiring. An example of this is prioritization of hiring graduates of state-certified apprenticeship training programs, such as Cypress Mandela and Rising Sun Energy Center, in support of the construction, operation, and maintenance of the project.</p>
PCE	<p>PCE's workforce development requirements are publicly stated here: peninsulacleanenergy.com/wp-content/uploads/2018/10/Policy-10-Inclusive-and-Sustainable-Workforce-revised-10-25-18.pdf.</p> <p>PCE therefore desires to facilitate and accomplish the following objectives: (1) Support for and direct use of local businesses; (2) Support for and direct use of union members from multiple trades; (3) Support for and use of training and State of California approved apprenticeship programs, and pre-apprenticeship programs from within PCE's service territory; and (4) Support for and direct use of green and sustainable businesses.</p>
SVCE	<p>SVCE does not have specific workforce requirements for the Proposer's response to this solicitation. However, the proposal shall include the workforce plan as outlined above, and should indicate how requirements for prevailing wages, hiring local residents, and partnering with workforce development agencies would impact the proposed cost structure and timeline.</p>
SVP	<p>SVP does not have specific workforce requirements for the Proposer's response to this solicitation. However, the proposal shall include the workforce plan as outlined above, and should indicate how requirements for prevailing wages, hiring local residents, and partnering with workforce development agencies would impact the proposed cost structure and timeline.</p>

8. Safety and Fire Prevention

Proposals are required to include a description of the Proposer's approach to safety and fire prevention that will be applied across projects developed under this solicitation. Proposers should detail how fire safety is prioritized in each project through factors

including system design, equipment supply and location of installed units. If applicable, Proposers should also note how the detailed fire safety approach impacts system pricing. Proposers should note fall protection safety management plans if solar is included in the program.

NFPA 855

The new NFPA 855 aims to mitigate risks associated with energy storage systems and ensure that all installations are done in a way that takes fire and life safety into consideration. In addition to looking at where the technology is located, how it is separated from other components, and what fire suppression systems are in place, NFPA 855 considers the ventilation, detection, signage, listings, and emergency operations associated with energy storage systems.

Proposals must be fully compliant with all applicable safety and fire codes, certifications and standards (see Certifications & Standards below), including, but not limited to NFPA 855. As part of their approach to fire safety and prevention, Proposers should describe how they intend to meet new NFPA 855 requirements, and how they plan to coordinate with Authorities Having Jurisdiction (AHJs) on permitting for BES. To the extent meeting these standards will require additional time, expense, or may limit eligible customer locations, Proposers should describe any potential impacts and mitigations that may be necessary.

Shortlisted Proposers will be required to provide a detailed Safety Plan as part of the contracting process that will be followed during project implementation.

9. Certifications and Standards

Proposers shall provide confirmation that the project, including all equipment, installation and interconnection standards and certifications will be met, including but not limited to the following:

Certifications and Standards	Purpose
UL 1642 Standard for Lithium Batteries (Cells)	Sets the bar for basic safety incorporated into each individual cell
UL 1741 Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources	Ensures all equipment can safely interact with, and in some cases even support the utility grid.
UL 1973 Standard for Batteries for Use in Light Electric Rail and Stationary Applications	Includes requirements for propagation resistance to single cell thermal runaway; includes an internal fire test that ensures that propagation to neighboring cells does not occur

UL 9540 Standard for Energy Storage Systems and Equipment	Combines applicable standards for individual components assembled into a fully integrated system.
IEC 62109-1 Safety of power converters for use in photovoltaic power systems	Defines the minimum requirements for the design and manufacture of power conversion electronics for protection against electric shock, energy, fire, mechanical and other hazards
IEC 62619 Safety requirements for large format secondary lithium cells and batteries for stationary and motive applications	Internationally recognized standard includes both cell and battery tests for failure related to abnormal electrical and environmental conditions.
AC 156 Seismic Acceptance Criteria	Equipment must maintain integrity during earthquakes

Note: Proposers are welcome and encouraged to include examples of additional certs/standards that address greenhouse gas emissions and/or other environmental considerations.

10. Summary of Differences in Mandatory Proposal Parameters by LSE

Mandatory Proposal Parameter # and Requirement		EBCE	PCE	SVCE	SVP
1	Total Target MW Target	10 MW	10 MW	10 MW	2.7 MW
2	Target RA Delivery Dates (1. Sept 2020, 2. June 2021, 3. Sept 2021)	1. 3-4 MW, 2. no preference for remainder, 3. remainder	1. 3-4 MW, 2. preference for remainder, 3. remainder	1. 3-4 MW, 2. preference for remainder, 3. remainder	No specific delivery date
3	Eligibility of Municipal Sites	Ineligible	Eligible for DAC communities	Eligible	Eligible with preference in DAC/ Low-income /BAAQMD CARE boundaries

3	Minimum Residential Site Category Capacity	5 MW	5MW	5 MW	0.7 MW
3	Priority Customer Type Requirements (Res)	20%	5%	Not required, but encouraged	10%
3	Priority Customer Type Requirements (Com)	20%	5%	Not required, but encouraged	10%
4	Eligible DER System Types	No differences.			
5	Eligible Project Locations	Customers in relevant LSE service territory.			
6	Go-to-Market & Marketing Strategy Content	No Differences.			
6	Marketing Assets Available	<i>See Marketing Assets to be Made Available to Awardee(s) by LSE table on page 19.</i>			
7	Workforce Development Requirements	<i>See Workforce Requirements by LSE table on page 21. Also see weighting criteria for differences in scoring.</i>			
8	Safety & Fire Protection	No Differences in submittal. See weighting criteria for differences in scoring.			
9	Certifications & Standards	No Differences.			

Definitions & Supporting Information

To provide additional clarity and guidance for Proposers, this section includes definitions of key terms that appear throughout the RFP and additional detail on the customer load data to be provided to Proposers in order to inform accurate customers.

Definitions

For the purposes of this RFP, the following terms are defined as such:

“Commercial Customer”: Refers to a category of customer sites types consisting of commercial sites and multi-family dwellings five (5) units and above.

“Disadvantaged Communities (DACs)”: Refers to CalEPA’s list of designated communities,

pursuant to SB 355 throughout the state for targeted investments from California’s cap-and-trade program. For the purposes of this solicitation, DACs are those in the top 25% of scoring on the CalEnviroScreen 3.0 tool, available [here](#).

“Low-income communities”: Refers to census tracts with median household incomes at or below 80 percent of the median income for the primary county of each LSE, listed as follows;

- EBCE: 80% of Alameda County median income (\$81,700)
- PCE: 80% of San Mateo County median income (\$99,540)
- SVCE: 80% of Santa Clara County median income (\$101,284)
- SVP: 80% of Santa Clara County median income (\$101,284)

Or census tracts with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Health and Safety Code (H&SC) Section 50093.

“Priority Customer Categories”: Refers to the following property types:

- residential properties in disadvantaged communities (DACs), low-income communities, medical baseline customer properties and/or CARE/FERA customer properties and;
- commercial sites in DACs, low-income communities and/or multi-family properties above four (4) units.

“Residential Customer”: Refers to a category of customer sites types consisting of residential single or multi-family dwellings four (4) units and below.

Detail of Anonymous Customer Data

As discussed in the “Data Provision Process” section, a sample of customer data will be provided to interested parties in order to inform accurate pricing of RA capacity. The key characteristics of the data to be released by each LSE are as follows.

Anonymous Customer Data Provided to Bidders by LSE

	EBCE	PCE	SVCE	SVP
Quantity of Commercial Customers	5% of customers	5% of customers	5% of customers	5% of customers
Commercial Rate Types	A1, A6, A10 and E19	A1, A6, A10 and E19	A1, A6, A10 and E19	C-1, CB-1

Customer Flags Included	Rate class (e.g. NEM), DAC, Low-Income Area	Rate class (e.g. NEM), DAC, Low-Income Area	Rate class (e.g. NEM), DAC, Low-Income Area	Rate class (e.g. NEM), DAC, Low-Income Area, FRAP, MRAP
Residential Customer Data	Not available for RFP, but may be shared with Awardees	Not available for RFP, but may be shared with Awardees	Not available for RFP, but may be shared with Awardees	Not available for RFP, but may be shared with Awardees
Solar Data	Estimated solar potential (kW) of roof and tilt and orientation of arrays from Google SunRoof	Estimated solar potential (kW) of roof and tilt and orientation of arrays from Google SunRoof	Estimated solar potential (kW) of roof and tilt and orientation of arrays from Google SunRoof	Estimated solar potential (kW) of roof and tilt and orientation of arrays from Google SunRoof
Available Data Time Range	1/1/2018 to 12/31/2018	1/1/2018 to 12/31/2018	1/1/2017 to 12/31/2017	7/1/2018 to 6/31/2019

Terms & Conditions

GENERAL

Incurring Cost: This RFP does not commit the LSEs to award or pay any cost incurred in the submission of the proposal, or in making necessary studies or designs for the preparation thereof, nor procure or contract for services or supplies. Further, no reimbursable cost may be incurred in anticipation of a contract award.

Claims Against the LSEs. Neither your organization nor any of your representatives shall have any claims whatsoever against the LSEs or any of its respective officials, agents, or employees arising out of or relating to this RFP or these RFP procedures, or the award of any contract pursuant to this RFP.

Guarantee of Proposal. Responses to this RFP, including proposal prices, will be considered firm and irrevocable for one hundred eighty (180) days after the due date for receipt of proposals and/or one hundred eighty (180) days after receipt of a best and final offer, if one is submitted.

Basis for Proposal. Only information supplied by the LSEs in writing by jross@ebce.org in

connection with this RFP should be used as the basis for the preparation of proposals.

Form of Proposals. Proposals must be submitted electronically by e-mail.

Amended Proposals. Respondent may submit amended proposals before the Deadline to Submit Proposals. Such amended proposals must be complete replacements for previously submitted proposals and must be clearly identified in a written format. The LSEs will not merge, collate, or assemble proposal materials.

Withdrawal of Proposal. Respondents may withdraw their proposals at any time prior to the Deadline to Submit Proposals. Respondents must submit a written withdrawal request signed by the respondent's duly authorized representative addressed to and submitted to the LSE's Authorized Representative.

Late Responses. To be considered, proposals must be received electronically by email by December 23rd, 2019, 5:00 PM PST.

No Public Proposal Opening. There will be no public opening for this RFP.

California Public Records Act (CPRA). All proposals become the property of the LSEs, which are public agencies subject to the disclosure requirements of the California Public Records Act ("CPRA"). If a respondent's proprietary information is contained in documents submitted to any of the LSEs, and respondent claims that such information falls within one or more CPRA exemptions, the respondent must clearly mark such information "CONFIDENTIAL AND PROPRIETARY," and identify the specific lines containing the information. In the event of a request for such information to any LSE, the LSE in question will make best efforts to provide notice to respondent prior to such disclosure. If respondent contends that any documents are exempt from the CPRA and wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief, or other appropriate remedy from a court of law in the individual LSE's county, before the given LSE's deadline for responding to the CPRA request. If respondent fails to obtain such remedy within the LSE's deadline for responding to the CPRA request, the LSE may disclose the requested information. Respondents and the selected Awardee further agrees that it shall defend, indemnify, and hold each LSE or its agents, harmless against any claim, action, or litigation (including, but not limited to, all judgments, costs, fees, and attorney's fees) that may result from the LSE's assertion of an exemption or privilege as a basis for withholding any information marked confidential by the respondent.

Confidentiality. All data and information obtained from or on behalf of the LSEs by the respondent and its agents in this RFP process, including reports, recommendations, specifications, and data, shall be treated by the respondent and its agents as confidential. The respondent, selected Proposer(s) and its agents shall not disclose or communicate this information to a third party or use it in advertising, publicity, propaganda, or in another job or jobs, unless written consent is obtained from the LSEs. Generally, each proposal and all documentation, including financial information, submitted by a respondent to the LSEs is confidential until a contract is awarded, when such documents become public records, unless

exempted under the CPRA.

Response is Genuine: By submitting a response pursuant to this RFP, Respondent certifies that this submission is genuine, and not sham or collusive, nor made in the interest or on behalf of any person not named therein; the submitting firm has not directly or indirectly induced or solicited any other submitting firm to put in a sham bid, or any other person, firm or corporation to refrain from submitting a submission, and the submitting firm has not in any manner sought by collusion to secure for themselves an advantage over any other submitting firm.

Electronic Mail Address. Most of the communication regarding this procurement will be conducted by electronic mail (e-mail). Respondents agree to provide jross@ebce.org with a valid e-mail address to receive this communication.

LSE Rights. The LSEs reserve the right to do any of the following at any time:

- a. Reject any or all proposal(s), without indicating any reason for such rejection;
- b. Waive or correct any minor or inadvertent defect, irregularity, or technical error in a proposal or the RFP process, or as part of any subsequent contract negotiation;
- c. Request that respondents supplement or modify all or certain aspects of their proposals or other documents or materials submitted;
- d. Terminate the RFP, and at its option, issue a new RFP;
- e. Procure any equipment or services specified in this RFP by other means;
- f. Modify the selection process, the specifications or requirements for materials or services, or the contents or format of the proposals;
- g. Extend a deadline specified in this RFP, including deadlines for accepting proposals;
- h. Negotiate with any or none of the respondents;
- i. Modify in the final agreement any terms and/or conditions described in this RFP;
- j. Terminate failed negotiations with any Proposer without liability, and negotiate with other Proposer(s);
- k. Disqualify any respondent, including a selected Proposer, on the basis of a real or apparent conflict of interest, or evidence of collusion that is disclosed by the proposal or other data available to the LSEs;; and/or
- l. Accept all or a portion of a Proposer's proposal