



REQUEST FOR OFFER

No. 20-007

Purchase 2021-2022 Resource Adequacy Products

December 9, 2020

Pursuant to this Request for Offers (RFO), WESTERN COMMUNITY ENERGY (“WCE”) is seeking offers from prospective counterparties to purchase Resource Adequacy Products as further described herein:

SUMMARY

Established on August 23, 2018, WCE is a joint powers authority and community choice aggregator (CCA) certified by the California Public Utilities Commission (CPUC) to implement a CCA program. WCE’s formation of a CCA program began in 2016 with the support of the Western Riverside Council of Governments’ (WRCOG) Executive Committee and interest from Cities within Riverside County. WRCOG serves as the administrator to WCE through an Administrative and Management Services Agreement. Member Agencies include the following six cities:

- Eastvale
- Hemet
- Jurupa Valley
- Norco
- Perris
- Wildomar

WCE has a certified Implementation Plan and Statement of Intent with the CPUC and started servicing customers in April and May of 2020.

PRODUCT DESCRIPTION

WCE is seeing proposals for System Resource Adequacy (RA) for 2021-2022 period.

- Product: **SYSTEM AND LOCAL RESOURCE ADEQUACY**
- Delivery Term (Monthly Terms are acceptable): APRIL 2021, SEPTEMBER 2021 AND AUGUST 2022 – OCTOBER 2022
- 2021 System RA Flex up to **86 MW** for April 2021 only and can swap non-flex system RA for the same amount. September 2021 System RA up to 205 MW.
- 2022 Big Creek Ventura Local Area up to 15 MW for August 2022 – October 2022.

SUBMISSION OF OFFERS

Please submit all offers to purchase Resource Adequacy Products using the RA Offer Form attached.

All offers to sell products described herein to WCE must be submitted via email to the following WCE contacts and consultants **on or prior to December 18, 2020 at 5:00 PM Pacific Time. Late submissions will not be considered.** Submit offers in email by returning contact information, offer prices, and minimum offer quantities for each offer price using the attached RA Offer Form to:

- Tyler Masters (WCE) tmasters@wrcog.us
- Craig Martin (Pilot Power) cmartin@pilotpowergroup.com
- Sheetal Parr (Pilot Power) sparr@pilotpowergroup.com

Upon receipt of any offers submitted in response to this RFO, WCE will evaluate such offers and determine if WCE will seek to enter into any confirmation for a transaction at the conclusion of this solicitation.

PUBLIC NATURE OF PROPOSAL MATERIAL

All correspondence with WCE including responses to this solicitation will become the exclusive property of WCE and will become public records under the California Public Records Act (Cal. Government Code section 6250 *et seq.*) All documents sent to WCE may be subject to disclosure at the close of the solicitation if requested by a member of the public. There are a very limited number of narrow exceptions to this disclosure requirement. Therefore, any proposal which contains language purporting to render all or significant portions of the proposal “Confidential,” “Trade Secret” or “Proprietary,” or fails to provide the exemption information required as described below may be considered a public record in its entirety subject to the procedures described below. Do not mark the entire proposal as “confidential.”

WCE will not disclose any part of a proposal before it announces a recommendation for award, on the grounds that there is a substantial public interest in not disclosing proposals during the evaluation process. After the announcement of a recommended award, all proposals received in response to this RFO will be subject to public disclosure.

In order to designate information as confidential, the Seller must clearly stamp and identify the specific portion of the material designated with the word “Confidential” and provide a citation to the California Public Records Act that supports keeping the information confidential. Seller should not over-designate material as confidential. Over-designation would include stamping entire pages or series of pages as confidential that clearly contain information that is not confidential. Upon request or demand of any third person or entity not a party to this Agreement (“Requestor”) for production, inspection and/or copying of information designated by Seller as confidential information (such designated information, the “Confidential Information”), WCE will notify the Seller as soon as practical that such request has been made. The Seller shall be solely responsible for taking whatever legal steps are necessary to protect information deemed by it to be Confidential Information and to prevent release of information to the Requestor by WCE. If WCE takes no such action after receiving

the foregoing notice from the Seller, WCE shall be permitted to comply with the Requestor's demand and is not required to defend against it.

DISCLAIMERS

WCE reserves the right to (i) reject any offers received in response to this RFO for any reason. Additionally, WCE reserves the right, at its sole discretion, to not enter into any confirmation for the transaction at the conclusion of this RFO. WCE reserves the right to modify the terms and conditions of this RFO at any time based on changing needs and market feedback. WCE also reserves the right to rescind this RFO at any time prior to WCE's execution of a binding agreement. Notwithstanding anything to the contrary, including the WSPP or EEI Agreement, no proposal, bid, offer, or proposed transaction (however described) shall be binding upon WCE except pursuant to a written agreement signed by WCE and the counterparty. WCE will not be liable at any time for costs the prospective supplier may incur in preparing or submitting a response to this RFO.

PROTEST PROCEDURES

A Proposer that has timely submitted a bid or proposal in response to this RFO may file a protest objecting to an award or award recommendation. In order to be considered properly and timely filed, a protest must:

- Be submitted in writing to the Chief Financial Officer of Western Community Energy no later than ten (10) calendar days after notice that the proposer was unsuccessful. Failure to submit a timely written protest will waive the Proposer's right to protest the contract award and bar consideration of the protest.

Please submit protests to:

Andrew Ruiz, Chief Financial Officer
WESTERN COMMUNITY ENERGY
3390 University Avenue, Suite 200
Riverside CA 92501

Please submit electronic versions of the protest to: aruiz@wrcog.us

- Specify in detail the grounds and factual basis for the protest, and provide all relevant supporting documentation, legal precedent in support of the grounds for the protest, and the name, address, and telephone number of the person representing the Proposer for purposes of the protest. Protests will not be considered for disputes on the grounds that a material provision in this RFO is ambiguous.
- Be filed by an actual Proposer responding to the procurement and signed by a properly authorized representative. No other party has standing to protest.
- Describe the resolution to the protest desired by the protesting party.

The Chief Financial Officer, or designee, will review and evaluate the protest provided the protest is filed in strict conformity with the foregoing. The Chief Financial Officer will attempt to resolve a properly filed protest or perform additional fact-finding, which may include establishing a protest evaluation team to evaluate the merits of the protest. The Chief Financial Officer, in consultation with the General Counsel, will prepare a recommended resolution of the protest for consideration by the Executive Director. The Executive Director will review the recommendation of the protest evaluators and will render a determination to uphold or deny the protest.

If the Executive Director's decision is to deny the protest, the solicitation may be continued without further delay or the contract will be recommended to the Board of Directors for award, or executed, if previously awarded by the Board of Directors subject to resolution of the protest. If the Executive Director's decision is to uphold the protest, a recommendation will be made to the Board of Directors to amend the solicitation and the date for receipt of proposals or bids, reject all proposals or bids, cancel the request for proposals or invitation for bids and solicit new proposals or bids, award the contract to another Proposer, or other such actions as he/she deems appropriate.

The Executive Director's decision shall be final, and there shall be no further administrative recourse. The procedure and time limits set forth in this section are mandatory and are the Proposer's sole and exclusive remedy in the event of protest. Failure to comply with these procedures will constitute a waiver of any right to further pursue the protest, including filing a Government Code claim or legal proceeding. The protest procedures are not intended to reduce or restrict protest rights specifically provided under applicable funding agreements or state and federal laws.