

**REQUEST FOR OFFERS TO SELL
DISADVANTAGED COMMUNITY GREEN TARIFF PROGRAM QUALIFYING
RPS RENEWABLE ENERGY CREDITS (RECs)
TO SAN JOSE CLEAN ENERGY**

San José Clean Energy (“SJCE”) is seeking proposals from power suppliers (Sellers) to supply Renewable Portfolio Standard (“RPS”) Portfolio Content Category (“PCC”) 1 Renewable Energy Certificates (“RECs”) from resources that qualify for the California Public Utilities Commission Disadvantaged Community Green Tariff (“DAC-GT”) program for calendar years 2021-2024.

The tables below describe the quantities that SJCE is seeking bids for through this active solicitation:

Products Requesting
2021 PCC1: 500 mega-watt hours (“MWh”)
2022 PCC1: 3,950 MWh
2023 PCC1: 3,950 MWh
2024 PCC1: 3,950 MWh

SJCE plans to purchase some or all of the products listed in the attached file but reserves the right to reject any or all offers.

Description of Qualifying Resources

On June 21, 2018, the California Public Utilities Commission approved [\(“D.”\)18-06-027](#) Alternate Decision Adopting Alternatives to Promote Solar Distributed Generation in Disadvantaged Communities. This decision adopted three new programs to promote the installation of renewable generation among residential customers in disadvantaged communities (“DAC”)¹, as directed by the California Legislature in Assembly Bill (“AB”) 327 (Perea), Stats. 2013, ch 611. Pursuant to D.18-06-027, Community Choice Aggregators (“CCAs”) may develop and implement their own DAC-GT and Community Solar Green Tariff (“CS-GT”) programs.

The existing Project must qualify as a DAC-GT Project pursuant to [D.18-06-027](#), [D.18-10-007](#), and [Resolution E-4999](#). The CPUC has defined an eligible DAC as census tracts that either: (1) score at or above the 75th percentile (i.e., scoring in the top 25 percent statewide) in the California Environmental Protection Agency’s (“CalEPA”) CalEnviroScreen 3.0 on a statewide basis, or (2) are one of the census tracts that score in the highest five percent of CalEnviroScreen’s pollution burden, but that do not have an overall score. The CalEPA has created an online map that displays the CalEnviroScreen results that

¹ DACs are defined under D.18-06-027 as communities that are identified in the CalEnviroScreen 3.0 as among the top 25 percent of census tracts statewide, plus the census tracts in the highest five percent of CalEnviroScreen’s Pollution Burden that do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data. Resolution E-4999 clarified that Program Administrators must file a Tier 1 Advice Letter to update program eligibility rules within 30 days of a new release of the CalEnviroScreen tool.

allows the user to pan and zoom into various areas of California to graphically identify the general location of DACs. There are multiple ways to identify DACs:

- A. Via Data List (Spreadsheet). In order to download a data list of areas that correspond to the preceding map, one can:
 1. Visit the CalEPA DAC website
 2. Download the List of Disadvantaged Communities Excel file
 3. Filter the data set (on either tab)
- B. Search by Address. One can also determine DAC status of one or more specific addresses. For a single address, go back to the CalEnviroScreen map and, in the “Find address or place” field, input the address and determine the color coding alongside the map’s Legend.

Per [Resolution E-4999](#), SJCE has been allocated 1.7 mega-watts for its DAC-GT program.² SJCE has issued a solicitation for competitive proposals for new, in-front-of-the-meter renewable energy resources located in eligible disadvantaged communities and will continue to do so until a suitable resource is identified and contracted for. Prior to that, the program allows SJCE to procure interim capacity from existing resources that qualify in order to launch the program sooner that would otherwise be possible from a new build project.

Responses to this RFO are due at 5:00 PM PPT on Friday, October 1, 2021. Please submit your offers by completing and submitting ‘Attachment 1 - DAC-GT Interim Capacity RFO Offer Form’ to RFO@sanjosecleanenergy.gov.

MASTER AGREEMENT & CONFIRMATION

SJCE intends to transact under the WSPP Agreement or an EEI-based agreement. Respondents who wish to review SJCE’s standard WSPP or EEI template may request copies by e-mailing RFO@sanjosecleanenergy.gov.

In addition, SJCE may only transact with qualifying counterparties pursuant to its Risk Management Policies. Parties are encouraged to contact RFO@sanjosecleanenergy.gov as soon as possible if they intend to respond to this RFO and have not been qualified by the City of San José’s Finance Department.

SJCE provides the following information to interested suppliers to facilitate their assessment of SJCE as a counterparty:

- SJCE is housed in the City of San José’s Department of Community Energy. The program is provided for in San José’s municipal code Title 26, available [here](#).
- SJCE’s Implementation Plan is available [here](#).
- SJCE’s risk management policy was approved by San José City Council and is available [here](#).
- The City of San José is the signatory to WSPP Agreement and will be the signatory to the confirmations.

² SJCE will not pursue a Community Solar Green Tariff program.

- The Department of Community Energy is an enterprise department of the City of San José. Please see the language in our draft confirmations which explains this arrangement.

Finally, to do business in San José, Sellers who are not already registered will have to register with the City of San José within 90 days of commencing business within the city. Details are available [here](#).

PUBLIC NATURE OF PROPOSAL MATERIAL

All correspondence with SJCE including responses to this solicitation will become the exclusive property of the City of San José and will become public records under the California Public Records Act (Cal. Government Code section 6250 et seq.) All documents that you send to SJCE will be subject to disclosure 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 their proposal “Confidential”, “Trade Secret” or “Proprietary”, or fails to provide the exemption information required as described below will be considered a public record in its entirety subject to the procedures described below. Do not mark your entire proposal as “confidential”.

The City will not disclose any part of any proposal before it announces a recommendation for award, on the ground 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 RFP 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 to 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”), SJCE 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 the City. If the City takes no such action after receiving the foregoing notice from the Seller, the City shall be permitted to comply with the Requestor’s demand and is not required to defend against it.

If required by any law, statute, ordinance, a court, Governmental Authority or agency having jurisdiction over the City, including the California Public Records Act, the City may release Confidential Information, or a portion thereof, as required by the Applicable Law, statute, ordinance, decision, order or regulation. In the event the City is required to release Confidential Information, it

shall notify the Seller of the required disclosure, such that the Seller may attempt (if it so chooses), at its sole cost, to cause the recipient of the Confidential Information to treat such information in a confidential manner, and to prevent such information from being disclosed or otherwise becoming part of the public domain.

DISCLAIMERS

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

If an unsuccessful proposer wants to dispute an award or award recommendation, a protest must be submitted in writing to the Director of Community Energy, Lori Mitchell, no later than ten (10) calendar days after announcement of the successful proposer, detailing the grounds, factual basis and providing all supporting information. Protests will not be considered for disputes on the grounds that material provision in this RFP is ambiguous. Failure to submit a timely written protest to the contact listed below will bar consideration of the protest.

The address for submitting protests is:

Attention: Lori Mitchell, Director
City of San José, Department of Community Energy
200 East Santa Clara Street, 14th Floor
San José, CA 95113

Please submit electronic versions of any protest to Lori Mitchell at protestSJCE@sanjosecleanenergy.org.