

SAN JOSE CLEAN ENERGY

Request for Offers to Buy November-December 2023 Resource Adequacy Products from SJCE (SJCE Sells)

Date Issued: August 29, 2023

Pursuant to this Request for Offers (RFO), San José Clean Energy (SJCE) is seeking offers from prospective counterparties to buy Resource Adequacy Products from SJCE (SJCE sells) as further described herein:

PRODUCT DESCRIPTION

- Product: System Resource Adequacy (RA)
- Delivery Term: November and/or December 2023
- Quantity: All volumes of 1 MW or greater

SUBMISSION OF OFFERS

Please submit all offers to buy RA products from SJCE using the RA Offer Form attached. All offers must be submitted to the following SJCE contacts no later than September 1, 2023 at 2:00 PM Pacific Time:

- RFO@sanjosecleanenergy.org
- Kelly Morris: kelly.morris@sanjoseca.gov
- Paul Innamorato: paul.innamorato@sanjoseca.gov

Upon receipt of any offers submitted in response to this RFO, SJCE will evaluate such offers and determine if SJCE will seek to enter into any confirmation. SJCE will strive to notify all respondents close of business September 1, 2023.

CONTRACTING INSTRUMENT

For reference, please find attached hereto SJCE's preferred form of Resource Adequacy Transaction Confirmation for use with the WSPP. Parties are encouraged to submit any proposed changes to these forms (or alternative preferred enabling agreements and/or confirms) to Stephen Hall at steve@hallenergylaw.com, Kelly Morris at Kelly.Morris@sanjoseca.gov and Paul Innamorato at Paul.Innamorato@sanjoseca.gov on or before submitting their bids. SJCE will also consider use of a Resource Adequacy Transaction Confirmation structured to work in conjunction with an EEI to be negotiated between the parties. Please find attached hereto SJCE's preferred EEI cover sheet.

If a prospective supplier does not disclose financial information publicly, SJCE will also require a prospective supplier to provide the information described below for the past two (2) financial years. Also, a prospective supplier with its primary business in sectors other than energy should provide financial information and a description of its energy product operations and trading.

- Consolidated Statement of Income
- Consolidated Statement of Cash Flows
- Consolidated Balance Sheets
- Results of Operations
- Notes to Financial Statements
- Off-Balance Sheet Liabilities, if any

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

- San José Clean Energy 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 at the following link: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT26COEN

- San José Clean Energy's Implementation Plan is available here: <http://www.sanjoseca.gov/DocumentCenter/View/71410>
- San José Clean Energy's risk management policy was approved by San José City Council and is available here: <https://sanjose.legistar.com/LegislationDetail.aspx?ID=3478118&GUID=32319D40-8EA7-4D1A-9E48-B1CC78BB2E5E&Options=&Search>
- SJCE's initial funding plan is described in a memo to City Council in August 2017. The SJCE has followed through with this plan: http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2699&meta_id=650894
- The City of San José is the signatory to WSPP Agreement and will be the signatory to the confirmations.
- The Department of Community Energy is an enterprise department of the City of San José. Please see below language that we have added to our draft confirmation to explain this arrangement.
- A link to our municipal advisor letter is here: www.sanjoseca.gov/DocumentCenter/View/39975

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 at the following: <http://www.sanjoseca.gov/BusinessTax>

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 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 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 solicitation 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 solicitation. SJCE reserves the right to modify the terms and conditions of this solicitation at any time based on changing needs and market feedback. SJCE also reserves the right to rescind this solicitation at any time prior to SJCE's execution of a binding agreement. SJCE will not be liable at any time for any costs the prospective supplier may incur in preparing or submitting its response to this solicitation.

SUPPLIER DIVERSITY

Pursuant to California Senate Bill 255, Community Choice Aggregators (CCAs) are required to report to the California Public Utilities Commission on their diverse suppliers, as defined by CPUC General Order 156. Consistent with the California Public Utilities Code and California Public Utilities Commission policy objectives, respondents that execute an agreement with SJCE will be required to complete a Supplier Diversity questionnaire. SJCE will NOT consider race, sex, color, ethnicity, or national origin in procurement decisions.

SJCE encourage all eligible parties to get certified with the CPUC as a woman, minority, disabled veteran and/or LGBT owned business enterprise (WMDVLGBTBE). For overview information on the CPUC Supplier Diversity Program, please visit the program homepage (<https://www.cpuc.ca.gov/supplierdiversity/>). For information on the certification process and requirements, please visit the Certifications page (<https://www.cpuc.ca.gov/Certifications/>).