REQUEST FOR OFFERS TO PURCHASE PCC1 RENEWABLE ENERGY FROM AND/OR SELL ZERO-OR LOW-CARBON POWER TO SAN JOSE CLEAN ENERGY

San José Clean Energy ("SJCE") is seeking proposals from purchasers ("Purchasers(s)") to buy energy and associated Renewable Energy Credits ("RECs") (collectively "Product") from SJCE. The renewable energy qualifies as Renewable Portfolio Standard ("RPS") Portfolio Content Category ("PCC") 1 in 2024. SJCE is seeking bids for a maximum of 100,000 MWh of PCC1 through this active solicitation.

Through the same solicitation, SJCE is seeking proposals from power suppliers (Sellers) to supply greenhouse gas (GHG) free or asset controlling supplier (ACS) attributes for calendar year 2024 with SJCE as the buyer.

SJCE will only accept indexed priced offers for both products. For the RECs, the contract price will be equal to the sum of the Energy Price and the REC Price, less the CAISO Credit. SJCE plans to sell the RECs but reserves the right to reject any or all offers.

For the GHG-free or ACS attributes, the payment due from purchaser to seller is equal to the delivered and accepted contract quantity multiplied by the attribute contract price. SJCE plans to buy the GHG-free or ACS attributes but reserves the right to reject any or all offers. See the attached draft confirmation for details. SJCE will consider pricing for the quantities (or fraction thereof) and products listed in the attached bid form.

Responses to this RFO are due at 5:00 PM Pacific Time on October 29, 2024. Please submit your offers by returning your contact information, offer prices, and offer quantities by email in the attached bid form to SJCE at sjcerfo@sanjoseca.gov. SJCE intends to award offers initially by end of day Thursday, October 31, 2024, but may award bids later.

MASTER AGREEMENT & CONFIRMATION

SJCE intends to transact under the WSPP Agreement or an EEI-based agreement. SJCE's preferred form for WSPP transaction confirmation is included in this solicitation materials.

In addition, SJCE may only transact with qualifying counterparties pursuant to its Risk Management Policies. Parties are encouraged to contact SJCE at sjcerfo@sanjoseca.gov as soon as possible if they intend to respond to this RFO and have not been qualified by SJCE's Finance Department.

SJCE provides the following information to interested suppliers to facilitate their assessment of SJCE as a counterparty. Should any other information be desired, please reach out to sjcerfo@sanjoseca.gov.

- San José Clean Energy is housed in the City of San José's Energy Department. 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 at 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 at 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 Energy Department 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.

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.

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/).

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 WSPP 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 Deputy Director of Power Resources, Paul Innamorato, no later than ten (10) calendar days after notice that the proposer was unsuccessful, 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. Please submit an electronic version of the protest to protestSJCE@sanjosecleanenergy.org.