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# California Choice Energy Authority

## 2023 Disadvantaged Communities Green Tariff

### Request for Offers

Release Date: **August 30, 2023**

Close Date: **September 8, 2023**

#### Introduction

On June 2018, The California Public Utilities Commission (CPUC) issued Decision (“D.”) 18-06-027, *Alternate Decision Adopting Alternatives to Promote Solar Distributed Generation in Disadvantaged Communities*, creating three new programs to promote the installation of renewable generation among residential customers in disadvantaged communities (“DACs”)<sup>1</sup>, 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 programs.

Per Resolution E-4999, which allows CCAs that serve customers in the same Investor-Owned Utility service territory to share and/or trade program capacity,<sup>2</sup> California Choice Energy Authority (“CalChoice”) Joint CCAs (Lancaster Choice Energy (“LCE”), Pico Rivera Innovative Municipal Energy (“PRIME”), and San Jacinto Power (“SJP”)) intend to operate a joint DAC-GT program for the benefit of their respective customers. The Joint CCAs have elected to pool their respective DAC-GT capacity to cost-effectively implement a joint DAC-GT program. CalChoice Joint CCAs have been allocated a combined total of 1.31 MW for the DAC-GT program.

General instructions for participating in CalChoice’s RFO and product specific requirements are described in the text of this document.

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<sup>1</sup> DACs are defined under D. 18-06-027 as communities that are identified in the CalEnviroScreen 4.0 as among the top 25 percent of census tracts statewide, plus the census 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.

<sup>2</sup> Resolution E-4999 at 54, Findings and Conclusions.

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## Background

### a. Description of CalChoice

CalChoice is a California Joint Powers Authority (“JPA”) that provides Community Choice Aggregation (“CCA”) support services to its members, consisting of nine local agencies. CalChoice provides energy portfolio management, power procurement and trading, settlements and invoice validations, regulatory compliance, regulatory advocacy, financial and accounting, rate-setting support functions, and energy efficiency program development and implementation support services.

### b. Request for Offers Overview

In June 2018, the California Public Utilities Commission (“CPUC” or “Commission”) issued Decision (“D”) 18-06-027<sup>3</sup>, creating three new programs to promote the installation of renewable generation among residential customers in disadvantaged communities (“DACs”). One program is the DAC Single Family Solar Homes program, which provides up-front incentives for the installation of solar at low-income homes in DACs. The other two programs, the DAC Green Tariff (“DAC-GT”) and the Community Solar Green Tariff (“CGST”) programs, are community solar programs that offer 100% renewable energy to customers and provide a 20% discount on the electricity portion of participating customers’ bills. Pursuant to D. 18-06-27, Community Choice Aggregators (“CCAs”) may develop and implement their own DAC-GT and CSGT programs.

Per Resolution E-5130, CalChoice Joint CCAs, including LCE, PRIME, and, SJP, are authorized to collectively procure between 1.31 MW and 2.0 MW for its Joint DAC-GT program.

Any Power Purchase Agreement (PPA) which results from this RFO will be subject to CalChoice Authority Members (“Authority”) and CPUC approval. For those projects that receive CalChoice Authority approval and an executed PPA, CalChoice will submit the executed PPA to the CPUC for approval within 180 days of bidder’s receipt of shortlist notification.

### c. Project Eligibility

- The Project must be physically located in and connecting electrically to a circuit, load, or substation within Southern California Edison’s (SCE’s) service territory and located within an eligible DAC, as further defined in Section 2d.

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<sup>3</sup> D. 18-06-027 at 64.

- The Project must be a new solar, wind, hydroelectric, or biomass/biogas
- Renewable Portfolio Standard (“RPS”) eligible, in-front-of-the-meter generating facility with a nameplate rated generating capacity between 500 kW and 13 MW, inclusive.
- Behind-the-meter projects, non-renewable technologies, and other complimentary technologies are not eligible.
- The Project must have an online date no later than December 31, 2025
- The Project must have completed a Phase I Interconnection Study or equivalent or received a positive determination of Fast Track eligibility.
- The Project must comply with the California Air Resources Board’s Voluntary Renewable Electricity Program.
- The Project must be Green-e certified.
- The Project must qualify as a DAC-GT Project pursuant to D.18-06-027, D.18-10-007, and Resolution E-4999.

#### d. Disadvantaged Communities

The CPUC has defined all 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 4.0 on a statewide basis, or (2) are one of the census tracts scoring in the highest 5% of the CalEnviroScreen’s Pollution Burden, but that do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data.<sup>4</sup>

The CalEPA has created an online map that displays the CalEnviroScreen results, where one can pan and zoom into various areas of California to graphically identify the general location of DACs. There are multiple ways to identify DACs:

1. Via Data List (Spreadsheet). Visit the CalEPA DAC website to download a data list of areas that correspond to the preceding map; Download the list of Disadvantaged Communities Excel file; and filter the data set (on either tab).
2. 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.

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<sup>4</sup> Resolution E-5212 modifies DAC-GT program to be “additive” starting from time at which a Program Administrator’s DAC-GT and CSGT implementation letter is approved, allowing use of CalEnviroScreen version in place when implementation plan was approved by the Commission in addition to updated versions, as an interim measure. Eligibility is expanded to all California Indian Country as defined in 18 United States Code Section 1151.

CalChoice is providing an online map to assist bidders in identifying whether their project is within a DAC. The map will also help bidders determine if their project meets specific geographical eligibility requirements for the DAC-GT program as laid out in Section 2c.

e. RFO Website

All information regarding this RFO will be posted to the RFO website at <https://californiachoiceenergyauthority.com/rfps/>. Bidders will submit all offers (including narrative, offer form templates, redlined contracts, and all other materials) to email address: [Kathy@CalChoice.org](mailto:Kathy@CalChoice.org). All questions from bidders shall be submitted to the same email address.

f. Acknowledgement of Terms

By participating in CalChoice’s RFO, respondents (“Bidders”) acknowledge that they have read, understand, and agree to the terms and conditions set forth in this RFO document. CalChoice reserves the right to reject any offer that does not comply with the requirements identified herein. Furthermore, CalChoice may, at its sole discretion and without notice, modify, suspend, or terminate the CalChoice RFO without liability to any organization or individual. The CalChoice RFO does not constitute an offer to buy or create an obligation for CalChoice to enter into an agreement with any party, and CalChoice shall not be bound by the terms of any offer until CalChoice has entered into a fully executed agreement.

**3. Submission Details**

a. Registration

To receive RFO notifications, all Bidders should complete the Bidder Registration form online at <https://californiachoiceenergyauthority.com/rfps/>

b. Timeline

Date	Item
8/30/2023	RFO Issuance and Q&A open
9/5/2023	Deadline to submit RFO questions. Submit questions to <a href="mailto:Kathy@CalChoice.org">Kathy@CalChoice.org</a>
9/7/2023	Final Q&A responses posted to RFO website
9/11/2023	Deadline to submit RFO proposals to <a href="mailto:Kathy@CalChoice.org">Kathy@CalChoice.org</a>
9/13/2023	Bidders notified of shortlist status
9/20/2023	Evaluations of and negotiations with shortlisted bidders, awards, and CalChoice Authority approval
9/27/2023	CalChoice submits executed PPA(s) to CPUC for approval

c. Compliant Submission Specifications

All offers must meet the following specifications to be considered for selection. Please ensure that proposals conform to the appropriate specifications for the project submitted. Any deviations from the following list will be treated as non-compliant and excluded from consideration.

Price	Fixed \$/kWh with zero percent (0%) annual escalator. Prices must be offered at the project Pnode.  <b>Note: Actual payments to bidder will be consistent with the terms of the Power Purchase Agreements (PPA) for each project</b>
Number of Offers	Bidders may submit multiple offers.
Term	Bidders must submit a conforming offer with a term of fifteen (15) years. Bidders may also provide additional alternative offers of ten (10) years and twenty (20) years, if desired.
Scheduling Coordinator	Designated Scheduling Coordinator to be determined during negotiations following shortlisting.
Ownership	All projects will be owned by the Bidder, with CalChoice contracting for the output of the resource for the duration of the contract term.
Expected Commercial Operation Date (“COD”)	On or prior to December 31, 2025
Deliverability	Both “Energy Only” projects and projects with the Full Capacity Deliverability Status (“FCDS”) <sup>5</sup> are eligible for this RFO. Energy Only projects will not receive any value for providing Resource Adequacy benefits.
Seller Security Requirements	\$60/kW of Contract Capacity
Guaranteed Energy Production	One hundred sixty percent (160%) of proposed estimated annual energy production in each 2-year performance measurement period.

<sup>5</sup> As defined by the CAISO, Full Capacity Delivery Status (“FCDS”) represents that the grid can deliver the generator’s full, expected output to the grid under peak load conditions. FCDS generators are eligible to provide resource adequacy capacity. <https://www.caiso.com/Documents/Jan2-2020-TariffAmendment-ImplementDeliverabilityAssessmentMethodologyEnhancements-ER20-732.pdf>

#### d. Submission Package

Project bids should be submitted via email to [Kathy@CalChoice.org](mailto:Kathy@CalChoice.org) by the submission deadline with a subject line of “2023 Joint DAC-GT Program RFO”. Submissions must include the following attachments, as detailed in the sections following:

- i. Fully completed Offer Form template
- ii. Project Narrative
- iii. Redlined PPA
- iv. Executed non-disclosure agreement
- v. Submission Package

#### Project Narrative

Bidders should submit a brief narrative of the proposed project and vendor qualifications. This narrative will be primarily used as a reference for specific project details that are not fully captured in the Offer Form templates and for further assessment of shortlisted proposals. The contents of the narrative will not be used as part of initial quantitative or qualitative project evaluation but are mandatory for promotion to the final shortlist. **The project narrative should be submitted as a pdf document.**

The project narrative must include the following sections in the order listed below:

1. Project summary
  - a. Brief summary of project including location, sizing, and any relevant high-level details (1-2 paragraphs)
2. Project details summary table
  - a. Should include project name, location city and county, capacity size, energy sizing (duration), COD, and pricing (\$/kWh)
3. Detailed site description
  - a. Detailed subscription of the current land use of the project footprint, including a detailed site map
  - b. Describe the project’s proposed interconnection, including proximity to transmission interconnection and any new interconnection facilities that would need to be built
4. Project risk
  - a. Brief overview of project risks, particularly related to status of:
    - i. Project interconnection
    - ii. Site control and permitting
    - iii. Environmental zoning, studies, and permitting
    - iv. Financing
5. Community experience
  - a. Describe what benefits the project provides the community in which it is



- located, including resiliency, CalChoice member agency partnership or co-investment and grant eligibility
  - b. Describe completed or planned community outreach and communications strategy
  - c. Describe bidder's previous experience in community engagement, either in the community in which the project is located, or others
6. Developer Experience
- a. Brief description of developer experience, particularly as relates to previously completed projects of a similar scope and scale
7. Offer variants
- a. Description of additional variants the bidder would like CalChoice to consider
  - b. If the bidder would like to propose offer variants beyond the one proposed in the Offer Form Template, these variants may be described in text in this section. These additional variants may not be submitted as offer form templates and will not be evaluated in the quantitative evaluation phase but may be assessed for additive value if the initial proposal is chosen for shortlisting consideration.
    - i. Alternative offers that might be proposed in this section include distinct CODs, alternative pricing schemes, alternative SC arrangements, or any other arrangements that may provide additional value

## Offer Form Template

The excel file data template is the primary source of data for evaluating submissions. **The Offer Form template is mandatory and must be fully completed for a submission to be considered compliant.** The Offer Form template contains the following sections, and a guide for which sheets must be completed is provided on the instructions sheet in each of the two templates. All yellow fields in the sheets relevant to the proposed project should be fully completed, utilizing the drop-down lists when provided.

1. **Participant & Project Info:** these values provide summary information for the project
2. **Hourly Profile:** these values will be used for quantitative modeling of renewable generation resources
3. **Qualitative Assessment:** this questionnaire gathers information for qualitative selection criteria. Responses to the qualitative questionnaire will be a significant component to CalChoice's project evaluation
4. **Development Risk:** these questions are intended to assess potential project development risk

## Redlined PPAs

CalChoice is including the Pro Forma PPA that CalChoice intends to use as the basis for contracting with successful Bidders. The Pro Forma PPA is the same for all counterparties, and CalChoice will only accept the changes to the Pro Forma PPA related to Project-specific characteristics and information.

Bidders must consider the commercial terms stipulated in this RFO Protocol as well as those commercial terms defined in the agreement when submit an offer to this RFO. CalChoice will consider limited requests for adjustments and edits to its form agreements, provided that such requested edits are incorporated as redline edits to the Pro Form PPA Word document and submitted as part of the submission package. While CalChoice will consider limited requests for adjustments and edits to its form agreements, adherence to CalChoice's standard contract terms is an important factor in CalChoice's evaluative process that will be strongly weighted. Offers that accept CalChoice's standard contract terms submitted after the response deadline may result in disqualification of the offer and, if applicable, forfeiture of the Shortlist Deposit provided under the Exclusivity Agreement.

#### Non-Disclosure Agreement

All Bidders are required to sign CalChoice's standard Non-Disclosure Agreement ("NDA"). CalChoice will not accept changes to the NDA.

#### Screening and Compliance

After the submission deadline, all submissions will be reviewed for basic compliance and completeness. At the discretion of CalChoice, developers may be contacted to notify them of deficiencies in their submission materials. **Bidders will have five (5) business days to respond with updated and compliant submission materials or risk rejection from consideration.**

**Bidder is solely responsible for checking compliance of all submitted materials. Lack of communication from CalChoice does not imply confirmation of a compliant submission.**

#### 4. Evaluation and Selection Criteria

Projects will be evaluated based on a combination of quantitative and qualitative criteria. Quantitative criteria will focus on project performance and economics, while qualitative criteria will focus on factors related to development score, project locations, and impact on Disadvantaged Communities. Both categories of criteria will play a major role in project evaluation.

##### a. Quantitative Evaluation

All projects will be assessed for market performance against the relevant project Pnode. Initial evaluation of all projects will use the hourly generational profile data provided in the Offer Form template dispatched against simulated Pnode prices to model energy and capacity value over the 15-year project. Pnode prices will be generated using modeling that accounts for changes in regional fundamentals (congestion, solar generation, storage, etc.) over time. This analysis will provide an estimate of energy value for each project, which along with the \$/MWh PPA cost submitted in the proposal will be used to calculate an overall value for each project.

## b. Qualitative Evaluation Criteria

In performing this evaluation, CalChoice will consider a common set of qualitative criteria, a partial list of which is below. The list may be revised at CalChoice's sole discretion and includes:

- Overall clarity and quality of response, inclusive of completeness, timeliness, and conformity
- **Development Score**
  - Development score refers to project development status, including but not limited to progress toward interconnection, deliverability, siting, zoning, permitting, and financing requirements.
  - All projects will be assessed for a project development score using the answers supplied in the "Development Score" sheet of the Offer Form template. The results of these questions will be used to provide an additional qualitative project score to aid in final project shortlisting.
- **Project Location** – for DAC-GT projects, CalChoice has a high preference for projects located within the Joint CCA's service territory. CalChoice will prioritize projects located in the top 5% census tracts of disadvantaged communities per CalEnviroScreen 4.0 (if applicable).
- **Other Preferences** – CalChoice will prioritize projects that leverage other government funding such as a state Community Services Department ("CSD") grant, or that provide evidence of support or endorsements from programs such as Transformative Climate Communities or other local climate initiatives.

## 4. Communication Guidelines

CalChoice will not be answering questions related to the RFO outside of the formal Q&A process. Bidders are prohibited from communicating with CalChoice personnel, Joint CCA personnel, Board director, or alternate outside of the Q&A process. **If it is discovered that a Bidder contacts and receives information from any CalChoice personnel, Joint CCA personnel, or Authority Member, outside of the rules established by this RFO, CalChoice may, in its sole determination, disqualify such Bidder's proposal from further consideration or take any other action as CalChoice may decide.**

### Q&A

All questions will be answered through a formal Q&A process. Bidders must submit questions to [Kathy@CalChoice.org](mailto:Kathy@CalChoice.org) by 5:00 PM Pacific Standard Time on September 5, 2023. All questions received and all answers to such questions will be posted in a single response document, for all Bidders to view on the CalChoice RFO website. CalChoice reserves the right to group questions, combine issues, or organize answers in a manner that CalChoice finds appropriate.

## 5. Buyer Security

CalChoice does not intend to provide collateral or performance security in connection with an PPAs that it may execute in connection with this RFO. By submitting an offer through this RFO, Seller acknowledges and accepts that CalChoice does not intend to provide collateral or performance security in connection with any PPA, and no such offer submitted will be subject to a requirement that CalChoice post collateral or security.

## 6. Exclusivity

Following Bidder notification (i.e., shortlist selection), in order to continue with the process, selected bidders will be required to sign an Exclusivity Agreement that is attached to the RFO Release documents as “CalChoice Exclusivity Agreement.docx” and to **submit a deposit of \$3/kW AC for all shortlisted project capacity (“Shortlist Deposit”)**. The Shortlist Deposit is intended to secure the obligations of any shortlisted Bidder(s) during the negotiating period and to ensure that each offer has been carefully considered. The Shortlist Deposit must be in the form of either a cash deposit or a Letter of Credit. “Letter of Credit” means an irrevocable standby letter of credit, in a form reasonably acceptable to CalChoice, issued either by (i) a U.S. commercial bank, or (ii) a U.S branch of a foreign commercial bank that meets the following conditions: A) it has sufficient assets in the U.S. as determined by CalChoice, and B) it is acceptable to CalChoice in its sole discretion. The issuing bank must have a credit rating of at least A- from S&P or A3 from Moody’s, with a stable outlook designation. In the event the issuer is rated by both rating agencies and the ratings are not equivalent then the lower rating will apply. All costs of the Letter of Credit shall be borne by the Bidder.

Please refer to CalChoice Exclusivity Agreement for additional details regarding the Exclusivity Period (as defined in the Exclusivity Agreement) and return of the Shortlist Deposit.

## 7. No Guarantee of Offer or Agreement

This RFO does not constitute an offer from CalChoice to buy and creates no obligation to execute any agreement as a consequence of this RFO. Under no circumstances shall CalChoice be bound by the terms of any Bidder’s proposal nor any subsequent agreement until CalChoice has obtained all necessary approvals of its management, its members, and the CalChoice Authority and all the conditions precedent, if any, set forth in a fully executed agreement have been satisfied or waived.

CalChoice reserves the right, without qualification and in its sole discretion to: (i) select multiple Bidders or no Bidders at all, or (ii) negotiate one or more agreements on a bilateral basis outside the terms of the RFO. CalChoice may at any time and for any reason decline to enter into any potential PPA with any Bidder, terminate negotiations with any Bidder, or abandon the RFO process in its entirety. CalChoice shall not be liable to any Bidder submitting a proposal in response to this RFO. CalChoice shall not be liable to any Bidder or party in law or equity for any reason whatsoever for any acts or omissions arising out of or in

conjunction with this request for submittals. No implied or express waiver of CalChoice's rights is intended.

CalChoice reserves the right to request clarification of information submitted through supplementary follow-up questions or inquiries or to request additional information from any one or more of the Bidders.

Each Bidder's costs for developing its proposals, including all RFO review, bid preparation, and submittal costs, are entirely the responsibility of the applicable Bidder, and CalChoice shall not have any responsibility or liability for such costs.

CalChoice states that the information in the RFO is accurate to the best of CalChoice's knowledge but is not guaranteed to be correct. Bidders are expected to complete all due diligence activities prior to entering into any final contract negotiations with CalChoice.

## **8. Collaboration**

No Bidder shall collaborate on, coordinate, or discuss with any other Bidder or potential Bidder the substance of this RFO, RFO Strategies, or whether CalChoice has shortlisted certain bids.

## **9. Non-discrimination**

CalChoice does not give preferential treatment based on race, gender, color, ethnicity, or national origin.

## **10. Confidentiality**

All correspondence with CalChoice including responses to this solicitation will become the exclusive property of CalChoice and will become public records under the California Public Records Act (Cal. Government Code Section 6250 et seq.) All documents sent by Bidders to CalChoice may be subject to disclosure, unless exempt due to one of the narrow exceptions to the disclosure requirements.

In order to designate information as confidential, the Bidder 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. Bidder should not over-designate material as confidential. Over-designation would include stamping entire pages or a series of pages as confidential that clearly contain information that is not confidential.

Therefore, any proposal which contains language purporting to render all or significant portions of their proposal "Confidential", "Trade Secret" or "Proprietary", or which fails to provide the exemption information required as describe below may be considered a public record in its entirety subject to the procedures described below. **Do not mark your entire proposal as "Confidential."**

If required by any law, statute, ordinance, a court, Governmental Authority, or agency having jurisdiction over CalChoice, including the California Public Records Act, CalChoice may release Confidential Information, or a portion thereof, as required. In the event CalChoice is required to release Confidential Information, it shall notify the Bidder of the required disclosure, such that the Bidder 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. By submitting a proposal, Bidder agrees to indemnify and hold harmless CalChoice, its directors, officers, employees, and agents, from any claims, liability, award of attorney's fees, expenses, or damages, and to defend any action brought against above said entities for CalChoice's refusal to disclose any confidential, trade secret, or other proprietary information to any party.

CalChoice does not intend to disclose any part of any proposal before it announces a recommendation for approval by CalChoice's Authority of a contract, on the ground that there is a substantial public interest in not disclosing proposals during the evaluation or contract negotiation process.

## **11. Bidder Representations**

By submitting a bid, Bidder agrees to be bound by the conditions of the RFO, and makes the following representations, warranties, and covenants to CalChoice, which representations, warranties, and covenants will be deemed to be incorporated in their entirety into each of Bidder's submittals and are deemed to be material to CalChoice's consideration of the proposals:

1. Bidder agrees that CalChoice is not liable to any Bidder or party in law or equity for any reason whatsoever for any acts or omissions arising out of or in conjunction with this request for submittals and that Bidder has no legal recourse against CalChoice, its Members, CalChoice directors, officers, employees, and agents for rejection of their submittal(s).
2. Bidder acknowledges that it has had the opportunity to seek independent legal and financial advice of its own choosing with respect to this RFO and agrees to be bound by the terms and specification of this RFO and any addenda subsequently issued prior to the due date of the submittal.
3. Bidder has obtained all necessary authorizations, approvals, and waivers, if any, required by Bidder to submit its bid pursuant to the terms of this RFO and to enter into a final agreement with CalChoice.
4. Bidder acknowledges that CalChoice reserves the right to enter into relationships with more than one Bidder, can choose not to proceed with any Bidder with respect to one or more identified Tasks, and can choose to suspend this RFO or issue a new RFO that would supersede and replace this RFO.
5. Bidder warrants that it has no employees in its employ who in any capacity have a position at CalChoice that enable him/her to influence the selection of a Bidder or competing RFO, nor does Bidder have in its employ any CalChoice Director,

including any Regular or Alternating Directors (Collectively “CalChoice Director”) or CalChoice employee who is the spouse or economic dependent of such CalChoice employee.

6. Bidder’s submission complies with all applicable laws.
7. Bidder warrants that all information submitted by Bidder to CalChoice in connection with this RFO is true and accurate as of the date of the Bidder’s submission. Bidder also covenants that it will properly update any submitted information immediately upon any material change thereto.

Bidder acknowledges and accepts that CalChoice does not intend to provide collateral or performance security in connection with any PPA.