



SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY

Request for Proposals for Renewable Energy Projects

Response Deadline: May 28, 2010

The Southern California Public Power Authority (SCPPA) is hereby soliciting competitive proposals for renewable energy generation (as defined within the California Public Resources Code) with supporting infrastructure(s) as structured projects through (i) facility ownership, or (ii) power purchase agreement with ownership option(s), in one or more facilities including consideration for Green House Gas (GHG) reduction applications for existing facilities, and combined use technologies of existing or proposed facilities.

Introduction

SCPPA, a joint powers authority and a public entity organized under the laws of the State of California, was created pursuant to the Government Code of California and a Joint Powers Agreement for the purpose of planning, financing, developing, acquiring, constructing, operating and maintaining projects for the generation or transmission of electric energy.

Member Agencies consist of eleven cities and one irrigation district which supply electric energy within Southern California, including the municipal utilities of the cities of Anaheim, Azusa, Banning, Burbank, Cerritos, Colton, Glendale, Los Angeles, Pasadena, Riverside, and Vernon, and the Imperial Irrigation District (Member Agencies).

SCPPA is governed by its Board of Directors, which consists of representatives from each of its Member Agencies. The management of SCPPA is under the direction of an Executive Director who is appointed by the Board.

Equity Participation

SCPPA is well positioned to facilitate the joint ownership of renewable power projects for the benefit of its Member Agencies. SCPPA would like to hold an undivided equity interest in the facility, issue tax-exempt debt financing to pay for the energy delivery, and sell 100% of the output to the interested Member Agencies at cost. SCPPA's low cost of capital provides a benefit to its Member Agencies under the equity/ownership scenario; therefore this is the preferred scenario for this RFP. However, SCPPA will also consider power purchase agreements (straight or prepay), which include an option to purchase the project during the term of the agreement.

Thresholds for Consideration

SCPPA has actively sought renewable energy projects for over three years and has reviewed in excess of 250 project proposals in an effort to support the needs of our members. SCPPA has entered contract negotiations on many of the prior proposals and continues to seek cost effective resources to meet our member's Renewable Portfolio Standard (RPS) objectives for the year 2020. However, it has become evident that some projects do not meet economic criteria and SCPPA has set the following maximum thresholds to assist in defining projects which may fit into our member portfolios.

1. Wind, or any projects with a Capacity Factor less than 50% should start at less than seventy dollars (\$70)
2. Baseload technologies including Geothermal, Biomass, Biogas, or any projects which deliver at a substantially consistent level for 24 hours per day should start at less than one hundred dollars (\$100)
3. Solar technologies, including those with storage capability, should start at less than one hundred and twenty five dollars (\$125).

All of these are expressed as a cost per MWh value at the project high-side or closest point of delivery, starting at the time of Commercial Operational Date, expressed in 2010 dollars, with a maximum escalation of 1.5% per year thereafter.

Proposers are highly encouraged to consider these thresholds prior to submittal.

Proposal Submission Delivery Requirements

One (1) hard copy of your response, including a Transmittal Letter of authentic offer with wet-ink authority signature, and any supporting documentation should be delivered prior to the end of business day on May 28, 2010 to:

Southern California Public Power Authority
225 S. Lake Ave., Suite 1250
Pasadena, CA 91101

One electronic copy of your proposal should also be delivered as above, by CD or USB flash drive, or alternately e-mailed to dwalden@scppa.org. Clarification questions may also be addressed to David Walden at dwalden@scppa.org, (626) 793-9364; Fax 793-9461

SCPPA will not entertain speculative or research proposals, but seeks tangible and timely opportunities to increase their generation portfolio with renewable technologies.

Proposers who have previously submitted projects for consideration do not need to re-submit an entire response for updates or revisions. These may be delivered with appropriate reference to the prior submittal and clearly identify the proposed changes for consideration.

New projects by a prior proposer may make reference to prior submittal required elements such as experience rather than re-submitting boiler-plate information.

No contact should be made with the Board of Directors, Committee Members, or SCPPA Member Agencies concerning this request for proposals.

All information received by SCPA in response to this Request for Proposals is subject to the California Public Records Act and all submissions may be subject to review in the event of an audit.

Proposal Submission Required Elements

1. **Transmittal Letter:** A brief statement of the Contractor's understanding of the work to be done and commitment to perform the work as scheduled including a summary of exceptions taken to the RFP requirements, statement of work, specifications, and reference to any proposed contractual terms and conditions required by the Contractor. An officer authorized to bind must sign the proposal on behalf of the Proposer and must include the following declarations on the Transmittal Letter:

"This proposal is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not herein named; the proposer has not directly or indirectly induced or solicited any other proposer to put in a sham bid, or any other person, firm or corporation to refrain from submitting a proposal; and the proposer has not in any manner sought by collusion to secure for themselves an advantage over any other proposer."

2. **Applicant Information:** Provide legal name of Company, Address, E-mail address, Telephone, Name and Title of individuals authorized to represent the Contractor.
3. **Category:** Respondent will clearly identify their submission into the following categories:
 - a. **Wind**, including all air-flow technologies
 - b. **Geothermal**, including all temperature gradient technologies
 - c. **Biomass**, including waste or dedicated energy crops
 - d. **Biogas**, including landfill, digester gases and gas conversion or gasification technologies
 - e. **Hydro**, including all mass-in-motion technologies involving fluids
 - f. **Solar**, including all photo-voltaic and photo-optic technologies
 - g. **Solar Thermal**, including all sunlight concentration technologies
 - h. **Municipal Solid Waste (MSW)**
 - i. **Load-shifting** as defined by the California Energy Commission (CEC), including energy storage and permanent load-shifting technologies
 - j. **Greenhouse Gas (GHG)**, including reduction or capture and sequestration technologies
 - k. **Alternative Use**, including supplemental processes to existing operations
4. **Project Details:** Respondent will clearly identify the proposed energy delivery including sub-sets or project phasing with the following information:
 - a. **Project Description:** Project name and location, and phases if applicable.
 - b. **Contract Quantity:** in MW and GWh, and by project phase if applicable. Include nameplate rating and proposed amount to be delivered.
 - c. **Cost of Energy:** expressed in present dollar value as \$/MWh, and itemized by cost components if applicable. All Respondents shall establish this Cost of Energy to start on the Commercial Operation Date (COD) with a maximum FIXED escalation of one and one half percent (1.5%) per year.
 - d. **Energy Availability:** Maximum and minimum monthly capacity factors, load shapes, seasonal shapes, and reliability indices. Dispatch-ability/Scheduling: Describe the dispatch-ability of the proposed power (by unit or phase if applicable) and scheduling requirements/limitations. Also outline any rights for SCPA to perform full or partial dispatch.

e. **Point of Delivery (POD):** The cost of transmission to a delivery point shall be included in the Cost of Energy to one of the following locations:

- Mead 230
- Mead 500
- Marketplace
- Westwing 500
- Mona
- Gonder
- LADWP-Sylmar
- NOB
- Midpoint Victorville-Lugo
- McCullough 500
- Adelanto 500
- Victorville 500
- Barren Ridge 230
- Intermountain Power Project Station
- ISO SP15.

This listing represents locations where SCPPA Members have existing rights. Others delivery points may be identified by the Respondent when associated costs are also identified to achieve delivery to the end use consumers of the Members.

f. **Environmental Attributes:** SCPPA shall receive any and all environmental attributes associated with the generating facility and the energy output, including but not limited to renewable energy credits and air emission credits or offsets, i.e. greenhouse gas credits, at the location of source and for the gross output of the plant or otherwise credited.

i) For combustion technologies detail the forecast emissions, emissions controls, or compliance to applicable area regulations.

g. **Capacity Rights:** SCPPA shall receive any and all capacity rights associated with the energy.

i) Identify any Energy and/or associated capacity to be provided to parties other than SCPPA.

ii) Identify any project dependent facilities that require shared use or third party access rights such as intermediate distribution infrastructure, control rooms, or other intermingled facilities.

iii) Describe any controls or provisions to assure the continuation of the described capacity: i.e.: for wind projects any adjacent or future projects encroaching on turbine spacing or airflow; for hydro projects any limitations or regulations on water flow, diversion or lake level maintenance requirements; and other such controllable measures for the proposed project.

h. **Ownership:** Description of the proposed ownership and operation structure (i.e., 100% SCPPA-owned turnkey, corporation, general partnership, limited partnership, etc.)

i) In the case of a SCPPA ownership offer, a purchase price at Commercial Operation Date (COD) shall be specified along with an estimate of all recurring owner costs, including but not limited to operation and maintenance costs, taxes, lease payments, royalties, insurance, etc.

ii) For purchase power agreements with purchase options, a delivered energy price, in \$/MWh, shall be specified for the energy, environmental attributes and capacity (as Cost of Energy within Section 2.c.); and an early buyout price or detailed formula to calculate the buyout price shall be specified – typically coincident with tax credits or another project horizon where a purchase option would naturally occur.

iii) Terms up to the life of the facility will be considered.

i. **Project Plan to Commercial Operation Date:** A proposed commercial operation date with a satisfactory major milestone schedule that includes at least the following:

i) Proposed schedule for obtaining and developing site access and control through executed leases, fee purchases, approvals, or other means.

ii) Detail any prior or existing settlements made for environmental mitigation and clearly identify any post-construction or pass-forward mitigation obligations which would be forwarded in the event a contract was executed (i.e.: reserve or offset land for environmental habitat or reconstruction.)

- iii) Proposed schedule for obtaining construction and operational permits and licenses, and construction financing.
 - iv) Proposed construction schedule including major equipment purchasing, anticipated Factory Acceptance Testing of major components, Site Tests, commencement of test-energy and Commercial Operation Date (COD).
 - v) For projects or operations requiring water or make-up water, describe the supply requirements and provisions for supply.
 - vi) Proposed schedule or application status to acquire necessary transmission and/or interconnection service.
 - vii) Describe whether and to what extent any environmental studies have been carried out with respect to the proposed project and how compliance with the California Environmental Quality Act (CEQA) might be effectuated, including, if the Project is located outside California, how Title 14 Section 15277 of the California Administrative Code is addressed by the project.
5. **Experience:** Respondent will clearly identify project participants and management team including identification of those responsible for design, construction, permitting, operations and maintenance.
- a. Describe your firm's organizational structure, management qualifications, and other contract related qualifications, including number of years firm has been in business.
 - b. Specify key employees and describe their experience with the development, construction, finance closing, commercial operation, and maintenance of similar projects as proposed by respondent in response to this RFP.
 - c. Provide current financial statements of all entities involved as Project participants or as part of management team. This shall include items such as audited financial statements (not over twelve months old,) annual reports, FERC Form 1, and any other applicable financial information. If none of the above are available; respondent shall be expected to provide verifiable financial statements for the past three (3) years if available, and respondent's Dunn & Bradstreet identification number, where available.
 - d. Provide a commitment statement for the retention and use of key employees as proposed, their availability to initiate and sustain the proposal, as well as planned supplement if not available to assure project delivery.
 - e. Respondent shall indicate any and all pending litigation that could affect the viability of respondent's proposal or respondent's financial stability.
 - f. Identify existing projects in commercial operation which respondent developed and/or operates. Provide a list of references for similar projects completed, including a contact person, phone number and address.
 - g. State whether Consultant will use subcontractors to perform services pursuant to the contract. Should the use of subcontractors be offered, the Consultant shall provide the same assurances of competence for the subcontractor, plus the demonstrated ability to manage and supervise the subcontracted work. Subcontractors shall not be allowed to further subcontract with others for work on this program. The provisions of this contract shall apply to all subcontractors in the same manner as to the Consultant.
 - h. Description of the project/generation technology and a description of technical resource data, including any studies or reports regarding the resource.

Proposal Terms and Conditions

1. SCPPA desires to enter exclusive negotiations with the proposer once selected as may be defined through a signed letter of intent and defined term.
2. SCPPA shall determine at its sole discretion the value of any and/or all proposals including price and non-price attributes.
3. Proposals may be sub-divided or combined with other proposals, at SCPPA's sole discretion.
4. SCPPA shall perform an initial screening evaluation to identify and eliminate any proposals that are not responsive to the RFP, do not meet the minimum requirements set forth in the RFP, are clearly not economically competitive with other proposals, or are submitted by respondents that lack appropriate creditworthiness, sufficient financial resources, or qualifications to provide dependable and reliable services.
5. SCPPA may entertain or eliminate proposals immediately upon receipt or at any future time if not clearly defined in the proposal as the end of the period of offer.
6. SCPPA reserves the right, without qualification and in its sole discretion, to accept or reject any or all proposals for any reason without explanation to the respondent, or to make the award to that respondent, who, in the opinion of SCPPA, will provide the most value to SCPPA and its customers.
7. SCPPA may decline to enter into a power purchase arrangement or any other agreement or contract with any respondent, terminate negotiations with any respondent, or to abandon the RFP process in its entirety.
8. SCPPA reserves the right to make an award to the other than the lowest price offer or the proposal evidencing the greatest technical ability or other measure if SCPPA determines that to do so would result in the greatest value to SCPPA and its customers.
9. Those respondents who submit proposals agree to do so without legal recourse against SCPPA, its members, and their directors, officers, employees and agents for rejection of their proposal(s) or for failure to execute or act on their proposal for any reason.
10. SCPPA shall not be liable to any respondent or party in law or equity for any reason whatsoever for any acts or omissions arising out of or in connection with this RFP.
11. Respondent shall be liable for all its costs and SCPPA shall not be responsible for any respondent's costs incurred to prepare, submit, or negotiate its proposal, a contract or for any other activity related thereto.
12. SCPPA may require certain performance assurances from bidders prior to entering into detailed negotiations for a proposed project. Such assurances may include requiring the bidder to post a performance bond.
13. Either SCPPA collectively or Member Agencies individually may respond to, or enter into negotiations for a proposal. SCPPA is not responsible or liable for individual Member Agency interactions with the respondent which are not entirely contained within SCPPA's option or election to engage the respondent as defined within the Terms and Conditions herein.

Additional Requirements for Proposal

1. **Consideration of Responses:** Submitted proposals should be prepared simply and economically, without the inclusion of unnecessary promotional materials. Proposals should be submitted on recycled paper that has a minimum of thirty percent (30%) post-consumer recycled content and duplex copied (double-sided pages) where applicable.
2. **Insurance:** If selected, the proposer will be required to maintain sufficient insurance for the type of work being performed. SCPPA or its members may require specific insurance coverage to be established and maintained during the course of work and as a condition of award or continuation of contract.
3. **Non-Discrimination/Equal Employment Practices/Affirmative Action Plan (AAP):** If selected, the proposer and each of its known subcontractors may be required to complete and file an acceptable Affirmative Action Plan. The Affirmative Action Plan may be set forth in the form required as a business practice by the Department of Water and Power of the City of Los Angeles which is SCPPA's largest member.
4. **Living Wage Ordinance:** If selected, the proposer may be required to comply with the applicable provisions of the City of Los Angeles Living Wage Ordinance and the City of Los Angeles Service Contract Workers Retention Ordinance. The Living Wage Ordinance provisions are found in Section 10.36 of the Los Angeles City Administrative Code, and the Service Contract Workers Retention Ordinance are found in Section 10.37 of the Los Angeles Administrative Code (SCWRO/LW0).
5. **Child Support Policy:** If selected, proposer may be required to comply with City of Los Angeles Ordinance No. 172401, which requires all contractors and subcontractors performing work to comply with all reporting requirements and wage earning assignments and wage earning assignments relative to court ordered child support.
6. **Supplier Diversity:** Proposers shall take reasonable steps to ensure that all available business enterprises, including Women Business Enterprises (WBEs) and Minority Business Enterprises (MBEs) have an equal opportunity to compete for and participate in the work being requested by this RFP. Efforts to obtain participation of MBEs, WBEs, and other business enterprises could reasonably be expected to produce a level of participation by interested subcontractors including 15 percent MBE and 7 percent WBE. SCPPA's Supplier Diversity program is modeled after that of the Los Angeles Department of Water and Power. Further information concerning the Supplier Diversity program may be obtained from the Purchasing Division of the Los Angeles Department of Water and Power.