



SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY

REQUEST FOR PROPOSALS FOR

Standalone Energy Storage

ISSUANCE
DATE:

March 29, 2024

RESPONSE
DEADLINE:

December 31, 2024

I. INTRODUCTION

The Southern California Public Power Authority (SCPPA), on behalf of its Member utilities, is soliciting competitive proposals from qualified respondents (Respondents) for **standalone energy storage**, as described below in Section III. Effective March 29, 2024, this Request for Proposals (RFP) replaces all previous RFPs for standalone energy storage projects posted by SCPPA.

SCPPA seeks proposals related to specified Areas of Interest set forth in Section III below, to enable informed decisions and potentially proceed to more specific discussions and contract development with one or more qualified Respondents to this Request for Proposals (RFP).

This RFP will be considered a “**Rolling RFP**,” in which Proposals may be submitted anytime during the RFP Period (**March 29, 2024, through December 31, 2024**). Please refer to further details regarding this Rolling RFP in Section VII, Proposal Submission Delivery Requirements.

II. BACKGROUND

SCPPA is a joint powers authority and public agency created by agreement of its Member Agencies pursuant to the Joint Exercise of Powers Act (found in Chapter 5 of Division 7 of Title 1 of the Government Code of the state of California) for the purpose of planning, financing, developing, acquiring, constructing, operating, and maintaining projects for the generation or transmission of electric energy and associated products and services. SCPPA is a “cafeteria style” joint powers authority where Member Agencies can select the projects that they are interested in pursuing. SCPPA facilitates joint programs and projects to improve operating efficiencies and reduce costs to its Member Agencies.

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

SCPPA's Member Agencies are eleven cities and one irrigation district that provide retail electric service to customers within their respective jurisdictional boundaries. The Member Agencies are the cities of Anaheim, Azusa, Banning, Burbank, Cerritos, Colton, Glendale, Los Angeles, Pasadena, Riverside, and Vernon, and the Imperial Irrigation District. Anaheim, Azusa, Banning, Cerritos, Colton, Pasadena, Riverside and Vernon are in the California Independent System Operator (CAISO) Balancing Authority Area (BAA). The Los Angeles Department of Water and Power (LADWP), Burbank, and Glendale are in the LADWP BAA. The Imperial Irrigation District operates its own BAA.

SCPPA is governed by a Board of Directors, which consists of a representative from each of its Member Agencies. The management of SCPPA is under the direction of an Executive Director who is appointed by the Board. Member Agencies' electric utilities are governed by their respective city councils or other locally elected governing bodies.

SCPPA has active working groups focused on resource planning and project development. These groups, with representation from all twelve of the Member Agencies, meet once a month and have reviewed over eleven hundred individual project proposals since 2007.

III. AREAS OF INTEREST

On behalf of its Member Agencies, SCPPA seeks proposals for standalone energy storage. SCPPA Members have a strong interest in the rapidly developing energy storage market. All types of energy storage technologies are open for consideration to be added into the resource portfolios of SCPPA's Member Agencies if such technologies and projects are determined to be cost effective.

SCPPA seeks proposals within any of the following Balancing Authority Areas (BAA):

- CAISO;
- Imperial Irrigation District; or
- LADWP (**specific requirements for projects proposed for the LADWP BAA only may be provided at a later date**).

SCPPA is targeting proposals for standalone energy storage (storage that is not AC or DC paired with any generating resources) with commercial operation or delivery starting in 2024 and beyond. The minimum delivery term is one (1) year, with no maximum.

Those responding to this RFP (Respondents) may propose any one or more of the following structures:

- (i) project ownership by SCPPA;

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

- (ii) an energy storage purchase agreement with an ownership option;
- (iii) an energy storage purchase agreement without an ownership option;
- (iv) a resource adequacy only agreement; or
- (v) a lease agreement with an ownership option.

In addition, SCPPA Member Agencies have an interest in pilot or R&D energy storage projects, including EPC battery-storage proposals within the service territory of SCPPA Member Agencies, such as at a power plant facility.

Respondents proposing to this RFP shall assume that charging energy will be supplied by the participating SCPPA Member Agency(ies), and title to the energy will remain with the supplying SCPPA Member Agency(ies). Respondents shall assume that SCPPA Members will provide dispatch instructions for stored energy. Respondent shall be responsible for acquiring and paying for all energy required for station service, O&M load, and parasitic load (e.g., HVAC).

Project Requirements include the following. See Section V of this RFP for additional information and requirements.

- a. **SCPPA's Step in Right:** Respondent will be responsible for site control. SCPPA must be allowed to assume or cure any default by Respondent in the site control documents.
- b. **Environmental Liabilities:** Respondent will be responsible for environmental liability, hazardous materials, and removal.
- c. **Environmental Attributes:** SCPPA shall receive all environmental attributes associated with the facility and its 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).
- d. **Permitting:** Respondent will be responsible for obtaining all construction, operational, and environmental permits and licenses, and construction financing for the project and facility.

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

IV. RFP TIMELINE / SCHEDULE*

SCPPA RFP FOR Standalone Energy Storage SELECTION PROCESS	
SCHEDULE OF REQUIREMENTS	TARGET DATE(S)
Issue RFP	March 29, 2024
RFP Open Period	March 29, 2024 to December 31, 2024
Clarification Questions Due	Anytime During RFP Open Period but no later than December 13, 2024
Responses to Clarification Questions Due	5 Business Days After Submitted
Responses Due	On or before December 31, 2024
Review of Responses	5 Business Days After Submittal During RFP Open Period
Interviews (If Necessary)	TBD
Proposal Validity Period	One year from the date of Respondent's submittal of the Proposal.

*Timeline/Schedule is subject to change. Proposals specifically for LADWP BAA only may have a different timeline, to be indicated at a later date.

V. PROPOSAL SUBMISSION REQUIRED ELEMENTS

1. TRANSMITTAL LETTER CONTENT:

- a. An officer authorized to bind the Respondent must sign the proposal on behalf of the Respondent 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 Respondent has not directly or indirectly induced or solicited any other Respondent to put in a sham bid, or any other person, firm or corporation to refrain from submitting a proposal; and the Respondent has not in any manner sought by collusion to secure for themselves an advantage over any other Respondent.”

2. RESPONDENT INFORMATION:

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

Provide the legal name of the Respondent company or individual, physical street address, the name(s) and title(s) of the individual(s) authorized to represent the Respondent, including telephone number(s) and email address(es).

3. Resource Adequacy Category(ies):

Clearly identify in the proposal if Standalone Energy Storage qualifies as one or more of a combination of the following eligible resource adequacy products:

- a. System Capacity Requirements
- b. Local Capacity Requirements
- c. Flex Capacity Requirements

4. Project Details:

Clearly identify the proposed project, including the information listed below. For projects in the LADWP BAA for LADWP only, please indicate the specific requirements in your proposal.

- a. **Project Balancing Authority Area (BAA):** Respondent shall identify whether the response relates to a project located in or delivering to the CAISO BAA, the IID BAA or to the LADWP BAA.
- b. **Project Description:** Project name and location, and phases of development if applicable.
- c. **Contract Quantity:** In MWh or MW and by project phase if applicable, including nameplate rating and proposed amount of capacity. Specify the guaranteed capacity and energy for each contract year. Please provide all MWh or kW increment options available for the project.
- d. **Pricing:** Please provide all pricing structure options available. Prepayment options will not be considered. Tax benefits/grants, whether current or future, must be shared with SCPPA on behalf of participating Member Agencies.
- e. **Delivery Term:** Minimum term is 1 year with no maximum. Varying terms are acceptable as needs are different for each SCPPA Member Agency. Please provide all delivery term options available, including seasonal and/or intra-day delivery profile options.
- f. **Resource Availability:** Please specify the maximum and minimum capacity factors anticipated, resource availability profile, dispatchability (by unit or phase if applicable), and scheduling requirements/limitations, if any. Identify the availability and performance guarantees proposed for the facility and resource.
- g. **SCPPA's Step in Right:** SCPPA must be allowed to assume or cure any default by Respondent in the site control documents.

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

- h. Point of Delivery (POD) and Interconnection (POI):** The point of delivery must be identified. Interconnection and its costs are generally the responsibility of the Respondent.
- i. Combustion:** For any proposals that involve combustion technologies, provide details on the forecasted emissions, emissions controls, and compliance with applicable emissions regulations.
- j. Capacity Rights/Stored Energy Rights/Shared Facilities:** Ensure that SCPPA receives all capacity rights and/or stored energy rights associated with the project and/or its output, as applicable.

 - i)** Identify any project capacity to be provided/committed to parties other than SCPPA.
 - ii)** Identify any project supporting/associated facilities that require shared use or third-party access rights, such as intermediate distribution infrastructure, control rooms, or other intermingled facilities. Describe any controls or provisions to assure the continuation of the described project capacity.
- k. Project Plan to Commercial Operation Date:** Identify the proposed commercial operation date and provide 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)** Details of any prior or existing settlements made for environmental mitigation and clearly identified post-construction or pass-forward mitigation obligations that would be forwarded to SCPPA in the event a contract is executed (e.g., reserve or offset land for environmental habitat or reconstruction).
 - iii)** Proposed schedule for obtaining construction, operational, and environmental 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, description of the water supply requirements and provisions for supply.
 - vi)** Description of 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), which is a requirement before an agreement can be executed by SCPPA,

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

might be effectuated, including, if the Project is located outside California, how Title 14 Section 15277 of the California Administrative Code is or will be addressed by the project.

- vii) Note that any Test Energy delivered before the COD shall be curtailable at any time by SCPPA without compensation.
 - viii) If applicable, note that the project shall be certified as renewable-compliant by the California Energy Commission no later than 6 months after COD.
 - ix) If applicable, note that the project shall be WREGIS-certified, if applicable, no later than 3 months before COD.
- I. **Financing and Tax Equity Investor:** Describe how the project will be financed such as by parent company, backflip leverage, Yieldco Structure, or otherwise.
 - m. **Credit Support and Security:** Express in nominal dollars the amount of Performance Assurance provided from execution of the Energy Storage Purchase Agreement through COD and the amount of Performance Assurance provided after Commercial Operation Date as a letter of credit or cash.
 - n. **Project Risks:** Identify any potential risks or issues, including but not limited to supply chain issues, regulatory issues, FCDS and/or TPD status, which may affect the success of the project. Specify how such risks will be mitigated and addressed.
 - o. **Communications Protocols:** Identify any communication protocols and specifications required or proposed in connection with the dispatch or use of the proposed storage technology and project.
 - p. **Operation and Maintenance; Ownership:** If the resource will require augmentation during the term of the proposed contract, specify the proposed augmentation schedule. If a Long-Term Service Agreement (LTSA) is proposed, identify the scope of services, guarantees, and pricing, and terms associated with the LTSA.

5. EXPERIENCE:

Respondent shall clearly identify project participants and management team, including:

- a. Describe your company's organizational structure, management qualifications, and other contract-related qualifications, including the number of years the firm has been in business.

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

- 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 in the project or as part of the management team. This shall include items such as audited financial statements (not more than twelve months old) annual reports, FERC Form 1, and any other applicable financial information. If none of the above is available, Respondent shall 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 supplemental employees if key employees are not available to assure project delivery.
- e. Describe whether the Respondent has, within the last five (5) years, rendered any service to SCPPA or to any of SCPPA's Members, either as a contractor or subcontractor, either under the current Respondent's name or any other name or organization. If so, please provide details (status as prime or subcontractor, brief description of the contract, contract start and end date, the contract administrator name, and total actual contract expenditures).
- f. If the Respondent has not rendered any service within the last five (5) years to SCPPA or to any of SCPPA's Members, then please provide references over that period with the details described above including the counterparty for which services were provided.
- g. Indicate any and all pending litigation that could affect the viability of Respondent's proposal, continuance of existing contracts, operation, or Respondent's financial stability.
- h. Identify existing projects in commercial operation that Respondent has developed and/or operates. Provide a list of references for similar projects completed, including a contact person, phone number, and address.
- i. State whether Respondent will use subcontractors to perform services pursuant to the contract. Should the use of subcontractors be included, Respondent shall provide the same assurances of competence for the subcontractor, plus the demonstrated ability to manage and supervise the subcontracted work. Unless approved by SCPPA, 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 Respondent.
- j. Describe the project technology and technical resource data, including any studies or reports regarding the resource.

6. CONFLICTS OF INTEREST AND COLLUSION

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

- a. Respondent must address in its response possible conflicts of interest between SCPPA and SCPPA Members. Such conflicts may include, but are not limited to, the existence of lawsuits between Respondent and SCPPA or SCPPA Members. Although the Respondent will not be automatically disqualified by every circumstance that may raise a conflict of interest, SCPPA reserves the right to consider the nature and extent of such work in evaluating the proposal.
- b. Respondent must not offer nor provide SCPPA's or its Member Agencies' respective elected or appointed officials, officers, employees, or representatives with gifts or promises of remuneration, no matter how small, while Respondent's proposal is under consideration.
- c. Respondent must not collude, directly or indirectly, with or among other respondents in regard to the amount, terms, or conditions of its proposals. Respondent must not share its proposal with any other entity other than SCPPA until SCPPA notifies all respondents that negotiations with the successful respondent are complete via SCPPA's Notice of Intent to Award.

VI. CLARIFICATION QUESTIONS AND COMMUNICATIONS

The deadline to submit clarification questions on this RFP is specified in Section IV of this RFP. Clarification questions regarding this RFP must be in writing via email addressed to: StandalonestorageRFP@scppa.org. Answers to questions that SCPPA, in its sole determination and discretion, deem to be substantive or that would place the inquisitor at a distinct and unfair advantage to other potential Respondents will be posted on SCPPA's website along the solicitation at <http://scppa.org/page/RFPs-ResourceProject> as soon as practicable after the date received but no later than the RFP closing date. It is the responsibility of potential Respondents to review this website for any and all postings.

During the RFP period, communications with SCPPA or its Members, other than in the manner specified in the solicitation, are prohibited. No contact should be made with the Board of Directors, SCPPA staff, committees or working group representatives, or SCPPA Members concerning this RFP. Failure to abide by this requirement may result in disqualification of the Proposal.

VII. PROPOSAL SUBMISSION DELIVERY REQUIREMENTS

One (1) electronic copy of your proposal and any supporting documentation must be delivered to StandalonestorageRFP@scppa.org by no later than **12:00PM (PPT) – December 31, 2024**.

Additionally, one (1) hard copy of your proposal, including a transmittal letter of authentic offer, and any supporting documentation may be, but is not required to be, submitted with the electronic copy of your submittal, by no later than the time and date referenced above, to:

Southern California Public Power Authority
2024 Standalone Energy Storage RFP
Attention: Standalone RFP Evaluation Team
1160 Nicole Court
Glendora, California 91740

Since this is a “**Rolling RFP**”, proposals may be submitted at any time from March 29, 2024, through December 31, 2024. SCPPA reserves the right to review all proposals throughout the process of this rolling RFP, to contact Respondents at any time to conduct interviews, seek clarification regarding one or more proposals, start negotiations, and to execute one or more agreements before the deadline for delivery of proposals.

VIII. CONFIDENTIALITY; CALIFORNIA PUBLIC RECORDS ACT

All information received by SCPPA in response to this RFP is subject to the California Public Records Act and may be subject to the California Brown Act and all submissions may be subject to review in the event of an audit. Generally, the Respondent’s Proposal may become subject to public disclosure upon completion of evaluation of such Proposal and SCPPA’s posting of a Board Package recommending award of contract.

Respondent must identify all copyrighted material, trade secrets, or other proprietary information (“protectable documents”) that Respondent included in its Proposal which Respondent believes should be exempt from disclosure under the California Public Records Act. By listing the documents, Proposer agrees to indemnify, defend, and hold harmless SCPPA, its Members, and their respective officers, agents, and employees from and against any action, claim, lawsuit, or proceeding, including costs and expenses, arising out of, or connected with SCPPA’s refusal to disclose the protectable documents to any party making a request for those items.

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

SCPPA will treat any Respondent who fails to identify documents that the Respondent believes should be exempt from disclosure as having waived its right to an exemption from disclosure, as the Public Records Act provides.

IX. TERMS AND CONDITIONS

1. SCPPA reserves the right to cancel this RFP at any time, reject any and all proposals and to waive irregularities.
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 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 any award to that Respondent, who, in the opinion of SCPPA, will provide the most value to SCPPA and its Members.
5. SCPPA may decline to enter into any potential engagement agreement or contract with any Respondent, terminate negotiations with any Respondent, or to abandon the request for proposal process in its entirety.
6. SCPPA reserves the right to make an award, at its sole discretion, irrespective of price or technical ability, if SCPPA determines that to do so would result in the greatest value to SCPPA and its Members.
7. Those Respondents who submit proposals agree to do so without legal recourse against SCPPA, its Members, 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.
8. 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.
9. SCPPA shall not be liable for any costs incurred by any Respondents in preparing any information for submission in connection with this RFP process or any and all costs resulting from responding to this RFP. Any and all such costs whatsoever shall remain the sole responsibility of the Respondent.

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

10. SCPPA may require certain performance assurances from Respondents prior to entering into negotiations for work that may result from this RFP. Such assurances may potentially include a requirement that Respondents provide some form of performance security.
11. Prior to contract award, the successful Respondent shall supply a detailed breakdown of the applicable overheads and fringe benefit costs that are part of the labor rates and other direct costs associated with the services to be performed.
12. SCPPA is not responsible or liable for individual Members' interactions with the Respondent which are not entirely conducted through SCPPA or at SCPPA's option or election to engage the Respondent as defined within the RFP.
13. Submission of a Proposal constitutes acknowledgement that the Respondent has read and agrees to be bound by the terms and specifications of this RFP and any addenda subsequently issued by SCPPA.
14. Information in this RFP is accurate to the best of SCPPA's and its Members' knowledge but is not guaranteed to be correct. Respondents are expected to complete all of their due diligence activities prior to entering into any final contract negotiations with SCPPA.
15. SCPPA reserves the right to reject any Proposal for any reason without cause. SCPPA reserves the right to enter into relationships with more than one Respondent, can choose not to proceed with any Respondent with respect to one or more categories of services, and can choose to suspend this RFP or to issue a new RFP that would supersede and replace this RFP.
16. Respondents understand and acknowledge that proposals submitted in response to this RFP will be valid for a period of twelve (12) months from the "date such Proposal was submitted to SCPPA. Respondents must clearly identify in their proposals if the proposal will be valid for a term less than such twelve (12) month term. After the twelve (12) month term, the proposal from Respondent is no longer valid.

X. ADDITIONAL REQUIREMENTS FOR PROPOSAL

1. CONSIDERATION OF RESPONSES:

Submitted proposals should be prepared simply and economically, without the inclusion of unnecessary promotional materials. When hardcopy proposals are submitted, such proposals should

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

be submitted on recycled paper that has a minimum of thirty percent (30%) post-consumer recycled content and duplex copied (double-sided pages) where possible.

2. INSURANCE, LICENSING, OR OTHER CERTIFICATIONS:

If selected, the Respondent and subcontractors, if any, will be required to maintain sufficient insurance, licenses, or other required certifications for the type of work being performed. Such certifications shall be specific to the State of California and must be applicable to the Respondent's services, work and deliverables pursuant to the Agreement. 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:

If selected, the Respondent and each of its known subcontractors may be required to complete and file an acceptable Affirmative Action Plan, if and as required by a SCPPA Member Agency. 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 Respondent may be required to comply with the applicable provisions of SCPPA Members' prevailing or living wage ordinances or requirements. For example, the City of Los Angeles has adopted a Living Wage Ordinance and a 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. PREVAILING WAGE RATES:

Where applicable, a selected Respondent will be required to conform to prevailing wage rates applicable to the location(s) where any work is being performed. Workers shall be paid not less than prevailing wages pursuant to determinations of the Director of Industrial Relations as applicable in accordance with the California Labor Code. To access the most current information on effective determination rates, Respondent shall contact:

Department of Industrial Relations
Division of Labor Statistics and Research
PO Box 420603, San Francisco, CA 94142-0603
Division Office Telephone: (415) 703-4780
Prevailing Wage Unit Telephone: (415) 703-4774

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

Web: <HTTP://WWW.DIR.CA.GOV/DLSR/DPREWAGEDETERMINATION.HTM>

6. CHILD SUPPORT POLICY:

If selected, Respondent may be required to comply with Member Agency child support requirements, including the City of Los Angeles Ordinance No. 172401, which requires all contractors and subcontractors performing work to comply with any applicable Wage and Earnings Assignment Orders, Notices of Assignment, and State and Federal employment reporting requirements.

7. SUPPLIER DIVERSITY:

Respondents shall take reasonable steps to ensure that all available business enterprises, including Small Business Enterprises (SBEs), Disabled Veteran Business Enterprises (DVBES), Emerging Business Enterprises (EBEs), Women-Owned Business Enterprises (WBEs), Minority-Owned Business Enterprises (MBEs), Disadvantaged Business Enterprises (DBEs), Lesbian, Gay, Bisexual, or Transgender Business Enterprise (LGBTBEs), and Other Business Enterprises (OBEs) have an equal opportunity to participate in the performance of all work being requested by this RFP. Efforts to obtain participation of these business enterprises may reasonably be expected to produce a twenty-five percent (25%) participation goal for SBEs and a three percent (3%) participation goal for DVBES. The bidder shall assist in implementing this policy by taking all reasonable steps to ensure that all available business enterprises, including SBEs, DVBES, EBEs, WBEs, MBEs, DBEs, and LGBTBEs have an equal opportunity to compete for and participate in this RFP.

8. SCPPA-FURNISHED PROPERTY:

SCPPA's or a Member's utility drawings, specifications, and other media or information furnished for the Respondent's use shall not be furnished to others without written authorization from SCPPA or the applicable Member(s).

9. CONTRACTOR-FURNISHED PROPERTY:

Upon completion of all work under any agreement developed as a result of this RFP, ownership and title to reports, documents, drawings, specifications, estimates, and any other document produced as a result of the agreement shall automatically be vested to SCPPA and no further agreement will be necessary for the transfer of ownership to SCPPA. SCPPA has the sole right to distribute, reproduce, publish, license, or grant permission to use all or a portion of the deliverable documentation, work product or presentations as it determines in its sole discretion.

10. LOS ANGELES CITY BUSINESS TAX REGISTRATION CERTIFICATE REQUIRED:

The Respondent represents that it shall obtain or presently hold a Business Tax Registration Certificate(s) required by the City of Los Angeles Business Tax Ordinance (Article 1, Chapter II, Article 21.00 and following, of the Los Angeles Municipal Code). For the term covered by this

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

Agreement, the Respondent shall maintain, or obtain as necessary, all such Certificates required under said ordinance and shall not allow any such Certificate to be revoked or suspended. **[Applicable only if LADWP is a participant in the proposed project.]**

11. TAXPAYER IDENTIFICATION NUMBER (TIN):

The Respondent represents that it shall obtain and presently have a Tax Identification Number (TIN). For the term covered by this Agreement, the Respondent shall maintain, or obtain as necessary, a TIN. No payment will be made under this Agreement without a valid TIN number.

12. EQUAL BENEFITS ORDINANCE:

Unless otherwise exempted in accordance with the provisions of this Ordinance, the Respondent must certify compliance with Los Angeles Administrative Code (LAAC) Section 10.8.2.1 prior to the execution of a City agreement subject to the Equal Benefits Ordinance (EBO). The EBO requires City Contractors who provide benefits to employees with spouses to provide the same benefits to employees with domestic partners. Domestic Partner means any two adults, of the same or different sex, who have registered as domestic partners with a governmental entity pursuant to state or local law authorizing this registration, or with an internal registry maintained by the employer of at least one of the domestic partners. **[Applicable only if LADWP is a participant in the proposed project.]**

13. CONTRACTOR RESPONSIBILITY PROGRAM:

Unless otherwise exempt in accordance with the provisions of the Ordinance, this Contract is subject to the provisions of the Contractor Responsibility Ordinance, Section 10.40 et seq., of the Los Angeles Administrative Code, which requires Contractor to update its responses to the responsibility questionnaire within thirty calendar days after any change to the responses previously provided if such change would affect Contractor's fitness and ability to continue performing the contract. In accordance with the provisions of this Ordinance, by signing this Contract, Contractor pledges, under penalty of perjury, to comply with all applicable federal, state and local laws in the performance of this contract, including but not limited to, laws regarding health and safety, labor and employment, wages and hours, and licensing laws which affect employees. **[Applicable only if LADWP is a participant in the proposed project.]**

14. MUNICIPAL LOBBYING ORDINANCE:

The City of Los Angeles Municipal Code Section 48.01 et seq. requires certain individuals and entities to register with the City Ethics Commission and requires public disclosure of certain lobbying activities, including money received and spent. Therefore, all bidders for all construction contracts, public leases, or licenses of any value and duration and bidders for goods or service contracts with a value of more than \$25,000 and a term of at least 3 months, shall comply with the City Ethics Commission's "CEC Form 50" (1 page) affidavit. A copy of the City of Los Angeles Municipal Lobbying Ordinance is available for download on the City Ethics Commission's webpage

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

and additional information regarding the Municipal Lobbying Ordinance may be obtained from the City Ethics Commission at (213) 978-1960 or at the City of Ethics Commission's webpage. **[Applicable only if LADWP is a participant in the proposed project.]**

15. IRAN CONTRACTING ACT OF 2010:

In accordance with California Public Contract Code Sections 2200-2208, all Respondents entering into, or renewing contracts with LADWP for goods and services estimated at one million dollars (\$1,000,000) or more shall complete, sign, and submit the "Iran Contracting Act of 2010 Compliance Affidavit." **[Applicable only if LADWP is a participant in the proposed project.]**

16. CONTRACTOR CODE OF CONDUCT (SWEAT-FREE PROCUREMENT):

Contractors shall make a good faith effort to ensure that they and their subcontractors shun sweatshop practices and adhere to workplace and wage laws. All contractors subject to the Sweat-free Procurement Ordinance certify that they and, to the best of their knowledge, their subcontractors will comply with Los Angeles's Contractor Code of Conduct. The successful Respondent(s) will be required to execute and submit the form titled, "Contractor Code of Conduct."

17. AMERICANS WITH DISABILITIES ACT:

Respondents must comply with the Americans with Disabilities Act 42, U.S.C. Section 12101 et seq., and its implementing regulations. Reasonable accommodations to allow qualified individuals with disabilities to have access to and to participate in its programs, services and activities shall be provided and the Respondent will not discriminate against persons with disabilities or against persons due to their relationship or association with a person with a disability.

18. SAFETY COMPLIANCE CERTIFICATE:

The successful Respondent(s) will be required to execute and submit the form titled, "Safety Compliance Certificate." The form certifies that the Respondent has an effective Injury and Illness Prevention Program, which meets the requirements of all applicable laws and regulations, including but not limited to, California Labor Code Section 6401.7 and the Respondent agrees that it is fully responsible for the acts and omissions of parties either directly or indirectly employed by the Proposer. Such certification shall be made by the person with the authority and responsibility for implementing and administering Respondent's Injury and Illness Prevention Program. **[Applicable only if LADWP is a participant in the proposed project.]**

19. NON-INTERFERENCE:

The Respondent's performance of the work under this agreement shall not interfere unnecessarily with the operation of LADWP or any other City department. **[Applicable only if LADWP is a participant in the proposed project.]**

XI. EVALUATION PROCESS

SCPPA Standalone Energy Storage RFP: 03/29/24 – 12/31/24

All Proposals are shared with SCPPA Member Agencies upon receipt. SCPPA shall perform an initial screening evaluation to identify and eliminate any proposals that are, for example, not responsive to the RFP, do not meet the minimum requirements set forth in the RFP, are 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 for this RFP. Respondents will be notified if the Proposal is rejected at this stage.

The remaining Proposals will be evaluated by SCPPA and SCPPA Member Agencies. Each Member will consider and evaluate the Proposals based upon the unique evaluate criteria deemed important to each Member Agency which may include, but is not limited to the proposed project's price, size, characteristics, location/ interconnection point, schedule, commercial operation date, viability, guarantees, and fit with the Member Agency's resource plan. Based upon the evaluation, a Proposal may be selected for further negotiation, or may be wait-listed for future consideration, or may be rejected, and Respondents will be notified when such determination has been made.

SCPPA reserves the right to submit follow-up questions or inquiries, to request clarification of information submitted, and to request additional information from any one or more of the Respondents.