



Request for Proposals

Peninsula Clean Energy Authority, a California Community Choice Energy Agency, is seeking proposals

from interested vendors for

RENEWABLE RESOURCE POWER PURCHASE AGREEMENTS WITH A 2-8 YEAR TERM

Responses are due **MONDAY, DECEMBER 16, 2019 at 5 PM Pacific Time.**



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1 RFP OVERVIEW

Peninsula Clean Energy Authority issues this Request for Proposals (RFP) to seek offers from qualified providers for renewable resource power purchase agreements with a term of 2-8 years. Peninsula Clean Energy will evaluate the offers received from this RFP in December 2019 – January 2020 and plans to negotiate and execute a contract with the selected proposer by March 2020. The contract will be taken to Peninsula Clean Energy's Board of Directors for final approval if required.

This RFP-

- Provides general background on Peninsula Clean Energy
- Describes the energy products sought by Peninsula Clean Energy
- Provides an opportunity for Proposers to describe their qualifications and assets and explain how they could contribute to the energy products requested.

All RFP documents are available on Peninsula Clean Energy's website at:
<https://www.peninsulacleanenergy.com/current-rfp-rfo/rfp-renewable-resource-ppas-with-2-8-year-term/>.

All announcements, updates and Q&As will be posted on the website.

All questions should be submitted through the form here:
<https://forms.gle/AdToSmyTmqGJ2E6i8>

All other communications should be directed to: procurement@peninsulacleanenergy.com.

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1.1 RFP Objectives

The goal of this 2019 Renewables Request for Proposals (RFP) is to provide a competitive, objectively administered opportunity for qualified suppliers to propose projects to fulfill certain portions of Peninsula Clean Energy's future resource requirements. Specifically, Peninsula Clean Energy plans to enter into one or more Power Purchase and Sale Agreements (PPAs) to purchase energy from eligible renewable resources¹ (ERRs) and storage projects. Peninsula Clean Energy is particularly interested in project-specific, bundled power purchase agreements with a term of 2 –8 years, with delivery starting between 2020 - 2024. We expect that the type of projects to participate would be existing renewable projects or stub-PPAs for new projects. Peninsula Clean Energy will release an RFP in the coming months to solicit proposals for new resources with long-term (>10 year) agreements.

In December 2017, Peninsula Clean Energy's Board approved Peninsula Clean Energy's first Integrated Resource Plan (IRP). The IRP documents Peninsula Clean Energy's current procurement status and outlines Peninsula Clean Energy's resource planning policies and objectives over a ten-year planning timeframe. Participants are encouraged to closely read this document to understand Peninsula Clean Energy's priorities in building its supply portfolio. You can download and review the IRP here: <https://www.peninsulacleanenergy.com/our-power/energy-sources/>.

By participating in Peninsula Clean Energy's RFP process, a Participant acknowledges that it has read, understands, and agrees to the terms and conditions set forth in these RFP Instructions. Peninsula Clean Energy reserves the right to reject any offer that does not comply with the requirements identified herein. Furthermore, Peninsula Clean Energy may, in its sole discretion and without notice, modify, suspend, or terminate the RFP without liability to any organization or individual. The RFP does not constitute an offer to buy or create an obligation for Peninsula Clean Energy to enter into an agreement with any party, and Peninsula Clean Energy shall not be bound by the terms of any offer until Peninsula Clean Energy has entered into a fully executed agreement.

¹ For purposes of this RFP and any final agreement executed pursuant thereto, an ERR is a generating facility that meets all of the criteria set forth in Public Utilities Code Section 399.12, Public Resources Code Section 25741, and the California Energy Commission's "Renewables Portfolio Standard (RPS) Eligibility Guidebook," available at: <https://www.energy.ca.gov/programs-and-topics/programs/renewables-portfolio-standard/renewables-portfolio-standard-0>.

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1.2 RFP Products

Peninsula Clean Energy is accepting offers from any generating facilities that meet the California Energy Commission's definition of a RPS Product Content Category (PCC) 1 Eligible Renewable Resource (PCC 1 ERR).

- **California In-state:** For ERR generating facilities located in California that are, or will be, interconnected to the California Independent System Operator ("CAISO"), the Delivery Point must be the point where the facility connects to the CAISO Controlled Grid.

For in-state ERR generating facilities that are, or will be, interconnected to a California Balancing Authority ("CBA") other than the CAISO, the Delivery Point must be the intertie point where Seller's Transmission Provider ties to the CAISO Controlled Grid ("CAISO Intertie").

- **Out-of-state:** For PCC1 products from generating facilities located outside California, Seller must reasonably demonstrate to Peninsula Clean Energy as part of its submitted offer package that the output of the proposed Project can be scheduled on an hourly or sub-hourly basis into a CBA, without substituting electricity from another source, or dynamically transferred into a CBA. Such reasonable demonstration may include, for example, a Dynamic Scheduling Host Balancing Authority Operating agreement as defined in the CAISO Tariff.

Seller will be required to have firm transmission rights to the Delivery Point within the CAISO or to the respective CAISO Intertie for the duration of the term of the PPA.

Eligibility Criteria

Term Length: Peninsula Clean Energy is specifically looking for resources that can sign a PPA with a 2 – 8-year term length.

Resource Location: Eligible resources located within the Western Electricity Coordinating Council ("WECC") will be considered. Peninsula Clean Energy will evaluate the potential for congestion between the project's point of interconnection and Peninsula Clean Energy's service territory. Preference will be given to resources with a lower likelihood of congestion charges.

Generating Capacity: Minimum one (1) megawatt ("MW") AC.

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Initial Date of Delivery: 2020 - 2024

Annual Delivery Specifications: Maximum 500,000 MWh per year from any one project.

Minimum Development Progress: To the extent that a proposed generating resource is not yet commercially operational, a Project must have achieved the following development milestones: 1) site control, and 2) a Phase 2 interconnection study or an executed interconnection agreement. Short-listed Participants will be required to provide documentation substantiating these milestones within two weeks after short-listing.

Product:

- The Product will include all electric energy, Green Attributes/Renewable Energy Credits and Capacity Attributes (if available).

Proposed Pricing:

- The energy price shall include procurement of the energy commodity, all Green Attributes/Renewable Energy Credits related thereto, Capacity Attributes (if available), transmission charges to the delivery point, including but not limited to CAISO imbalance costs, fees and penalties associated with delivered energy volumes. Peninsula Clean Energy prefers to be the scheduling coordinator (SC), however, if the project requires the Seller to serve as the SC, scheduling fees, if any, should be broken out separately. Each submitted offer must specify both of the following:
 - A single, flat price for each MWh of electric energy delivered from the proposed resource in which Seller shall be financially and operationally responsible for delivery of all electric energy to the generator's applicable production node. This energy price shall remain constant throughout the entire contract term and shall not be adjusted by periodic escalators or time of delivery adjustments.
 - A single, flat price for each MWh of electric energy delivered from the proposed resource in which Seller shall be financially and operationally responsible for delivery of all electric energy to the NP15 trading hub.

Alternative pricing structures and delivery options may be proposed so long as the two aforementioned requirements have been satisfied.

- **Transfer of Environmental Attributes/Renewable Energy Certificates:** As part of the proposed transaction associated with any renewable energy product, all Environmental Attributes/Renewable Energy Certificates must be tendered and transferred to Peninsula Clean Energy via the Western Renewable Energy Generation Information System ("WREGIS"), or its successor, without any additional costs or conditions to

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Peninsula Clean Energy. As appropriate, any e-tags associated with delivered product volumes shall be matched to associated renewable energy certificates within the WREGIS system before transferring such certificates to Peninsula Clean Energy.

- **Seller Credit Requirements:** The following securities will be required following PPA execution. Participant is solely responsible for the cost of providing these securities and this should be included in the price offered to Peninsula Clean Energy.
 - Following PPA execution: Development Security of \$60/kWAC for the Generating Facility and \$90/kWAC for the Storage Facility, if applicable. This can be provided as cash or Letter of Credit.
 - Upon Commercial Operation: Delivery Term Security equivalent to 5% of total contract revenues. This can be provided as cash, Letter of Credit, or acceptable guaranty.

2. ABOUT PENINSULA CLEAN ENERGY

Peninsula Clean Energy, a community choice energy (CCE) aggregator, is San Mateo County's official electricity provider. Formed in February 2016, Peninsula Clean Energy is a joint power authority, consisting of the County of San Mateo and all twenty of its towns and cities. Peninsula Clean Energy provides cleaner and greener electricity, and at lower rates, than the incumbent investor-owned utility (IOU), Pacific Gas & Electric Company (PG&E). Peninsula Clean Energy plans for and secures commitments from a diverse portfolio of energy-generating resources to reliably serve the electric energy requirements of its customers over the near-, mid-, and long-term planning horizons. Peninsula Clean Energy received an investment grade credit rating of Baa2 from Moody's Investors Services in May 2019. Peninsula Clean Energy's programs include advancing the adoption of electric vehicles and transitioning building fossil fuel uses to low-carbon electricity. For more information on Peninsula Clean Energy, please go to www.peninsulacleanenergy.com. As part of its mission-driven, collaborative, not-for-profit, locally-focused roots, Peninsula Clean Energy is committed to the following set of strategic goals:

1. Design a diverse power portfolio that is greenhouse gas free.
 - 100% GHG free by 2021
 - sourced by 100% CA RPS eligible renewable energy by 2025 on a time

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- coincident basis, provided it is economically viable
 - create a minimum of 20 MWs of new local power by 2025
2. Continually strive to offer ECOPlus at rates that are lower than PG&E rates provided it is economically viable.
 3. Stimulate development of new renewable energy generation and storage projects in San Mateo County and California through Peninsula Clean Energy's procurement activities.
 4. Demonstrate quantifiable economic and environmental justice benefits to the County/region including by placing a priority on local hiring and inclusionary workforce development practices with a goal of increasing diversity.
 5. Implement programs to further reduce greenhouse gas emissions and support the county's community-wide efforts to be completely GHG-free by 2045 by investing in electric transportation, energy efficiency and demand response, and partnering effectively with municipalities, business, schools, and nonprofit/faith organizations.
 6. Maximize and maintain customer participation in Peninsula Clean Energy.
 - Provide a superior customer experience
 - Develop Peninsula Clean Energy brand awareness and loyalty throughout the County.
 - Actively encourage voluntary participation in its ECO100 renewable energy product
 - Achieve recognition as an EPA Green Power Community for all cities and towns in San Mateo County and EPA Green Power Partnership for all cities with municipal accounts enrolled in ECO100 by 2018
 7. Build a financially sustainable organization.
 - Build sufficient reserves in a rate stabilization fund
 - Achieve an investment grade credit rating by 2021 (achieved in May 2019)
 8. Foster a work environment that espouses sustainable business practices and cultivates a culture of innovation, diversity, transparency, integrity, and commitment to the organization's mission and the communities it serves.
 9. Leverage Peninsula Clean Energy/Silicon Valley expertise and relationships to support innovation across all of Peninsula Clean Energy's programs and activities.

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10. Assist in setting up CCAs in other areas of the state, including where Peninsula Clean Energy has utility scale generation.

3 RFP SCHEDULE

RFP Schedule

Event	Date
Thursday, November 21, 2019	Peninsula Clean Energy launches RFP, publishes RFP instructions and other documents
Tuesday, December 10, 2019	Deadline for Proposers to submit questions
Thursday, December 12, 2019	Peninsula Clean Energy to post responses to any questions received
Monday, December 16, 2019; 5 PM Pacific	Deadline for Proposers to submit offers and required documentation
January 2020	Proposers notified of Short-list Status
January – March 2020	Contract Negotiations
March 2020	Anticipated date for Board review, if required

Question & Answer: Proposers may submit questions concerning the RFP on or prior to Tuesday, December 10, 2019. All questions should be submitted through the form here: <https://forms.gle/AdToSmyTmqGJ2E6i8>. All other communications should be directed to: procurement@peninsulacleanenergy.com. Peninsula Clean Energy will post answers to any questions to the RFP website.

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- **Offers Due:** Proposers Offers must be submitted by 5 PM Pacific on Monday, December 16, and must include the required documents described below.
 - Offers should be sent to the following email address:
2019_Re.vnzxdlny3eimwrrf@u.box.com to submit documents into the RFP's document management system. All documents should be submitted to this email address. **No text should be submitted in the body of the email.**
 - The cumulative size of the attachments cannot exceed 80 MB.
 - Please only submit final documents as there is no way for a Participant to delete a document from the system once submitted. You will receive an email confirmation once your document is uploaded to the system.
 - Please use the document naming convention:
DeveloperName_ProjectName_ProjectVariation_DocumentName.pdf
- **Offer Review:** Peninsula Clean Energy will evaluate all Offers according to the criteria listed below. During this phase, Peninsula Clean Energy will identify submitted Offers for short-listing, and then notify Short-listed Participants. Peninsula Clean Energy expects to notify Short-listed Participants in January 2020.
- **Contract Redline:** Within one week of shortlist notification, each Shortlisted Participant will provide a redline of Peninsula Clean Energy's standard contract terms. Peninsula Clean Energy will post a contract pro forma to the RFP website.
- **Interviews with Shortlisted Participants:** Peninsula Clean Energy may conduct interviews with Shortlisted Parties at Peninsula Clean Energy's offices in Redwood City in January 2020.
- **Negotiations and Execution:** Peninsula Clean Energy will negotiate PPA(s) with short-listed participants with the intention of executing PPA(s). Peninsula Clean Energy may execute PPAs with selected participants at any time during the negotiation phase or may choose to execute none at all. Selected projects will be presented at a public meeting to Peninsula Clean Energy's board for approval, if required. Details on Peninsula Clean Energy's Energy Procurement Authority are available here: <https://www.peninsulacleanenergy.com/wp-content/uploads/2019/01/PCE-Policy-15-Energy-Supply-Procurement-Authority-FINAL.pdf>.

4 PROPOSAL SUBMITTAL

Proposals must be received on or before the above deadline. Offers should be sent to the following email address: 2019_Re.vnzxdlny3eimwrrf@u.box.com to submit documents into the

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RFP's document management system. All documents must be submitted to this email address. Please note, do not include text in the body of the email as the text will not be received.

By participating in Peninsula Clean Energy's RFP process, a Proposer acknowledges that it has read, understands, and agrees to the terms and conditions set forth in these RFP Instructions. Peninsula Clean Energy reserves the right to reject any offer that does not comply with the requirements identified herein. Furthermore, Peninsula Clean Energy may, in its sole discretion and without notice, modify, suspend, or terminate the RFP without liability to any organization or individual. The RFP does not constitute an offer to buy or create an obligation for Peninsula Clean Energy to enter into an agreement with any party, and Peninsula Clean Energy shall not be bound by the terms of any offer until Peninsula Clean Energy has entered into a fully executed agreement.

Participants may submit multiple Projects and may submit variations on each Project. A Project is defined as a generating facility that qualifies as an ERR as defined above. A Project variation may include, for example, different sizes offers from the same generating facility, different start dates or terms, or an offer with or without energy storage.

Only electronic submittals will be accepted and must be submitted as described in these instructions.

4.1 Required Information

To allow us to quickly determine whether your offer meets the requirements outlined herein, please use the following naming convention for all documents submitted through the unique email address. Please only submit final documents as there is no way to delete a document from the system once submitted. Each document should include the project developer's name, the project name, the project variation and the document name in the following format:

DeveloperName_ProjectName_ProjectVariation_DocumentName.pdf

5 CONTENT OF RESPONSE

Interested vendors must submit the following documents (except those marked “Optional”) to be considered for awarding of this proposal:

1. **Cover Letter with the following elements:**

- Reference to this RFP;
- Legal business name, address, telephone number, and business status (corporation, limited partnership, individual, etc.).
- Name of vendor’s representative with respect to this RFP along with telephone number and email address.
- A signature of an authorized individual.
- Summary of offers including whether any offers are mutually exclusive.

2. **Offer Form:** This form can be downloaded from the RFP web site. Each Proposer should submit one form per project.

3. **Generation Profile and LMP Historical Data form:** This form can be downloaded from the RFP web site. If you are submitting the same project with different size options, please include a separate generation profile for each size. There is an option in the profile to include energy storage.

4. **Project Description:** A document describing the project’s characteristics and development status including:

- For all projects:
 - Technology and equipment type;
 - Original or expected Commercial Operation Date;
 - Proposed start date and term;
 - Project’s pricing node and delivery point

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- For new projects:
 - Site control
 - Milestone schedule
 - Transmission/interconnection status: provide queue position, completed studies (System Impact Study, Facilities Study, CAISO Full Deliverability Study), Interconnection level of the proposed generator (Distribution or Transmission), Scheduled Commercial Operation Date and progress related to any applicable agreement
 - Environmental issues: List all known environmental issues on the project site
 - Permit status including permits required for construction and operation (Conditional Use Permit, Notice of Determination, Environmental Impact Report) and status of each as well as details on the following:
 - Has the project demonstrated “application deemed complete” status by land use authority?
 - Is the project located on RETI Category 1 (development prohibited) or Category 2 (potential resource conflicts) lands? (see [map](#))
 - How complete is other environmental information?
 - All reconnaissance level surveys (e.g. biological, archaeological) and tribal consultation completed and no occupied habitat for endangered species or cultural resources identified
 - CEQA/NEPA completed or not required
 - Wildlife permits obtained or none required. Include written opinion from CDFW.
 - Land use approvals granted

5. **Qualifications and Experience:** Submit the following information –

- Describe the roles, experience and qualifications of all project team members including the following:
 - Years of experience developing and/ or operating similar projects;
 - Number, type and size of projects;
 - Parent company;
 - Organization chart;
 - Experience financing projects (for new projects);
 - Financing plan (for new projects); and
 - Financial strength of Participant including the following:
 - Credit rating; and
 - Financial statements.

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6. **Certificates of Insurance for the following coverages:**

- Commercial General Liability – for bodily injury, property damage, and personal injury \$1,000,000 – each occurrence \$2,000,000 – in aggregate
- Business Automobile Liability – “any auto” (Company Vehicles) – At least \$1,000,000
- Personal Automobile Liability – “any auto” (Personal Vehicles) – At least \$500,000
- Worker’s Compensation and Employer’s Liability (EPL)– injury or death,
- each accident At least \$1,000,000 (EPL not required for Sole Proprietor)

7. **Supplier Diversity Questionnaire (Optional):** Peninsula Clean Energy’s Supplier Diversity Questionnaire is attached to this RFP. Please note, your response (or lack thereof) will have no impact on your contract status or eligibility to work with Peninsula Clean Energy in accordance with state law.

8. **Sustainable Workforce Description:** Peninsula Clean Energy’s Sustainable Workforce Policy can be found here: <https://www.peninsulacleanenergy.com/wp-content/uploads/2017/01/PCE-Policy-10-final-1.pdf>. Please submit information on past, current and/or planned efforts to:

- Employ workers and use businesses from the Peninsula Clean Energy service territory.
- Employ properly licensed (A, B, C10, C7, C46) contractors and California Certified electricians.
- Utilize multi-trade project labor agreements on the proposed project or any prior project developments.
- Utilize local apprentices, particularly graduates of local pre-apprenticeship programs.
- Pay workers the correct prevailing wage rates for each craft, classification and type of work performed.
- Display a poster at jobsites informing workers of prevailing wage requirements.
- Provide workers compensation coverage to on-site workers.
- Support and use State of California approved apprenticeship programs.

Relevant information submitted by bidders will be used to evaluate potential workforce impacts of proposed projects with the goal of promoting fair compensation, fair worker treatment, multi-trade collaboration, and support of the existing wage base in local communities where contracted projects will be located.

9. **Ethical Standards Description:** Peninsula Clean Energy's Ethical Vendor Standards can be found here: <https://www.peninsulacleanenergy.com/wp-content/uploads/2017/01/PCE-Policy-9-final.pdf>. Please describe your company's business practices, environmental track record, and commitment to sustainability.

6 REVIEW AND SELECTION PROCESS

Evaluation will be based on a combination of quantitative and qualitative criteria. Peninsula Clean Energy will evaluate each Offer against these criteria and select a subset of Offers to move to the Shortlist phase. In addition, throughout the negotiation process, as discussed below, Peninsula Clean Energy will continue to evaluate a Participant's fit and each Offer's fit with Peninsula Clean Energy's goals and objectives.

The criteria used as a guideline in the evaluation will include, but not be limited to, the following:

1. Quantitative Evaluation: Contract benefit is evaluated based on market forward prices, various quantity scenarios, the value of capacity, and the value of energy storage. Contract cost is calculated from the expected energy generation profile times offered prices.
2. Qualifications and experience of the entity, including capability and experience of key personnel and experience with other public and/or private agencies to provide these services
3. Project viability Project viability:
 - Project status regarding interconnection, site control, permits and equipment; and
 - Technology viability (mature, commercially proven technologies only; no research, development or demonstration projects);
4. Project location;
5. Environmental impacts and related mitigation requirements;
6. Project team experience;
7. Financing plan and financial stability of project owner/developer;

8. Consistency with Peninsula Clean Energy's mission statement and Integrated Resource Plan including the following:
 - Labor practices/employment opportunities;
 - Sustainable vendor policy; and
 - Resource fit;
9. Modifications to the pro forma PPA; and
10. Other factors that may emerge during contract negotiations.
11. Financial viability of proposer
12. Ability to meet any required timelines or other requirements
13. Existence of and circumstances surrounding any claims and violations against you or your organization

7 AGREEMENT TERMS

Awardees will be required to enter into a contract using Peninsula Clean Energy's standard power purchase agreement contract terms. Modification of the contract terms may be proposed by the Proposer for consideration by Peninsula Clean Energy but are not guaranteed to be accepted. Rejection of the final terms from Peninsula Clean Energy is grounds for disqualification. Shortlisted participants will be required to provide any redlines to the standard terms during the Shortlist phase. Peninsula Clean Energy will be posting a pro forma contract to the RFP website.

8 SUPPLIER DIVERSITY

Consistent with its strategic goals, Peninsula Clean Energy has a strong commitment to foster a work environment that espouses sustainable business practices and cultivates a culture of innovation, diversity, transparency, integrity, and commitment to the organization's mission and the communities it serves. As part of that goal, Peninsula Clean Energy strives to ensure its use

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of vendors and suppliers who share its commitment to sustainable business and inclusionary practices.

To help ensure an inclusive set of vendors and suppliers, Peninsula Clean Energy's policy requires it to:

1. Strive to use local businesses and provide fair compensation in the purchase of services and supplies;
2. Proactively seek services from local businesses and from businesses that have been Green Business certified and/or are taking steps to protect the environment; and
3. Engage in efforts to reach diverse communities to ensure an inclusive pool of potential suppliers.

General Order 156 (GO 156) is a California Public Utilities Commission ruling that requires utility entities to procure at least 21.5% of their contracts with majority women-owned, minority-owned, disabled veteran-owned and LGBT-owned business enterprises' (WMDVLGBTBEs) in all categories. Qualified businesses become GO 156

Certified through the CPUC and are then added to the GO 156 Clearinghouse database.

The CPUC Clearinghouse can be found here: www.thesupplierclearinghouse.com. While Peninsula Clean Energy is not legally-required to comply with GO 156, Peninsula Clean Energy's policies and commitment to diversity are consistent with the principles of GO 156, and, therefore, respondents to this RFP are asked to voluntarily disclose their GO 156 certification status as well as their efforts to work with diverse business enterprises, including those owned or operated by women (WBE), minorities (MBE), disabled veterans (DVBE), and lesbian, gay, bisexual, or transgender people (LGBTBE).

As a public agency and consistent with state law, Peninsula Clean Energy will not use any such provided information in any part of its decision-making or selection process. Rather, Peninsula Clean Energy will use that information solely to help evaluate how well it is conforming to its own policies and goals. Pursuant to California Proposition 209, Peninsula Clean Energy does not give preferential treatment based on race, sex, color, ethnicity, or national origin.

9 LEGAL OBLIGATIONS

Peninsula Clean Energy is not obligated to respond to any offer submitted as part of the RFP. All parties acknowledge that Peninsula Clean Energy is a public agency subject to the requirements of the California Public Records Act, Cal. Gov. Code section 6250 et seq. Peninsula Clean Energy acknowledges that another party may submit information to Peninsula Clean Energy that the other party considers confidential, proprietary, or trade secret information pursuant to the Uniform Trade Secrets Act (Cal. Civ. Code section 3426 et seq.), or otherwise protected from disclosure pursuant to an exemption to the California Public Records Act (Government Code sections 6254 and 6255) ("Confidential Information"). Any such other party acknowledges that Peninsula Clean Energy may submit to the other party Confidential Information. Upon request or demand of any third person or entity not a party to this RFP ("Requestor") for production, inspection and/or copying of information designated as Confidential Information by a party disclosing such information ("Disclosing Party"), the party receiving such information ("Receiving Party"), as soon as practical but within three (3) business days of receipt of the request, shall notify the Disclosing Party that such request has been made, by telephone call, letter sent via email and/or by US Mail to the address or email address listed on the cover page of the RFP. The Disclosing Party 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 Receiving Party. If the Disclosing Party takes no such action, after receiving the foregoing notice from the Receiving Party, the Receiving Party shall be permitted to comply with the Requestor's demand and is not required to defend against it.

10 GENERAL TERMS AND CONDITIONS

1. **Peninsula Clean Energy's Reserved Rights:** Peninsula Clean Energy may, at its sole discretion: withdraw this Request for Proposal at any time, and/or reject any or all materials submitted. Respondents are solely responsible for any costs or expenses incurred in connection with the preparation and submittal of the materials for this RFP.
2. **Public Records:** All documents submitted in response to this RFP will become the property of Peninsula Clean Energy upon submittal and will be subject to the provisions of the California Public Records Act and any other applicable disclosure laws.
3. **No Guarantee of Contract:** Peninsula Clean Energy makes no guarantee that a contractor and/ or firm added to the qualified vendor list will result in a contract.
4. **Response is Genuine:** By submitting a response pursuant to this RFP, Respondent certifies that this submission is genuine, and not sham or collusive, nor made in the interest or on behalf of any person not named therein; the submitting firm has not directly or indirectly induced or solicited any other submitting firm to put in a sham bid, or any other person, firm or corporation to refrain from submitting a submission, and the submitting firm has not in any manner sought by collusion to secure for themselves an advantage over any other submitting firm.

PCE Supplier Diversity Questionnaire (Optional)

Providing information in this questionnaire is optional. As a public agency and consistent with state law, PCE will not use any such provided information in any part of its decision-making or selection process.

Contact information:

Business Name	
Email address	
Phone number	
Where is your business located/headquartered?	

Labor Diversity:

1. Is your business certified under General Order 156 (GO 156)?

- Yes
- No
- Qualified as WMDVLGBTBEs, but not GO 156 Certified

If you answered either "Yes" or "Qualified" above, please choose all categories that apply below.

- Woman-owned
- Minority-owned
- Disabled Veteran-owned
- LGBT-owned

2. Does your business use subcontractors that are certified under GO 156?

- Yes
- No
- Qualified as WMDVLGBTBEs, but not GO 156 Certified

If you answered either "Yes" or "Qualified" above, please choose all categories that apply below.

- Woman-owned
- Minority-owned
- Disabled Veteran-owned
- LGBT-owned

3. Does your business have hiring targets of minority-owned, women-owned, LGBTQ-owned, or disabled veteran-owned subcontractors?

- Yes
- No
- Not applicable

Labor Agreements:

This section of questions focuses on the labor agreements of your business. If your business/contract with PCE does not have a labor component, please answer "not applicable."

1. Does your business have history of using local-hires, union labor, or multi-trade project labor agreements?

- Yes, within PCE's service area of San Mateo County
- Yes, CA-based labor, but not local to PCE's service area of San Mateo County
- No
- Not applicable

If you answered "Yes, within PCE's service area of San Mateo County" above, please provide the percentage of labor agreements with local, union, and multi-trade labor (if available) and describe past efforts.

If you answered "Yes, CA-based labor, but not local to PCE's service area of San Mateo County" above, from where in California is the labor sourced?

2. In your proposed contract with PCE, does your business plan to use local hires, union labor, or multi-trade project labor agreements?

- Yes
- No
- Not applicable

If you answered "Yes" above, please quantify the number of such labor agreements and explain.

3. Does your business pay workers prevailing wage rates or the equivalent?

Prevailing wage in California is required by state law for all workers employed on public works projects and determined by the California Department of Industrial Relations according to the type of work and location of the project. To see the latest prevailing wage rates, go to www.dir.ca.gov/Public-Works/Prevailing-Wage.html

- Yes
- No
- Not applicable

4. In your proposed contract with PCE, does your business pay and/or plan to pay prevailing wages or the equivalent?

To see the latest prevailing wage rates, go to www.dir.ca.gov/Public-Works/Prevailing-Wage.html

- Yes
- No
- Not applicable

5. Does your business support and/or use apprenticeship programs?

- Yes
- No
- Not applicable

If you answered "Yes" above, please describe the apprenticeship programs your business plans to use.

6. Does your business employ workers and/or use businesses from PCE's service area of San Mateo County?

- Yes
- No

If you answered "Yes" above, please quantify the number of workers/businesses, the businesses used, and in which communities the workers or business reside.

Equity, Diversity, Inclusion, and Environmental Justice:

PCE is committed to equity, diversity, inclusion, and environmental justice both within our organization and within our communities.

1. Does your business have initiatives to promote workplace diversity?

- Yes
- No

If you answered "Yes" above, please describe such initiatives or provide any supporting statistics or documentation for diversity within the business.

2. What other efforts related to equity, diversity, inclusion, or environmental justice does your business pursue?

3. If there is anything else related to supplier diversity that is not captured in your answers above, please describe below:
